

**ELECTRONIC ZOOM MEETING NOTICE OF THE JUNE 25, 2020 PLANNING
BOARD OF BORDENTOWN TOWNSHIP**

PLEASE TAKE NOTICE, that in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., as amended by A-3850, and in consideration of Executive Orders No. 103 and 107, issued by Governor Murphy on March 9 and 21, 2020 respectively, declaring a State of Emergency and a Public Health Emergency in the State of New Jersey, the Township of Bordentown does hereby notify the public that to protect the health, safety and welfare of our residents, township staff, professionals and applicants, while ensuring the continued operations of the Planning Board, the meeting of the Bordentown Township Planning Board scheduled for 7:00 pm on July 9, 2020 at the Bordentown Township Municipal Building, One Municipal Drive, Bordentown, New Jersey will take place, as scheduled, via video teleconferencing.

Pursuant to the April 2, 2020 guidance issued by the New Jersey Department of Community Affairs, Division of Local Government Services, the Agenda and all plans and materials for 1) application of Chris and Teresa Upmanis for variance relief for existing patio, 2) the request for extension of approval for (Old York Business Park) / G.S. Realty Corp., 3) memorialization of Resolutions P-2020-13 and P-2020-14, 4) discussion of Ordinance #2020-07, with recommendations/comments to be reported back the Township Committee, have been made available prior to this hearing for public review on and through the Bordentown Township website at bordentowntownship.com. Additionally, members of the public were noticed that they may contact the Planning Board Secretary at m.theokas@bordentowntwp.org or call directly at (609) 298-2800, extension 2102, to receive a hard copy of the plans and application by mail or drop/pick up by appointment.

The Board and the members of the public participating who are interested in the meeting are participating via video conference on the ZOOM teleconference platform by logging into the conference by logging in at:

<https://us02web.zoom.us/j/85669739707?pwd=VnliidXV2MINhaUdHTzVoT1h5MGdNdz09>

-OR-

Dial: 1 646 876 9923 US (New York) Meeting ID: 856 6973 9707 Password: 203766

following the directions listed. Individuals logging onto this conference will be able to participate in the meeting just the same as if attending in person.

TO JOIN ZOOM MEETING:
<https://us02web.zoom.us/j/85669739707?pwd=VnliZXV2MINhaUdHTzVoT1h5MGdNdz09>
 Dial: 1 646 876 9923 US (New York) Meeting ID: 856 6973 9707 Password: 203766

**TOWNSHIP OF BORDENTOWN
 PLANNING BOARD AGENDA – ZOOM MEETING
 July 9, 2020 -- 7:00 p.m.**

PRESENT	ABSENT	ATTENDANCE
_____	_____	Stephen Benowitz, Mayor, Class I
_____	_____	Eric Holliday, Deputy Mayor, Class III
_____	_____	Bill Grayson, Class II
_____	_____	George Chidley, Chairman, Class IV
_____	_____	Kevin Hirschfeld, Vice-Chairman, Class IV
_____	_____	Erica Bowyer, Class IV
_____	_____	Danielle Esser, Class IV
_____	_____	Tim Fairlie, Class IV
_____	_____	Mary Ann Holston, Class IV
_____	_____	Linda Schiano, Alt. #1
_____	_____	Nick D’Angelo, Alt. #2
_____	_____	Michael Theokas, Interim C.D. Director/Board Secretary
_____	_____	Cindy Dziura, Deputy Township Clerk/Alt. Bd. Secretary
_____	_____	
_____	_____	Brian Carlin – Attorney
_____	_____	Frederick J. Turek, PE, PP, CME, CPWM – Engineer
_____	_____	Jack Carman, RLA, FASLA, PP – Planner/Landscape Arch.
_____	_____	James L. Kochenour, PE – Traffic Engineer

1. SALUTE TO FLAG

2. OPEN PUBLIC MEETINGS ANNOUNCEMENT BY CHAIRMAN:

In compliance with the Open Public Meetings Act, this is to announce that adequate notice of this meeting was provided in the following manner:

On January 30, 2020 advance written notice of this meeting was posted on the bulletin board opposite the main entrance to the meeting room in the Municipal Building; was emailed to THE BURLINGTON COUNTY TIMES and THE TIMES OF TRENTON; was filed with the Clerk of Bordentown Township and was mailed to all persons who requested and paid for such notice.

Please note that unless otherwise modified by Resolution of the Planning Board, all meetings shall begin at 7:00 p.m. and no new matter shall be initiated after 11:00 p.m., except where the Planning Board, by majority vote of those present, shall specifically authorize the extension of the meeting beyond 11:00 p.m.

The proceedings of this meeting are being electronically recorded and the recording will be on file in the Office of Community Development. Pursuant to Resolution Number P-2010-17, the electronic recordings of the meetings act as the minutes of the meeting in conjunction with the abbreviated form of the minutes.

Those testifying before the Board on any application are required to be sworn. The Board’s Engineer, Planning Consultant, and Traffic Engineer have taken an oath upon their appointment and their testimony on an application is under oath on a continuing basis.

The Board and the members of the public participating who are interested in the meeting are participating via video conference on the ZOOM teleconference platform by logging into the conference at the web address printed at the top of the Agenda. Individuals logging onto this conference will be able to participate in the meeting just the same as if attending in person.

4. ROLL CALL

5. MINUTES: None

4. RESOLUTIONS:

Resolution No. P-2020-13 – A RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF BORDENTOWN MEMORIALIZING THE GRANTING OF THE BULK VARIANCE APPLICATION OF CAPITAL HEALTH SYSTEMS, INC. FOR THE PROPERTY DESIGNATED AS BLOCK 56, LOT 36.02, MORE COMMONLY KNOWN AS 115 ROUTE 130.

Resolution No. P-2020-14 – A RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF BORDENTOWN MEMORIALIZING THE GRANTING OF THE BULK VARIANCE APPLICATION OF MANNINO SPECIALITIES T/A VILLA MANNINO RESTAURANT FOR THE PROPERTY DESIGNATED AS BLOCK 28, LOT 4, MORE COMMONLY KNOWN AS 73 ROUTE 130.

5. OLD BUSINESS:

<p>ZB-2020-01</p> <p>Received: 1/2/2020</p> <p>Escrow fees: PAID</p> <p>Taxes: PAID</p>	<p><i>COMPLETENESS AND HEARING</i> <i>(Application adjourned from May 28, 2020 meeting)</i></p> <p><u>UPMANIS, CHRIS & TERESA</u></p> <p>Applicant is seeking to variance relief to existing 20’ x 11’ concrete patio that is within 1 foot of property line where 5’ is required. Patio was installed to alleviate drainage issues.</p> <p><u>REPORTS BY BOARD PROFESSIONALS:</u> None</p>	<p>ESCROW #990000</p> <p>Block 49.01, Lot 14</p> <p>885 East Drive</p> <p>Zoned: R-6</p>
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6. OLD BUSINESS:

<p>ZB-2019-1</p> <p>Received: 6/4/2020</p> <p>Escrow fees: PAID</p> <p>Taxes: PAID</p>	<p><i>REQUEST FOR EXTENSION OF APPROVAL</i></p> <p><u>(Old York Business Park) / G.S. REALTY CORP.</u></p> <p>Applicant is requesting an extension of approval, per letter received June 4, 2020. Reference: Resolution Z-2019-14.</p> <p><u>REPORTS BY BOARD PROFESSIONALS:</u> None</p>	<p>ESCROW #987700</p> <p>Block 137.02 Lot 1, 11.03</p> <p>Old York Bus. Park</p> <p>Zoned: REO (Research/ Engineering/Office)</p>
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7. DISCUSSION:

Township Committee Ordinance #2020-07 entitled **AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN AMENDING THE AGWAY (GROWMARK)/YATES REDEVELOPMENT PLAN.**

Comments (if any) from the Planning Board to be reported back to the Township Committee by way of memorandum or Planning Board Resolution from Attorney Carlin, and further determine that the Redevelopment Plan is in compliance with the Master Plan.

