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MEMORANDUM

To: Gerald Muller, Esq.

From: Darlene A. Green, P.P., AICP

Date: October 8, 2018

Re: Third Round Obligation: Compliance Proposal <u>MC Project No. WWP-192</u>

The Township of West Windsor has agreed to a Third Round Obligation of 1,500 (spanning the period between 1999 and 2025). West Windsor has existing units on the ground and several proposed mechanisms, some of which will be implemented during the remainder of the Third Round period as described in the Proposed Mechanisms section. The table below provides a summary of the existing mechanisms. A description of each compliance mechanism follows.

EXISTING CREDITS: THIRD ROUND							
Mechanism	Credit Type	Tenure	Age- Restricted	Credit	Bonus	Total	
Estates at Princeton Junction	Inclusionary	Rental	No	39	39	78	
Renaissance/Elements	Inclusionary	Sale	Yes	6		6	
WW Gardens/Princeton Terrace I	Inclusionary	Rental	No	69	69	138	
WW Gardens/Princeton Terrace 2	Inclusionary	Rental	No	24	24	48	
Artis	Inclusionary Memory Care	Rental	Yes	6		6	
Avalon Watch	Ext. of Controls	Rental	No	103		103	
Windsor Haven	Ext. of Controls	Sale	No	13		13	
Total				260	132	392	

EXISTING MECHANISMS

Estates at Princeton Junction (Toll)

The Estates at Princeton Junction was a result of a builder's remedy. The development's credits are being split between the Prior and Third Round Obligation. This development is eligible for



crediting as it is inclusionary housing and for bonus credits for rental units available to the general public.

Based on the above information, Estates at Princeton Junction is eligible for **39 credits and 39 bonuses**, **78 of which are being utilized in this Plan**.

The Renaissance

Development approval was granted in August 2004 for The Renaissance (now known as the Elements at West Windsor). This inclusionary development is located on the north side of Old Trenton Road, at its intersection with Dorchester Drive. The development is age-restricted, with six on-site for-sale affordable units. The affordable units received their Certificates of Occupancy between July of 2009 and March of 2010. They have 30-year deed restrictions. The development is eligible for crediting as it is inclusionary housing.

Based on the above information, Renaissance is eligible for 6 credits, 6 of which are being utilized in this Plan.

West Windsor Gardens/Princeton Terrace 1

Previously referred to as "Akselrad" in prior HEFSPs, West Windsor Gardens is now known as Princeton Terrace 1. This site was originally included in the Township's First and Second Round Plans as a result of consent orders entered in a 1985 action, Affordable Living Corp. v. Township of West Windsor. Subsequent litigation was settled through an Infrastructure Agreement that was approved by the Planning Board and Township Council in late November and early December 2004 and became effective when it was fully executed on December 28, 2004.

The site is located on the south side of Clarksville Road on Block 94, Lot 1.01. The 42-plus acre site is owned by Akselrad Assoc LP, W Windsor Gardens. The developer (Atlantic Realty) received approvals to construct 273 market-rate units and 69 family rental affordable units. The affordable units are two and three bedrooms. Construction began in 2009 and the last affordable Certificates of Occupancy were issued in September of 2015. This development is eligible for crediting as it is inclusionary housing and for bonus credits for rental units available to the general public.

Based on the above information, Princeton Terrace 1 is eligible for 69 credits and 69 bonuses, 138 of which are being utilized in this Plan.

West Windsor Gardens/Princeton Terrace 2

Previously referred to as "DeMeglio" in prior HEFSPs, West Windsor Gardens is now known as Princeton Terrace 2. This site is adjacent to Princeton Terrace 1 and the two developments blend seamlessly. Princeton Terrace 2 is located on the south side of Clarksville Road on Block 15.14, Lot 14.01. The 13.75-acre parcel is owned by The Glen at West Windsor, LLC. The development consists of a total of 120 rental units, of which 24 are reserved for affordable households. The affordable units are two- and three-bedroom rentals. Construction began in 2011 and the last



affordable Certificates of Occupancy were issued in September of 2015. This development is eligible for crediting as it is inclusionary housing and for bonus credits for rental units available to the general public.

Based on the above information, Princeton Terrace 2 is eligible for **24 credits and 24 bonuses**, **48** of which are being utilized in this Plan.

Artis Senior Living

Artis Senior Living ("Artis") is located at 861 Alexander Road (Block 6, Lot 64), south of the intersection with Bear Brook Road and Vaugh Drive. The site is just over 3 acres and is located in the Princeton Junction Redevelopment Area. The development was approved by the Township's Zoning Board in 2015. Artis is a new two-story memory care facility. The building contains 64 units, of which 6 are reserved for Medicaid patients. The facility is licensed by the New Jersey Department of Health, Division of Certificate of Need and Licensing. This development is eligible for crediting as it is an assisted living residence.

Based on the above information, Artis is eligible for 6 credits, 6 of which are being utilized in this Plan.

Avalon Watch

Avalon Watch is a Prior Round site. The inclusionary development contains 103 affordable rental units. The 30-year deed restriction commenced in 1988. The original Affordable Housing Plan for the development provided that the affordability controls would remain in effect for a minimum of 30 years. By Ordinance 2013-13, adopted September 30, 2013, the West Windsor Township Council extended the controls indefinitely until terminated by future action of the Council, but such termination could not occur prior to October 14, 2048. A settlement agreement with the owner, Avalon, resolved their challenge to the expiring controls. This development is eligible for crediting under N.J.A.C. 5:97-6.14 (extension of expiring controls).

Based on the above information, Avalon Watch is eligible for **103 credits**, **103 of which are being utilized in this Plan**.

Windsor Haven

Windsor Haven is a Prior Round site. The inclusionary development contains 37 for-sale affordable housing units. The original 30-year deed restrictions were placed on the units starting in 1990. The Township recorded new deed restrictions as units were resold, 13 have been extended thus far and if necessary they will be extended further. This development is eligible for crediting under N.J.A.C. 5:97-6.14 (extension of expiring controls).

Based on the above information, Windsor Haven is eligible for 13 credits, 13 of which are being utilized in this Plan.



Gerald Muller, Esq. MC Project No. WWP-192 October 8, 2018 Page 4 of 28

In addition to the existing mechanisms, West Windsor proposes several mechanisms as summarized in the table below and described in detail subsequently.

PROPOSED CREDITS: THIRD ROUND							
Mechanism	Credit Type	Tenure	Age- Restricted	Credit	Bonus	Total	
Windsor Haven	Ext. of Controls	Sale	No	24		24	
Community Options	Alternative Living	Rental	No	4	4	8	
Maneely/Toll	Inclusionary	Rental	No	6	6	12	
Project Freedom	100% Affordable	Rental	No	54	54	108	
Project Freedom	Alternative Living	Rental	No	18	18	36	
Ellsworth Center	Inclusionary	Rental	No	4	4	8	
	Inclusionary	Rental	Yes	20		20	
Avalon Bay Redevelopment Area	Inclusionary	Rental	No	99	99	198	
	Inclusionary	For-Sale	No	13		13	
PTS/Woodstone	Inclusionary	Rental	No	89	53	142	
400 Steps	Inclusionary	Rental	No	20		20	
American Properties/ Heritage	Inclusionary	Sale	No	44		44	
AP/Heritage Group Home	Alternative Living	Rental	No	4		4	
Princeton Ascend	Inclusionary	Rental	No	5	5	10	
Garden Homes	Inclusionary	Rental	No	157		157	
Roseland/Mack Cali	Inclusionary	Rental	No	164		164	
Sun Bank Property	Inclusionary	Rental	No	3		3	
Dr. Mian Property	Inclusionary	Rental	No	4		4	
Bear Creek Senior Living	Inclusionary	Rental	Yes	51		51	
Bear Brook Homes	Inclusionary	Sale	No	2		2	
PTS Phase 2	Inclusionary	Rental	No	48		48	
Special Needs Units/Market to A	Alternative Living	TBD	TBD	32		32	
Total				865	243	1108	

Windsor Haven

Windsor Haven is a Prior Round site. The inclusionary development contains 37 for-sale affordable housing units. The original 30-year deed restrictions were placed on the units starting in 1990. The Township recorded new deed restrictions as units were resold (13 have been extended thus far). Controls will be extended on the remaining units by municipal resolution as per the original recorded COAH form agreement and by ordinance as per the 1985 Order and implementing ordinance. This development is eligible for crediting under N.J.A.C. 5:97-6.14 (extension of expiring controls).



Based on the above information, Windsor Haven is eligible for 24 credits, 24 of which are being utilized in this Plan.

Community Options

In 2017, Community Options, Inc. purchased a home on West Kincaid Drive, identified by the tax records as Block 20.07, Lot 41. The house is presently being renovated. The facility will be licensed by the State and is expected to house four people in four bedrooms. According to Community Options residents are anticipated to move into the home by the end of 2018. The development is eligible for crediting as an alternative living arrangement and for rental bonuses.

It should be noted that the Township has dedicated \$200,000 to assist Community Options in converting the home for occupancy.

Based on the above information, Community Options is eligible for **4 credits** and **4 bonuses**, **8 of** which are being utilized in this Plan.

Maneely /Toll

The Maneely/Toll development is located on the south side of Bear Brook Road on a portion of Block 10, Lot 8.01. North of the site is the Windsor Haven inclusionary development as well as some single-family homes. To the east is wooded land and single-family homes. To the south is the Estates at Princeton Junction inclusionary development and to the west is wooded land. An application for preliminary/final major subdivision and site plan was approved in 2015. The applicant was Toll Bros., Inc., which was the contract purchaser and is the new owner.

