

STRATFORD JOINT LAND USE BOARD
MINUTES
Special Meeting
September 9, 2019

The meeting was called to order by Chairman Santora at 7:00 pm and the public statement was read that the meeting was advertised in the Courier Post, the Collingswood Retrospect and a notice was posted on the bulletin board at the Borough Hall stating the time and place.

The Chairman led the board in the pledge of allegiance and a prayer.

ROLL CALL:

Present

Absent

A. Santora, Chairman Class IV
M. Mancini, Vice Chairman Class IV
J. Keenan, Mayor Class I
J. Keenan Class IV
F. Hartman, Councilman Class III
T. Kozeniewski Class IV
R. Morello Class II
P. McGovern Class IV
R. St. Maur, Class IV
T. Hall, Alternate 1
L. Mount, Alternate 2
M. Wieliczko, Solicitor
S. Bach, Engineer
S. McCart, Secretary

APPROVAL OF MINUTES: Motion was made by Mr. Hartman and seconded by Mr. St. Maur to approve minutes of August 22, 2019. Roll call vote: Mr. Mancini, yes, Mayor Keenan, yes, Mr. Hartman, yes, Mr. Keenan, abstain, Mr. Kozeniewski, yes, Mr. Morello, yes, Mr. McGovern, yes, Mr. St. Maur, yes, Mr. Hall, abstain, Mr. Santora, yes

APPROVAL OF RESOLUTIONS: None

BOARD ACTION: None

CORRESPONDENCE: None

OLD BUSINESS: None

Mr. Wieliczko introduced himself as the JLUB solicitor. He stated consistent with Resolution 19:05 of the Joint Land Use Board that we are governed by Rule of Orders and also governed by the adoption of certain rules and procedures by this land use board consistent with NJSA 40:55D-8 which is a provision of municipal land use law.

NEW BUSINESS: Laurel Mills, 102 Warwick Road, Block 116, Lots 14 and 14.04. Preliminary and Final Site Plan to construct 14,000 sq. ft of retail and 80 townhouse units, including 16 affordable units; and Preliminary and Final Major Subdivision to subdivide existing lots into 70 building lots, 3 open space lots and 1 common area lot, with proposed retail and residential.

Mr. Del Duca stated he was an attorney with the law firm Del Duca Lewis Law Firm and he represents the applicant tonight Laurel Mills LLC. Mr. Del Duca stated he had with him Mr. Kavneet Sethi and his brother Tag Sethi who are here on behalf of Laurel Mills LLC which is the owner of this property. Also,

with him were Dave Kreck with the Pettit Group and Nathan Mosley with Shropshire Associates, he is the traffic Engineer. The Laurel Mills Plaza block 116, Lots 14 and 14.04 located at 102 Warwick Road. Exhibit A-1 and Arial Photograph with proposed plan superimposed on it dated September 9, 2019. The existing conditions is a shopping center.

Mr. Wieliczko stated before we begin the formal application there are several members that I am going to ask to step down from consideration of the application. Number one is Mr. Mancini because he lives within 200 feet of the property. In addition, Mr. Morello, the chief of police, due to past enforcement proceeding with this property was asked to step down. Mr. Hall, our alternate, has a family member that was part of the redevelopment entity was ask to step down. Lastly, is Mr. Keenan who was the clerk for a number of years and had professional knowledge of the applicant. In that regard Mr. Mount, Alternate #2 will be seventh member and part of the deliberation process and will be poled on all the votes.

Mr. Del Duca continued. The existing conditions are a 66,000 square foot shopping center near the corner of Warwick Road and Longwood Drive. It surrounds the Rite Aid. It is mostly vacant. There are several tenants but over 50,000 square feet is vacant. This is an old center. As a result, the municipality adopted a redevelopment plan in 2011 which has had several amendments. But consistently it has been determined and found that the Laurel Mills center is in need of redevelopment. What is proposed is a mix use development. We propose 80 townhouse units, 14,000 sq. ft of retail. The 80 townhouse units that are proposed are for sale, not rentals. It is an inclusionary development which means that part of these units will be restricted for lower or moderate-income families, also known as affordable units. Every town has an obligation to provide their share of affordable housing. In this case the settlement agreement that this town has entered into in 2016 with Fair Share Housing Center which is a group that is very much involved in making sure that towns comply with their obligation. Fair Share Housing agreement says, among other things, that the Laurel Mills site could be developed for a mixed use and it would have to have 20% residential set aside for affordable housing. The affordable units will be for sale units. The commercial is in the front. It is 14,000 sq. ft. We do not have tenants yet for commercial. We think that size is more realistic in this area and location and hopefully that will attract new clients. It will be a brand-new building with brand new architecture.

Mr. Del Duca stated we are here for site plan and subdivision approval. The land use law, which is the state law, that says that towns can legislate and regulate and restrict land uses and land development within certain parameters. A town can develop an ordinance that regulates site plans and also subdivisions. Its powers are limited. It is limited to establishing a set of rules that says this is what a site plan and a subdivision has to look like and has to address. In addition, Redevelopment Law can designate an area in need of redevelopment. This town designated this area in need of redevelopment. It adopted a redevelopment plan which as amended set forth the rules that can be developed on this site. This plan, which is marked exhibit A-2, complies with all of Stratford's ordinances and redevelopment plan. The use is permitted. We do not require any variances or design waivers. Law Use lawyers call that a by right application. That means that the land use board is required to approved the application because it complies with all those ordinances and redevelopment plan requirements assuming we can demonstrate that we comply with all requirements.

We received a review letter from Bach Associates, dated September 6, 2019. We agree to comply with all with the exception of a few technical items. We would reserve the right to come back to the board to the extent we cannot work out but we do not expect that to happen.

Mr. Wieliczko stated he was advised that the alternate, Mr. Mount, worked as an intern for Pettitt. He asked Mr. Mount if he could independently review the application and act on the application without any prejudice. Mr. Mount stated yes. Mr. Wieliczko asked Mr. Del Duca if he had any objection to Mr. Mount staying on the application. Mr. Del Duca stated no.

Mr. Wieliczko asked anyone who wanted to speak at the public portion to please sign the sign in sheet that was passed around.