- **Resolution No. P-2020-15** – A RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF BORDENTOWN RECOMMENDING THE ADOPTION OF A REDEVELOPMENT PLAN AMENDMENT FOR THE AGWAY (GROWMARK)/YATES REDEVELOPMENT AREA.

8. ADMINISTRATIVE ITEMS FROM THE COMMUNITY DEVELOPMENT OFFICE

9. PUBLIC COMMENT

10. MOTION TO ADJOURN

**PLANNING BOARD
TOWNSHIP OF BORDENTOWN
Application No. PB-2019-08
Resolution No. P-2020-13**

**A RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP
OF BORDENTOWN MEMORIALIZING THE GRANTING OF THE
BULK VARIANCE APPLICATION OF CAPITAL HEALTH SYSTEMS, INC.
FOR THE PROPERTY DESIGNATED AS BLOCK 56, LOT 36.02, MORE
COMMONLY KNOWN AS 115 ROUTE 130**

WHEREAS, Capital Health Systems, Inc. (the “Applicant”) has submitted an application to the Planning Board of the Township of Bordentown (the “Board”) for Bulk Variance Relief to permit the installation of a three (3) facade signs on the building located on the property designated at Block 56, Lot 36.02 on the Tax Map of the Township of Bordentown, more commonly known as 115 Route 130 (the “Property” or “Subject Property”); and

WHEREAS, the Applicant is the lessee of the property and the current owner, Anchor Bordentown Owner, L.L.C. consented to this application; and

WHEREAS, the Application submitted substantially complies with the procedural requirements of the Township of Bordentown Land Development Application Checklist (“Checklist”) necessary to review the application pursuant to the Township of Bordentown Land Development Ordinance (“LDO”) Section 25:807;

WHEREAS, the Applicant has requested the Board to deem the application “complete” and vest the Board with jurisdiction to hear the Application; and

WHEREAS, it appears that all jurisdictional and procedural requirements of the Bordentown Township Land Development Ordinance have been satisfied such that the Board shall deem the application complete and the Board has jurisdiction to hear the application; and

WHEREAS, due to the health emergency and limitations imposed by Executive Orders

103 and 107, the meeting at which this matter was heard was conducted using the ZOOM video conferencing platform. Members of the public attended, but those in attendance made no comment on the Application when the meeting was opened to the public; and

NOW, THEREFORE, BE IT RESOLVED, that at its Regular Meeting on May 28, 2020, the Planning Board of the Township of Bordentown reviewed the application of Capital Health Systems on the property designated as Block 58, Lot 36.02, and that the Board hereby deems the application complete subject to conditions and stipulations noted herein;

BE IT FURTHER RESOLVED, the Board finds there was sufficient notice and good cause to waive the requirement that the application be considered only for completeness at the first meeting after the filing of the application.

A motion was made by Mayor Benowitz, and seconded by Vice Chairman Hirschfeld and voted upon as follows:

Ayes (9):	Mayor Benowitz, Deputy Mayor Holliday, Vice Chairman Hirschfeld, Bowyer, Esser, Fairlie, Grayson, Holston, and Chairman Chidley
Nays (0):	None
Abstentions(0):	None
Absent (1):	None
Participated (0):	Schiano

WHEREAS, the Board proceeded to consider the substantive merits of the application; and

WHEREAS, the Applicant seeks relief from the provisions of Section 25:514(H) of the Bordentown Township Land Development Ordinance (“LDO”) to permit the installation of three (3) signs on the facade of the building on the property -- two on the front elevation, and one on the side west elevation, where only one sign is permitted on the front facade of the building, and to permit Applicant to erect two (2) signs at 152.77 square feet and one sign at 21.65 square feet,

where one sign not exceeding twenty-four (24) square feet is permitted. and

WHEREAS, in compliance with the Municipal Land Use Law due notice was given by the Applicant in accordance with statute by publication and by certified mail to all property owners within 200 feet of the premises more than ten (10) days prior the date of the hearing, Additionally, in compliance with the Open Public Meetings Act, as amended by A-3850 and in consideration of Executive Orders No. 103 and 107, issued by Governor Murphy on March 9 and 21, 2020 respectively, the Applicant provided due notice that the meeting would be conducted via video teleconferencing using the Zoom video conferencing platform to all property owners within 200 feet of the premises; and

WHEREAS, the Applicant was represented by Anthony Chwastyk, Esquire, Associate General Counsel, Capital Health Systems, Inc.; and

WHEREAS, hearings on the application were conducted at the regular meetings of the Board on May 28, 2020 and June 25, 2020, during which time the board considered the following documents, witnesses and exhibits:

A. *Documents:*

1. Township of Bordentown Planning and Zoning Board Application Form, with attachments, including copies of Easements, Covenants and Agreements;
2. Township of Bordentown Land Development Application Checklist;
3. Sign information consisting of five (5) sheets prepared by Philadelphia Sign, Palmyra, New Jersey identified as follows:
 - a. Sheet #1, titled “Bordentown Medical Office Building-Plan”, dated February 26, 2019, revised March 6, 2019;
 - b. Sheet #2, titled “Bordentown Medical Office Building-Elevations”, dated February 26, 2019, revised March 6, 2019;
 - c. Sheet #3, titled “Bordentown Medical Office Building-Elevations”, dated February 26, 2019, revised March 6, 2019;

- d.. Sheet #4, titled “Bordentown Medical Office Building-Capital Health Channel Letters”, dated February 26, 2019, revised March 6, 2019; and
- e. Sheet #3, titled “Bordentown Medical Office Building-Rothman Channel Letter”, dated February 26, 2019, revised March 6, 2019;
- 4. Proof of Service Affidavit of Anthony H. Chwastyk, Esquire, Attorney for Applicant, with attachments;
- 5. Planner’s Report of John McDonough, LA, PP, AICP of John McDonough Associates, LLC dated June 19, 2020;
- 6. Packet of Planning Exhibits for Capital Health System, Inc - 115 Route 130, Township of Bordentown consisting of six (6) pages with each page identified as follows:
 - a. Tax/Parcels Map, Route 130, Township of Bordentown, NJ 08505
 - b. Aerial Map, Route 130, Township of Bordentown, NJ 08505
 - c. Land Use Map, Route 130, Township of Bordentown, NJ 08505
 - d. Zoning Map, Route 130, Township of Bordentown, NJ 08505
 - e. View of Subject Site from Route 130-Photosimulation of Building Signs (Prepared by Philadelphia Signs)
 - f. View of Dual Signs at St. Francis Health Center within Team Campus (Source: Google)
- 7. Layout & Dimension Plan, Team Campus-Phase II, Preliminary & Final Site Plan, prepare by Timothy P. Lurie, P.E. of BW Smith Associates LLC, page 3 of 14 dated July 24, 2017; and
- 8. Landscape and Lighting Details, Team Campus-Phase II, Preliminary & Final Site Plan, prepare by Timothy P. Lurie, P.E. of BW Smith Associates LLC, page 8 of 14 dated July 24, 2017.

b. Witnesses

- 1. Joy Shimizu, Senior Project Manager, Philadelphia Sign;
- 2. Joann Hopkins, Director of Project and Property Management, Capital Health System, Inc.;
- 3. John McDonough, LA, PP, AICP, John McDonough Associates, LLC; and
- 4. Eric Forbes, Senior Director of Construction, Anchor Health Properties

c. Exhibits

1. EXHIBITS FROM THE MEETING OF 5/28/2020:
 - a. Exhibit A-1: Photo #4 prepared by Philadelphia Signs - View of the West Elevation with Photosimulation of Proposed Building Signs from Route 130 North.
 - b. Exhibit A-2: Photo #3 prepared by Philadelphia Signs - View of the West Elevation from Route 130 South.
 - c. Exhibit A-3: Photo #2 prepared by Philadelphia Signs -View of the North and West Elevations from Route 130 South.
 - d. Exhibit A-4: Photo #1 prepared by Philadelphia Signs -View of the North and West Elevations from Route 130 South (across from Crescent Drive).