The development will be a multi-use center with retail, residential units above the commercial space, townhomes, corporate suites and a 10-acre site for a municipally-sponsored affordable housing development (see Project Freedom). Approximately 35 acres will remain with the "Maneely/Toll" site, which is currently under construction. The development is anticipated to be completed by 2019. A resolution of approval was memorialized on February 3, 2016. Condition 7 of the approval required the Board and applicant's attorneys to determine the number of affordable units to be required on the Maneely portion of the development. The attorneys determined that 6 on-site rental units were necessary to satisfy the 20% set-aside obligation not satisfied by in-lieu payments that the Township used in part to purchase the 10-acre site, which in 2017 was conveyed to the Township, who then conveyed the site to Project Freedom in April of 2018.

The affordable housing rules require municipalities to designate sites that are available, suitable, developable and approvable, as defined in N.J.A.C. 5:93-1. These terms are defined below:

 "Approvable site" means a site that may be developed for low- and moderate-income housing in a manner consistent with the rules or regulations of all agencies with jurisdiction over the site. A site may be approvable although not currently zoned for low- and moderateincome housing.



Gerald Muller, Esq. MC Project No. WWP-192 October 8, 2018 Page 6 of 28

- "Available site" means a site with clear title, free of encumbrances which preclude development for low- and moderate-income housing.
- "Developable site" means a site that has access to appropriate water and sewer infrastructure, and is consistent with the applicable areawide water quality management plan (including the wastewater management plan) or is included in an amendment to the areawide water quality management plan submitted to and under review by DEP.
- "Suitable site" means a site that is adjacent to compatible land uses, has access to appropriate streets and is consistent with the environmental policies delineated in N.J.A.C. 5:93-4.

The development meets the four prongs of the rules (hereinafter "Four-Prong Test") as follows:

- Approvable site The Township approved the site for mixed-use development in 2016 and the site is under construction.
- Available site The Township is unaware of any title or easement issues and construction has commenced for inclusionary development on the property.
- Developable site The development is located in the water and sewer service areas.
- Suitable site Maneely/Toll is across the street from the Windsor Haven inclusionary development and just north of the Estates at Princeton Junction inclusionary development. The site has access to both Bear Brook Road and Old Bear Brook Road. The site does contain wetlands; however, the development is clustered closer to Old Bear Brook Road as shown by the map (Figure 1).

Maneely/Toll is eligible for crediting as it will provide inclusionary housing and for bonus credits for rental units available to the general public.

Based on the above information, Maneely is eligible for 6 credits and 6 bonuses, 12 of which are being utilized in this Plan.

Project Freedom

The Project Freedom site is 10 acres within the greater Maneely/Toll site on Old Bear Brook Road (Block 10, Lot 108.01). The property is surrounded by a mixture of uses including single family homes to the north, commercial uses to the east, the railroad line to the south and the Maneely/Toll mixed-use project to the west.

The Township of West Windsor has been working with Project Freedom, a not-for-profit organization that develops and operates barrier-free housing to enable individuals with disabilities to live independently, for over a decade to bring this project to fruition. The development, now known as Freedom Village at West Windsor was approved by the Township Planning Board in 2017.



The approval permits the construction of 72 units of affordable housing for individuals with disabilities and other affordable households. As per the resolution of approval, one quarter of the units (18) will be rented by the Department of Human Services for disabled individuals. The remainder of the units (54) will be open to affordable households that may or may not have members with disabilities. Furthermore, the resolution specifies that 13% of the units shall be reserved for very-low income households.

The property was conveyed by the Township to Project Freedom on April 5, 2018. Project Freedom does have a tax credit allocation and is currently under construction. It is anticipated that the development will be finished by December of 2019.

The development meets the Four-Prong Test as follows:

- Approvable site The Township approved the site for a 100% affordable development and the site is presently under construction.
- Available site Construction has commenced for the affordable units on the property. There are no known title or easement issues.
- Developable site The development is located in the water and sewer service areas.
- Suitable site Project Freedom is adjacent to the Maneely mixed-use inclusionary development and within walking distance of the Windsor Haven inclusionary development. The site has access to Old Bear Brook Road and will have internal street access to the Maneely/Toll development. The parcel does contain wetlands as shown by the map (Figure 2), but the development is taking place on the upland portion of the property.

Project Freedom is eligible for crediting under N.J.A.C. 5:97-6.7 (municipally-sponsored and 100% affordable developments), under N.J.A.C. 5:93-5.8 (alternative living arrangements) and for bonus credits under N.J.A.C. 5:93-5.15(d).

Based on the above information, Project Freedom is eligible for 72 credits and 72 bonuses, 144 of which are being utilized in this Plan.

Ellsworth Center

The Ellsworth Center development is located at 15, 19 and 25 Cranbury Road and 33 Princeton-Hightstown Road, designated as Block 5, Lots 20, 20.01 through 20.04, 62 and 76. The site contains 4.79 acres. The site is surrounded by a variety of uses including a proposed inclusionary development to the north (400 Steps), single-family residential uses to the east, residential and commercial uses to the south and non-residential uses to the west.

Ellsworth Realty Associates, LLC applied to the Zoning Board in 2013 for use variance, bulk variances and preliminary/final major site plan approval to redevelop the Ellsworth Center. The site is located in the Princeton Junction Redevelopment Zone. The Zoning Board approved the



Gerald Muller, Esq. MC Project No. WWP-192 October 8, 2018 Page 8 of 28

application on December 5, 2013, which includes over 52,000 square feet of non-residential space and 20 apartments above. The approval requires the applicant to deed restrict 4 of the 20 units for affordable housing. The affordable units are comprised of one one-bedroom unit, two twobedroom units and one three-bedroom unit. The affordable units will be rental. The development is currently under construction.

The development meets the Four-Prong Test as follows:

- Approvable site The Township approved the site for mixed-use development in 2013 and the site is under construction.
- Available site The Township is unaware of any title or easement issues and construction has commenced for inclusionary development on the property.
- Developable site The development is located in the water and sewer service areas.
- Suitable site Ellsworth is adjacent to the proposed 400 Steps inclusionary development and is within walking distance to the Princeton Junction Train Station. The site has frontage along Cranbury Road and Princeton-Hightstown Road. There are no known environmental features on the property (see Figure 3).

This development is eligible for crediting under N.J.A.C. 5:93-5.6 (inclusionary housing) and for bonus credits under N.J.A.C. 5:93-5.15(d) for rental units available to the general public.

Based on the above information, Ellsworth is eligible for **4 credits** and **4 bonuses**, **8 of which are being utilized in this Plan**.

AvalonBay Redevelopment Area

In 2004, the Township of West Windsor began a process to designate an area around the Princeton Junction Train Station as an Area in Need of Redevelopment. The objective of the designation was to create a "downtown" for West Windsor. In 2005 the Planning Board reported to Council that 350 acres surrounding the train station qualified as An Area in Need of Redevelopment, and Council so designated it. After a series of meetings with the public, a Redevelopment Plan was adopted in 2009.

Block 6, Lots 8, 54, 55.01 and 76 are currently owned by IC/L-A Washington Road LLC c/o CBRE. AvalonBay Communities (hereinafter "Avalon") is the contract purchaser of the 24+ acres of land that sits at the corner of Station Road and Washington Road. The property currently contains several office and warehouse buildings, all of which will be demolished.

Surrounding uses include an office/warehouse building and wooded land to the north, a variety of uses to the east along Washington Road, commercial uses and train station parking to the south and additional train station parking and wooded land to the west.

The Township Council has amended the Princeton Junction Redevelopment Plan and corresponding code provisions, specifically the RP-1 District, which encompasses the subject site.



Ordinance 2018-17 and 2018-18 were introduced on May 21, 2018 and adopted June 11, 2018. The Ordinance amends the Redevelopment Plan, specifically modifying the RP-1 District. Permitted principal uses include:

- Multi-family dwellings, townhouses, stacked townhouses, age-restricted housing and live-work units
- Civic spaces
- Hotels
- Stores and shops
- Personal service establishments
- Offices
- Restaurants
- Indoor recreation facilities
- Banks
- Parcel shipping stores and mail centers
- Artisan studios and art galleries
- Museums
- Parks and plazas
- Municipal buildings

Ordinance 2018-18 permits a maximum of 800 dwelling units, of which, at least 95 must be agerestricted. Of the total units, 16.5% shall be set-aside as affordable housing units. At least 13% of the affordable housing units are required to be reserved for very-low-income households.

Multiplying 800 units by a 16.5% set-aside results in 132 affordable units, an increase from 98 in the Redevelopment Plan as amended in 2011, but pursuant to which no development application was ever filed. Based on the preliminary concept plan, shown on page 10, the Township anticipates 20 affordable senior rental units, 99 affordable family rental units and 13 affordable family for-sale units.

Avalon is anticipated to submit an application for site plan and/or subdivision approval in 2019. A five-year build out is expected to construct the development. This development is eligible for crediting as it will provide inclusionary housing and for bonus credits for rental units available to the general public.



Gerald Muller, Esq. MC Project No. WWP-192 October 8, 2018 Page 10 of 28



The development meets the Four-Prong Test as follows:

- Approvable site The Township has amended the Princeton Junction Redevelopment Plan, which permits 800 units. First Reading of the ordinance occurred on May 21, 2018 and Second Reading occurred on June 11, 2018.
- Available site The Township is unaware of any title or easement issues that would preclude the construction of inclusionary housing.
- Developable site The development is located in the water and sewer service areas.
- Suitable site The site is within walking distance of the Princeton Junction Train Station and surrounded by a variety of uses. It is located within the Princeton Junction Redevelopment Plan, which encourages mixed-use development. The site has over 1,000



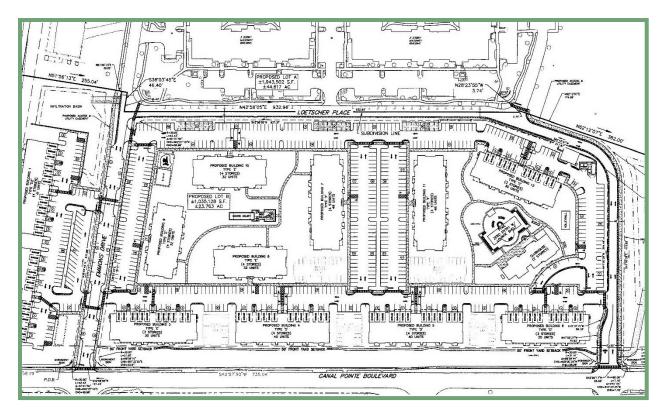
Gerald Muller, Esq. MC Project No. WWP-192 October 8, 2018 Page 11 of 28

feet of frontage along Washington Road and more than 450 feet of frontage along Station Road. There are no environmental constraints on the property as indicated by Figure 4.