Mr. Del Duca introduced his two witnesses, Mr. Kreck and Mr. Mosley. Mr. Sethi, the applicant, was also present to answer any questions.

Mr. Kreck and Mr. Mosley, along with Mr. Bach, the Board's engineer, were sworn in by Mr. Wieliczko.

Mr. Del Duca presented Mr. Kreck to the Board. Mr. Kreck stated his qualifications. He stated he was a licensed engineer in the state of New Jersey. He had appeared before dozens of Boards as a site designer. Mr. Del Duca asked if he qualified as an expert professional engineer, civil engineer, and municipal engineer. Mr. Kreck stated yes. Mr. Del Duca asked the Chairman if he accepted Mr. Kreck as an expert. Mr. Santora stated yes. Mr. DelDuca asked Mr. Kreck if the Pettit Group had been the engineer for this application since it began. Mr. Kreck stated at some point during the redevelopment process we were brought on board. Mr. Del Duca asked if the plans that had been prepared were by your office under your supervision. Mr. Kreck stated yes. Mr. Del Duca asked if Mr. Kreck was familiar with the existing conditions of the surrounding area. Mr. Kreck stated he had been out to the site on a number of occasions.

Mr. Del Duca stated Exhibit A-2 is a color rendered presentation plan. Is that the same plan that was submitted to the Board. Mr. Kreck stated yes. Mr. Del Duca asked Mr. Kreck to give an overall detail of the site plan and subdivision that is proposed. Mr. Kreck stated it is a subdivision of 70 residential lots, a number of open space lots for parking and open space, and then the retail lot. The whole property is 2 lots. It is a resubdivision of the entire parcel. The retail fronts on Warwick Road. There are two access off of Warwick Road. Both of those will be under jurisdiction of the County. We will be sending this plan to the County for their review and making any roadway improvements that the County deems necessary. We provided enough parking in accordance with the ordinance for the retail uses of 14000 square feet. It is not known exactly how the retail will be broken down. There is also cross access through existing easements already with the Rite Aid property. Another one of the entrances is on Longwood Drive. This is primarily for the residential use and there is another entrance on Longwood Drive across from Evergreen Road. The entrances sort of line up with the existing roads, Evergreen and Winding Way. As you enter into the site, there is common parking on right and left. Each unit is required to have a certain number of parking on the property and a certain number of parking off the property for guest. On property parking is a combination of garage space and driveway space except for the affordable units. The affordable units are located behind the retail on the two ends. They do not have a garage, just a driveway. The other affordable units are on either side of the open space at the rear of the property. Those properties are just going to have a driveway. There is also on street parking adjacent to these units for themselves and their guest. As far as circulation through the residential site, we are proposing a circular pattern with an interconnector near the retail which is a dead end. It does not connect to the retail. Currently the entire site is impervious. It is either parking lot or paving. Most of it drains to an existing storm water system that is in the middle of the parking lot. It goes into an existing pipe that runs off site and out to Homestead. There is another drainage area that is behind the building itself and that runs off of Longwood. We are reducing the amount of impervious coverage. This will reduce the amount of off site run off. There are some details that need to be worked out about drainage in the rear of property so that no run off goes into individual lots behind the property. Circulation through the retail will be circular. There is a trash enclosure. Loading and unloading is located in the rear of the retail. Trash removal on the residential side, we are proposing to be municipal pick up. The affordable units have a tiny trash enclosure in the rear of their properties. We developed lighting and landscape plan. We have to get lighting approved by the borough and Atlantic City Electric has a lot to do with lighting as well. We will be working with them also. We provided a landscaping plan and there were a few comments regarding switching trees, having more evergreen trees along the buffer area. We have no problem with the landscaping comments and will take care of those. Regarding utilities we are going to have separate water and sewer for the retail building. We are also going to bring in public water and sewer for the residential units. This will require a water main extension from New Jersey American Water and it is going to require treatment works approval by NJ Department of Environmental Protection for sanitary/sewer. Also, within the street, is a series of storm sewer inlet and piping that grabs all the run off from the site and directs it back to its old final discharge. Mr. Kreck stated we do have impervious surface for the smaller lots. The smallest of the lots is 1890 square foot lot. There is a 67% impervious limitation so we have to work out an issue with the engineer regard the platform for the landing at the back door. We will be making a modification to bring our site within the impervious limitation and also provide for that entrance to the back door. Mr. DelDuca asked if it was correct that the property is in the Laurel Mills redevelopment area and subject to the Laurel Mills redevelopment plan as amended. Mr. Kreck stated yes. Mr. DelDuca asked if the plan submitted as shown in exhibit A2 complies with all aspects of the redevelopment plan. Mr. Kreck stated as to his knowledge it does. Mr. DelDuca asked if it complies

dwith Stratford ordinances. Mr. Kreck stated yes. Mr. DelDuca asked do we require any variances or design waivers? Mr. Kreck stated no. Mr. DelDuca ask if they comply with all applicable portions of the residential site improvement standards also known as RSIS as it relates to the residential portion of application. Mr. Kreck stated yes once I work out one issue with the JLUB engineer, the application will be compliant. Mr. DelDuca asked if it were correct that we do not need a variance for impervious coverage; that it will be either be demonstrate that we comply or we will revise the plans to comply? Mr. Kreck stated yes. Mr. DelDuca asked if architectural elevations and floor plans were submitted to the board and we have those on large boards tonight if anyone would like to review them. Mr. Kreck stated we have both floor plans and elevations, both residential units, all types and for the retail. Mr. DelDuca reiterated the storm water aspect of this plan comply with applicable standards. Mr. Kreck stated yes. Mr. DelDuca asked does the lighting comply with all standards? Mr. Kreck stated as far as coverage but he thought the fixture aspect of lighting had to be worked out with Atlantic City Electric and the town. Mr. DelDuca asked if there would be spill over from this site to neighboring properties. Mr. Kreck stated no. Mr. DelDuca asked if the storm water management plan that is proposed create any additional storm water that will flow off the site onto adjacent properties. Mr. Kreck stated we have actually reduced storm water runoff.