2. EXHIBITS FOR MEETING OF 6/15/2020
 - a. Exhibit A-9a: Tax Parcel Map, Tax Account No. 58-36.02, Twp of Bordentown
 - b. Exhibit A-9b: Aerial Map, Tax Account No. 58-36.02, Twp of Bordentown
 - c. Exhibit A-9c: Land Use Map, Tax Account No. 58-36.02, Twp of Bordentown
 - d. Exhibit A-9d: View of Dual Signs at St. Francis Health Center within Team Campus (Source: Google)
 - e. Exhibit A-12: Signage Dimensions.

WHEREAS, due to the health emergency and limitations imposed by Executive Orders 103 and 107, the meeting conducted using the ZOOM video conferencing platform which permitted members of the public to attend via video conference, telephone conference call and e-mail. Members of the public were in attendance at the meeting. Those in attendance offered no questions or comments on the Application when the meeting was opened to the public; and

WHEREAS, the Board finds as follows:

FINDINGS OF FACT

1. Applicant is the lessee of the premises located at 115 Route 130, which is located

in a Highway Commercial Zoning District (“HC”).

2. Applicant entered into a lease for an approximately 78,000 square foot, three-floor, medical office building and ambulatory surgery center ("the Building") at the property located at 115 Route 130, Bordentown, Block 58, Lot 36.02 ("the Property"). Applicant will be the primary tenant, and Rothman Orthopaedics will sublease space in the Building. Capital Health is a two-hospital health system that currently supports seventeen primary care offices and thirteen specialty offices in New Jersey and Pennsylvania. Rothman Orthopaedics is a world leader in Orthopaedic and Musculoskeletal care whose reputation for excellence led to official partnerships with the Philadelphia Eagles, Phillies, 76ers, and the Flyers.

3. Applicant proposes the following signs, which will be illuminated with LED lighting:

- (1) Capital Health name and logo on the front elevation (60 3/8" x 30' 4 3/8", 152.77 s.f.);
- (2) Capital Health name and logo on the west elevation (60 3/8" x 30' 4 3/8", 152.77 s.f.); and
- (3) Rothman Orthopaedics name and logo on the front elevation (5' 3 1/2" x 22' 11 7/8" 121.65 s.f.);

The signs on the front elevation represent 3% wall coverage and the sign on the west elevation represents 2% wall coverage.

4. The Applicant seeks a variance relief to install three (3) signs on the facade of the building on the property -- two on the front elevation, and one on the side west elevation, where only one sign is permitted on the front facade of the building. Applicant also seeks a variance proposes to erect two signs at 152.77 square feet and one sign at 21.65 square feet, where one

sign not exceeding twenty-four (24) square feet is permitted.

5. The Property is part of a much larger planned development known as Kevin Johnson's Team Campus. The complex covers 32 acres and offers a variety of medical and health services to the community. There are multiple buildings within the campus, comprising well over 250,000 square feet, and multiple accessways and roadways. The proposed signs will demarcate the anchor health care institutions onsite, specifically, Capital Health Systems and Rothman Orthopaedics.

6. The sign package is tasteful and complements the building architecture. The sign package is compatible with other signage in the complex. The signage provides visual cues and navigation aids that help reduce confusion, stress, and dangerous vehicle movements.

7. The inclusion of these two major tenants within the campus will bolster its viability and identify the area as a first-class health and wellness hub serving the community with a wide variety of state-of-the-art medical and fitness services. The signs support these beneficial institutions.

8. The proposed signs are positioned to be seen by drivers and those within the campus, not at residential uses. The signs are not overly large and integrate very nicely within the architectural framework; they are not obstructive or gaudy. The proposed signs do not interfere with driver lines of sight or create driver distraction; they are static signs that do not animate, move, roll, scroll, blink, or fade in and out.

9. The proposed signs are visible from a distance of five hundred (500) feet. They are aimed at the road and are not directed towards the residential uses across Crescent Road to the west of the building. The single proposed sign on the west face of the building is approximately one thousand (1,000) feet from the nearest home. The sign is obscured from the

residential uses by existing vegetation.

10. The Applicant has previously received approval for a monument sign as part of site plan approval and those approvals are not affected by this application.

11. The Applicant agreed that as a condition of approval, the sign on the Northbound face of the building will be turned off every night at 8:00 p.m.

CONCLUSIONS OF LAW

1. The Planning Board of the Township of Bordentown has jurisdiction over the Within variance application pursuant to the provisions of N.J.S.A. 40:55D-70 (c) and LDO 25:702.C, as amended by Township Ordinance 2020-01.

2. The Board finds that the proposed signage will facilitate clear and safe identification of two important well known and respected health care providers within the exceptionally large campus.

3. The Board finds that the proposed sign will provide safe wayfinding for the building. It will provide visual cues and navigation aids that help reduce confusion, stress, and dangerous vehicle movements advancing purposes “a”, to promote the general welfare, and “h” of the Municipal Land Use Law (“MLUL”) to encourage the free flow of traffic. Additionally, the sign package is tasteful and complements the building architecture. The sign package is compatible with other signage in the complex. The proposed signage advances purpose “I” of the MLUL in promoting a desirable visual environment.

4. The Board finds that the benefit of the proposed sign substantially outweighs the detriments. The two (2) health care tenants bolster the viability of the site and identify the area as a first-class health and wellness hub serving the community with a wide variety of state-of-the-art medical and fitness services. The project as a whole will provide jobs and services.

These services fulfill a need as the population continues to grow. The signs support these beneficial institutions.

5. The Board finds that relief can be granted without substantial detriment to the public good. Visually, the proposed signs are positioned to be seen by drivers and those within the campus, not at residential uses. The proposed signs are not overly large and integrate very nicely within the architectural framework; they are not obstructive or gaudy. The proposed signs will be obscured from the neighboring residential uses due to distance and existing vegetation. Functionally, the signs do not interfere with driver lines of sight or create driver distraction; they are static signs that do not animate, move, roll, scroll, blink, or fade in and out.

6. The Board finds that relief can be granted without substantial impairment to the zone plan. None of the planning purposes behind sign controls are violated in this instance. The sign package effectuates the planning benefits as outlined herein. The sign package is not over branding or excessive sign clutter. The project is substantially consistent with the planning goals of the 2019 Master Plan that the project promotes the planning goal for a variety of land uses in appropriate locations according to the needs of New Jersey citizens, and economic development in the interest of job generation and stable ratable base.

NOW, THEREFORE, BE IT RESOLVED, that at its Regular Meeting on June 25, 2020, the Planning Board of the Township of Bordentown, hereby grants the Applicant design waivers to permit the Applicant to install three (3) facade signs building, where only one (1) sign is permitted; to permit two (2) Capital Health signs of 152.7 feet each and two (2) to three (3) percent of the facade where twenty-four (24) square feet is permitted; and to permit one (1) Rothman Orthopaedic sign of 121.65 square feet on the northern side of the building where twenty-four (24) square feet subject to the following conditions:

- a. The Capital Health sign on the west side of the building, shall be turned off every night at 8:00 p.m.;
- b. The Applicant shall comply with all comments set forth in the Planner’s review letter; and
- c. The applicant shall obtain any and all approvals required by other municipal, county, state and federal government agencies.

