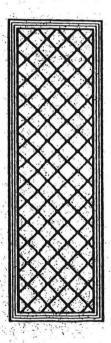


TOWNSHIP OF EAST WINDSOR

MERCER COUNTY
NEW JERSEY

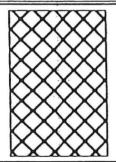
MASTER PLAN
AND
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PERIODIC REEXAMINATION
REPORT



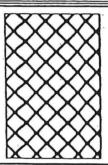
November 2002

TOWNSHIP OF EAST WINDSOR

MERCER COUNTY NEW JERSEY



MASTER PLAN AND DEVELOPMENT REGULATIONS PERIODIC REEXAMINATION REPORT



THE ORIGINAL OF THIS REPORT WAS SIGNED AND SEALED IN ACCORDANCE WITH N.J.S.A. 45:14A-12

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TOWNSHIP OF EAST WINDSOR

MASTER PLAN AND DEVELOPMENT REGULATIONS PERIODIC REEXAMINATION REPORT November 2002

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TOWNSHIP OF EAST WINDSOR MASTER PLAN

MASTER PLAN AND DEVELOPMENT REGULATIONS PERIODIC REEXAMINATION REPORT November 2002

INTRODUCTION

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The Township of East Windsor is situated in the southeast corner of Mercer County and contains approximately 15.65 square miles, or 10,016 acres of land. The Millstone River forms the northern boundary line for both East Windsor Township and Mercer County. The Borough of Hightstown is located in its entirety within the north central portion of East Windsor Township at the crossroads of New Jersey State Highway 33, County Route 539 and County Route 571.

The municipality is traversed from east to west by County Route 571 (Princeton-Hightstown Road and Etra Road) and from north to south by County Route 539 (Old York Road and Main Street). The Route 133 by-pass road recently has been constructed, with its alignment running through the northern part of the Township, and linking the eastern portion of New Jersey State Highway 33 within East Windsor Township with the western section of County Route 571 in the Township.

U.S. Route 130 and New Jersey State Highway 33 enter East Windsor Township from the southwest and split so that U.S. Route 130 heads north and New Jersey State Highway 33 heads northeast through the Township. The New Jersey Turnpike parallels U.S. Route 130 to the east. Interchange 8 of the New Jersey Turnpike is located within East Windsor Township, east of Hightstown Borough, with access onto New Jersey State Highway 33.

In addition to Hightstown Borough being located within the center of the Township, East Windsor Township is bordered on the south and southeast by Millstone Township in Monmouth County, on the southwest by Washington Township, on the west by West Windsor Township, and on the north and northeast by Cranbury Township and Monroe Township, both in Middlesex County.

Similar to many rural and suburban areas throughout the State, the Township of East Windsor has been experiencing development pressures. This is due in part to the location of the denser community of Hightstown Borough within East Windsor Township where development seeks to expand outward into the Township. Additionally, the location of an interchange on the New Jersey Turnpike within the Township and numerous intersections of major arterial and collector roads tend to promote development.

There are three (3) major nonresidential development areas in the Township, including the Route 571 campus corridor, the Route 130 retail corridor and the New Jersey Turnpike/Route 33 industrial/retail corridor. All three (3) of these nonresidential areas currently are experiencing relatively rapid development and redevelopment.

Additionally, East Windsor Township contains a wide variety of housing, from historic Victorian and contemporary executive homes, to townhomes and condominiums. The East Windsor Township municipal officials are appropriately proactive in managing the growth of the Township in order to achieve a balanced development pattern which enhances the quality of life for the residents of the Township.

An integral part of East Windsor Township is the variety of natural features situated armidst the portions of the Township which have developed or are planned by the Township to be developed. The natural features contained within the Township include wetlands, steep topographic slopes, flood plains, an important aquifer recharge area and rivers and streams. Additionally, the Township's geological formations and soil characteristics present important considerations for land development and land preservation.

The most recent comprehensive Master Plan for the Township of East Windsor was adopted by the Planning Board on October 4, 1993. The 1993 Master Plan updated a 1985 Master Plan which, in turn, had updated a 1979 report.

Subsequent to the adoption of the Master Plan on October 4, 1993, East Windsor Township has periodically reexamined and updated the Master Plan. Most recently, the East Windsor Township Planning Board adopted the following modifications and additions to the East Windsor Township Master Plan:

- "Supplemental Modification No. 1", an amendment to the "Traffic Circulation Plan Element", which was adopted on March 16, 1998 and which is included as Addendum I to this reexamination report;
- "Housing Plan Element And Fair Share Plan", which was adopted on May 4, 1998;
- "Supplemental Modification No. 2", an amendment to the "Land Use Plan Element", which was adopted on May 18, 1998 and which is included as Addendum II to this reexamination report;
- "Supplemental Modification No. 3", an amendment to the "Land Use Plan Element", which was adopted on August 16, 1999 and which is included as Addendum III to this reexamination report; and
- "Amendment To Fair Share Plan", which was adopted on May 1, 2000.