Mr. Santora ask Mr. Kreck to explain how we are getting 80 units from 70 lots. Mr. Kreck stated this goes to the affordable units. Each one of the four affordable units behind the retail will be three story with a unit on each story. The units in the rear of the property are 2 story with a unit on each story. Mr. DelDuca stated we have 70 lots with 64 market rate units. Market rate units are not restricted to low- or moderate-income families will be on their own lot. It is called fee simple townhouses. The sixteen affordable units will be on six different lots. Those units will be part of a condominium regime. This does not include the open space lots or the commercial lots. Any Open space that is not a public improvement will be maintained by a homeowner's association. Everybody that buys a lot will have to be part of the association. Those documents will be prepared and submitted to your attorney and engineer as a condition of approval, which is a typical condition of approval for subdivision and site plan. That document will state that the HOA will maintain the shared space/common area. Mr. Kreck stated there are drainage easements that will have to be worked out for the site. Mr. DelDuca stated that they will be shown on the perfected plan and approved by the professionals.

Nathan Mosley was introduced by Mr. DelDuca. He is a professional engineer licensed in the state of New Jersey and works for Shropshire Associates. He is a senior engineer and worked for Shropshire for almost seventeen years. He gave an overview of his qualifications to the board. Mr. Santora accepted Mr. Mosley as an expert in traffic engineer. Mr. DelDuca asked Mr. Mosley if he were familiar with the Laurel Mills application., the property and the surrounding area. Mr. Mosley stated he was. Mr. DelDuca asked Mr. Mosley if he prepared the traffic report dated August 28, 2019. Mr. Mosley stated he had. Mr. DelDuca asked Mr. Mosley to provide an overview of the surrounding roadway network and the access that is proposed. Mr. Mosley stated existing conditions are Warwick Road going East and West. It is a county route, County Rt. 669 and comes under Camden County jurisdiction. There is Longwood Drive along the front entrance and Vassar Avenue. These roadways cross Warwick Road. Longwood and Vassar are both borough roads. The existing shopping center has two points of access along Warwick Road and three existing access on Longwood Drive. We are proposing to reduce the access on Longwood down to two and would be proposing to align those driveways with Winding Way Road and Evergreen Road. We are proposing to maintain the two existing accesses on Warwick Road. As part of report we did some existing traffic counts along Longwood and Warwick. We also counted existing conditions for school access on Warwick. Also counted were all existing access for shopping center as well as Winding Way and Evergreen Road. Those counts were done from 7 am to 9 am to try to capture the morning rush between the school traffic and general rush hour traffic. In the afternoon we did counts from 2 pm to 6 pm that way we capture the out bound traffic as well as afternoon commuter time. And on Saturday, because of the retail, we captured between 11 am to 2 pm to see if there were any traffic fluctuation of spikes in traffic. What was found is that the busiest hour in the morning was between 7 am and 8 am. In the afternoon the busiest hour was from 4:15 pm to 5:15 pm, and on Saturday it was from 1 pm to 2 pm. Due to the school across the street from site causes some changes in the traffic patterns. There is a high influx of people dropping off, some school bus activity, and some walking activity. The am peak hour school drop off spike from 7 am to 7:15 am was a significant increase in traffic compared to the other 45 minutes for that peak hour. This causes additional delays. What you find on Saturday during the peak hours is the traffic is more

spread out. There is no spike in traffic. The peak hour for the afternoon is after the school traffic has let out. When you look at potential impact you want to estimate how much traffic would be generated. In order to do that we rely on the Institute of Transportation Engineers Trip Generation Handbook. They have done thousands of studies throughout the entire country of existing shopping centers, existing residential developments. Based on rates for a 14000 sq. ft retail and 80 townhouse units we are able to anticipate the number of trips. For example, during the am peak hour the anticipated number of trips for this site between retail and residential is approximately 52 total trips, one trip is either a movement into the property or out of the property. The afternoon is approximately 132 total trips. That is about 2 to 3 trips per minute total. And on a Saturday, due to the additional retail, it is about a total of 150 trips. Mr. Mosley wanted to stress that the existing site has a 66,000 sq. ft shopping center. A trip generation analysis of the 66,000 sq. ft shopping center in full operation would be a reduction of peak hour trips about 133 less trips during the am peak hour. About 225 less trips during the pm peak hour. And about 259 less trips on Saturday peak hour when you compare to a fully functioning shopping center. When doing a traffic study, we want to concentrate of the offsite impacts and see if there is any potential impact related to our traffic. We also want to make sure we have safe and efficient access. To do that we look at the future conditions with and without our traffic and compare the two scenarios. We provide a level of service analysis which measures the amount of delay you would experience. In this case it is the driveways along Longwood and Warwick as well at the signal on Longwood and Warwick. The existing signalized intersection is currently, during peak hours in the AM, at a level D service. A is minimum delay and level service F is failing delay. Currently it is at B on the PM peak hours and Saturday peak hours. The future during the morning peak hour would remain and D. The PM would drop from a B to a C which would be a 4.2 second delay increase. Saturday would remain a B. The other thing we look at is the site driveways. There are two access on Warwick Road which are county jurisdiction and two access on Longwood Drive. We look at the level of service of people turning left and right out of those driveways and as well as those turning left in. All the driveways will be stack control. The stacking will occur on site. For the access points along Warwick all outbound movements will operate at a D or better. The inbound movements will be a B or better. On Longwood Drive all outbound movements will have service level of C or better and all inbound will operate at a service A.

Mr. DelDuca asked Mr. Mosley in his opinion is it correct that you don't believe that this proposed application or development will have an adverse impact on this road as compared to a 66,000 square foot shopping center. Mr. Mosely stated there would be a significant increase compared to this development and there would be additional delays associated with surrounding area if that traffic were included. Mr. DelDuca asked if you just take this proposal your testimony that it will would still would not have an impact on surrounding roadway network. Mr. Mosley stated it would still have a minimum impact. Mr. DelDuca stated on of the comments of Mr. Bach's letter dated September 6, 2019 was related to possible signal timing adjustments. Can you address that comment? Mr. Mosley stated that comment was raised concerning Longwood Drive and Warwick Road. The way the signal operates today, there are left hand lanes on Longwood Drive and on Vassar. There are no left turn lanes on Warwick Road. The way the County has designed that signal, there is a green phase for Warwick Road and a green phase for Longwood. There is no green phase for Vassar. There is no left turn phase. There are no auxiliary phases on any of the approaches. Having been out there, there's not a lot of potential for improvements in that area. We were not able to come up with any adjusted timing schedule that would allow us to provide any significant benefit. This report is provided to the county. If they have any additional thoughts or ideas, we will try to work with them. Mr. DelDuca ask Mr. Mosley if the site circulation access is safe and efficient from a traffic perspective. Mr. Mosley stated it is. The traffic has been separated between the residential and the retail. Access along Longwood Drive was consolidated and aligned those driveways with existing streets. Mr. DelDuca asked if the plan complies with RSIS standards as to parking. Mr. Mosley stated yes. Mr. DelDuca asked if there was adequate parking on the residential component. Mr. Mosley stated yes.