A motion was made by Mayor Benowitz, and seconded by Mr. Fairlie, and voted upon as follows:

Ayes (9):	Mayor Benowitz, Deputy Mayor Holliday. Vice Chairman Hirschfeld, Bowyer, Esser, Fairlie, Grayson, Holston, and Chairman Chidley
Nays (0):	None
Abstentions(0):	None
Absent (0):	None
Not Voting (1):	Schiano

This is a Resolution to memorialize the action taken by the Planning Board of Adjustment of the Township of Bordentown at a regular meeting held on June 25, 2020.

 GEORGE CHIDLEY, *Chairman*

Attest:

 MICHAEL THEOKAS, Board Secretary

Date Adopted : June 25, 2020
 Date Memorialized : July 9, 2020
 Motion:
 Second:
 For Adoption:
 Against:
 Abstentions:
 Absent:
 Not Voting:

**PLANNING BOARD
TOWNSHIP OF BORDENTOWN
Application No. PB-2020-04
Resolution No. P-2020-14**

**A RESOLUTION OF THE PLANNING BOARD OF THE
TOWNSHIP OF BORDENTOWN MEMORIALIZING THE GRANTING OF THE
BULK VARIANCE APPLICATION OF MANNINO SPECIALTIES T/A VILLA
MANNINO RESTAURANT FOR THE PROPERTY DESIGNATED AS
BLOCK 28, LOT 4, MORE COMMONLY KNOWN AS 73 ROUTE 130**

WHEREAS, Mannino Specialties, t/a Villa Mannino Restaurant (the “Applicant”) has submitted an application to the Planning Board of the Township of Bordentown (the “Board”) for Bulk Variance Relief to permit the installation of a second facade sign on the rear tower on north side of the existing building on the property designated at Block 28, Lot 4 on the Tax Map of the Township of Bordentown, more commonly known as 73 Route 130 (the “Property” or “Subject Property”); and

WHEREAS, the Applicant is the current owner of the Property to make this application; and

WHEREAS, the Application submitted substantially complies with the procedural requirements of the Township of Bordentown Land Development Application Checklist (“Checklist”) necessary to review the application pursuant to the Township of Bordentown Land Development Ordinance (“LDO”) Section 25:807;

WHEREAS, the Applicant has requested the Board to deem the application “complete” and vest the Board with jurisdiction to hear the Application; and

WHEREAS, it appears that all jurisdictional and procedural requirements of the Bordentown Township Land Development Ordinance have been satisfied such that the Board shall deem the application complete and the Board has jurisdiction to hear the application; and

WHEREAS, due to the health emergency and limitations imposed by Executive Orders 103 and 107, the meeting at which this matter was heard was conducted using the ZOOM video conferencing platform. Members of the public attended, but those in attendance made no comment on the Application when the meeting was opened to the public; and

NOW, THEREFORE, BE IT RESOLVED, that at its Regular Meeting on June 25, 2020, the Planning Board of the Township of Bordentown reviewed the application of Mannino Specialties t/a Villa Mannino designated as Block 28, Lots 4, and that the Board hereby deems the application complete subject to conditions and stipulations noted herein;

BE IT FURTHER RESOLVED, the Board finds there was sufficient notice and good cause to waive the requirement that the application be considered only for completeness at the first meeting after the filing of the application.

A motion was made by Mayor Benowitz, and seconded by Mr. Fairlie and voted upon as follows:

Ayes (9):	Mayor Benowitz, Deputy Mayor Holliday. Vice Chairman Hirschfeld, Bowyer, Esser, Fairlie, Grayson, Holston and Chairman Chidley
Nays (0):	None
Abstentions(0):	None
Absent (0):	None
Participated (1):	Schiano

WHEREAS, the Board proceeded to consider the substantive merits of the application; and

WHEREAS, the Applicant seeks relief from the provisions of Section 25:514(H) of the Bordentown Township Land Development Ordinance (“LDO”) to permit a second facade sign on the rear tower on north side of the existing building; and

WHEREAS, in compliance with the Municipal Land Use Law due notice was given by

the Applicant in accordance with statute by publication and by certified mail to all property owners within 200 feet of the premises more than ten (10) days prior the date of the hearing, Additionally, in compliance with the Open Public Meetings Act, as amended by A-3850 and in consideration of Executive Orders No. 103 and 107, issued by Governor Murphy on March 9 and 21, 2020 respectively, the Applicant provided due notice that the meeting would be conducted via video teleconferencing using the Zoom video conferencing platform to all property owners within 200 feet of the premises; and

WHEREAS, the Applicant was represented by Adam Lipps, Esquire of Destribats Campbell Staub & Schroth LLC; and

WHEREAS, The Board considered the following documents, exhibits and testimony of the witnesses presented at the hearing:

a.. Documents:

1. The Variance Application and exhibits submitted in connection therewith; and
2. The Review Letter of Jack Carman P.P. L.L.A. of Speziale Architectural Group, Inc. the Board Planner dated June 18, 2020.

b. Exhibits

- A-1 Photograph of the rear northbound facing tower with the proposed sign superimposed.
- A-2 Photograph of a southbound view of the location of the proposed sign and the existing sign from Route 130.

c. Witnesses:

1. Marco Mannino, on behalf of the Applicant; and
2. George Zienowicz of Zienowicz Signs, Trenton, New Jersey, the Applicant's sign designer and consultant.

WHEREAS, due to the health emergency and limitations imposed by Executive Orders 103 and 107, the meeting conducted using the ZOOM video conferencing platform which

permitted members of the public to attend via video conference, telephone conference call and e-mail. Members of the public were in attendance at the meeting. Those in attendance offered no questions or comments on the Application when the meeting was opened to the public; and

WHEREAS, the Board finds as follows:

FINDINGS OF FACT

1. Applicant is the owner of the premises located at 73 Route 130, which is located in a Highway Commercial Zoning District (“HC”).

2. The Applicant proposes to install a second sign on the building to advertise the location of its restaurant business, where only one facade sign is permitted under Bordentown Land Development Ordinance (“LDO”) 25.514.H.2.a.

3. The proposed sign will be located on the side of the building, when a sign may only be located on the facade, which is defined under LDO 25.514.A, as “the front wall of any building or the side of a building that faces a public street.”

4. Marco Mannino, one of the principal owners of the Applicant, testified on behalf of the Applicant as follows:

a. The proposed sign is a need for visibility of the establishment along the Route 130 corridor. He has been in business for twenty (20) years and is well known in the local community. The business not only attracts customers from the local region, his customers come from as far away as Cranberry, North Brunswick and Staten Island. The restaurant frequently hosts banquets and dinners for anywhere from 20 to 80 customers.

b. Due to the location of the Property near the Township border, GPS directions are unreliable. Depending on the GPS service, the locale is listed as Yardville, Trenton, in addition to Bordentown. On numerous occasions, he has had to guide people

to the restaurant by telephone.

c. The lack of a consistent locale for GPS purposes makes advertising difficult for the business. As a result, the business has to rely on signage along Route 130 to direct customers into the restaurant.

d. Customers traveling from North to South on Route 130 frequently have difficulty in identifying the restaurant. A customer traveling Southbound on Route 130 currently see the Restaurant “later”. This presents safety issues. If traveling in the right lane of southbound Route 130, you do not see the existing sign until you are almost past the restaurant. This results in abrupt lane changes or traveling to a U-turn about one hundred (100) yards down the road. If you miss that U-turn, the next opportunity for a U-turn is Highbridge Road or the light outside the Team 85 Campus or a U-turn at Mastoris Restaurant or a jug handle at Crosswicks Road.

e. The current sign is not large and is not taking up a large percentage of the front facade of the building. The proposed sign provides greater visibility to customers traveling southbound on Route 130 and provides customers with more advance notice of the restaurant’s location to permit them to safely navigate into the restaurant. This has become more important due to the increased traffic along the Route 130 corridor. The proposed sign will take up to seven percent (7%) of the north facade of the smaller rear tower. It is modest in design and intensity, but big enough to be seen from the roadway.

f. The proposed sign will be located on the rear tower on the northern face of the building. While the front tower, though which patrons enter and exit the building at ground level is larger, the rear tower provides the better visibility for the sign to be

seen by Southbound travelers along Route 130.

g. The restaurant is located in a commercial area. There are no surrounding residences, so the sign will have no negative impact on any surrounding residences.

h. The building signs will not be illuminated all night long. The signs will be on a timer that will turn off the signs about an hour after the closing time for the restaurant. The usual closing time for the restaurant is 9:30 p.m. on weekdays and 10:30 p.m. on weekends.