Based on the above information, AvalonBay Redevelopment Area is eligible for **132 credits** and **99 bonuses, 231 of which are being utilized in this Plan**.

PTS/Woodstone

Princeton Theological Seminary (hereinafter "PTS") owns a number of properties within West Windsor including Block 7, Lot 61.01 and Block 7.01, Lot 1. An application for a preliminary and final major subdivision and preliminary and final major site plan approval was approved on June 13. Block 7, Lot 61.01 (which contains apartments and a recreation building on 54 acres) and Block 7.02, Lot 1 (which contains apartments on 11 acres) are located to the northwest of Wheeler Way and Canal Pointe Boulevard.¹ Twelve residential buildings are proposed, which would range in size and height. The application indicates that 89 affordable units are included, which was approved by the Planning Board on June 13, 2018 and the resolution was memorialized on July 11, 2018. The plan below shows the proposed layout.



¹ The lots have been consolidated, but the tax cards have not yet been updated.



The site is surrounded by a mixture of uses. To the north is the Delaware and Raritan Canal and towpath, beyond which is wooded parkland in Princeton. To the east is a multi-family residential community called Colonnade Pointe. South, across Canal Pointe Boulevard, is a series of small office and non-residential buildings. Finally, to the west is the Princeton Country Club golf course.

The parcels are located in the R-5A Residence District, which permits single-family detached homes. Where water and sewer service exist, garden apartments, townhouses and mid-rise apartments within a planned residential development are also permitted. The average gross density shall not exceed 10 units per acre. However, mid-rise apartments are permitted at a net density of 25 dwelling units per acre.

It is anticipated that construction will commence in the spring of 2019 with a three to four year build out. This development is eligible for crediting as it will provide inclusionary housing and for rental bonuses.

The development meets the Four-Prong Test as follows:

- Approvable site The underlying zoning permits inclusionary housing at a maximum density of 10 garden apartments/townhomes or 25 mid-rise apartment units to the acre. An application for inclusionary housing development was approved by the Planning Board on June 13, 2018 and the resolution was memorialized on July 11, 2018.
- Available site The Township is unaware of any title or easement issues and an application is currently pending in front of the Planning Board.
- Developable site The development is located in the water and sewer service areas.
- Suitable site The site is adjacent to multi-family housing uses and within walking distance to services. The two properties have over 1,500 feet of street frontage. While there are wetlands to the side and rear of the existing housing, this area is not being disturbed under the proposed plan. According to Figure 5, there are wetlands on a portion of the area that is being proposed for development. If wetlands do exist, the Applicant will have to submit the plans to NJDEP for review and ultimate approval.

Based on the above information, PTS/Woodstone is eligible for **89 credits** and **53 bonuses**, **142** of which are being utilized in this Plan.

400 Steps

Located at 15 Cranbury Road, 400 Steps is identified as Block 5, Lot 19. The development is approximately 400 steps to the Princeton Junction Train Station. The site is surrounded by a variety of land uses including forest, single-family homes, mixed-use and the railroad line. The tax card indicates that the site encompasses 3.85 acres.

The property is located within the Princeton Junction Redevelopment Plan, specifically the RP-12 District. The Township is currently amending the Redevelopment Plan to permit an inclusionary

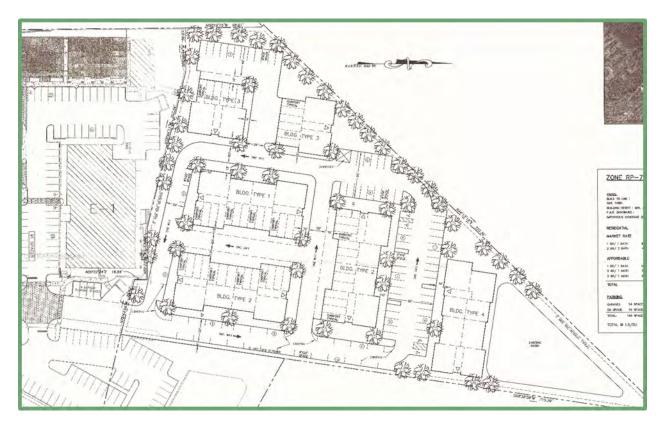


Gerald Muller, Esq. MC Project No. WWP-192 October 8, 2018 Page 13 of 28

development on the subject site. The Redevelopment Plan will be amended to permit a maximum of 100 units and is anticipated to yield 20 affordable rental units.

West Windsor executed a Redevelopment Agreement with 400 Steps LLC, which was approved by the Township Council on December 18, 2017. The agreement memorializes the fact that 400 Steps will contain a maximum of 100 rental units and provide a 20% affordable housing set-aside.

400 Steps has provided a concept plan to the Township, which is shown below. It illustrates the conceptual layout of the proposed improvements and the access, which is gained from the adjacent property, known as Ellsworth Center. While Lot 19 does not have street frontage, it does have an agreement with the owners of Ellsworth Center to gain street access from Cranbury Road, which is how Lot 19 currently functions.



Looking forward, the Township anticipates a site plan application to be submitted in the Fall of 2018 and construction to span from 2019 to 2022. This development is eligible for crediting as it will provide inclusionary housing.

The development meets the Four-Prong Test as follows:



Gerald Muller, Esq. MC Project No. WWP-192 October 8, 2018 Page 14 of 28

- Approvable site The Township has drafted an amendment to the Princeton Junction Redevelopment Plan, which will permit a maximum of 100 rental units. It is expected that the Township will adopt the ordinance after the HEFSP is approved by the Court.
- Available site The Township is unaware of any title or easement issues that would preclude the construction of inclusionary housing. The Redevelopment Agreement indicates that the Township is in the process of condemning the property and will convey the site to 400 Steps pursuant to the Redevelopers Agreement.
- Developable site The development is located in the water and sewer service areas.
- Suitable site The site is adjacent to a mixed-use development that in under construction (Ellsworth), which will contain affordable housing units. Furthermore, the property is within walking distance to shops and services as well as the Princeton Junction Train Station. While the site does not have street frontage, it does have an agreement with the adjacent Ellsworth Center site for access to Cranbury Road. That is how the current commercial structure is accessed today. The site is free from any environmental constraints as shown by Figure 6.

Based on the above information, 400 Steps is eligible for 20 credits, 20 of which are being utilized in this Plan.

American Properties/Heritage Village

Known as Heritage at West Windsor this property is located on Block 28, Lots 15 and 21. The parcels are situated to the north of Old Trenton Road and have frontage on both Old Trenton Road and Princeton-Hightstown Road in the southeast corner of the Township. The parcels total roughly 67 acres, although a portion of the site is encumbered by wetlands. However, it should be noted that much of the area in green, representing wetlands and their buffer, is actually cultivated farm fields.

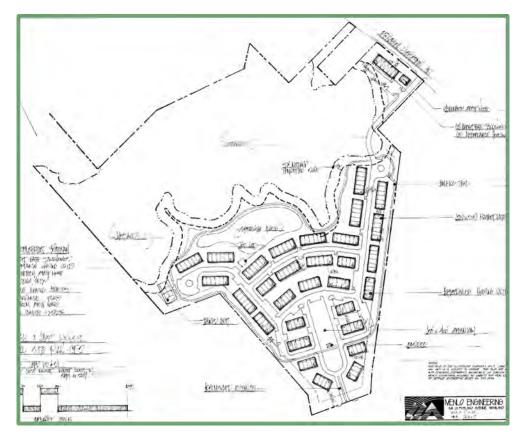
The site is surrounded by a mixture of uses. To the north is farmland, a golf center and non-residential uses along Princeton-Hightstown Road. To the east is farmland and non-residential uses along both Princeton-Hightstown Road and Old Trenton Road. To the south is the Renaissance/Elements inclusionary development as well as a house of worship. Finally, to the west is forested land.

The developer and contract purchaser have presented a concept plan for townhomes with a 25% set-aside, which is shown on page 15. The site is presently zoned RO-1 but the Township intends to rezone the property to R-5D, which would permit multi-family inclusionary housing.

The draft ordinance permits townhomes and stacked flats attached to the townhomes at a maximum density of 25 units per acre. The draft ordinance also permits group homes in detached single-family homes for developmentally disabled residents and commercial space not to exceed 10,000



Gerald Muller, Esq. MC Project No. WWP-192 October 8, 2018 Page 15 of 28



square feet. Furthermore, the ordinance requires a minimum of 30 acres to be preserved for open space purposes. This will likely be the area encumbered by the wetlands.

In the fall of 2017 Mercer Arc contacted West Windsor Township to discuss their interest in partnering with American Properties on the affordable component. Mercer Arc has agreed to construct a group home along the Princeton-Hightstown Road frontage. The home is anticipated to contain four bedrooms and will be constructed as part of the inclusionary development phasing schedule.

Looking forward, the Township expects a site plan to be submitted in 2019. After its approval, construction is anticipated to occur from 2021 to 2024. This development is eligible for crediting as it will provide inclusionary housing and an alternative living arrangement.