Mr. Bach, Borough Engineer, went over his review letter dated September 6, 2019. He stated that the applicant has met all the requirements of the redevelopment plan as adopted by the borough as well as all the amendments. We have confirmed that there are no variances required. The applicant has put on the record that he will not seek a variance for impervious coverage. The plan was reviewed and is in compliance with RSIS standards. All HOA documents are required to be submitted for review and approval by the Board Solicitor and Borough Solicitor as a condition of approval. All proposed covenants,

easements and restrictions shall be provided to Board Engineer, Board Solicitor and Borough Solicitor as condition of approval. Mr. Mosley has indicated that it is not believed at this time that the signal adjustments can be made to alleviate the level of service change. We will wait for comments from Camden County traffic engineer. On page 7 there are comments regarding demolition, site, grading, utilities, stormwater, landscaping and lighting. The applicant has agreed to comply with all those outlined in our report.

Mr. Wieliczko stated with regards to several of the callouts from Mr. Bach's letter and the agreement by the applicant to comply with those conditions and requirements, is the applicant also agreeing as a condition of the approval to the negotiation and execution of an acceptable form of redevelopment agreement with the governing body. Mr. DelDuca stated yes. Mr. Wieliczko stated which includes street dedication, common areas, basin, off and on-site sewer improvements, escrows, connections fees and street lights. Mr. DelDuca stated yes. Mr. Wieliczko asked will the application, in regard to demolition plan, agree to address in conjunction with the demolition plan any potential live animals. Mr. DelDuca stated his understanding is, obviously the old retail building will be demolished, that a demolition permit will have to be taken out and I believe there is some sort of pest control aspect of the demolition. We will comply with all applicable as required with demolition of the building.

Mr. Santora stated the property slopes from Warwick down to the houses on Homestead. How is that going to be addressed so that we do not have any waterflow to homes on Homestead and also is there any proposals to replace fences. Mr. DelDuca asked Mr. Kreck is the project going to create any storm water issues on Homestead. Mr. Kreck stated the Homestead side there will be a drainage system at the back of those properties with a combination of swale that will push drainage out and where we find areas that we cannot push the drainage, we have inlets. They will all be connected to the existing stormwater system. Mr. Santora asked if there was any type of retaining wall to make sure it doesn't go through. Mr. Kreck stated we are working with Board Engineer to provide some additional control for that runoff. Mr. Wieliczko asked if the applicant will agree as part of approval not to cause any adverse conditions to the residents in that area with regards to drainage and run offs. Mr. DelDuca stated yes. Mr. Bach stated that was one of our specific comments that they can demonstrate that not only does their storm water collection system accommodate the 25-year storm for those homes, they have to provide relief up to the 100-year storm for those residents. Mr. DelDuca stated they would work out the details of that with Board Engineer. Mr. Santora asked about the fences that were back there now. Mr. Kreck stated the residential property is going to be provided with its own decorative, ornamental fence that surrounds the entire residential area. Mr. Wieliczko stated that will be part of the fencing detail plan that will get submitted to the borough planner/engineer for our approval. Mr. Kreck stated yes. It is a six-foot-high opaque fence. Mr. Santora stated if they are any existing fences that belong to the homeowners it would have to be worked out between applicant and homeowner. Mr. Bach stated that according the survey the existing fence is on the applicant's property.

Mr. Wieliczko stated all public comments are subject to cross examination. The commentary should be limited to the issues that are relevant to what the board may legally consider reaching a decision.

Motion was made by Mr. Hartman and seconded by Mr. McGovern to open up to public.

Mr. Speer, 8 College Circle, was sworn in. Mr. Speer asked if the HOA information will that be shared with residents when it is received. Mr. Wieliczko stated the HOA documentation will be part of the approval that they have to provide us with, an acceptable form of HOA documents. The Department of Community Affairs sets the standard for HOA. Once they have been finalized, they should be available to the public through either an opra request or directly from the developer. If you are buying through a HOA, it has to be disclosed at time of purchase. Mr. Speer stated his understanding of HOA is that the property governed by the HOA is treated as private property to HOA. Does that mean that residents would not have access to the open space inside the redevelopment area? Mr. Wieliczko stated the documents have not been prepared yet so do not have the answer to that. When an HOA has common area, they have to purchase liability insurance. HOA owns that property. Mr. Speer asked about the perimeter fence. Will there be any egress, gates or openings, through the fence other than leading out to the driveway? Mr. Speers

questioned ownership. It was stated they were for sale properties, not rentals. Mr. Wieliczko stated I do not know what the governing documents will indicate.