5. George Zienowicz, of Zienowicz Signs, the Applicant's sign maker and consultant testified as follows:

a. The proposed sign will be a sixteen (16) foot illuminated channel letter sign. It will be illuminated internally with LED lights. It is consistent in style and design to the existing sign on the building. The proposed sign will compliment the sign on the front facade.

b. The existing signage was described as "wimpy", meaning the signage is less than the signage on other existing businesses in the surrounding area. It makes it hard to find the Restaurant from Route 130.

c. The proposed sign is tasteful and will promote a greater visual appeal of the subject property while meeting the need to safely direct customers into the business.

CONCLUSIONS OF LAW

1. The Planning Board of the Township of Bordentown has jurisdiction over the within variance application pursuant to the provisions of N.J.S.A. 40:55D-70 (c) and LDO 25:702.C, as amended by Township Ordinance 2020-01.

2. The Board finds that the proposed sign will facilitate clear and safe identification to a long established restaurant that has become a destination for local residents and those coming from outside the Township to dine.

3. The Board finds that the proposed sign will provide safe wayfinding for patrons of the restaurant business by providing additional visual identification and navigation aids to help reduce confusion and dangerous vehicle movements advancing purpose “a” of the Municipal Land Use Law (“MLUL”) to promote the general welfare, and purpose “h” of the MLUL to encourage the free flow of traffic. Additionally, the proposed sign is tasteful and consistent with the existing sign on the front of the building. The sign compliments that architecture of the building and is modest in comparison to the signage on other businesses along Route 130. The proposed signage advances purpose “i” of the MLUL in promoting a desirable visual environment.

4. The Board finds that the benefit of the proposed sign substantially outweighs the detriments by bolstering the visibility of a long-time restaurant business that is a destination for patrons from out of town. The sign will facilitate patrons traveling southbound on Route 130 to find and safely navigate into the business.

5. The Board finds that relief can be granted without substantial detriment to the public good. The proposed sign is positioned for maximum visibility for drivers on the highway. There will be no negative impact on any surrounding residential uses. The proposed sign is modest and integrates nicely into the architecture. The proposed sign is consistent with the existing sign on the front facade of the building.

6. The Board finds that relief can be granted without substantial impairment to the

zone plan. The sign is modest and tasteful. It does not constitute over-branding or excessive sign clutter. It is consistent with the signage on commercial properties located along Route 130.

NOW, THEREFORE, BE IT RESOLVED, that at its Regular Meeting on June 25, 2020, the Planning Board of the Township of Bordentown, hereby grants the Applicant design waivers to permit the applicant to install a second facade sign on the rear tower of the north side of the existing building on the subject property where only one sign is permitted on the front side of the building, upon the Applicant complying with the comments set forth in the Planner's review letter and obtaining any and all approvals required by other municipal, county, state and federal government agencies.

A motion was made by Mayor Benowitz, and seconded by Mr. Fairlie, and voted upon as follows:

Ayes (9):	Mayor Benowitz, Deputy Mayor Holliday, Vice Chairman Hirschfeld, Bowyer, Esser, Fairlie, Grayson, Holston and Chairman Chidley
Nays (0):	None
Abstentions(0):	None
Absent (0):	None
Not Voting (1):	Schiano

This is a Resolution to memorialize the action taken by the Planning Board of the Township of Bordentown at a regular meeting held on June 25, 2020.

GEORGE CHIDLEY, *Chairman*

Attest:

MICHAEL THEOKAS, Board Secretary

Date Adopted : June 25, 2020

Date Memorialized : July 9, 2020

Motion:

Second:

For Adoption:

Against:

Abstentions:

Absent:

Not Voting:

GIORDANO, HALLERAN & CIESLA

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

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June 4, 2020

Client/Matter No. 17848/1

**VIA CERTIFIED MAIL &
EMAIL (m.theokas@bordentowntp.org)**

Mike Theokas
Interim Director of Community Development
Board Secretary
Bordentown Township Planning Board¹
One Municipal Drive
Bordentown, NJ 08505

**Re: Request for Interpretation, or for Extension
Old York Business Park / G.S. Realty Corp.
Block 137.01, Lots 1, 11.03, and Parcel VX35C2
Resolution No. ZB-2019-14**

Dear Mike:

As you know, this firm represents G.S. Realty Corp. (“*G.S. Realty*”). By way of resolution adopted by the Bordentown Township Zoning Board of Adjustment (the “*Board*”) on June 27, 2019 (Resolution No. ZB-2019-14) (the “*Resolution*”), and published on June 30, 2019, the Board granted use or “d(1)” variance approval, conditional use or “d(3)” variance approval, conditional use approval, and preliminary and final site plan approval (the “*Approvals*”) for the construction of two single-pole, double faced billboard signs on a portion of G.S. Realty’s property formally on the Bordentown Township’s official tax map as Lots 1 and 11.03 in Block 137.01. A copy of the Resolution is attached hereto for reference.

As of this date, the billboard use for the property authorized by the Resolution has yet to commence. The Bordentown Township Land Use Ordinance (the “*Ordinance*”), § 25.709.A, provides that “[a]ny use variance for which the use has not actually commenced within one year after the date of publication of the decision granting the variance shall expire and be considered to have been abandoned.” However, Ordinance § 25.709.B.3 provides that “[a] variance granted in conjunction with the approval of a site plan shall expire and shall be treated as having been abandoned on the same date that the approval of a site plan shall expire as provided by law.”

¹ It is our understanding that the Bordentown Township Planning Board and Zoning Board of Adjustment have been consolidated as of March 2020, with the Planning Board now assuming the responsibilities of the Zoning Board. As such, this letter is addressed to the Planning Board for consideration.

These provisions appear facially contradictory, or contradictory as-applied here, insofar as strict application would create a scenario where the “use” or “conditional use” variances granted by the Board could expire on June 30, 2020, while the “c” or “bulk” variances granted by the Board would not expire until the two-year period of protection conferred by the Municipal Land Use Law (“*MLUL*”), *N.J.S.A.* 40:55D-52(a) (plus any applicable extensions) expires.

It is G.S. Realty’s position that the “use” or “conditional use” variance granted in connection with site plan approval cannot expire earlier than the two-year period of protection conferred by § 52(a) of the *MLUL* (plus any applicable extensions) expires. To allow otherwise would be to allow a change to the zoning applicable to the site plan inside of the two-year period, which is not permitted.

Accordingly, by way of this letter, G.S. Realty seeks (i) an interpretation pursuant to § 70(b) of the *MLUL*² that the Approvals granted by the Board are vested and do not expire until two years after the date of adoption of the Resolution, which is June 27, 2021, or, (ii) in the alternative, for the grant of an initial one-year extension of the Approvals until June 27, 2021.

Please advise if any fees are associated with this request, which will be transmitted immediately under separate cover.

Should you have any questions about the contents of this letter, or the nature of the relief requested, please do not hesitate to contact me at your convenience.

Thank you for your attention to this matter.