American Properties/Heritage meets the Four-Prong Test as follows:

• Approvable site – The Township intends to adopt the draft R-5D Ordinance after the Housing Element and Fair Share Plan is adopted. The ordinance will permit inclusionary development on the subject site.



Gerald Muller, Esq. MC Project No. WWP-192 October 8, 2018 Page 16 of 28

- Available site The Township is unaware of any title or easement issues that would preclude the construction of an inclusionary development.
- Developable site The development is located in the water and sewer service areas.
- Suitable site Heritage is adjacent to an existing inclusionary residential development (Elements) and other compatible land uses. The site has approximately 250 feet of street frontage along Old Trenton Road and roughly 375 feet of frontage along Princeton-Hightstown Road. While the site does include wetlands, the developer has prepared a concept plan that consolidates the development on the upland portion of the site. See Figure 7 for the approximate location of the wetlands on the property.

Based on the above information, Heritage is eligible for **48 credits**, **48 of which are being utilized in this Plan**.

Princeton Ascend

Princeton Ascend is located at 43 Princeton-Hightstown Road on Block 12.04, Lot 25. The parcel encompasses 1.69 acres in the Princeton Junction Redevelopment Area. Currently, the site contains a commercial building that is proposed to be demolished. The property is located in the RP-7 Princeton Junction Redevelopment Plan District.

The parcel is surrounded by a variety of land uses. To the north is a Rite Aid, to the east is wooded land and single-family detached homes. South is the Sun Bank Property, which is proposed to be redeveloped for inclusionary housing. To the west, across Princeton-Hightstown Road, is multi-tenant commercial building.

The property owner, Princeton Ascend Properties, LLC filed an application with the Planning Board in 2016 for site plan approval. The application included the construction of two buildings. The first encompassing first floor commercial space with 17 apartments above and the second including retail space as well as six live/work units.

The resolution of approval requires five of the apartments to be reserved for affordable households and describes the bedroom and affordability mix:

- 1 one-bedroom low
- 1 two-bedroom very-low
- 1 two-bedroom low
- 1 two-bedroom moderate
- 1 three-bedroom moderate

The resolution was memorialized on April 26, 2017. The approved application is currently making its way through resolution compliance. Construction is anticipated to commence in 2019 and last



Gerald Muller, Esq. MC Project No. WWP-192 October 8, 2018 Page 17 of 28

through 2021. Princeton Ascend is eligible for crediting as it provides inclusionary housing and for bonus credits for rental units available to the general public.

Princeton Ascend meets the Four-Prong Test as follows:

- Approvable site The Township approved the site for mixed-use development in 2017 and construction is expected to begin in 2019.
- Available site The Township is unaware of any title or easement issues that would preclude the construction of the approved mixed-use development.
- Developable site The development is located in the water and sewer service areas.
- Suitable site Princeton Ascend is located north of the Sun Bank Property, which is also
 proposed to include inclusionary housing development. The site is within walking distance
 to the Princeton Junction Train Station as well as several shops and services. The site has
 approximately 200 feet of frontage along Princeton-Hightstown Road. There are no known
 environmental constraints on the property. See Figure 8.

Based on the above information, Princeton Ascend is eligible for **5 credits** and **5 bonuses**, **10 of** which are being utilized in this Plan.

Garden Homes

Garden Homes, also known as Duck Pond Associates, is located at 3478 Brunswick Pike (Route 1). The property has access to both Route 1 and Meadow Road. The site is identified as Block 8, Lot 8 and contains roughly 64 acres. The site is south of Route 1 and adjacent to Meadow Lane Apartments and Windsor Woods. The tax card identifies West Windsor Duck Pond Associates LLC as the owner, but that is the LLC name Garden Homes is utilizing for the development.

The Township intends to rezone the property to permit inclusionary affordable housing. The new zone would be called R-5C Affordable Housing District. Permitted uses will include mid-rise apartments and garden apartments. A minimum of 25% of the units must be reserved for affordable housing. The maximum average gross density is capped at 10 units per acre.

Garden Homes has submitted a concept plan, shown on page 18, which illustrates the conceptual layout of the proposed buildings, parking and access drives. The design anticipates 628 rental units. This would translate into 157 affordable units. West Windsor anticipates that an application for development will be submitted in 2019 and construction would commence the same year. This development is eligible for crediting under N.J.A.C. 5:93-5.6 (inclusionary housing).



Gerald Muller, Esq. MC Project No. WWP-192 October 8, 2018 Page 18 of 28



Garden Homes meets the Four-Prong Test as follows:

- Approvable site West Windsor intends to adopt the draft R-5C District Ordinance, which will permit the inclusionary development illustrated by the concept plan. The Township will adopt the ordinance after the HEFSP is adopted.
- Available site The Township is unaware of any title or easement issues on the site.
- Developable site The development is located in the water and sewer service areas.
- Suitable site Garden Homes is surrounded by a variety of uses including commercial, inclusionary multi-family residential and forested lands. The site has approximately 340 feet of frontage along Route 1 as well as access agreements with the adjacent multi-family developments to connect to Old Meadow Road. As shown by Figure 9, the site does contain wetlands, a stream, and is partially within a FEMA Special Floor Hazard Area. However, the aerial image clearly illustrates a portion of the property as disturbed, therefore, the wetland mapping is likely inaccurate. However, as demonstrated by the concept plan, the developer intends to consolidate the development adjacent to the existing multi-family development and on the portion of the lot currently disturbed. Nonetheless,



Gerald Muller, Esq. MC Project No. WWP-192 October 8, 2018 Page 19 of 28

Garden Homes will be required to gain approval from NJDEP due to the environmental features on the parcel and those features will be dealt with at the State level.

Based on the above information, Garden Homes is eligible for **157 credits**, **157 of which are being utilized in this Plan**.

Roseland/Mack Cali

The Roseland/Mack Cali site is located on the east side of Route 1, south of Carnegie Center Drive and north of Meadow Road. The site is identified as Block 9, Lot 12.01 and 12.03 as well as Block 9.03, Lot 12.02 on the tax maps and contains over 58 acres. Mack Cali is the owner. The parcels are currently vacant. North of the sites is a large office campus, west is a retail development, south is an inclusionary site and east is a wooded tract.

The Township intends to rezone the properties and create a new zoning district called PMN-1 Planned Mixed Use Neighborhood/Affordable Housing District. The new zone is designed to encourage a mixture of uses on the site, while creating a pedestrian- and bicycle-friendly development. The draft ordinance permits the following principal uses:

- A minimum of 15,000 square feet of neighborhood retail and services
- A minimum of 600 residential units, including one and two-family dwellings, apartments and townhomes
- A hotel with a minimum of 120 rooms
- Offices

The ordinance requires a 25% affordable housing set-aside. It also limits the average gross density to 12 dwelling units per acre. Building heights are permitted up to four stories.

The developer has prepared a concept plan, with input from the Township, that illustrates commercial uses, a hotel and the various types of residential uses. The concept plan is located on page 20. Based on discussions with Mack Cali it is anticipated that the sites will yield 492 market-rate units and 164 affordable units.

Looking forward, West Windsor anticipates that Mack-Cali would likely file a site plan application in 2019 and 2020 for the entire project, with construction on the northern tract (which will include 89 affordable units) to be completed by the end of 2023. Construction on the southern tract (which will include 75 affordable units) cannot begin until January of 2025. To that end, the Township would grant preliminary and final site plan approval of the entire development at the outset, providing for the timing of the two sections of the development as described herein. The developer has agreed to this schedule, which will be memorialized in a Developer's Agreement. The ability to spread out the construction of this large-scale development throughout the Third Round compliance period is an essential term of the settlement with FSHC on the 1000 unit cap issue.

The Roseland/Mack Cali site meets the Four-Prong Test as follows:



Gerald Muller, Esq. MC Project No. WWP-192 October 8, 2018 Page 20 of 28

- Approvable site The Township has already drafted a zoning ordinance to rezone the properties. This ordinance creates a new zoning district that would allow a mixed-use development on the subject sites along with inclusionary housing development. The Township will adopt the ordinance after the HEFSP is adopted.
- Available site The Township is unaware of any title or easement issues on the sites.
- Developable site The development is located in the water and sewer service areas.
- Suitable site the properties are surrounded by a variety of uses including commercial and vacant lands. The tract is northeast of the existing Meadow Road inclusionary development. The site has frontage on Route 1, Carnegie Center Drive, Meadow Road and Meadow Road Connection. As shown by Figure 10, the parcels contain a limited area of wetlands and flood hazard area. If wetlands are truly present, the developer will be required to gain approval from NJDEP.





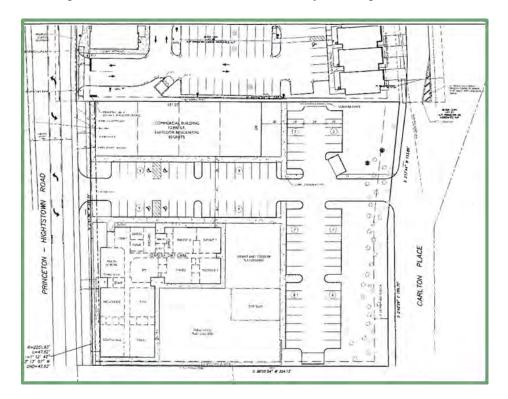
Gerald Muller, Esq. MC Project No. WWP-192 October 8, 2018 Page 21 of 28

Based on the above information, Roseland/Mack Cali is eligible for **164 credits**, **164 of which are being utilized in this Plan**.

Sun Bank Property

The Sun Bank Property is located at 47 Princeton Hightstown Road. The parcel is owned by VCC Princeton Jct, LLC and is identified as Block 12.04, Lot 18. The parcel contains 2.18 acres in the Princeton Junction Redevelopment Area. The site is currently developed with a bank and associated improvements. Surrounding uses include the Princeton Ascend development to the north, single-family housing to the east and commercial properties to the south and west.