Mr. Wehrle, 12 Elinor Ave., was sworn in. Mr. Wehrle questioned the order of construction. Is the order to build the commercial first? Will they demo existing retail before building new retail? Mr. Wieliczko stated I will defer to the applicant. In this instance everyone should know that the applicant does not have to respond during public comment. Mr. Wehrle second questions was regarding the units that don't sell. Is there a staged approach that you are building so many units at a time? Mr. Wehrle questioned the pricing of units? Mr. Wieliczko stated pricing would not be considered for this application. Mr. Wehrle asked about the slope of the property? I am concerned about flooding. Are the units slab on grade, do they have a crawlspace, basements? He stated you have three story units on the ends that are going to be pretty high before raising them up. Mr. Wieliczko stated as far as the height situation to the extent that they will build anything above what the height requirements were in the redevelopment, there are no variance. All the height components comply with the redevelopment plan. Mr. Wehrle questioned the traffic analysis. Does it take into account the other streets in the area? On Longwood you have lots of streets that are emptying out at the same time. What time of year was traffic study done? Mr. Wehrle is concerned about the amount of parking that is in the area particularly with the affordable housing. Mr. Wieliczko stated they comply with the standard set by the state of New Jersey. Mr. Bach stated they have state statutes that supersede our own ordinances. It is based on the number of bedrooms not on affordability. There is no differential between affordable or market rate. Mr. Wehrle was concerned about how much parking in the driveways, on the streets and the affordable units that don't have driveways. Mr. Bach stated they have provided the required amount by state statute. Mr. DeDuca stated as far as phasing, we have not proposed a phasing plan as part of the site plan approval which means the site improvements, the parking lot, the drainage components, the landscaping, etc. will all be built as part of the approved plan. We could come back in the future, if circumstances warrant, to ask to approve a phasing plan but we have not asked for that now. That means all the site work will be completed at one time. As far as the residential buildings, that will depend on market demand, as they sell, more units will be built. The building of the residential units will likely happen over time. There will be no basements and they will be built on slabs. Mr. DeDuca asked Mr. Mosley what roads were included in the traffic study. Mr. Mosley stated Evergreen Road, Winding Way Road and also Homestead. Mr. DeDuca asked what time of the year was the study done. Mr. Mosley stated the study was done on December 12, 13, and 16 of 2017. School was in full day session.

Mr. Stone, 205 Vassar Ave., was sworn in. Mr. Stone questioned the 70 lots. Does the shopping center count as a lot? He stated they said the building was L shaped. It is not. Mr. Stone questioned the traffic study stating old totals were used. Mr. Stone asked if there would be bore testing after the retail is taken down? There was a dry cleaner there. Mr. Wieliczko stated they do require outside approvals from several entities including the NJ Dept of Environmental Protection. Mr. Stone stated I ask for all the board member's certifications that they took the required classes. Mr. Wieliczko stated I cannot speak to that. I have not seen the opra request. This board right now is considering this application, that does not pertain to the application. Mr. DeDuca stated there are 70 lots and 80 units. There is also some open space for common area lots and then in addition there is the commercial lot. The reference to 70 lots is the lots with actual dwelling units on them.

Ms. Tully, 4 Winding Way Road, was sworn in. Ms. Tully asked if they would consider the townhouses on Longwood Drive to face toward Longwood Drive. Will the townhomes be brick or stone front? What is being done with the pitch in the center. Who will be responsible for maintain the esthetics on the buffer of Longwood Drive? Was Rite Aid included in the traffic study? The businesses in the shopping center have been in business for over ten years. Are they guaranteed the same square footage that they use in existing building? Are you giving them any incentive to stay to rent or any type of discount on their rent? Mr. Wieliczko stated I am going to ask the board to refrain from any comment on the business operation part. Mr. DeDuca stated they don't have to just ask questions, if they have comments, they can state them as well. Mr. DeDuca stated we have the units parallel to Longwood Drive facing inward. There is fencing and buffering along Longwood that is the responsibility, as far as maintenance, of the HOA and the homeowner. The homeowner needs to maintain their own back yards. We would have to bond for any perimeter buffering which is an insurance policy that it will be installed properly and maintained properly for 2 years. Building materials are subject to change but some have stone, some brick, some siding and the

redevelopment plan requires to vary the building materials. There are color renderings as shown in exhibit a-3, sheet A-1.04 and A-4, sheet A-1.3. The renderings give a general look and feel of the outside of the buildings. Exhibit A-5, sheet A-1.2 shows the front elevation of the seven-family building. There are renderings of front, side and rear of buildings. There was a question earlier about basements, we are going to offer basements as an option but most will be slab. This will be addressed in a grading plan to make sure the basements won't be flooded or wet. Mr. DelDuca stated as far as the pitch in the center, he was not sure what it referred to but will say a grading plan was submitted to Mr. Bach's office and we have agreed to comply with all his comments.

Mr. Bach clarified a statement that was made earlier. The ordinance 2017-11 regarding ornamental fence. It is an open decorative fencing minimum 6' high shall be provided around the perimeter of the residential development. Mr. Kreck stated it was his understanding that it was suppose to be open.

John Gentless, 111 Union Ave, was sworn in. Mr. Gentless stated with regards to the traffic engineer's report, the improvements to the intersection, Warwick, Vassar, Longwood, would it flow better if there was a right-hand turn lane coming off of Warwick. Mr. Bach stated the applicant is not proposing any modification to the traffic signal. The traffic signal will be the jurisdiction of the County Planning Board. Mr. Wieliczko stated one of the conditions of this board will be outside County approval. Mr. Gentless asked if they were notified. Mr. Wieliczko stated we have jurisdiction over this application and it was properly noticed. Mr. Gentless stated with regards to Parea Cleaners will the soil and water be tested? Mr. Bach stated we have no provision in our ordinance that requires testing. Mr. Gentless asked what about the sewer capacity? Mr. Bach stated the sewer capacity will absolutely have to be reviewed at the time of treatment work approval application. The borough will be required to be the enforcer of that application before it goes to CCMUA and the TWA for approvals. Mr. Gentless asked what will have to be done? Mr. Bach stated that would be a condition of approval at the time of enforcement of treatment works approval. Mr. Wieliczko stated one of the requirements of approval is the NJDEP treatment works approval. Mr. Gentless asked what the name of the street would be? Mr. Wieliczko stated he was not sure what it was going to be. Mr. Bach stated nothing is proposed at this time. Mr. Gentless questioned the construction of the street. Is it going to be borough standards? Mr. Bach stated he believed so. Mr. Gentless asked if the HOA will maintain the street? Mr. Wieliczko stated that one of the components of this application is that they successfully negotiate and execute a redevelopment agreement and that would include issues like that. Mr. Gentless asked if no retention basin were needed because of the decrease of impervious coverage. Mr. Bach stated the storm water analysis provides a very detail storm water report. Mr. Gentless stated that it is suppose to drain out onto the existing drainage that takes it off site and onto Homestead Avenue. Mr. Bach stated there are three drainage points right now. Two are existing pipes on the western perimeter of the site and one on Longwood Drive. Mr. Bach stated in regards to the street detail, they are proposing a 2" top course, a 3" base course and a 6" sub. Mr. Gentless stated with regards to storm water analysis, on the report from Mr. Kreck, page 3 of 4, it talks about Carriage Lane. Mr. Gentless stated I think there are some members on the board that should conflict out. Mr. Wieliczko asked who he felt should conflict out. Mr. Gentless stated Mr. Hartman, Mayor Keenan and Mr. Kozeniewski.