MUNICIPAL LAND USE LAW REQUIREMENTS

In accordance with N.J.S.A. 40:55D-89 of the Municipal Land Use Law, this "Master Plan And Development Regulations Periodic Reexamination Report" includes an addressment of the following five (5) items:

- "a. The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.
- b. The extent to which such problems and objectives have been reduced or have been increased subsequent to such date.
- c. The extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, dispositions and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives.
- d. The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.
- e. The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law," P.L.1992, c. 79 (C.40A:12A-1 et al.) into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality."

As required by the Municipal Land Use Law, the East Windsor Township Planning Board authorized the preparation of this "Master Plan And Development Regulations Periodic Reexamination Report" in order to continue the efforts of the Township to both protect its environmental resources and to promote sound land development.

EAST WINDSOR TOWNSHIP'S EXISTING "ZONE PLAN"

The existing "Zoning Map" of the Township of East Windsor, dated April 5, 2000, appears on the following page of this reexamination report for informational purposes, and to aide the reader of this document in order to more easily understand the textual discussions.

MAJOR PROBLEMS AND OBJECTIVES

The Municipal Land Use Law, enacted by the State Legislature on January 14, 1976, empowers municipal governments with the right to control the physical development of the lands within their bounds. N.J.S.A. 40:55D-2 of the Municipal Land Use Law, as amended, lists fifteen (15) general purposes regarding the local planning process which are as follows:

- "a. To encourage municipal action to guide the appropriate use or development of lands in this State, in a manner which will promote the public health, safety, morals, and general welfare;
- To secure safety from fire, flood, panic and other natural and manmade disasters;
- c. To provide adequate light, air and open space;
- d. To ensure that the development of individual municipalities does not conflict with the development and general welfare of neighboring municipalities, the county and the State as a whole;
- To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment;
- f. To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies;
- g. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens;
- To encourage the location and design of transportation routes which will
 promote the free flow of traffic while discouraging location of such facilities
 and routes which result in congestion or blight;
- To promote desirable visual environment through creative development techniques and good civic design and arrangements;
- j. To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the State and to prevent urban sprawl and degradation of the environment through improper use of land;

- k. To encourage planned unit developments which incorporate the best features of design and relate the type, design and layout of residential, commercial, industrial and recreational development of the particular site;
- 1. To encourage senior citizen community housing construction;
- m. To encourage the coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land;
- n. To promote utilization of renewable energy sources; and
- o. To promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to compliment municipal recycling programs."

Consistent with these general purposes of the Municipal Land Use Law, which the Township of East Windsor embraces, the Township has extrapolated certain specific overall objectives and goals for its future land use development in order to prevent future problems and to create a desirable living and working environment.

The following "Goals and Objectives" initially appeared in East Windsor Township's 1979 Master Plan, were updated in the 1985 Master Plan, and appeared again in the 1993 Master Plan:

A. General Goals

- To recognize the land as a prime community resource that is both finite
 and irreplaceable, to provide steps to protect the land from poor
 development practices, conserve appropriate quantities as permanent open
 space and actively seek practical methods for preserving farmland.
- To establish the township as a socially balanced and viable community by offering a full variety of housing types and a full range of job opportunities.
- To recognize Hightstown as an integral part of the East Windsor community although politically independent.
- 4. To unify the township through coordinated open space, facilities and service needs by channeling new growth to infill areas containing infrastructure capacity, so that it functions physically, socially and economically as homogeneous community rather than as a random assemblage of large-scale developments.

- 5. To encourage the township's development as a sub-center of commercial trade serving local needs and areawide needs as well.
- To encourage the improvement and expansion of job opportunities for local and areawide residents.
- To encourage that type of development which does not produce an intolerable tax burden on itself and other members of the community.
- 8. To subject all development to rigorous quality standards regardless of types or location.
- 9. To recognize water supply and wastewater disposal as limited resources that must not be overburdened.

B. Residential Goals and Objectives

Provide a wide range of housing types to meet varied income and age levels as well as to protect and preserve established residential areas.

- Utilize, where appropriate, clustering techniques which consider social and environmental factors in meeting future housing needs.
- Provide for a balance among residential, industrial and commercial land uses.
- 3. Encourage an adequate balance in terms of ownership and rental housing units.
- 4. Maximize advantages afforded by existing or potential public transit routes in serving the more intense housing densities.
- Maintain and conserve older residential neighborhoods through the provision of adequate community services and facilities as required.