Very truly yours,



STEVEN P. GOUIN

SPG/

Enclosures

Cc: G.S. Realty Corp. (via email – cover letter only – and regular mail – with enclosures)
J. Scott Anderson, Esq. (via email)
Adam Garcia, Esq. (via email)

Docs #4409042-v1

² This provision provides that “[t]he board of adjustment shall have the power to: b. Hear and decide requests for interpretation of the zoning map or ordinance or for decisions upon other special questions upon which the board is authorized to pass by any zoning or official map ordinance, in accordance with this act.”

**ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF BORDENTOWN
Application No. ZB-2019-1
Resolution No. Z-2019-14**

**RESOLUTION OF THE ZONING BOARD OF ADJUSTMENT OF THE TOWNSHIP
OF BORDENTOWN GRANTING THE APPLICATION OF G.S. REALTY
CORPORATION FOR A USE VARIANCE, WITH CONDITIONAL USE APPROVAL A
CONDITIONAL USE VARIANCE AND DESIGN WAIVERS FOR BLOCK 137, LOTS 1
& 11.03 ON THE BORDENTOWN TOWNSHIP TAX MAP**

WHEREAS, G.S. Realty Corp. (the “Applicant”) submitted an application to the Bordentown Zoning Board of Adjustment (the “Board”) for a Use Variance, with Conditional Use Approval, a Conditional Use Variance and Design Waivers to construct two (2) single-pole, double-faced billboard signs on a portion of the property designated at Block 137.01, Lots 1 & 11.03 on the Tax Map of the Township of Bordentown, more commonly known as the Old York Road Business Park, (the “Property” or “Subject Property”); and

WHEREAS, the Board considered the following documentary evidence:

1. Completed Bordentown Township Planning and Zoning Board Application of G.S. Realty Corp.;
2. Township of Bordentown Land Development Application Checklist with Request for Design Waivers Letter dated February 11, 2019;
3. Preliminary and Final Site Plan set consisting of nine (9) sheets prepared by Julia G. Algeo, P.E. of Maser Consulting dated February 11, 2019;
4. Boundary and Topography survey prepared for Amboy Bank consisting of five (5) sheets, prepared by Michael F. Burns, P.L.S. dated January 15, 2016, last revised March 30, 2018; and
5. Correspondence from Outfront Media dated February 1, 2019 transferring NJDOT Outdoor Advertising Permits #75844 and #75845 to G.S. Realty Corp; and
6. Professional Review Letter of Board Planner, Malvika Apte, PP, AICP, and Board Engineer, Brian Boccanfusco, PE, CFM of CME Associates, dated March 20, 2019.

WHEREAS, a hearing on the Application was conducted at the regular meeting of the Board on May 23, 2019, during which time, the following witness and exhibits were presented to the Board:

a) Witnesses:

1. Julia G. Algeo, P.E., P.P., of Maser Consulting, P.A., Applicant's Engineer;
2. Maurice Rached, P.E., P.T.O.E., of Maser Consulting, P.A., Applicant's Billboard and Traffic Safety Consultant;
3. Daniel Bloch, P.P., A.I.C.P., E.A.D.A., of Maser Consultant, P.A. Applicant's Planner; and
4. Gus DeBlasio of Maser Consulting P.A., Applicant's Landscaping Architect and Tree Consultant.

b) Exhibits marked during public hearing:

- A-1 Aerial Review of Site dated May 23, 2019;
- A-2 Sheet 2 of 9 entitled Overall Plan, of the Site Plan Set dated February 11, 2019;
- A-3 Color rendering of the landscaping design superimposed on aerial overview of Old York Business Park by Maser Consulting dated May 23, 2019;
- A-4 Billboard Profile Exhibit, part of Proposed Billboards, General Presentation on Location and Lighting, 16 page PowerPoint report prepared by Maser Consultants P.A. dated May 23, 2019, and
- A-5 Resolution #P-2014-12 approving Billboards across Route 295.

WHEREAS, in reaching its decision, the Board relied on the submissions, exhibits and witness testimony identified above and the basis for the Board's action is set forth on the following findings and conclusions regarding the Applicant:

FINDINGS OF FACT

1. G.S. Realty Corp. (“G.S. Realty”) is the owner of the property designated as Block 137.02, Lots 1 and 11.03, more commonly known as 2473 Old York Road, Bordentown, New Jersey.

2. Applicant has provided information that G.S. Realty Corp. is a wholly owned subsidiary of Amboy Bank.

3. Due Notice was given by the Applicant by publication and certified mail to all property owners within 200 feet of the premises in both Bordentown Township and Mansfield Township more than ten (10) days before the date of the hearing. In addition to the notices required under the Municipal Land Use Law (“MLUL”), notice was given to the owner of the property located across Route 295 from the Subject Property that previously received approval from the Planning Board to construct Billboards, but that have not yet been constructed.

4. Applicant has provided a Certification that there are no outstanding application fees or escrows as provided under Bordentown Township Land Development Ordinance (LDO) Section 25.802.(c)(7).

5. The Application was deemed complete on April 25, 2019 and memorialized by Resolution #Z-2019-12, dated May 23, 2019.

6. Applicant has standing and the Board has jurisdiction to hear and decide this Application.

7. The Applicant was represented by Steven P. Gouin, Esquire of the Law Firm of Giordano, Halleran and Ciesla, as required by law.

8. The Application has been reviewed by the Board’s Professionals. Their comment letter is incorporated and made part hereof, as if set forth at length. Unless otherwise noted, the

Applicant has agreed to comply with the recommendations of the Professional Review letter.

9. G.S. Realty Corp proposes to construct two (2) single-pole, double-faced billboard signs at a height of ninety (90) feet. The Billboards will be situated on the north side of the property for visibility from Interstate Route 295. Each face of the proposed billboards will be 16' x 60' or a maximum of 1,000 square feet in area. Billboard # 1 is proposed along the northwest portion of the site while Proposed Billboard # 2 is to be located along the north east portion of the site. Each billboard will include a "static" side that will not include changeable messages or animated displays, and a "dynamic" side that will include an LED changeable display. The static side of Billboard # 1 will face southbound Route 295 traffic while the multi-media/LED side will face northbound Route 295 traffic. The static side of Billboard # 2 will face northbound Route 295 traffic while the multi-media/LED side will face southbound Route 295 traffic. The distance between the two proposed billboards on the Subject Property is indicated to be one thousand ten (1,010) feet.

10. The Subject Property is located in the southwest portion of the Township on Old York Road where it is adjacent to the New Jersey Turnpike. The northern part of the property abuts Interstate 295. It is located in a Research Engineering and Office (REO) Zone. The Subject Property is designated on the Township Tax Map as Block 137.02, Lots 1 and 11.03. The total tract is 59.403 acres in size, and is currently undeveloped land. On June 14, 2108, the Planning Board granted approval for the construction of 536,253 square feet of warehouse and office space within two (2) buildings as memorialized in Planning Board Resolution #P2018-12.

11. The Subject Property is vacant and partially wooded. Approximately 35,300 square feet of property area will be disturbed to allow for the construction of the billboard including wooded areas. There is to be a variable width billboard access easement over the

proposed warehouse access driveways extending from the proposed Old York Road site entrance, to the north side of the property. Along the north side of the property the easement will cover a proposed fire access drive (northeast) and be combined with the basin access to the northwest. It is proposed that grass pavers be used for the billboard/fire access and the billboard/basin access drives.

12. Billboards are permitted within the REO District as a Conditional Use, subject to the Conditional Use Standards set forth in Bordentown Township Land Development Ordinance (“LDO”) Section 25.601.C.2, as amended by Ordinance 2007-1.

13. The Applicant seeks a Use Variance to permit two (2) primary uses on the Subject Property, where one principal use is permitted under LDO Section 25-510. The Subject Property has been approved for office/warehouse and the proposed Billboard are another principal use proposed for the site.

