

RESOLUTION 2003-19

**TOWNSHIP OF EAST WINDSOR PLANNING BOARD
RESOLUTION OF MEMORIALIZATION
MERCER COUNTY, NEW JERSEY
ADOPTION OF EAST WINDSOR TOWNSHIP MASTER PLAN
SUPPLEMENTAL MODIFICATION NO. 4, ENTITLED
"AMENDMENT TO LAND USE PLAN ELEMENT"
DATED APRIL 6, 2003 AND RECOMMENDING CHANGES
TO THE ZONING MAP REGARDING LOT 1 OF BLOCK 13
LOCATED AT THE CORNER OF PROBASCO ROAD & WYCKOFFS MILLS ROAD
FROM ITS EXISTING "R-O" DESIGNATION TO AN
"ARH" (AGE-RESTRICTED HOUSING) DESIGNATION**

**Approved: July 21, 2003
Memorialized: August 18, 2003**

MATTER OF:

MASTER PLAN REEXAMINATION REPORT – EAST WINDSOR TOWNSHIP

WHEREAS, the Municipal Land Use Law, specifically, N.J.S.A. 40:55D-28, authorizes a Planning Board to prepare and, after public hearing, adopt or amend a Master Plan, or component parts thereof, to guide the use of lands within the municipality in a manner which protects public health and safety and promotes the general welfare; and,

WHEREAS, the East Windsor Township Planning Board has complied with public notice requirements of the New Jersey Municipal Land Use Law, specifically, N.J.S.A. 40:55D-13; and

WHEREAS, the East Windsor Township Planning Board previously adopted the East Windsor Township Master Plan on October 4, 1993; and

WHEREAS, subsequent to the adoption of the Master Plan on October 4, 1993, the East Windsor Township Planning Board 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;
- “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;
- “Supplemental Modification No. 3”, an amendment to the “Land Use Plan Element”, which was adopted on August 16, 1999’
- “Amendment To Fair Share Plan”, which was adopted on May 1, 2000; and
- “Master Plan And Development Regulations Periodic Reexamination Report”, which was adopted on December 16, 2002.

WHEREAS, the East Windsor Township Planning Board held a public hearing on July 21, 2003 to review and receive public comments on East Windsor Township Master Plan, Supplemental Modification No. 4 entitled “Amendment To Land Use Plan Element”, Dated April 6, 2003 (hereinafter referred to as the “Land Use Plan Amendment Report”) prepared by Coppola & Coppola Associates, a copy of which has been attached hereto and incorporated herein; and

WHEREAS, comments and testimony were received from the Township Planner and from Planning Board members regarding various aspects of the Land Use Plan Amendment Report, and with members of the public being afforded the opportunity to comment; and

WHEREAS, at the hearing of July 21, 2003, Richard Coppola, Township Planning Consultant, commented with regard to his Land Use Plan Amendment Report, dated April 6, 2003 and indicated that the subject property is 104.22 acres in size and is located at the corner of Probasco Road and Wyckoffs Mills Road across from the residential dwellings in the Twin Rivers Planned Unit Development. The subject property is also more specifically known as Lot 1 of Block 13. The Report indicates that the subject parcel is part of an existing "R-O" Zoning District which currently extends from Probasco Road to the New Jersey Turnpike and beyond to Cranbury Station Road, and includes land both north and south of Wyckoffs Mills Road.

Mr. Coppola indicated that during its deliberations regarding an earlier Reexamination Report the Planning Board discussed the possibility of rezoning the subject property to the "ARH" Age-Restricted Housing District in recognition of the residential "PUD" Zoning across Probasco Road to the east. A clear advantage of such a rezoning of land to an ARH Zoning District would be to prevent any possible negative impacts to the residences within Twin Rivers from the development of the subject land with the currently permitted "R-O" non-residential uses. At this time, newly acquired information has indicated that lands along the westerly border of the subject property are constrained from potential development because of freshwater wetlands, and the wetlands will provide a natural buffer from the remaining lands in the "R-O" Zoning District to the west, and will orient the development of the subject property towards Probasco Road and the Twin Rivers Residential Development; and

WHEREAS, the Planning Board commented that at prior public meetings there was positive public input regarding the concept of rezoning the subject property to the "ARH"

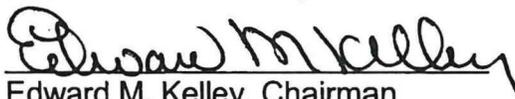
designation. The subject property is currently in the "R-O" Zone which permits commercial, warehouse and truck facility uses. The possibility now exists for the construction of several hundred thousand square feet of non-residential space and, given the proximity of nearby residential neighborhoods, it is clear that rezoning the subject property to the "ARH" designation will result in development which is significantly more compatible with neighboring uses. Further, given the presence of freshwater wetlands along the westerly border of the subject property, there is now formed a natural buffer between the remaining "R-O" Zone District and the proposed "ARH" Zone District, and any new development on the subject property would be oriented toward Probasco Road and the Twin Rivers Residential Development.