C. Local Economy Goals and Objectives

Encourage development and improvement of industrial and commercial land uses which will expand local job opportunities and produce a stable and balanced economic base.

- Promote concentrated rather than scattered commercial and industrial development at strategic locations serviced by major highways and utility infrastructure.
- Promote adequacy, variety and convenience of shopping for local residents.

- 3. Promote continuation of farming as part of an agriculture-related economic base.
- D. <u>Community Facilities/Utilities/Recreation/Conservation Goals and Objectives</u>

 Protect environmentally sensitive areas and ensure compatible balance between environmental and economic concerns as well as providing for adequate recreation and public facilities to accommodate existing and future residents of East Windsor.
 - 1. Ensure location of new public facilities such as schools and park areas so they are coordinated with existing needs and future development.
 - Encourage development of a township wide open space network which
 connects local parks and portions of environmentally sensitive areas with
 walkways or bicycle paths within easy access to local residents, or through
 the preservation of open space providing habitat for wildlife without
 pedestrian or bicycle access.
 - Continue adequate fire and police service with appropriate facilities, personnel, and equipment distributed according to need and in a cost effective manner.
 - 4. Preserve, to the extent practical and feasible, environmentally sensitive areas, major vistas and other aesthetic attributes of the township and ensure adherence to strict performance standards for those developments which incorporate such areas.
 - Ensure that future low intensity development in areas not served by public utilities is adequately controlled through sound septic management techniques to assure maintenance of a high level of surface and ground water quality.

E. <u>Circulation Goals and Objectives</u>

Provide for an effective circulation system for the movement of people and goods with maximum convenience and minimum adverse effect on land traversed.

- Encourage completion of coordinated regional highways and the development of a public transit network that will best service township needs and its immediate environs.
- Continue the development of a system of roadways to expedite regional, subregional and local traffic with minimum interference between such traffic movements.

THE EXTENT TO WHICH THE IDENTIFIED PROBLEMS AND OBJECTIVES HAVE BEEN REDUCED OR HAVE INCREASED

The Township of East Windsor has striven to achieve the overall goals and objectives stated in its Master Plan in order to create a desirable living and working environment, to protect its environmental resources and to promote sound land development. At this time, the currently adopted goals and objectives continue to reflect the general preferences of the Township to manage its growth.

However, although there are no problems which have arisen to require changes to the currently adopted goals and objectives of the Master Plan, there have been revisions and updates to certain of the informational assumptions which form the basis for the recommendations of the Master Plan and the implementing "Zoning" ordinance regulations. This new information does suggest that certain modifications and refinements be made to East Windsor Township's "Zone Plan".

SIGNIFICANT CHANGES IN ASSUMPTIONS, POLICIES AND OBJECTIVES

Since the last reexamination of the East Windsor Township Master Plan and the subsequent modifications and additions to the Master Plan adopted during the last approximately three (3) years, the following four (4) revisions and updates to the informational assumptions which form the basis for the recommendations of the Master Plan and the implementing "Zoning" ordinance regulations have occurred:

The State Development And Redevelopment Plan

On June 12, 1992, the New Jersey State Planning Commission adopted "Communities Of Place: The New Jersey State Development And Redevelopment Plan" (SDRP) which serves as a guide for municipal and county master planning. The SDRP recently was reexamined, with input from East Windsor Township and Mercer County as part of the "Cross Acceptance II" process, and the New Jersey State Planning Commission approved an updated and modified "State Development And Redevelopment Plan" on March 1, 2001.

The "New Jersey State Development And Redevelopment Plan" (SDRP) has allocated the land within New Jersey into "Planning Areas" and "Centers". The "Centers" are those lands within the "Planning Areas" where growth is first encouraged; the surrounding areas, or "Environs", are those lands located outside the "Centers". There are no "Center" indicated within East Windsor Township.

As indicated on the "State Development And Redevelopment Plan" (RPMM) map, the New Jersey State Planning Commission has included most of East Windsor Township's land area (approximately 60%) within "Planning Area 2" (the "Suburban Planning Area"). The remaining lands in the Township (approximately 40%) have been primarily included within "Planning Area 4" (the "Rural Planning Area"), with a relatively small portion of the Township designated within "Planning Area 4B" (the "Rural/Environmentally Sensitive Planning Area").

Essentially all of the lands within East Windsor Township designated within "Planning Area 4" and "Planning Area 4B" on the "State Development And Redevelopment Plan" are zoned by East Windsor Township within either the "R-A" Rural Agriculture or the "R-E" Rural Estate zoning districts, which zoning is compatible with the recommendations of the State plan.