The property owner has expressed interest in redeveloping the parcel and taking advantage of the permitted uses in the Princeton Junction Redevelopment Plan. The development would be as-of-right, complying with the Redevelopment Plan. A total of 10 units could be developed on Lot 18, which would produce three affordable units. See the concept plan below. This development is eligible for crediting under N.J.A.C. 5:93-5.6 (inclusionary housing).



The Sun Bank Property meets the Four-Prong Test as follows:

- Approvable site The site is located in the Princeton Junction Redevelopment Area, which
 permits inclusionary multi-family residential housing. Therefore, the owner is able to
 submit a compliant site plan at any time.
- Available site The Township is unaware of any title or easement issues on the site.



Gerald Muller, Esq. MC Project No. WWP-192 October 8, 2018 Page 22 of 28

- Developable site The development is located in the water and sewer service areas.
- Suitable site Lot 18 is surrounded by a variety of uses including commercial buildings and single-family homes. It is a short walk to the Princeton Junction Train Station. The property has frontage along Princeton Hightstown Road. There are no known environmental features on the property as shown by Figure 11.

Based on the above information, Sun Bank Property is eligible for **3 credits**, **3 of which are being utilized in this Plan**.

Dr. Mian Property

The Dr. Mian Property is located at 55 Princeton Hightstown Road. The parcel is identified as Block 12.04, Lot 27 and contains three acres in the Princeton Junction Redevelopment Area. The property owner is Princeton 55 Associates NJP. The site currently contains a two-story office building. North of the property is the Sun Bank Property, to the east are single-family homes, south is a commercial parcel and to the west are commercial properties. It should be noted that the site also has access from Carlton Place.

The property owner has presented a concept plan for 18 apartments of which four units would be affordable rentals. This would be an as-of-right plan under the Princeton Junction Redevelopment Area. This development is eligible for crediting under N.J.A.C. 5:93-5.6 (inclusionary housing).

The Dr. Mian Property meets the Four-Prong Test as follows:

- Approvable site The site is located in the Princeton Junction Redevelopment Area, which permits inclusionary multi-family residential housing. Therefore, the owner can submit a compliant site plan at any time.
- Available site The Township is unaware of any title or easement issues on the site.
- Developable site The development is located in the water and sewer service areas.
- Suitable site Lot 27 is surrounded by a variety of uses including commercial buildings and single-family homes. It is immediately south of the Sun Bank Property, which has expressed interest in building inclusionary housing. The site is within walking distance of the Princeton Junction Train Station. The property has frontage along Princeton Hightstown Road as well as Carlton Place. There are no known environmental features on the property as shown by Figure 12.

Based on the above information, the Dr. Mian Property is eligible for **4 credits**, **4 of which are being utilized in this Plan**.



Gerald Muller, Esq. MC Project No. WWP-192 October 8, 2018 Page 23 of 28

Bear Creek Senior Living

In 1999 the Planning Board granted preliminary and final site plan approval for a five-building complex then known as The Esplanade. The property was then identified as Block 33, Lot 1.02, located at 291 Village Road East. The development was to consist of two assisted living buildings, two independent living buildings and a community building. Two buildings have been built to date. In 2005, the property owner returned to the Board seeking to amend the previous approval by reducing the size of the community building and reconfiguring the proposed independent living buildings. The two independent living buildings are required to contain a total of 51 affordable units as per the resolution. The Board approved the application on March 23, 2005, which was then memorialized on June 15, 2005.

Since the approval the lot has been divided into two. Block 33, Lot 1.021 contains the existing assisted living facility and Lot 1.022 is the vacant, unbuilt portion of the development. It has an address of 289 Village Road East and encompasses 13.7 acres. The parcel is owned by Benjamin Zaitz, who acquired the property in 2016. The developer engaged by Zaitz has met with Township officials and has expressed his desire to construct a high-end independent living facility for seniors that will include a 51-unit affordable housing set-aside. The development Mr. Zaitz envisions would require an amendment of the definition of "congregate housing". The Township is amending the ordinance, which will not change the number of affordable units previously required. The ordinance will be adopted after the Housing Element and Fair Share Plan is adopted. Furthermore, it should be noted that the development would trigger the need to seek amended site plan approvals.

Surrounding uses include the larger Bear Creek complex with the Village Grande development to the northeast across Village Road East. To the southeast is The Hamlet. To the south and southwest is farmland. To the northwest is the Bear Creek Assisted Living Facility. This development is eligible for crediting under N.J.A.C. 5:93-5.6 (inclusionary housing) and N.J.A.C. 5:93-5.14 (age-restricted housing).

The Bear Creek Senior Living development meets the Four-Prong Test as follows:

- Approvable site The site has been approved for senior independent living with a 51-unit affordable housing set-aside. The Township has worked with the new owner to amend the code and to obtain any amendments to the site plan necessary to bring the project to fruition.
- Available site The Township is unaware of any title or easement issues on the site.
- Developable site The development is located in the water and sewer service areas.
- Suitable site The property is surrounded by various types of housing that includes affordable units. The property has an access agreement with the existing assisted living facility, which has frontage on Village Road East. There are limited wetlands at the southern tip of the site as shown by Figure 13.



Based on the above information, the Bear Creek Senior Housing development is eligible for 51 credits, 51 of which are being utilized in this Plan.

Bear Brook Homes

Bear Brook Homes LLC filed an application with the Planning Board to subdivide Block 9, Lot 55 and 56, which are located at 106 and 110 Bear Brook Road. The properties are situated in the R-3A district. The parcels encompass approximately 10 acres and backup to Little Bear Brook. Surrounding uses include forest to the north, homes and farmland to the east, south, across Bear Brook Road is the Estates at Princeton Junction and to the west is forested lands.

The application requested approval to subdivide the parcels into seven single-family lots with roughly 3,500 square feet each and to create three townhomes. Two of the townhomes are proposed to be reserved for affordable households. No variances were required.

The Board heard the application and approved it on April 4, 2018. The resolution was memorialized on July 11, 2018. This development is eligible for crediting under N.J.A.C. 5:93-5.6 (inclusionary housing).

Bear Brook Homes meets the Four-Prong Test as follows:

- Approvable site The site was recently approved to construction a small inclusionary development.
- Available site The Township is unaware of any title or easement issues on the site.
- Developable site The development is located in the water and sewer service areas.
- Suitable site The properties are surrounded by a variety of uses including the inclusionary Estates at Princeton Junction development. The parcels have frontage on Bear Brook Road. Roughly half of the lot is encumbered by wetlands and a FEMA special flood hazard area. If the developer is infringing on any of these sensitive lands, they will be subject to NJDEP review and approval. See Figure 14.

Based on the above information, Bear Brook Homes is eligible for 2 credits, 2 of which are being utilized in this Plan.

PTS Phase 2

As noted above, Princeton Theological Seminary ("PTS") owns several properties within the Township. Block 7, Lot 61.02, which contains over 68 acres was recently the subject of an application in front of the Planning Board.

The property is located in the R-5A Zone, which requires a 20% affordable housing set-aside. The existing apartments total 240 units. There is a possibility that PTS, as a component of its master planning process, may sell its campus in West Windsor Township. This development therefore



Gerald Muller, Esq. MC Project No. WWP-192 October 8, 2018 Page 25 of 28

may be sold, or a ground lease entered into with a developer. The transaction would trigger the 20% affordable housing set-aside ordinance. Based on the total number, West Windsor anticipates 48 affordable units being provided over time. If this is not accomplished by January 1, 2025, West Windsor will find another mechanism to address the shortfall, provided that the development or developments proposed are otherwise in conformance with the terms of the Settlement Agreement.

PTS Phase 2 meets the Four-Prong Test as follows:

- Approvable site The underlying zoning permits inclusionary housing at a maximum density of 10 garden apartments/townhomes or 25 mid-rise apartment units to the acre. The site is already developed with student housing, which can easily be transformed into market-rate housing with an inclusionary component.
- Available site The Township is unaware of any title or easement issues.
- Developable site The development is located in the water and sewer service areas.
- Suitable site The site is adjacent to the recently approved Woodstone multi-family inclusionary development and within walking distance to services. See Figure 15.

Based on the above information, PTS Phase 2 would be eligible for **48 credits**, **48 of which are being utilized in this Plan**.

Special Needs Units/Market to Affordable

West Windsor proposes to satisfy the remaining 32 credits of affordable housing through group homes and other special needs housing and a market to affordable program. Over the years many affordable housing providers and non-profits have reached out to the Township to construct housing within its borders. This program would give West Windsor flexibility to solicit partners to build affordable housing within the community. This mechanism is also intended to be phased in over the compliance period as part of the settlement with FSHC.

On July 1, 2021 West Windsor would start to identify sites, solicit sponsors and identify funding to construct the first third of the 32 units of special needs affordable housing. The first third of the 32 units would have to be delivered during the time period July 1, 2022-June 30, 2023. On July 1, 2022, West Windsor would start to identify sites, solicit partners, and identify funding for the second third, which must be delivered during the time period July 1, 2023-June 30, 2024. On July 1, 2023, West Windsor would start to identify sites, solicit partners, and identify funding to construct the remaining third, which must be delivered during the time period July 1, 2023-June 30, 2024. On July 1, 2023, West Windsor would start to identify sites, solicit partners, and identify funding to construct the remaining third, which must be delivered during the time period July 1, 2024-June 30, 2025.

West Windsor would have the right until July 1, 2021 to substitute a site or sites that provides a realistic opportunity through inclusionary zoning in place of some or all of these 32 credits, provided that the development or developments proposed are otherwise in conformance with the terms of the Settlement Agreement.



Based on the information above, this mechanism could yield up to 32 credits, 32 of which are being utilized in this Plan.