WHEREAS, based upon the testimony and evidence presented, and based upon the contents of the attached Land Use Plan Amendment Report dated April 6, 2003, the Planning Board has determined that the recommendations contained therein, and as highlighted within the body of this Resolution, are consistent with the protection of the public health and safety, and with the promotion of the general welfare of East Windsor Township pursuant to N.J.S.A. 40:55D-28.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of East Windsor on this 18th day of August, 2003 that the Planning Board hereby adopts the specific recommendations made in the Land Use Plan Amendment Report dated April 6, 2003, and hereby amends the Land Use Plan Element of the Master Plan accordingly; and

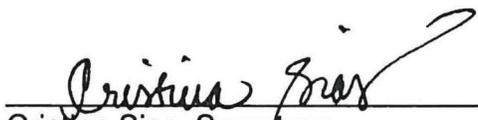
BE IT FURTHER RESOLVED, that the Planning Board hereby recommends to the Township Council that the subject property be rezoned consistent with the comments contained within the body of this Resolution; and

BE IT FURTHER RESOLVED, that the Board secretary is hereby authorized and directed to cause a notice of this decision to be published in the *Hightstown Gazette*, to send a certified copy of this Resolution to the Township clerk, engineer, attorney and tax assessor, and shall make same available to all other interested parties.


Edward M. Kelley, Chairman
East Windsor Township Planning Board

Prepared by : Louis P. Rago, Esq.

I hereby certify this to be a true and accurate copy of the Resolution adopted by the East Windsor Township Planning Board, Mercer County, New Jersey at a public meeting held on August 18, 2003.


Cristina Sias, Secretary
East Windsor Township Planning Board

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**EAST WINDSOR TOWNSHIP MASTER PLAN
SUPPLEMENTAL MODIFICATION NO. 4**

**AMENDMENT TO
LAND USE PLAN ELEMENT
April 6, 2003**

**Recommended Zoning Map Change
To Block 13/Lot 1 (104.22 ac)
Corner of Probasco Road & Wyckoffs Mills Road
Across From Residential Dwellings
In The Twin Rivers Planned Unit Development**

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;
- "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;
- "Supplemental Modification No. 3", an amendment to the "Land Use Plan Element", which was adopted on August 16, 1999;
- "Amendment To Fair Share Plan", which was adopted on May 1, 2000;
and
- "Master Plan And Development Regulations Periodic Reexamination Report", which was adopted on December 16, 2002.

As shown on the attached copy of the current "Zoning Map" for East Windsor Township, the subject lot is part of an existing "R-O" zoning district, which extends from Probasco Road to the New Jersey Turnpike and beyond to Cranbury Station Road, and includes land both north and south of Wyckoffs Mills Road.

During its deliberations regarding the 2002 "Master Plan And Development Regulations Periodic Reexamination Report", the Planning Board discussed the possibility of rezoning the subject lot at the corner of the Probasco/Wyckoffs Mills intersection into the "ARH" Age-Restricted Housing zoning district, in recognition of the residential "PUD" zoning across Probasco Road to east.

A clear advantage of such a rezoning of the lands into the "ARH" zoning district would be to prevent any possible negative impacts to the residences within "Twin Rivers" from the development of the subject lands with the currently permitted "R-O" nonresidential uses.

The only concern about the rezoning of the subject property into the "ARH" zoning district was that such rezoning might negatively impact the future development of other lands in the "R-O" zoning district, particularly those adjacent to the subject property to the west.

However, recently acquired information indicates that the lands along the westerly border of the subject property are constrained from potential development because of freshwater wetlands, and the wetlands will provide a natural buffer from the remaining lands in the "R-O" zoning district to the west and will orient the development of the subject property towards Probasco Road and the Twin Rivers residential development.

Therefore, as a result of its ongoing discussion regarding the potential rezoning of the subject property and the recently acquired information regarding the freshwater wetlands along the property's westerly border, the Planning Board hereby amends the Land Use Plan Element portion of the East Windsor Township Master Plan to include the subject property in the "ARH" district designation and recommends to the Township Council that the subject property be commensurately rezoned.