Kathryn Decker, 5 Warwick Road, was sworn in. Ms. Decker asked if previous residential site plans already been approved in past including residential space? How many units? Why not built? She had some questions about the trip generator. For 80 units only 35 outgoing trips she believed was low. Why build townhouses at an already establish development? The parking appears to be mainly garages and driveways. Her concern is visitors and people parking along the street how will the school bus and fire trucks manage to get through? Ms. Decker liked the mock ups of residential but wanted a mockup of commercial. Exhibit A-6 shows the elevation of the commercial building, sheet 1.01. Ms. Decker stated instead of ADA compliant, possible consider ABAAS compliant. It is the next level up from ADA. She asked will the model homes that have not sold be continued to be maintained by the LLC? Mr. Wieliczko stated their business plan who is going to maintain, they own the residences until they are sold. As they are looking to sell them, they will most likely be maintaining them. Ms. Decker asked if the business plan had some time of analysis for anticipated time frame. Mr. Wieliczko stated to the board time frame is not a factor in part of your proof for this application; however, he understood the comment and question. Mr. DelDuca stated he had no prior knowledge of previous site plans, at least that they were involved in. Mr. DelDuca asked Mr. Mosley about the trips in the am peak hour. Mr. Mosley stated we use the Institute of

Transportation Engineers. That is our guide book for doing trip generation. The number of trips in the am peak hour are estimated to be 35 trips. A lot of residents don't leave in the peak hour and we are only looking at the peak hour.

Michael Baker, 5 Green Tree Road, was sworn in. He asked what the thoughts were for the landscaping path along Longwood Drive. Mr. Kreck stated the existing side walk along Longwood Drive will be maintained. You will have a buffer along Longwood, and a fence and the buffer will be enhanced with additional evergreen trees. Mr. Baker commented on having a left turn arrow coming from Longwood onto Warwick. Mr. Wieliczko stated there will be a county review with an outside approval.

Terry Goldin, 27 Evergreen Road, was sworn in. She was concerned with residents using Evergreen as a through street to Temple Ave. Mr. Wieliczko stated the application presented to the board fully complies with the redevelopment agreement. This board is being asked to either approve or deny a plan that is consistent with the redevelopment agreement, that is consistent with the applicable municipal land use laws and request no variances and no waivers

Tom Koehler, 11 Homestead Road, was sworn in. Mr. Koehler stated there are no variances but they are going to build 10' from my property line. Mr. Wieliczko stated the board is not letting anybody build anything. The board can approve the plan that is in front of them and part of that plan is there is no request for variances including the back-yard setback. Mr. Koehler would also like a solid fence. Mr. DelDuca stated the rear yard setback is 20 feet. The fence was an open decorative fence because that's what the redevelopment plan wanted. If board wants to require a solid fence, we can discuss that. Mr. Wieliczko stated this board does not have the authority to amend a redevelopment plan. Mr. DelDuca stated no but they have the right to grant waivers or relief. Mr. Koehler stated he noticed there was no buffer along back like everywhere else.

Charles Hagan, 22 Homestead Road, was sworn in. He asked if the redevelopment was already zoned for townhomes. Mr. Wieliczko stated the proposal with the residential and the commercial is consistent with the redevelopment plan. Mr. Hagan asked if there was a tax abatement requested for this property. He asked about the affordable housing. Who owns the building? It is a condominium. They are going to be sold units. Mr. Hagan is concerned with the sewerage. He already was having problems on Homestead. Mr. Wieliczko stated outside approvals include the CCMUA. He wanted to know if there can be start and stop dates. Can Laurel Mills LLC sell property once they get land use agreement? Mr. Wieliczko stated that the applicant was agreeing to comply with all of the conditions of approval request and recommendations of our board's planner and engineer. And that to the extent that the applicant could not comply, he would come back to the board for relief in that regard. Mr. Hagan asked about retail business. When would it start and end and would it be sold once it was approved? Mr. DelDuca stated the redevelopment plan for Laurel Mills does list specific permitted uses. These are permitted uses. We have asked the town to approve a short-term tax abatement for the owners of the various properties and that is a five year tax abatement which is typical for a redevelopment area. Taxes will be phased in over the five years on the building. Taxes on the ground will always remain the same. As far as the condominiums, the homeowner will own the unit and portions that are shared, like the roof, would be managed by the condominium associate. The time frame, as far as my client's intention, is to start construction soon after approvals. That is subject to change because conditions can change. As to the commercial they plan to start that when they have an anchor. Can Laurel Mills LLC sell the property? Mr. DelDuca stated the short answer is yes, although when the redevelopment agreement gets signed, there will be certain requirements for any transfer before the redevelopment is complete.

Mr. Hartman stated the deed restriction is for 30 years. You cannot sell it and make a profit off of it. If you want to sell, it has to go to another person who meets the approval for affordable housing.

Fred Brach, 41 Hillside Road, was sworn in. The original redevelopment plan required the commercial be built before the residential. When did that change? As far as the commercial entrance, one of the entrances is all the way to the left which is adjacent to a crosswalk. Will that be an entrance only? His last question was to building signage for the commercial. Currently the existing commercial is required by the tenant. Will there be consistent signage across the whole elevation. Will there be a monumental sign indicating the

name of townhouses? For the affordable units will there be one, two and three bedrooms? Mr. DelDuca stated for the commercial we do not propose any signs at this time. We will apply for sign permits to the extent if we need any relief as far as too many, too big, set back requirements. As to residential I believe there is a monument sign detail shown on the plans. It is a ground mounted monument sign.

Nancy Scully, 5 Homestead Road, was sworn in. Ms. Scully thanked Mr. Wieliczko for bringing up pest removal. What kind of documentation will be made public to show that the best efforts have been made to get rid of pest before demolition? Mr. Wieliczko stated once documents are received, they are open for inspection by residents.