MECHANISM SUMMARY

A municipality is entitled to bonus credits up to 25% of its fair share obligation, or in this case 375 bonuses. The prior charts show how those rental bonus credits were allocated. The other rental projects are not eligible for bonuses in this Round because the rental bonuses have been allocated elsewhere. They may be eligible in the next Round.

The existing and proposed mechanisms generate a total of 1,125 credits and 375 rental bonuses, for a total of 1,500 credits. It should be noted that there is a total of 883 rental units proposed and 83 age-restricted units proposed.

VERY-LOW INCOME

West Windsor has 945 affordable units that were or will be constructed after July 1, 2008 or were granted preliminary or final site plan approval after July 1, 2008. Of these 945 units, 135 will be very-low income units. This translates to a 14.29% set-aside as shown in the table on the following page.

LOW AND MODERATE INCOME

The table on page 28 illustrates the existing and proposed units in the Third Round and their breakdown between low and moderate income.



Gerald Muller, Esq. MC Project No. WWP-192 October 8, 2018 Page 27 of 28

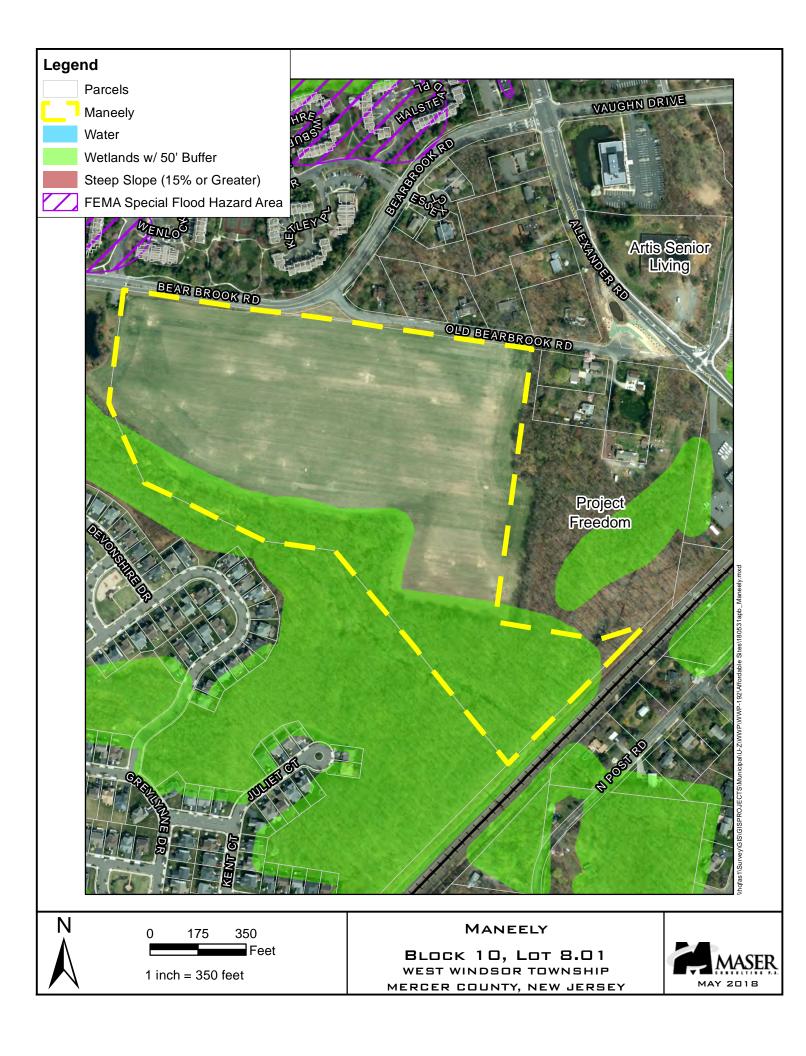
VERY-LOW INCOME COMPLIANCE						
Mechanism	Credit Type	Affordable Units	VLI Units	% of Total		
Eden - Wood Hollow Rd.	Alternative Living	5	5	100%		
WW Gardens/Princeton Terrace I	Inclusionary	69	7	10%		
WW Gardens/Princeton Terrace 2	Inclusionary	24	3	13%		
Artis	Inclusionary Memory Care	6	0	0%		
Community Options	Alternative Living	4	4	100%		
Maneely/Toll	Inclusionary	6	I	17%		
Project Freedom	100% Affordable	54	0	0%		
Project Freedom	Alternative Living	18	10	56%		
Ellsworth Center	Inclusionary	4	I	25%		
Avalon Bay Redevelopment	Inclusionary	20	3	15%		
Avaion Bay Redevelopment	Inclusionary	99	15	15%		
Area	Inclusionary	13	0	0%		
PTS/Woodstone	Inclusionary	89	П	12%		
400 Steps	Inclusionary	20	3	15%		
American Properties/ Heritage	Inclusionary	44	6	14%		
AP/Heritage Group Home	Alternative Living	4	4	100%		
Princeton Ascend	Inclusionary	5	I	20%		
Garden Homes	Inclusionary	157	21	13%		
Roseland/Mack Cali	Inclusionary	164	22	13%		
Sun Bank Property	Inclusionary	3	0	0%		
Dr. Mian Property	Inclusionary	4	0	0%		
Bear Creek Senior Living	Inclusionary	51	7	14%		
Bear Brook Homes	Inclusionary	2	0	0%		
PTS Phase 2	Inclusionary	48	6	13%		
Special Needs Units/Market to A	Alternative Living	32	5	16%		
Total		945	135	I 4.29%		

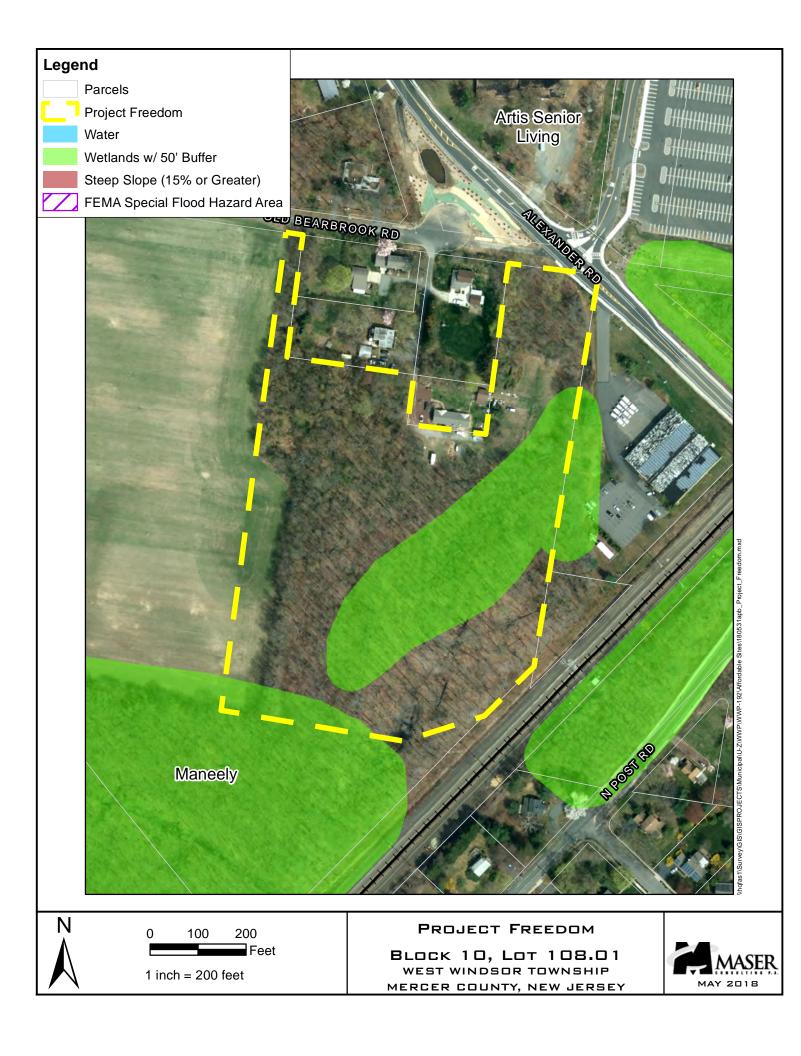


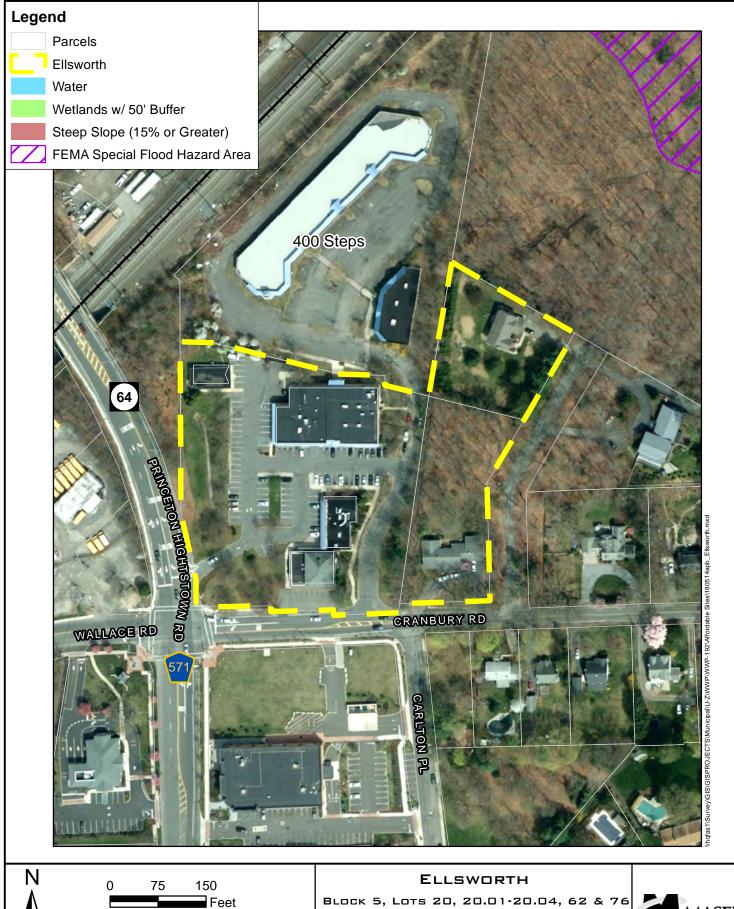
Gerald Muller, Esq. MC Project No. WWP-192 October 8, 2018 Page 28 of 28

