

Assessment of the Township of West Windsor, NJ, ADA Compliance  
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## INTRODUCTION

On July 13, 1992 the Township of West Windsor, New Jersey, adopted a resolution approving its Americans with Disabilities Act (ADA) Transition Plan (The Plan) and approving the implementation of The Plan by January 26, 1995 as required by the Federal ADA. The Plan is a public document and is available for inspection from the Township. We performed an audit of some of the sites and items identified in The Plan to determine the current status of the Township's ADA compliance. Some comments are in order:

- The people responsible for this audit are not professionals (ADA experts, Civil Engineers, Architects). Rather, they are Township residents concerned about ADA compliance (MO is a physically disabled wheelchair user). It is recommended that the Township engage ADA consultants to perform a more definitive audit.
- A complete audit was beyond the scope of this report, whose purpose is to highlight some, but necessarily not all, of the apparent non-compliance issues. Again, professional consultants are more able to do a complete job.
- Some items were not included in the original Plan. Since 1992, several legal precedents in New Jersey and other states have increased the scope of the Township's obligations.
- Due to the expertise of the residents performing this audit, only ADA compliance on issues of physical disabilities was examined. Again, professional consultants are more able to do a complete job.
- Paragraph references, e.g. §4.7.2, are to paragraphs in ADA Standards for Accessible Design, 28 CFR Part 36, Revised as of July 1, 1994: <http://www.ada.gov/stdspdf.htm>
- Items of possible non-compliance are indicated in bold type.

The structure of this document, including paragraph numbers, follows the 1992 Plan.

## SITE 1: MUNICIPAL BUILDING/EXTERIOR

1. Main Public Entrance Doors.  
These are now compliant. (It should be noted that this only happened in January 2010.)
2. **Main Public Entrance Ramp.**  
The ramp is now compliant, but the distance of the nearest curb ramp to the beginning of the building's access ramp is over 100'. Moreover, the width of the level section of sidewalk means that the grade of the sidewalk is at variance with §4.3.7 and §4.7.2. In addition, there is a striped crosswalk right by the main entrance but there is no curb ramp.
3. **Municipal Complex Parking.**  
The location of the disabled parking spaces possibly does not meet the requirements of §4.6.2.

The number of disabled parking spaces, including the Post Office but excluding the Senior Center is 5 out of a total of 105, in conformance with §4.1.2.

4. Employee Entrance.

Not accessible but not required to be as main entrance is.

5. Entrance on East Side.

Not accessible but not required to be as main entrance is.

**6. Municipal Complex Sidewalks.**

There are many issues with the sidewalks, particularly the one between the Municipal Building and the Courthouse/Police Station. These include: broken paving slabs, excessive grades, excessive steps, obstructions, and insufficient clearance, §4.3.2, §4.3.3, §4.3.4, §4.3.6, §4.3.7, §4.3.8, §4.5.2.

SITE 2: MUNICIPAL BUILDING/INTERIOR

**1. Upper Level Reception Area Counter.**

The counter height is 43” violating §7.2.

2. Upper Level Reception Area Panels.

n/a (they're latched in the open position).

3. Lower Level Reception Area Counter.

The counter height is 36” and is now accessible.

4. Lower Level Reception Area Panels.

n/a.

5. Courtroom Acoustics.

Presumably “Courtroom” now refers to Municipal Building Room A. We did not have the competence to assess the acoustics.

**6. Courtroom Stepped Platform.**

This still has not been addressed.

**7. Violations Bureau (in Courthouse).**

Despite being completed in 1994, four years after passage of the ADA, there are a number of apparent violations:

i. The violations and records windows are 43” high, greater than the 36” specified by §7.2.

ii. The entrance doors to the Courthouse and Police Station do not conform with §4.13.11 or §4.13.12.

iii. The doors to the restrooms do not comply with §4.13.6.

iv. The height of the toilets is 15” in violation of §4.16.3.

8. Upper Level Women's Restroom.

Not checked.

9. Upper Level Men's Restroom.

The issues identified in The Plan appear to have been corrected.

10. Lower Level Women's Restroom.

Not checked.

11. Lower Level Men's Restroom.

The issues identified in The Plan appear to have been corrected.

**12. Interior Stairway at North Side.**

There still appears to be a problem with the handrail. Moreover, the elevator is turned off after 5 pm making the lower level inaccessible.

**13. Interior Stairway at West Side.**

Not sure if both stairways are now in use.

**14. Public Telephone (in Courthouse).**

This appears not to comply with §4.31.

**15. Upper Level Water Fountain.**

Not checked.

**16. Lower Level Water Fountain.**

Not checked.

**17. Upper Level Supply Room.**

n/a.

**18. Lower Level Supply Room.**

n/a.

**19. Interior Building Signs.**

Not competent to judge.

**20. Upper Level Eating Area.**

Not checked.

**21. Lower Level Eating Area.**

Not checked.

**SITE 3. SENIOR CITIZEN CENTER.**

Not audited.

**SITE 4. HEALTH AND RECREATION DEPARTMENTS.**

The doors to public areas in the Health and Recreation Departments do not comply with §4.13.6 or §4.13.11.

**SITE 5. PUBLIC WORKS.**

Not audited.

**SITE 6. PARKS.**

Not all of the Township's Parks and Recreation Facilities were audited, but those that were, described below, are probably representative of the scope of the issues. As well as the items that are not in compliance with the ADA, we note some others that, while not technically mandatory, could significantly enhance the opportunities for people with disabilities.

**Van Nest Park**

1. Some improvements have been implemented since The Plan was adopted, such as the parking area now contains marked and properly striped disabled parking spots and the picnic area is now at grade with and reachable by a path.