Harry R. Berry, 10 Cornell Ave., sworn in. Mr. Berry asked if a comprehensive study had been done on the affects of schools and how many children will be expected to go there. How will it effect the extortion tax that we pay?

Diana Gonzales, 36 Buttonwood Road, was sworn in. Ms. Gonzales was concerned about how close townhomes are to Longwood. She asked why the redevelopment plan was changed in an amendment from 20' to 15'. Mr. Wieliczko stated the land use board is charged with reviewing an application and making a determination that the applicant conformed with the plan. The Land Use Board cannot reply to a question about why or why it didn't change that buffer requirement. Ms. Gonzales stated that in the amendments it has a line about the best interest of the town, the impact of the community, and this plan would be for the best so I hear it is not required tonight to have an impact statement and she was not sure why but she thought it would have benefitted any concerns due to the amount of houses packed in. Ms. Gonzales stated she did see a conflict of interest with Mr. Mount working for the Pettit Group.

Patricia Boyle, 22 Sleepy Hollow Road, was sworn in. Ms. Boyle thanked the board for the affordable housing link. She wanted to know who was going to be the gatekeeper. Mr. Wieliczko stated the board is not going to be the gate keeper. We approve or disapprove applications. One of the conditions of the approval is a successful negotiation and execution of a redevelopment agreement. Going forward, this board itself, is not an enforcement agency. Ms. Boyle asked if a condominium association was different than an HOA. Mr. Wieliczko stated yes. Ms. Boyle asked if the condominium were going to be 1, 2, and 3 bedrooms? She hoped someone gets together with Yellin School to discuss the parking lot for overflow school event parking. Mr. DelDuca stated there is a long list of affordability controls and restrictions that govern the affordability. He stated we are required to comply with all those restrictions. Condos vs HOA, he stated yes there will be both. There will be a HOA that will comprise of 80 owners that will take care of, for example, these open space lots and shared parking lots. Then there will be a small condo association that govern those affordable units. The affordable units will pay that association fee. There will be a mix of 1, 2, and 3 bedrooms.

Joe Hahn, 1 Buttonwood Road, was sworn in. Mr. Hahn stated he looks right across from the street proposal. He had heard a picket fence and he didn't think they were a good idea because people cut through. He would prefer the opaque fence. His main concern is bringing the town down and it starts with the school system. Mr. Wieliczko stated the schools are not part of the application. This application is consistent with the redevelopment plan that is in place.

Lisa Marshall, 37 Overhill Road, was sworn in. Ms. Marshall stated she highly suggests privacy fence along homes because not everyone maintains their backyard. If the houses are not selling fast enough, what happens to rest of the land. Will it be graded so it looks pleasing to the eye? Mr. Wieliczko stated they have to comply with all outside approvals. Mr. DelDuca stated as the units are constructed and sold, we will have to apply for a CO. At that time the engineer's office will be asked to evaluate the site to make sure that we have no health or safety concerns. Mr. DelDuca stated there will be soil conservation controls that we have to comply with. We have to install the site work. That will happen at the beginning. And after the buildings are in, some of the finished site work. Before getting the co the site work will be substantially finished so that there is no health, safety concerns.

Mr. Santora asked there should be a construction fence up for the duration of the projects with gates to make sure the kids are safe from entering the construction site? The site is definitely in the path of the

school and we do not want them cutting through. As a section is completed, it would be maintained and the construction fence would be removed and relocated. And we want it to be part of the approval. Mr. DeDuca stated he had no objection at all.

Tom Weist, 21 Longwood Drive, was sworn in. Mr. Weist stated one of the concerns of the residents is that individuals representing our behalf concern that there may be investors looking ahead at getting involved in this building. Residents want to be sure there is no conflict of interest. Would the board object to everyone agreeing that no one is going to get involved to purchase any of these units? Mr. Wieliczko stated the board is not obligated and not to convene to that type of proper. Mr. Weist stated as far as the design of the project, major investment is my house. I have a lot of concerns with this. Esthetically, should this not mirror the neighborhood? Mr. Wieliczko stated the elevation presented are consistent with the terms and conditions of the redevelopment plan. Mr. Weist asked if you have any input to the architectural design and the landscaping. Mr. Wieliczko stated there was a full discussion by our expert planner and engineer. In his review letter he identified additional buffering, landscaping, plantings and substitute plantings that he wanted to see. The applicant agreed to comply with our planner's recommendation on those issues. The board itself does not make the decision, but with regard to input, there has been input on that. Mr. Weist questioned the condominium association post construction; you really don't have nothing to do with that? Mr. Wieliczko stated one of the conditions of approval is the proposed governing document for HOA and condominium association are submitted to the land use board planner engineer and the solicitor for review to make sure they are consistent with the NJ Dept of Community Affairs and the laws in the state of New Jersey.

Jen Silkowski, 215 Harvard Avenue, was sworn in. Ms. Silkowski stated I think the board does have the interest of the town at heart. Ms. Silkowski's comment was to the applicant. She felt the applicant is being given an opportunity to make more money off of our town. I don't think you are responsible or respectful to our town.

Mike Redfern, 74 Saratoga Road, was sworn in. Mr. Redfern wanted to know the breakdown of the one, two- and three-bedroom units. Mr. DeDuca stated we cannot quote the exact number.

Chuck Werhle, 28 Warwick Road, was sworn in. Mr. Werhle was concerned about the height of the three-story townhouse that are out front on Warwick. Mr. Wieliczko stated the height requirement is consistent with the redevelopment plan. Mr. Werhle stated in regard to the parking on the street, the three story do not have a garage. Mr. Wieliczko stated they do not have garages. Mr. Wehrle asked do they have to park in a lot? Mr. Wieliczko stated the application satisfies all parking requirements. Mr. DeDuca stated RSIS has a lot of rules including car way width. Despite that, the board engineer has asked to provide turning temples.

Helen Baumann, 108 Webster Avenue, was sworn in. Ms. Baumann questioned the width of parking spaces. Mr. Wieliczko stated all parking complies. Ms. Baumann stated she would have liked two less townhouses instead of more parking. Mr. Back stated Ordinance 2018:03 specifically provides for 9'x18' parking spaces.