14. The Applicant seeks Conditional Use Variances under N.J.S.A 40:55D-70(d)(3) from two (2) of the Conditional Use standards that cannot be met. Specifically, the application deviates from the following conditions:

a) Section 25-601C.2.b Proposed Billboard #1 is located nine hundred fifty (950) feet from a residential structure and less than two hundred (200) feet from a residential zone in the adjacent Township of Mansfield. Proposed Billboard #2 is proposed eight (800) feet from a residential zone in the adjacent Township of Mansfield. The LDO provides that no billboards shall be permitted within 1,000 feet of a residential use or residential zone.

b) Section 25-601C.2.d The Proposed Billboards are located as close as four hundred fifteen (415) feet and four hundred forty (440) feet to two (2) previously approved but not yet constructed billboards located across interest 295 from the Subject Property. The LDO provides that no billboard or portion thereof shall be allowed within a one thousand (1,000) foot radius of any other billboard.

The following waivers are requested from the design standards of the LDO:

- a) Section 25-506.D.1 Street trees are required on both sides of all streets. No street trees are shown on the plans provided.
- b) Section 25-508.A.3 All driveways are required to be paved, where a grass paver access road is proposed.

15. The Board has interpreted the plain language of LDO Section 25.601.C.2.b that the minimum proximity requirement of one thousand (1000) feet applies to residential uses in neighboring Mansfield Township. See In re Outfront Media L.L.C., Resolution #Z-2018-10.

16. The Board has previously interpreted the plain language of LDO Section 25.601.C.2.d that the minimum spacing requirement of one thousand (1000) feet from adjacent Billboards is measured radially rather than linearly and therefore applies to approved, but not yet constructed billboards on the other side of Route 295. See In re Outfront Media L.L.C., Resolution #Z-2018-10.

17. Julia G. Algeo, P.E., P.P. of Maser Consulting, P.A., the Applicant's Engineer testified as follows:

- a) The Applicant proposes to construct two (2) Billboards. Billboard #1 is located approximately 500 feet from the Southwest property line. Billboard #2 is located 1,010 feet North along Route 295 from Billboard #1.
- b) Each sign face will be 16'x60' with a 1,000 square foot maximum, as permitted by NJDOT regulations. The signs are proposed at a height of 90 feet measured from the cartway to minimize removal of vegetation at the sight and to provide good views from the roadway.
- c) Each Billboard will be static on one side with a dynamic or LED changeable display on the other side. The static side of Billboard #1 will face South

bound Route 295 traffic while the multimedia/LED side with face Northbound 295 traffic. The static of Billboard #2 will face North bound Route 295 traffic while the multimedia/LED side with face South bound Route 295 traffic.

d) Access to Billboard #1 will be provided by extending a grass paver access road, along the basin that was previously approved by the Bordentown Township Planning Board (“Planning Board”) to maintain the Basin.

e) Additional landscaping is proposed at the base of both signs and additional buffer planting is proposed along Route 295 to supplement what had been approved by the Planning Board.

f) The Billboards do not impact environmentally sensitive areas on the Subject Property.

g) The proposal complies with twenty-two (22) of the twenty-four Conditional Use standards for Billboards under the LDO. Billboard #1 is proposed to be built nine hundred (950) feet from an existing residence in Mansfield Township and five hundred (500) feet from a residential zone in Mansfield Township. The LDO provides that Billboards are not permitted within one thousand (1000) feet of a residential use or zone, which may be reduced to seven hundred fifty (750) feet where applicant can show that the impact on the residential zone will be minimal and the benefit substantially outweighs the potential detriment on the residential properties.

h) There is a stream corridor and a wooded area of tall mature trees between Billboard#1 and the existing residence in Mansfield Township. The impact of Billboard #1 on that residence will be minimal due to the topography.

i) Both of the proposed Billboards will be built within one thousand (1000) feet of two (2) Billboards that have been previously approved by the Planning Board for a property located across Route 295 from the subject property.

18. Maurice Rached, P.E., R.T.O.E. of Maser Consulting, P.A., the Applicant’s Billboard and Traffic and Safety Consultant testified as follows:

a) The purpose of the one thousand (1000) foot proximity standard from

abutting residential uses is to reduce the visual impact of the Billboards on residents.

b) Due to the existing vegetation and topography Billboard #1 will not be visible to the existing residence in Mansfield Township. The residence is surrounded by trees. The residence is separated from the proposed Billboard #1 by a stream corridor and a densely populated wood area with mature trees of fifty (50) to sixty (60) feet in height.

c) The Billboards will be directed towards the highway. They will be set in a “cone of clearance” carved out for each among existing mature trees which will further screen Billboard #1 from the existing residence or the residential zone. In Mansfield Township. Due to the topography and wetlands there is unlikely to be any further residential development along the highway in Mansfield Township.

d) The proposed Billboards with static/dynamic faces are consistent with those approved by the Planning across Route 295 as memorialized in Resolution #P-2014-12.

e) NJDOT regulates outdoor advertising and has granted permits for the proposed Billboards on the subject property, with full knowledge of the approved, but not constructed Billboards across Route 295.

f) A variance is necessary because Billboard #1 is located four hundred (415) feet from one of the approved but not constructed Billboards across Route 295. Billboard #2 is located four hundred forty (440) feet and seven hundred (750) feet from the approved but not constructed Billboards across Route 295.

g) The lighting of the static sign is evaluated by the amount of light striking the sign known as Illuminance. The dynamic/LED sign is evaluated by the amount of light emanating from the sign, known as Luminance.

h) NJDOT has no standards for Luminance or Illuminance for Billboards. There is a standard for Illuminance of the static sign in the LDO ordinance. There is no standards for the Luminance of the dynamic/LED signs in the LDO. Resolution #P-2014-12 is silent regarding the standard used to evaluate illuminance used by the Planning Board in the prior approval of the LED signs across Route 295.

i) The illuminance of the static signs is proposed at fifty (50) footcandles which is permitted under the ordinance.

j) A survey of standards used in other communities throughout the country indicates that the commonly accepted standard for the maximum luminous intensity of the signs in the industry shall not exceed 5,000 nits (candleas per square meter) during daylight hours and 500 nits between dusk and dawn. The minimum duration of a message will be a minimum duration of eight (8) seconds with a minimum of one (1) second for the change of messages.

k) The proposed Billboards are designed to minimize Sky Glow and Glare. There is no effect from the LED sign. The LED is focused and has a more controlled emission. Therefore the LED lighting has little emission. The static lights are designed to ensure that the light is projected on the Billboard. The lighting instruments proposed include Louvers which are adjusted to keep the light only on the signs.

l) The proposed Billboards are designed to minimize any Dark Sky concerns. The LED signs have no impact as the light emitted is focused toward the roadway. Special shields are installed on the fixtures on the static side to insure that no light spills beyond the sign itself.

m) The Billboards are proposed at height of 90 feet from the cartway, the maximum permitted in the Board's discretion under the ordinance. The Billboards are being built in a cone of clearing surrounded by trees of fifty (50) to eighty (80) feet in height. The nearest warehouse to the signs is approved to be built to a height of 41.78 feet. It is not practical to build the Billboards at the lower height. By deviating to allow the Billboards to the height of ninety (90) feet preserves a tremendous number of the tall existing trees on the subject property.

19. Daniel Bloch, P.P., A.I.C.P., E.A.D.A., of Maser Consulting, P.A., the Applicant's Planner testified as follows:

a) The existing mature trees and topography between Billboard #1 and the existing resident and residential zone mitigate the effect of the lessened distance to the residence in Mansfield Township. The residence will not be impacted at all from the deviation. It is further noted that the Board has discretion to reduce the maximum proximity to seven hundred fifty (750) feet.

