

**ADDENDUM III**

**EAST WINDSOR TOWNSHIP MASTER PLAN  
SUPPLEMENTAL MODIFICATION NO. 3**

**AMENDMENT TO  
LAND USE PLAN ELEMENT  
Issued July 14, 1999**

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**Recommended Zoning Map Change  
To Block 6/Lot 1 (53.80 ac) & Block 6/Lot 5 (95.04 ac)  
Located Along The Northerly Side Of One Mile Road  
Between The Millstone River And The Hightstown By-Pass**

The subject two (2) properties are located adjacent to each other, but currently are situated within two (2) different zoning districts. More particularly, and as indicated on the attached "Land Use Plan" map adopted by the Planning Board on October 4, 1993 as part of the current "Land Use Plan Element" portion of the East Windsor Township Master Plan, Lot 1 (Parcel "A") is within the "RM" Multifamily Residential zoning district, and Lot 5 (Parcel "B") is within the "R-3" Residential Medium Density zoning district.

The written descriptions of the "RM" and "R-3" district areas within the October 4, 1993 Master Plan read, in part, as follows:

**"RM" - Multifamily Residential**

"This use category is shown as the highest density category in the township. Only those areas for which developments have been built or approved for construction are included in this category. Two parcels in the RM designation on One Mile Road near Route 535 are undeveloped but have development approvals for multiple dwellings. The remaining RM areas are developed."

"Based on the large quantity of multifamily housing permitted and built in the township, and the relatively low percentage of single family detached dwellings..., no additional high density multifamily zoning is recommended in this Plan beyond that which has received approvals or has been built."

**"R-3" - Residential Medium Density**

"Development in this area would consist of single family detached housing, with a development option on tracts of 50 acres or more to include multi-family housing to add development flexibility. One of the objectives of this district is to provide transitions between existing multifamily uses and new developments, which may include single family detached dwellings..."



"The developed portions of the R-3 district include townhouses and two family semi-detached dwellings. The undeveloped portions of this zoning district include an approved development of single family homes known as Stonegate, which is located between Route 130 and North Main Street, and an area along One Mile Road and the Hightstown By-Pass which is a single-family development proposal known as Nob Hill."

### **The Subject "RM" Property**

The subject "RM" property (Block 6/Lot 1 = 53.8 ac) was approved in 1983 for the construction of three hundred forty-six (346) townhouse units (6.43 du/ac). However, at the time of the approval, the zoning ordinance provisions of East Windsor Township did not require that a percentage of the total units be set aside as "affordable" units in accordance with the "Substantive Rules" of the New Jersey Council On Affordable Housing (COAH); therefore, the development, if constructed as approved, would not have resulted in any units credited against the Township's "fair share" housing obligation. The development was known as "Windsor Hollow".

During 1997, the applicant sought to have the Township Planning Board grant an extension to the approval as required by the Municipal Land Use Law (N.J.S.A. 40:55D-1, et seq.). After due deliberation, the Planning Board denied the extension request since, among other reasons, the previously approved development did not contain any affordable units to help East Windsor Township satisfy its "fair share" housing obligation as mandated by COAH.

Additionally, it should be noted that the subject "RM" property borders the Millstone River along the entirety of its northerly boundary, and there are extensive 100-year flood plains, freshwater wetlands and steep slopes with grades fifteen percent (15%) and greater associated with the river. Regarding the wetlands, the current regulations of the New Jersey Department of Environmental Protection were not in effect when the prior plan for development was approved in 1983; therefore, the protection of the flora and fauna associated with the freshwater wetlands, including the required transitional buffer areas, were not assured via the prior approval.

Given the presence of the Millstone River along the northerly border of the property and the lack of any frontage of the property along One Mile Road, there are significant vehicular access limitations to the subject property. In fact, the subject "RM" property will share the same principal vehicular access with the neighboring "R-3" property via a common "access easement" right-of-way through the "R-3" property as shown on the East Windsor Township Tax Maps.

Clearly, the rationale for the "RM" district designations in the October 4, 1993 Master Plan was to include only those land areas either already developed or already approved for development in accordance with the "RM" zoning district criteria; there does not appear to be any planning rationale for the continuance of the "RM" district areas other than the acknowledgement of the development status of the subject land areas.

### **The Subject "R-3" Property**

The subject "R-3" property (Block 6/Lot 5 = 95.04 ac) was preliminarily approved in 1992 and finally approved in 1994 for the construction of three hundred four (304) single-family detached dwellings (3.20 du/ac) on individual lots a minimum five thousand (5,000) square feet in area. Known as "Nob Hill", the proposed development would be located along the east side of One Mile Road, midway between Princeton-Hightstown Road (Rte. 571) and Old Trenton/Cranbury-Edinburgh Road (Rte. 535).