Emily Balog, 101 Harvard Avenue, was sworn in. Ms. Balog stated not everyone here is opposed to the application. She was in support of the project. Her concern was if the project starts and then stops. She was looking forward to the area looking better because right now it is dilapidated and looks terrible. What happens if the applicant is not able to get a certification of occupancy? She thanked the board for their hard work as volunteers. Mr. DeDuca stated the process takes time and will have inconveniences. The site work has to be completed. Mr. Bach's office will inspect it or municipal engineer will inspect it. We will not build all at once. We will have to stabilize the site. We have to bond for the site stabilization under the law. Building pads will be secure. They will be level. Landscape will be put in. Site work will be put in.

Rob Stone, 205 Vassar Avenue, was previously sworn in. Mr. Stone questioned Mr. Hartman. Mr. Wieliczko stated Mr. Hartman is a member of Council and he made a comment with regard to development and this particular one. That does not preclude him from sitting on this board. As a matter of a fact with the

Joint Land Use Board there is specific members that include the mayor and a member of council. They are here consistent with the Land Use Board. Mr. Stone stated he said vote not sit.

John Gentless, 111 Vassar Avenue, was previously sworn in. Mr. Gentless questioned Mr. Kreck if he is a drain water engineer. He wanted to know who is Green Property LLC? Who is Laurel Mills LLC? Are they one and the same? Mr. Wieliczko stated we are not going to respond to questions of what corporate make up is. Mr. Gentless questioned the storm water report, he did not know of a lot 4. They make reference to Carriage Lane. Mr. Bach asked Mr. Gentless which version of the storm water report are you referring to? Mr. Gentless stated the one on file in the borough hall. Mr. Wieliczko stated in this instance the applicant is required to have submissions and revise submissions at least ten days before. Mr. Bach stated we have a more recent submission. Mr. Gentless asked where Carriage Lane was. Mr. Bach stated that was in one of workshop meetings. Mr. Gentless stated he had a sign in sheet from a meeting on August the 15. He wanted to know if that was discussed at that meeting. Mr. Wieliczko stated it was a workshop meeting. There are resolutions that put into place workshop meetings. Mr. DelDuca stated Mr. Kreck designed the storm water plan. He is a professional engineer. The applicant is Laurel Mills LLC. They own the property. Carriage Lane was an error on initial drainage report and it was corrected. On August 15 there was a staff meeting with board professions, no board members, to discuss technical issues to get the plan as compliant as possible.

Mark Werhle, 12 Elinor, was previously sworn in. Mr. Werhle stated I don't think we covered the elevations of the commercial. He felt it might alleviate some concerns about the height of the three stories. Mr. Worley questioned the traffic analysis. Did the traffic analysis take into consideration Vassar Avenue traffic light? Mr. Bach stated the traffic light immediately adjacent to the site were in traffic analysis. Other traffic lights were not.

Motion was made by Mr. Santora and seconded by Mr. St. Maur to close the public portion.

Mr. DelDuca stated that this is an applicant for subdivision and site plan, both preliminary and final. The board has to evaluate specifically whether the applicant meets redevelopment plans and other applicable requirements for site plan and subdivision. The evidence is very clear that we do. You cannot deny this application because we do comply with the applicable requirements. Mr. DelDuca stated that one of the residents stated that the deck is stacked. Mr. DelDuca stated that is not true. This is not the beginning of this process. This is close to the end. This process has been going on for a long time. There were multiple public hearings. There was a redevelopment plan adopted in 2011 that everyone had the right to participate in. The Governing Body has to go through the same process and they went through that process when they adopted the redevelopment plan. It was amended in '14, in '17, in '18, in '19. All those were done in a public forum. In those public forums, the Governing Body looked at the shopping center, that was not in great shape. It was mostly empty. They wanted to see something more vibrant and an asset to the community. They took advantage of a law that says they can redevelop a site. They went through the public process. Mr. Gentless challenged certain aspects of that redevelopment to the judge. The Judge disagreed with Mr. Gentless. The judge said the process was followed. There were certain notice challenges and those were rejected. Mr. Gentless appealed that to the appellate division. The appellate division rejected that. In addition to that the town has an obligation to provide affordable housing. The town is in a tough spot. They have property that they want to see improved. They've taken steps to come up with a plan that they think represents an improvement. That's already happened. The time to challenge that has passed. This board tonight is left with a single question of does this plan complies with the redevelopment plan and any other applicable requirements. If yes, it must be approved. If no, then we have to decide what still need to be required. There is no evidence in the record that we need relief; therefore, the application must be granted. Mr. DelDuca thanked everyone for their time, consideration, and the fact that your roll is limited. The town did not do this for Laurel Mills, LLC. They did it because they thought this would be a good thing all things considered compared to what they have now. That process is already in place and this is one of the final steps.

Mr. Wieliczko stated we have already agreed as a condition of approval to work with our applicant's professionals and our professionals to extent, if necessary, to grant a design waiver to permit an opaque fence or for best fencing option.

Mr. Wieliczko stated we need a motion to approve or deny preliminary and final site plan and preliminary and final major subdivision. There are no variances. There are no design waivers being requested with the exception of potential of an opaque fence instead of a split rail fence as deemed fit by our engineer and our planner consistent with some of the comments. There is also the agreement for the temporary construction fence. There are also additional conditions that include all the conditions identified in Mr. Bach's letter, the negotiation and execution of an acceptable form of redevelopment agreement. And also given to the concerns raised in regards to Mr. Mount. Mr. Wieliczko asked Mr. Mount to recluse himself. Mr. Mount stepped down from the dais.

Motion was made by Mr. St. Maur to approve application and seconded by Mr. McGovern. Roll call vote: Mayor Keenan, yes, Mr. Hartman, yes, Mr. Kozeniewski, yes, Mr. McGovern, yes, Mr. St. Maur, yes, Mr. Santora, yes.

Mr. Wieliczko stated the application has been approved.

Mr. St. Maur thanked the applicant for a job well done so that something could finally be approved on this site.

ADJOURNMENT: Motion was made by Mayor Keenan and seconded by Mr. McGovern to adjourn. All members voting aye.