The following are excerpts from the "General Description" sections of the March 1, 2001 "New Jersey State Development And Redevelopment Plan" for the "Suburban Planning Area", the "Rural Planning Area" and the "Rural Environmentally Sensitive Planning Area":

The "Suburban Planning Area" (PA2)

"The Suburban Planning Area is generally adjacent to the more densely developed Metropolitan Planning Area, but can be distinguished from it by a lack of high intensity Centers, by the availability of developable land, and by a more dispersed and fragmented pattern of predominantly low-density development..."

"The existing inventory of undeveloped and underdeveloped land in the Suburban Planning Area provides sufficient land area to absorb much of the market demand for development in the State. While the less developed Fringe, Rural and Environmentally Sensitive Planning Areas can provide for modest levels of additional development, the Suburban Planning Area is a key for accommodating market forces and demand for development..."

The "Rural Planning Area" (PA4) & The "Rural/Environmentally Sensitive Planning Area" (PA4B)

"The Rural Planning Area — including its sub-area, the Rural/Environmentally Sensitive Planning Area — comprises much of the countryside of New Jersey, where large masses of cultivated or open land surround rural Regional, Town, Village and Hamlet Centers, and distinguish other sparse residential, commercial and industrial sites from typical suburban development..."

"...These areas, along with the Environmentally Sensitive Planning Area, serve as the greensward for the larger region and are not currently nor are they intended to be urban or suburban in nature."

"The open lands in the Rural Planning Area include most of New Jersey's prime farmland, which has the greatest potential of sustaining continued agricultural activities in the future. They also include wooded tracts, lands with one or more environmentally sensitive features, and rural towns and villages."

"With increasing development pressure, the lifestyle and environment that many have known for years in the Rural Planning Areas are threatened. The costs associated with new development and the provision of infrastructure and services are borne by both new and existing residents and businesses... Fiscal responsibility mandates that serious attention be paid to planning the future of these rural areas."

Septic Effluent Impact Upon The Environment

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During 2000, a "Natural Resources Inventory" was prepared for East Windsor Township by Coppola & Coppola Associates. The inventory report analyzed the soils, geology, freshwater wetlands, steep slope areas, 100-year flood plains, water quality and wildlife within East Windsor Township.

While specifically prepared for the East Windsor Township Environmental Commission, the "Natural Resources Inventory" has been reviewed by the East Windsor Township Planning Board and is incorporated by reference as part of this reexamination report.

It is noted that most of the lands remaining available for development in East Windsor Township are not served by public sewerage facilities, are located in those portions of the Township designated within the "Rural" and the "Rural/Environmentally Sensitive" planning areas by the "New Jersey State Development And Redevelopment Plan" and are zoned by East Windsor Township within the "R-A" Rural Agriculture and "R-E" Rural Estate zoning districts.

Given the anticipated continued pressures for residential development in East Windsor Township, the lack of public sewerage facilities serving most of the lands remaining available for development, the environmental constraints for development documented in the 2000 "Natural Resources Inventory" and elsewhere in the Master Plan documents, and the fact that a cumulative density of development relying on septic systems beyond the carrying capacity of the land may cause detriment to the environment, particularly the quality of potable water supplies, it is prudent for East Windsor Township to reassess the zoning provisions governing development within the "R-A" and "R-E" zoning districts.

The cumulative potential negative effect which may be caused to water quality by overly dense residential development served by subsurface sewage disposal, including individual septic systems, recently has been emphasized by the New Jersey State Department of Environmental Protection (NJDEP). More particularly, the NJDEP has adopted amendments to N.J.A.C. 7:15, the "Water Quality Management Planning Rules".

The rule amendments adopted by the New Jersey Department of Environmental Protection (NJDEP) are intended to address the impacts associated with new development relying on wastewater disposal through a discharge to groundwater. The current rules in effect focus on the direct and indirect impacts associated with new and expanded wastewater treatment facilities and the sewer service areas necessary to support new development.

The New Jersey Department of Environmental Protection (NJDEP) has determined that development served by subsurface sewage disposal, including individual septic systems, must undergo the same assessments as development served by expanded sewer service areas for potential water quality, water quantity and ecosystems impacts within the subject watershed management area.

Additionally, it should be noted that the NJDEP currently is considering additional changes to the "Water Quality Management Planning Rules" (N.J.A.C. 7:15) regarding the estimation of the carrying capacity of lands in New Jersey to adequately support onsite subsurface wastewater disposal systems. The term "carrying capacity", as used by the NJDEP relative to water quality, generally is defined as the land area required per disposal system to generate enough ground-water recharge to dilute the system's effluent to acceptable levels.