The subject property is bordered by the "Hightstown By-Pass" along the entirety of its southerly boundary and by the "Rocky Brook" along the entirety of its easterly boundary. The presence of the "Hightstown By-Pass", currently under construction, creates two (2) principal land use planning concerns: 1) The need to provide adequate distance between the by-pass and any residence or recreational facility; and 2) The need to prevent any traffic conflict with the off-ramp traffic proceeding from the by-pass onto One Mile Road along the frontage of the subject property. The concern to prevent any traffic conflict with the by-pass traffic on One Mile Road brings into question the wisdom of providing the "Whitman Drive" secondary access into the property as shown on the "Nob Hill" subdivision drawings.

The presence of the "Rocky Brook" along the property's easterly boundary creates a significant environmental land use concern. As originally approved, the freshwater wetlands associated with the brook were required by the New Jersey Department of Environmental Protection (NJDEP) to have a fifty foot (50') "transitional buffer" along the border of the wetlands. However, subsequent to the subdivision approvals granted by East Windsor Township, and as a result of the environmental impact review conducted for the construction of the "Hightstown By-Pass", the NJDEP has determined that the freshwater wetlands associated with the "Rocky Brook" are "exceptional resource wetlands" due to the discovery of an existing habitat for "Wood Turtles". As a result of this new information, a "transitional buffer" of one hundred fifty feet (150') now would be required along the border of the "Rocky Brook" wetlands, versus the fifty foot (50') dimension previously required.

The subject "R-3" property will share the same principal vehicular access with the neighboring "RM" property via a common "access easement" right-of-way through the subject "R-3" property as shown on the East Windsor Township Tax Maps.

### **Recommendations From Designated "Land Use Subcommittee"**

A "Land Use Subcommittee" was designated to discuss the existing zoning of certain land areas in East Windsor Township. The "Land Use Subcommittee" met on October 27, 1998, November 11, 1998 and on December 3, 1998 and made recommendations to Mayor Mironov and the Township Council which were contained in Memorandum 44-98, dated December 28, 1998 and prepared by Coppola & Coppola Associates.



Regarding the subject two (2) properties, the designated "Land Use Subcommittee" recommended the appropriate rezoning of the subject properties in order to accomplish the following objectives:

- Lesson the traffic impact along One Mile Road resulting from the development of the subject properties;
- Provide a zoning of the subject properties to enable their individual development as compatible residential neighborhoods which could utilize the shared "access easement" as a common entrance boulevard into the developments;
- Provide zoning for an age-restricted development (i.e., 55 years and older) in order to expand the diversity of housing opportunities within East Windsor Township; and
- Provide for an addressment of East Windsor Township's affordable housing obligation as mandated by the New Jersey Council On Affordable Housing (COAH), while not requiring that the affordable units actually be constructed within the age-restricted development.

#### **A New "ARH" Age-Restricted Housing Zoning District**

In consideration of the facts and objectives noted hereinabove, it is recommended that the subject two (2) properties be designated within a new "ARH" Age-Restricted Housing zoning district in accordance with the following basic provisions:

- 1) The density of development would be three (3) dwelling units per acre, resulting in approximately 161 dwelling units on the 53.8 acre property (Block 6/Lot 1) and approximately 285 dwelling units on the 95.04 acre property (Block 6/Lot 5);
- 2) All units would be deed restricted for occupancy by households with at least one (1) person fifty-five (55) years of age or older and with no person less than nineteen (19) years of age, provided that visitors less than nineteen (19) years of age would be permitted to visit for no more than eight (8) weeks during any twelve (12) month time period;
- 3) All units would be single-family detached dwellings on lots averaging five thousand (5,000) square feet in area;
- 4) To the extent practicable, all individual residential lots would abut common open space;

- 5) The recreational/social complex associated with the age-restricted housing developments would be permitted to be shared between the housing units located on the individual properties, thereby providing the economies of scale to construct relatively significant facilities and negate the need to duplicate facilities on the individual properties; and
- 6) In lieu of actually constructing affordable housing units on the subject properties, and in accordance with the "Substantive Rules" on the New Jersey Council On Affordable Housing", the developer would be required to contribute \$20,000 per seven and one-half percent (7.5%) of the total units constructed, which moneys would be deposited in the East Windsor Township "Housing Trust Fund" to be utilized for a "Regional Contribution Agreement" (e.g., if 446 total units were constructed on the two properties, a contribution of \$680,000 would be required [446 du's x's 7.5% = 33.45 or 34 du's x's \$20,000/du = \$680,000]).