**2. The path from the parking lot.**

The path from the parking lot to the picnic area and boat dock does not comply with §4.3.8, §4.5.1 and §4.5.2. Some of this is because of incorrect construction (e.g. the railroad ties between the parking lot and the path) and some to insufficient maintenance (e.g. tree roots breaking through the path).

**3. Restrooms.**

The restrooms are not accessible and do not comply with any of the requirements of §4.16 and §4.17.

**4. Boardwalk and boat dock.**

The edge of the boat dock is completely unprotected creating a dangerous situation for all users, particularly young children. However, it would also appear to be in violation of §4.29.6.

**5. Path to barbeque pit.**

There is no accessible route to the barbeque pit complying with §4.5.1.

**6. Wheelchair seating at picnic area.**

There is no wheelchair seating at the picnic area complying with §4.32.

**7. Accessible route to “War of the Worlds” plaque.**

Although not technically mandatory, as this plaque is probably nationally West Windsor's most well known landmark, it would be desirable and appropriate to have an accessible route to it for disabled visitors.

Finally we note that Van Nest Park is one of West Windsor's most popular family picnic areas from at least Memorial Day to Labor Day. Many local and visiting families have a disabled parent and/or child(ren). The Township should welcome such users of its facilities.

**Hendrickson Park.**

**1. Parking.**

There is no accessible parking conforming with §4.6.

**2. Accessible route.**

The path from the parking area to the tennis courts and the Ron Rogers Arboretum is too steep and does not comply with §4.3.7.

**Ron Rogers Arboretum.**

**1. Path.**

Several parts of the path, particularly near the September 11<sup>th</sup> memorial are uneven, have broken paving slabs or steps not conforming with §4.3.7, §4.3.8 and §4.5.1.

**2. Gazebo.**

Although the gazebo itself is accessible, there is no accessible route to it conforming with §4.5.1.

In addition to these mandatory requirements, there are other accessibility features that it would be desirable to have.

**1. Benches.**

There are benches near the September 11<sup>th</sup> memorial. It would be desirable to have an accessible route to the benches and have the bench mounted on a concrete pad so that e.g. a disabled parent might supervise young children near the reflecting pool.

**2. Path in Woods.**

There is a path in the woods that starts by the Ron Rogers memorial. It would be desirable if this path were accessible. The woodland environment and feel could be preserved with a permeable path such as boardwalk or crushed stone (as was recently done in Prospect Gardens on the Princeton University campus).

### **Community Park**

Because of its size, only a partial audit was done near the entrance on N. Mill Rd.

#### **1. Parking Area.**

Although the accessible parking spaces are signed, there is no striping complying with §4.6.3 and §4.6.6.

#### **2. Restrooms.**

Although locked when we performed this audit, we know from experience that the outside doors of the restrooms require too much force to open and do not have sufficient room for maneuver from the inside, so not complying with §4.13.6 and §4.13.11.

#### **3. Drinking fountain.**

There is no accessible drinking fountain complying with §4.15.

#### **4. Accessible route to Water Park.**

There is no accessible route to Water Park from the entrance on Princeton-Hightstown Rd.

In addition to these mandatory requirements, there are other accessibility features that it would be desirable to have.

1. There are no accessible routes from the main path to any of the sports fields, tennis courts, or bleachers. This has been an issue for one of us (MO) who has daughters playing soccer and lacrosse.

### **Conover Road Athletic Complex**

#### **1. Accessible Routes.**

There are no accessible routes to any of the fields. This has been an issue for one of us (MO) who has coached daughters playing soccer.

#### **2. Accessible Parking.**

There is no accessible parking conforming with §4.6.

#### **3. Accessible Restrooms.**

There are no restrooms at all. Maybe in this case accessibility is moot.

### **Zaitz Park**

#### **1. Accessible Routes.**

There are no accessible routes to any of the fields. This has been an issue for one of us (MO) who has coached daughters playing soccer. In particular, the rear fields can only be reached by a roadway covered in very coarse gravel that is almost impassable for a wheelchair.

#### **2. Accessible Restrooms.**

There are currently no restrooms, although in previous years there has been a portable accessible toilet.

## **SITE 7. PUBLIC WALKWAYS AND SIDEWALKS.**

The West Windsor Bicycle and Pedestrian Alliance (WWBPA) performed an audit of 199 intersections in May 2008, at that time finding only one ADA compliant intersection. Although the Township has made some progress since then, most of the issues have not yet been addressed. Moreover, due to legal precedents in New Jersey and other states, there are statutory requirements to rectify the problems.

## SITE 8. RESCUE SQUAD HEADQUARTERS.

Not audited.

## ADA TRANSITION PLAN UPDATES

The ADA requires that “the plan should be updated periodically to ensure the ongoing needs of the community continue to be met.” As far as we can tell, the Township has never updated its Transition Plan since its adoption in 1992. Clearly, many new facilities have been constructed since then.

## CONCLUSIONS

Although the Township has made some progress on ADA compliance since adopting The Plan on July 13, 1992, it is distressing to see so many items that were identified but have still not been resolved more than 15 years after the deadline of January 26, 1995 imposed by the ADA. It is also distressing that the Township has not updated The Plan and that some items, constructed after The Plan was adopted (and therefore after the ADA became law), are still not ADA compliant.

However, with the notable exception of intersections and crosswalks, which have a large scope and must be addressed, despite a fairly long list, the work required to bring the Township's facilities into ADA compliance is fairly modest. We suggest that by aggressively pursuing its statutory requirements, the Township could gain statewide prominence as a community friendly to the needs of its many disabled residents and visitors. Such action would certainly be recognized at least at the state level by government and the many organizations representing the disabled.