The carrying capacity model being formulated for consideration by the NJDEP will be a synthesis of two (2) independent models: the Trela and Douglas (1978) nitrate dilution model, and the New Jersey Geological Survey's (NJGS) ground-water recharge model. The NJGS method for estimating ground-water recharge (Charles and others, 1993) is a water budget approach, applicable only in New Jersey, which requires knowledge of the water quantity in the municipality, the soils and the land uses.

The overall goal is to estimate the average lot size needed to provide enough recharge to dilute the nitrates to acceptable standards.

The nitrate dilution model targets a maximum of 5.2 milligrams of nitrate per liter of water, measured downgradient from the source, after dilution of the nitrate has occurred in the ground. The current model being considered by the NJDEP may lessen the maximum of nitrate per liter of water from 5.2 milligrams down to 2.0 milligrams, dependent upon the physical characteristics of a given land area.

However, the carrying capacity model being formulated by NJDEP at this time also will set a maximum nitrate loading rate of approximately 10 pounds per person per year, which will be combined with the targeted amount of milligrams of nitrate per liter of water, resulting in a recommendation for a relatively large average lot size.

Clearly, given the need to dilute the nitrates, the quantity of water available per person is a key consideration in those portions of New Jersey which have limited water supplies. Current thinking is that 75 gallons per person per day will be needed for the model being considered by the NJDEP to have appropriate results; less than 75 gallons per person per day will lessen the permitted amount of nitrates required to be diluted.

COAH Certification Of Township's "Fair Share Plan"

The New Jersey Council On Affordable Housing (COAH) has determined that the Township of East Windsor has a twenty-three (23) unit "Net Indigenous Need" (the "Rehabilitation Component") and a three hundred forty-five (345) unit "Net Reallocated Present And Prospective Need" (the "New Construction Component") for the twelve (12) year period between 1987 and 1999.

On May 4, 1998, the East Windsor Township Planning Board held a public hearing and adopted an updated "Housing Plan Element And Fair Share Plan" document, dated March 1998, as part of the Township Master Plan.

On May 5, 1998, the East Windsor Township Council adopted Resolution No. R98-86A petitioning the New Jersey Council On Affordable Housing (COAH) for "Substantive Certification".

Subsequently, on April 3, 2000, the Planning Board adopted an "Amendment To Fair Share Plan" document, and the Township Committee submitted the amended "Fair Share Plan" to COAH for "Substantive Certification".

On September 6, 2000, the New Jersey Council On Affordable Housing (COAH) granted "Substantive Certification" to East Windsor Township for its "Fair Share Plan", which includes the following components:

- A "Housing Rehabilitation Program" For Up To 23 Existing Units;
- 110 "Prior Cycle Credits" From "St. James Village";
- 5 Unit Credits From "Thompson Realty" Litigation Settlement;
- 3 Unit Credits From "Habitat For Humanity";
- 3 Unit Credits From "Eden A.C.R.E.'s";

- 28 Unit Credits From 21 "Alternate Living Arrangements" Beds:
- 54 Unit Credits From 46 "Presbyterian Homes" HUD Units;
- 102 Unit Credits From 51 Units In "Inclusionary" Developments;
- 40 Units From A "Regional Contribution Agreement"; and
- Amended Development Fees For Affordable Housing.

Therefore, the Township of East Windsor has successfully fulfilled it mandated "fair share" housing obligation of three hundred forty-five (345) affordable dwelling units with a housing program that includes two hundred three (203) units credited from past housing activities.

Compatibility Of Residential & Nonresidential Development

As the development of the sewered areas of East Windsor Township continues to completion, the ongoing goal of the Township to protect residential neighborhoods from potentially incompatible nonresidential development has become even more essential. Additionally, as the volumes of traffic have increased in the central portion of New Jersey, drivers are seeking alternate travel routes that often include driving through residential neighborhoods.

For these reasons, the existing non-residentially zoned lands in East Windsor Township should be reexamined in order to assure that:

- The location of any potential nonresidential development will not adversely impact the quality of life for the residents in adjacent and nearby areas; and
- The traffic volumes generated by any potential nonresidential development will not be likely to impact residential neighborhoods.

Clearly, the relatively recent completion of the Route 133 by-pass roadway in East Windsor Township should be factored into any reexamination of the currently non-residentially zoned lands in the Township.

SPECIFIC RECOMMENDED MASTER PLAN CHANGES TO BE IMPLEMENTED BY AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE

Minimum Non-Critical Area Per Lot In The "R-A" & "R-E" Zoning Districts

As part of the 2000 "Natural Resources Inventory", which is attached to this reexamination report by reference, the "Critical Areas Map" was prepared to indicate those portions of the Township of East Windsor that have limited development potential because of steep slopes, 100-year flood plains and/or freshwater wetlands. These three (3) categories of environmentally sensitive lands can be identified and mapped on a site plan and/or subdivision submission with a high degree of accuracy and certainty, and the presence of one or more of these features clearly justifies the limitation of the density and/or intensity of development.