LOW AND MODERATE INCOME COMPLIANCE					
Mechanism	Credit Type	Affordable Units	Very-Low Units	Low Units	Moderate Units
Eden - Wood Hollow Rd.	Alternative Living	5	5		
WW Gardens/Princeton Terrace I	Inclusionary	69	7	28	34
WW Gardens/Princeton Terrace 2	Inclusionary	24	3	9	12
Artis	Inclusionary Memory Care	6	0	3	3
Community Options	Alternative Living	4	4		
Maneely/Toll	Inclusionary	6	I	2	3
Project Freedom	100% Affordable	54	0	27	27
Project Freedom	Alternative Living	18	10	8	0
Ellsworth Center	Inclusionary	4	I	I	2
Avalon Bay Redevelopment Area	Inclusionary	20	3	7	10
	Inclusionary	99	15	35	49
	Inclusionary	13	0	7	6
PTS/Woodstone	Inclusionary	89	11	34	44
400 Steps	Inclusionary	20	3	7	10
American Properties/ Heritage	Inclusionary	44	6	16	22
AP/Heritage Group Home	Alternative Living	4	4		
Princeton Ascend	Inclusionary	5	I	2	2
Garden Homes	Inclusionary	157	21	58	78
Roseland/Mack Cali	Inclusionary	164	22	60	82
Sun Bank Property	Inclusionary	3	0	2	I
Dr. Mian Property	Inclusionary	4	0	2	2
Bear Creek Senior Living	Inclusionary	51	7	19	25
Bear Brook Homes	Inclusionary	2	0	I	I
PTS Phase 2	Inclusionary	48	6	18	24
Special Needs Units/Market to A	Alternative Living	32	5	11	16
Total		945	135	357	453

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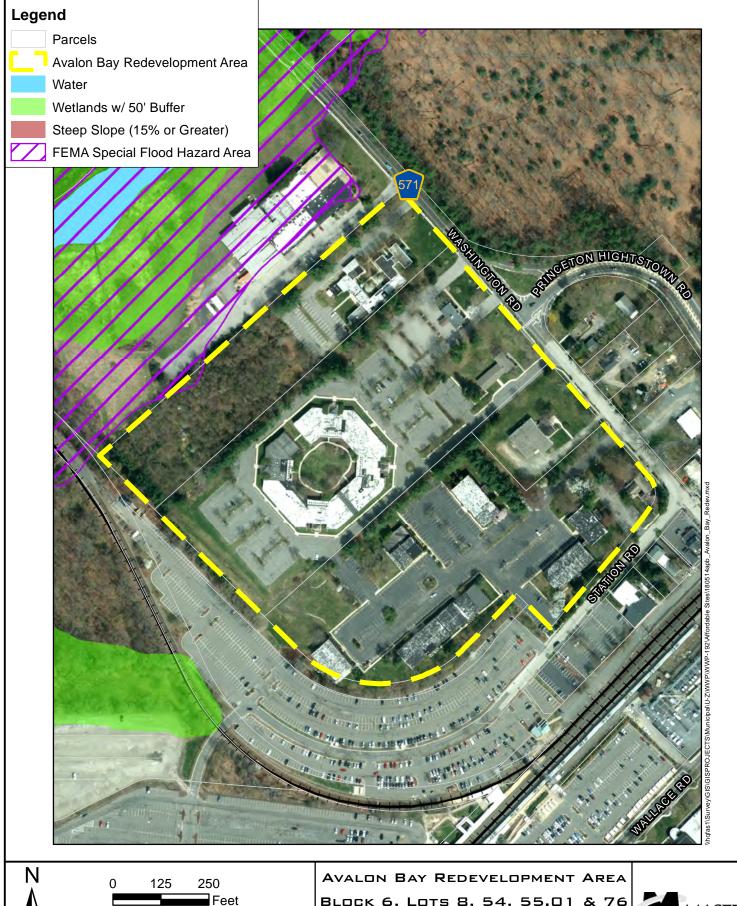




1 inch = 150 feet

.0CK 5, LOTS 20, 20.01-20.04, 62 & West Windsor Township Mercer County, New Jersey