As previously noted on pages 9 & 10 of this reexamination report, the recently adopted "New Jersey State Development And Redevelopment Plan" (SDRP) has included approximately forty percent (40%) of East Windsor Township's land area within the "Rural Planning Area" (PA4) or within the "Rural/Environmentally Sensitive Planning Area" (PA4B), and essentially all of these land areas have been zoned by the Township within either the "R-A" Rural Agriculture or within the "R-E" Rural Estate zoning districts.

The minimum required lot sizes for conventional residential construction within the "R-A" Rural Agriculture and the "R-E" Rural Estate zoning districts in East Windsor Township are four (4) and three (3) acres respectively. This reexamination report recommends that the current minimum lot size requirements for the "R-A" and "R-E" zoning districts be continued.

However, given the information documented in the "Natural Resources Inventory" and the increased concerns of the New Jersey Department of Environmental Protection (NJDEP) regarding the impacts of septic effluent upon the environment, it is recommended that the current zoning provisions for single-family dwelling development within the "R-A" and "R-E" zoning districts also require that a minimum portion of a residential lot be "non-critical" acreage; i.e., lands not encumbered by either freshwater wetlands, 100-year floodplains or topographic slopes fifteen percent (15%) or greater.

More specifically, it is recommended that the "Zoning" ordinance provisions of East Windsor Township be amended as follows to include a requirement that at least one (1) acre of any proposed residential lot within the "R-A" or "R-E" zoning districts be "non-critical" acreage:

"An area equivalent to at least one (1) acre of a single-family detached dwelling lot shall be contiguous "non-critical" acreage (i.e., not freshwater wetlands, 100-year floodplains or topographic slopes 15% or greater) and the "non-critical" acreage must be appropriately situated for the location and construction of the detached single-family dwelling and its appurtenances, including the septic system and any potable water well serving the lot."

Change Of "I-O" Nonresidential Zoning Designations

Based upon the ongoing goal of East Windsor Township to protect residential neighborhoods from potentially incompatible nonresidential development, and to ensure that the development of the lands zoned for nonresidential development in the Township will not have the probability of utilizing roads directly impacting existing residential neighborhoods, two (2) land areas currently zoned for "I-O" Industrial Office nonresidential development are proposed to be rezoned. The subject land areas are highlighted on the attached existing "Zoning Map" of the Township, dated April 5, 2000.

The first of these land areas contains approximately fifty-five (55) acres and is a portion of the existing "I-O" zoning district abutting Monmouth Street and the Borough of Hightstown. While the subject lands abut the New Jersey Turnpike, Monmouth Street will be the principal carrier of the nonresidential traffic, and the traffic likely will diffuse among the nearby streets which are even more residential in nature, both within East Windsor Township and within neighboring Hightstown Borough.

Therefore, it is recommended that the subject land area be rezoned into the "ARH" Age-Restricted Housing zoning district, which will result in a second area in East Windsor Township dedicated for residential communities for households fifty-five (55) years of age and older. The second land area proposed to be rezoned in East Windsor Township from its current nonresidential designation contains approximately one hundred nineteen (119) acres, and comprises the "I-O" Industrial Office zoning district along Old York Road. While this land area also abuts the New Jersey Turnpike, vehicular access to the Turnpike is relatively distant and traffic most probably will utilize Old York Road in East Windsor Township and South Main Street in Hightstown Borough.

The residential development existing along Old York Road in East Windsor Township is relatively new, and it is apparent that the negative impacts which potentially could be caused to the recently created residential neighborhoods by the nonresidential development of the subject land area do not justify any benefits that could result from any future nonresidential development thereon.

Moreover, it is noted on the "Critical Areas Map" that the subject land area has a concentration of freshwater wetlands along its frontage on the New Jersey Turnpike, which will necessarily cause any development of the land area to be oriented toward Old York Road and the new residential development. Therefore, it is recommended that the subject land area be rezoned into the "R-A" Rural Agriculture zoning district, which is the zoning of the lands across the New Jersey Turnpike from the subject land area.

Additionally, it should be noted that the subject land area has been identified for acquisition by East Windsor Township in its "Open Space And Recreation Plan" (OSRP) document, dated February 2001, which document was prepared by the Township in accordance with the requirements of the New Jersey Department of Environment Protection (NJDEP) in order to participate in the "Green Trust Planning Incentive" program.

The "Open Space And Recreation Plan" (OSRP) originally was adopted by the East Windsor Township Council on February 27, 2001. The document previously was reviewed and approved by the East Windsor Township Planning Board on February 26, 2001, and was found by the Planning Board to be consistent with the "Conservation And Recreation Plan Element" portion of the Township Master Plan. Subsequently, on July 23, 2002, the Township Council unanimously endorsed additional sites for possible acquisition as open space and, on August 5, 2002, the Planning Board found the revised "OSRP" to be consistent with the Township Master Plan.

The subject land area is shown on the November 2000 "Open Space And Recreation Plan" map, which is part of the originally OSRP document; the map is included as Addendum IV to this reexamination report, with the subject land area highlighted.

Most of the subject land area, consisting of the larger of the two (2) sub-parcels shown on the "Open Space And Recreation Plan" map, already is in the process of being acquired by East Windsor Township for open space. The remaining relatively small parcel of land is situated in the central portion of the overall property, and any development of the that parcel, particularly for nonresidential development such as permitted in the "I-O" Industrial Office zoning district, would negatively impact the relatively large land area currently being preserved as open space by the Township.

Change Of "SL" Residential Zoning Designation

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The subject land area is highlighted on the attached enlarged portion of the existing "Zoning Map" of the Township, dated April 5, 2000. The subject land area is part of an "SL" Small Lot zoning district primarily consisting of small lots, and an October 2002 field inspection indicated that most of these small lots have been developed with single-family detached dwellings.

The subject "SL" zoning district is provided vehicular access via Evan Avenue, a dead end road which intersects with Airport Road. Eli Terrace intersects with Evan Avenue, but does not extend to Route 33 as indicated on the Township Tax Maps. Columbia Avenue intersects with Eli Terrace, parallel and to the northwest of Evan Avenue, but Columbia Avenue also has no interconnection with any other roadway.

The subject "SL" zoning district abuts an "HC" Highway Commercial zoning district to the northwest and is bordered by an "R-1" Residential zoning district on all other sides.

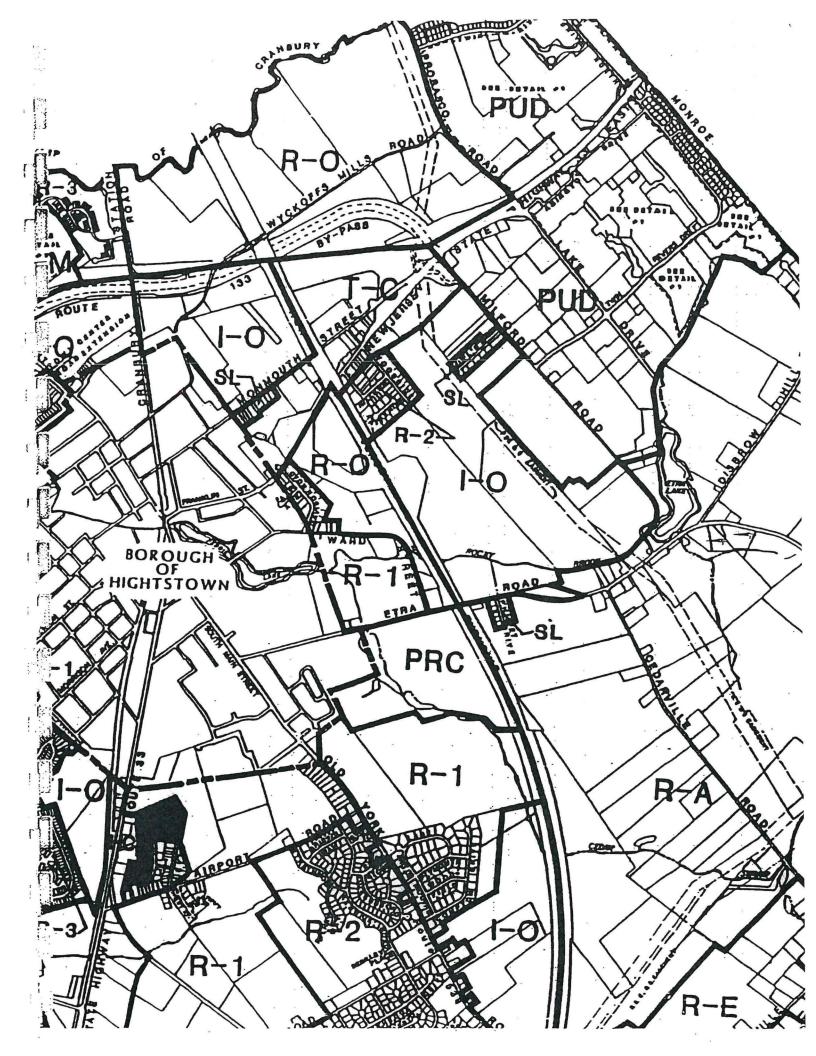
Although most of the lots in the subject "SL" zoning district are small lots as the name of the district implies, there are two (2) relatively large undeveloped land areas in the zoning district, including a portion of Lot 20 in Block 48 and a portion of Lot 3 in Block 49.