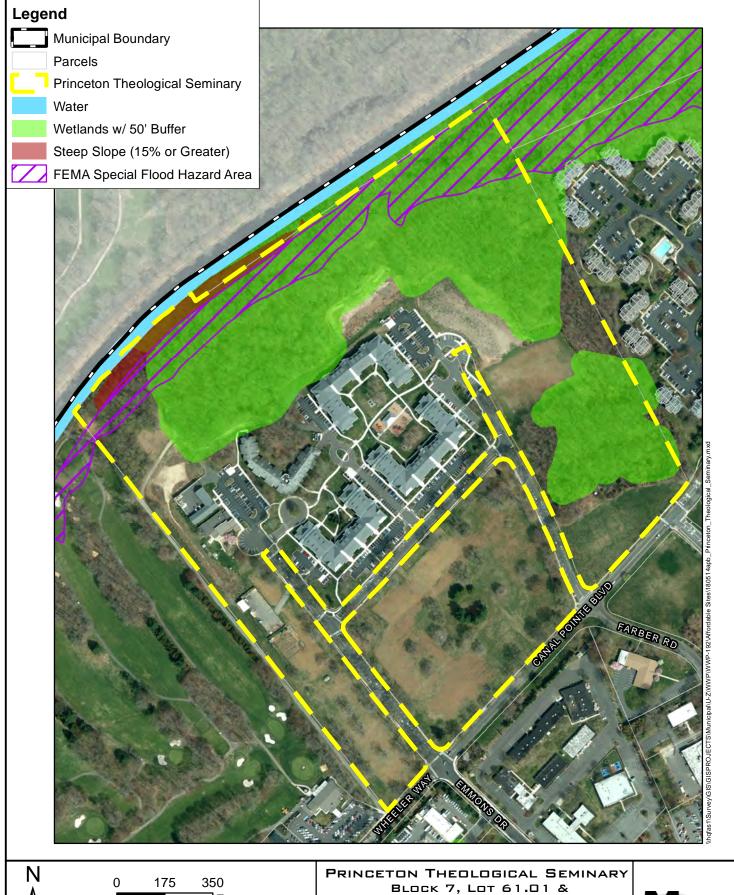




1 inch = 250 feet

BLOCK 6, LOTS 8, 54, 55.01 & 76 WEST WINDSOR TOWNSHIP MERCER COUNTY, NEW JERSEY



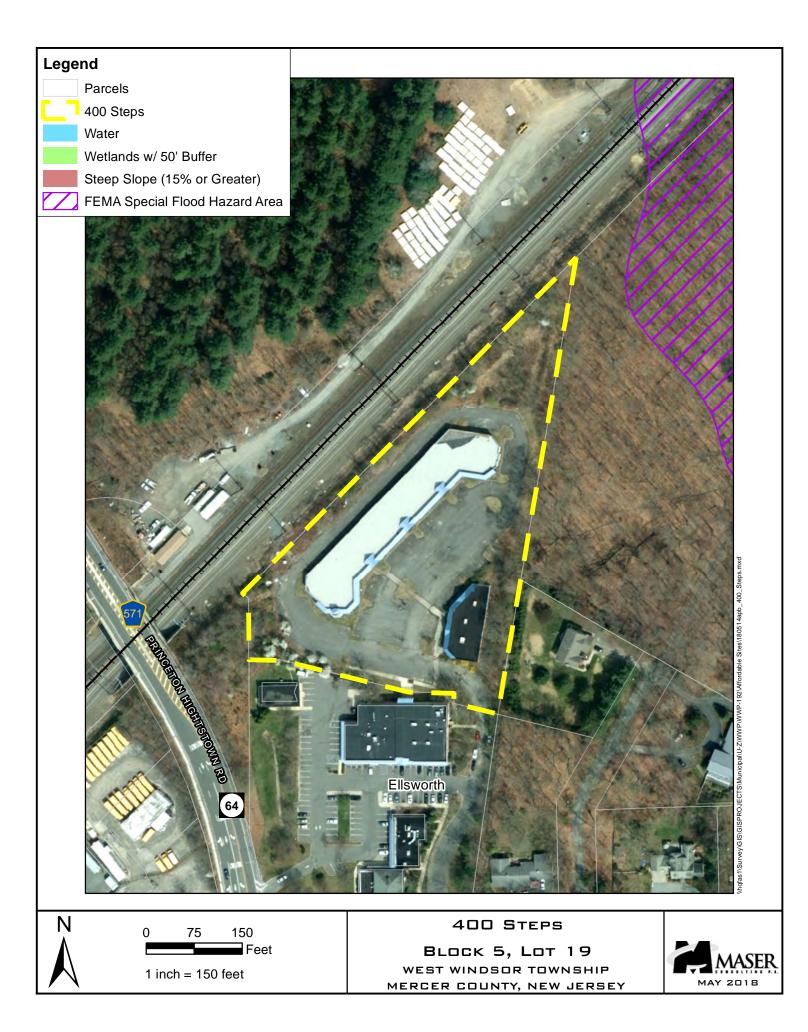


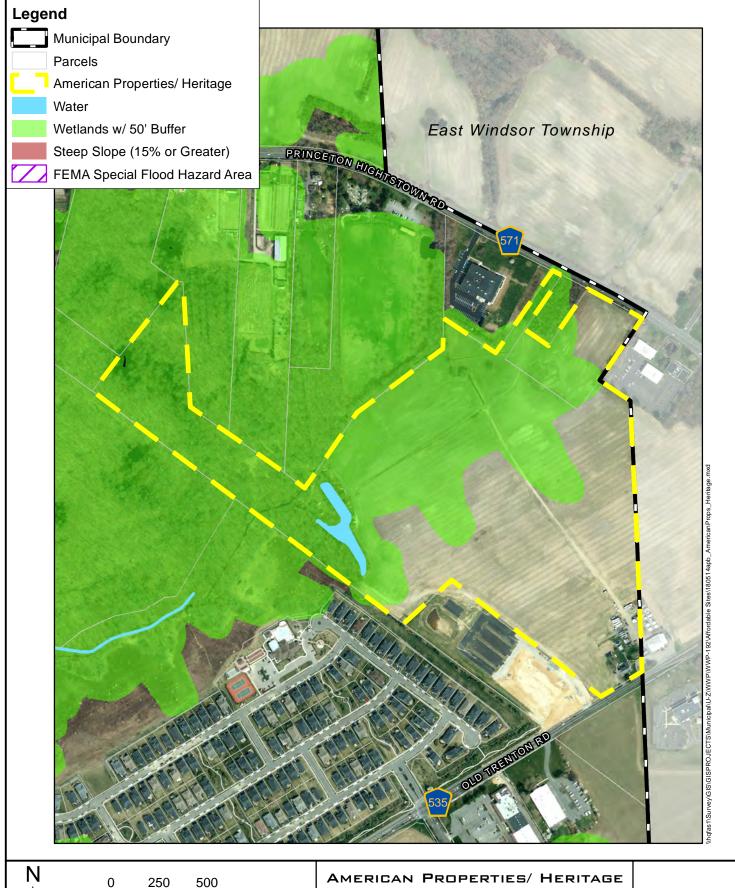
BLOCK 7, LOT 61.01 & BLOCK 7.01, LOT 1 WEST WINDSOR TOWNSHIP MERCER COUNTY, NEW JERSEY



1 inch = 350 feet

Feet





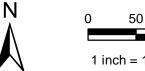
Feet

1 inch = 500 feet

BLOCK 28, LOTS 15 & 21 WEST WINDSOR TOWNSHIP MERCER COUNTY, NEW JERSEY







) 50 100 Feet 1 inch = 100 feet

PRINCETON ASCEND

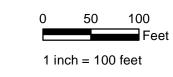
BLOCK 12.04, LOT 25 WEST WINDSOR TOWNSHIP MERCER COUNTY, NEW JERSEY







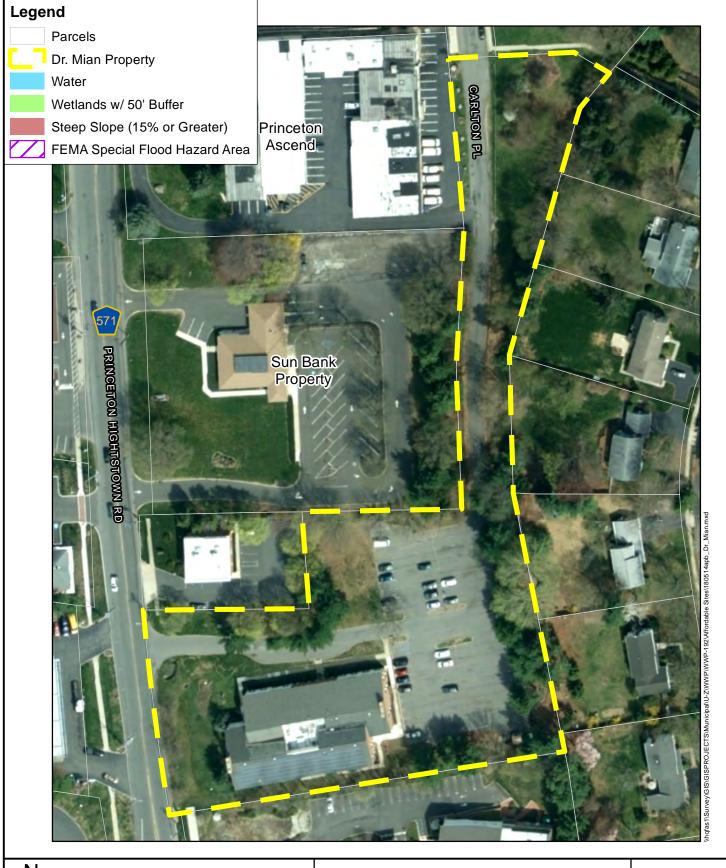




SUN BANK PROPERTY

BLOCK 12.04, LOT 18 WEST WINDSOR TOWNSHIP MERCER COUNTY, NEW JERSEY





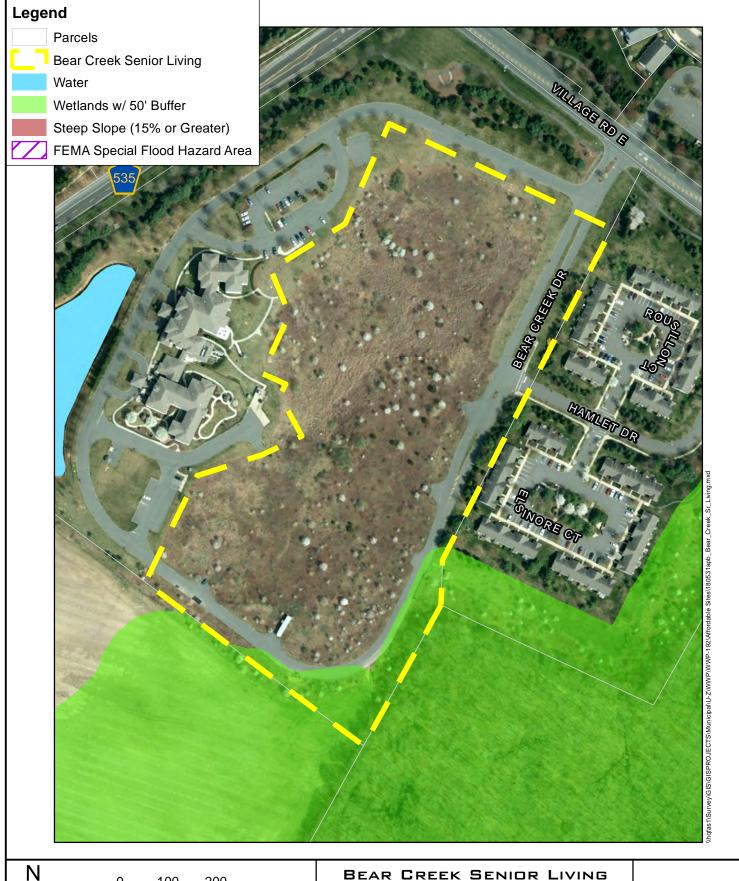


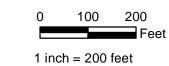
0 50 100 Feet 1 inch = 100 feet

DR. MIAN PROPERTY

BLOCK 12.04, LOT 27 WEST WINDSOR TOWNSHIP MERCER COUNTY, NEW JERSEY



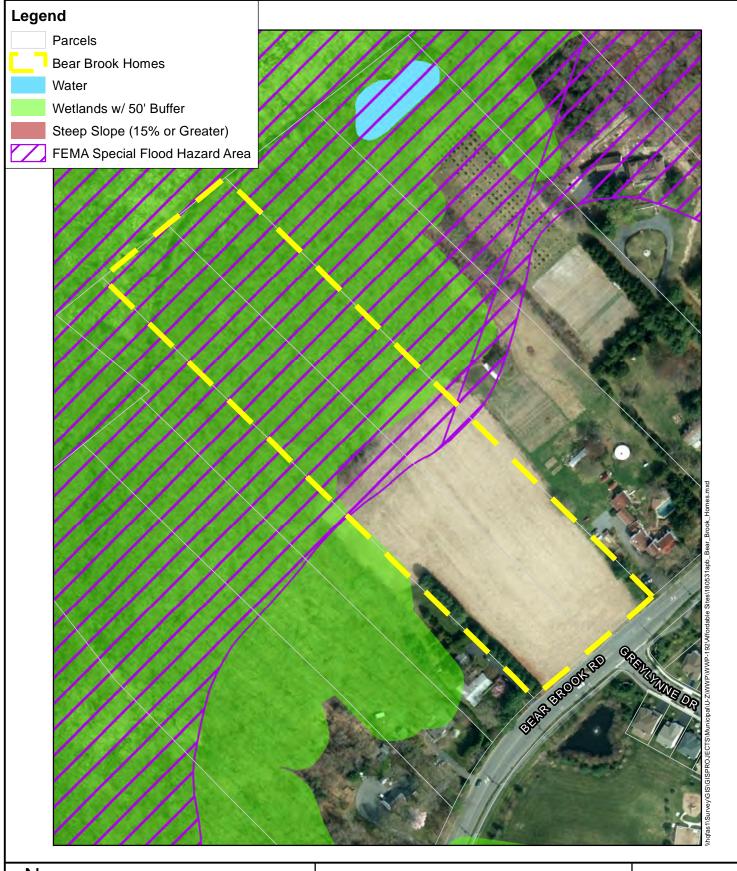


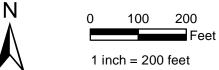


BEAR CREEK SENIOR LIVING BLOCK 22, LOT 1.022

WEST WINDSOR TOWNSHIP MERCER COUNTY, NEW JERSEY







BEAR BROOK HOMES BLOCK 9, LOTS 55 & 56 WEST WINDSOR TOWNSHIP MERCER COUNTY, NEW JERSEY