- Lot 20 contains a total of approximately 10.194 acres, with a relatively small portion of the lot zoned within the abutting "HC" zoning district along Route 33.
- Lot 3 contains a total of approximately 5.5 acres, also with a portion of the lot zoned within the abutting "HC" zoning district along Route 33.

The field inspection indicated that only one (1) dwelling currently exists in the subject "SL" zoning district on the northwest side of Columbia Avenue towards the abutting "HC" zoning district (i.e., Lot 23 in Block 49), and the house appears to have been constructed many years ago and is relatively small.

In an effort to increase the opportunities for "HC" development along this portion of Route 33, and given the fact that both of the two (2) relatively large undeveloped land areas in the subject "SL" zoning district already have additional portions of their lots in the "HC" zoning district with vehicular access frontage along Route 33, it is recommended that the subject lots within the "SL" zoning district be rezoned into the "HC" zoning district, with the following additional recommendations:

- No vehicular access of any commercial use should be provided to Columbia Avenue; all commercial uses should be oriented to Route 33.
- "Assisted Living Facilities" should be a permitted "conditional use" in the "HC" zoning district.



The other five (5) small lots along the northwesterly side of Columbia Avenue (i.e., Lots 26, 27 & 28 in Block 48 and Lots 11 & 23 in Block 49), which, including the lot previously noted to be developed with a small house, also are recommended to be rezoned into the "HC" zoning district.

Creation Of New "CC" Community Commercial Zoning District

The "Zoning" ordinance provisions of East Windsor Township currently recognize the existence of "transitional lots" between the commercial development along the Route 130 corridor and the residential development beyond. Unless overtly addressed in the "zone plan" of a municipality, such "transitional lots" often become the subjects of "use" variance requests, possibly with unforseen and unfortunate consequences.

As an example of the overt addressment of "transitional lots" in East Windsor Township's "zone plan", the current zoning provisions governing development within the "R-1" Residential Low Density district of the Township permit "professional offices" on a lot in the "R-1" district which abuts a lot in the "HC" Highway Commercial district.

More recently, the East Windsor Township Council adopted zoning provisions permitting "professional offices", "child care centers", "adult day care centers" and "nonprofit educational facilities for adult study groups" on a lot in the "R-1" district which has direct vehicular access frontage along a "major collector" roadway and which is occupied by a nonresidential structure owned by the Township. The East Windsor Township Planning Board found that the zoning provisions were consistent with the established policy of the Township's "zone plan" to overtly address those identifiable lots in the Township which otherwise would probably become the subject of a "use" variance application, and the Planning Board reiterates its conclusion as a finding of this reexamination report.

Similarly, the zoning provisions governing development within the "HC" Highway Commercial district also address "transitional lots". More specifically, the introductory paragraph to Section 20-16 of the current "HC" ordinance provisions permits only "offices and office buildings, including medical professional" or "mortuaries and funeral homes" on those lots in the "HC" district that do not have frontage on either Route 130 or on a street which intersects Route 130.

In keeping with the established policy of the East Windsor Township "zone plan" to plan for the development of identifiable "transitional lots" in the Township, and to avoid "use" variance applications where appropriate and in the best interests of the Township, it is recommended that a tract of land situated at the northwest corner of the Hankins Road/Route 130l intersection in the southern portion of the Township be rezoned. The subject tract is approximately thirteen (13) acres in area, but has a relatively narrow width between Route 130 and the abutting residential development in the Hickory Corner area of the Township.

More specifically, it is recommended that the subject tract be rezoned from "R-1" to a new "CC" Community Commercial zoning district which would permit "Community Shopping Villages" at a relatively modest intensity of development, and with requirements for landscaped areas and architectural controls to create a transitional character of development between the highway and the abutting residential development.

The Proposed "Zoning Map"

As a result of the three (3) zoning changes recommended in this reexamination report, the proposed "Zoning Map" would appear as attached herewith and dated November 1, 2002.

RECOMMENDATIONS REGARDING THE INCORPORATION OF REDEVELOPMENT PLANS

Since East Windsor Township has not adopted any redevelopment plans pursuant to the "local redevelopment and housing law", PL. 1992, c.79 (c.40a:12a-1 et al), and since there are no current plans to do so, no changes are recommended to the Land Use Plan Element of the Township Master Plan or to the local land use development regulations to effectuate any redevelopment plans.