It is likely that there will be no new residential construction in the residential zone in Mansfield Township. With its proximity to Route 295, the creek and heavily vegetated wetlands there is no ability to build anything in the residential zone in Mansfield Township.

There is no substantial detrimental impact to the public good and there is no substantial detrimental impact to the zone plan or zoning ordinance in granting the variance.

b) The purpose of the maximum proximity requirement between signs is to prevent a proliferation of Billboards along the roadway. The Billboards that are within proximity from the proposed Billboards have been approved for five years and have not been built. There is no substantial detrimental impact to see all four Billboards, if constructed, as they are only seen from Route 295. There is no impact on the adjoining property. There is no substantial detrimental impact on the zone plan or zoning ordinance.

c) The site can accommodate two (2) principal uses of warehousing and Billboards. They are consistent uses that were always part of the plan for the subject property. Billboards are permitted conditional uses. Of the twenty-four (24) Conditional Use standards set out in the LDO, there is no requirement that the Billboards be built on vacant properties or be the only use on the property. Billboards generally accompany other uses on many properties.

d) The deviation is consistent with the purposes of the MLUL, as it encourages municipal action to guide the appropriate use or development of all lands in the State, in a manner which promotes the public, health, safety, morals and general welfare.

e) There is no substantial detriment to the public good to permit one principal use and one conditional use on the same property. The purpose of the Ordinance requirement is to prevent conflicts or overbuilding on one (1) lot. Billboards have no relation to or conflict of the operation of warehouses on the site.

f) There is no substantial impact on the zone plan or zoning ordinance. Billboards are permitted conditional uses. In granting the deviation, the Board is not taking away any legislative power from governing body.

20. The meeting was opened to the public and no members of the public appeared to comment on this application.

CONCLUSIONS OF LAW

21. Based upon the testimony, representations and reports, as well as information in the application materials, the Applicant has demonstrated that the site can accommodate two (2) principal uses of warehousing and Billboards on the subject property. The uses are generally found on the same site and promote the general welfare of the municipality. The uses do not conflict and there is no substantial detriment to the public good in granting the Use Variance.

22. The legal standard for a Board's consideration of a Section 70(d)(3) conditional use variance was articulated in the case of *Coventry Square v. Westwood Zoning Board of Adjustment*, 138 N.J. 285 (1994), which provides that when considering the positive criteria, an applicant for a conditional use variance must show that the site will accommodate the problems associated with the use even though the proposal does not comply with the conditions imposed by the ordinance. An applicant must also show the negative criteria that the variance can be granted "without substantial detriment to the public good" and that the variance will not "substantially impair the intent and purpose of the zone plan and zoning ordinance."

In applying the *Coventry Square* analysis, the Board's inquiry is whether the deviation from the conditions for a Billboards affect the suitability of the site for the conditional use. As to the first prong of the negative criteria, the inquiry should be on the effect that the grant of the variance will have on the surrounding properties. Finally, as to the second prong of the negative criteria, the inquiry is whether the grant of the variance from the applicable conditions is reconcilable with the governing body's legislative determination to impose those conditions for Billboards.

23. The Board finds, based upon the testimony, representations, and reports, as well as the information in the application materials, that the Applicant has demonstrated that a conditional use variance from the requirements of LDO Section 25-601C.2.b and LDO Section 25-601C.2.d is appropriate and can be granted without substantial detrimental impact to the public good. The Board further finds that the grant of the variance will have no substantial detrimental impact on the surrounding properties and can be reconciled with the governing body's legislative prerogative to impose those conditions on Billboards.

24. Under LDO Section 25.601.C.2.j the Board has discretion to permit Billboards to be built up to a height of ninety (90) feet upon proof that the increased height will minimize the disturbance of existing trees. Based upon the testimony, representations, reports and exhibits, as well as the information in the application materials, the Billboards are being built in a cone of clearing surrounded by existing trees of fifty (50) to eighty (80) feet in height. It is within the Boards discretion to permit the Billboards to be built to the height of ninety (90) feet. The Board notes that the proofs were sufficient to grant a design waiver if that had been required.

25. The Board finds based upon the testimony, representations and reports, as well as the information set forth in the application materials, that there are sufficient proofs to granted design waiver of the requirements of LDO Section 25-506.D.1. regarding street trees and LDO Section 25-506.A.3 the paving of the driveway to Subject Property.

26. The Board finds that the approvals granted herein shall be subject to the following conditions:

- a) The landscaping and grading plan shall be subject to review and approval of the Board's architectural landscape planner, the Planning Board's landscape planner and the NJDOT;
- b) The maximum illumination of the Electronic/LED Billboards shall not exceed 5,000 nits during daylight hours and 500 nits between dusk and dawn, as measured from the sign's face;
- c) In the event that the Billboards shall be constructed prior to the construction of the warehouses and access roads or the subject property, Applicant shall provide a temporary access plan acceptable to the Board Engineer;
- d) The Applicant shall post additional escrows prior to obtaining building permits;
- e) The Applicant shall comply, as agreed with all comments outlined in the Board Professional Reports;
- f) The Applicant shall obtain any and all approvals from all outside agencies.

At regular meeting of the Board on May 23, 2019 the Board considered the application of GS Realty Corp. For a Use Variance, Conditional Use Variance and Preliminary and Final Site Plan Approval, with Design waivers to permit the construction of two (2) single-pole, double faced Billboard signs with a height of ninety (90) feet.

A motion was made by Mr. Simpson and seconded by Mr. McTamney to grant a Use Variance from the requirements of LDO 25-510 to permit a second principal use Billboard on the

subject property which had prior approval from Planning Board for a Warehouse Distribution Center. The motion was noted as follows:

Ayes (7):	Simpson, Schiano, Klosinski, Dela Cruz, McTamney, Anderson and Carney
Nays (0):	None
Abstentions(0):	None
Absent (1):	Caldwell

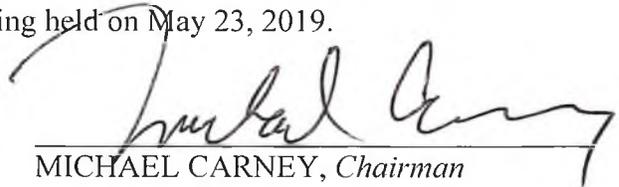
A motion was made by Mr. Simpson and second by Mr. Klosinski to grant Conditional Use Relief from LDO Sections 25-601C.2.b and 25-601C.2.d to permit construction of two Billboards on Block 137.03, Lots 1 and 11.03 within 1,000 feet of a residence and residential zone in Mansfield Township and within 1,000 feet of applicant, but not yet constructed Billboards across Route 295 from the subject property. The motion was voted as follows:

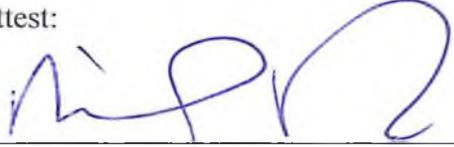
Ayes (7):	Simpson, Schiano, Klosinski, Dela Cruz, McTamney, Anderson and Carney
Nays (0):	None
Abstentions(0):	None
Absent (1):	Caldwell

A Motion was made by McTamney and seconded by My Simpson to grant Preliminary and Final Site Plan Approval with Conditional Use Variance and Waivers for Block 137.02, Lot 1 and 11.03 to permit construction of two (2) single-pole, double faced with static and electronic Billboard signs. The motion was voted on as follows:

Ayes (7):	Simpson, Schiano, Klosinski, Dela Cruz, McTamney, Anderson and Carney
Nays (0):	None
Abstentions(0):	None
Absent (1):	Caldwell

This is a Resolution to memorialize the action taken by the Zoning Board of Adjustment of the Township of Bordentown at a regular meeting held on May 23, 2019.

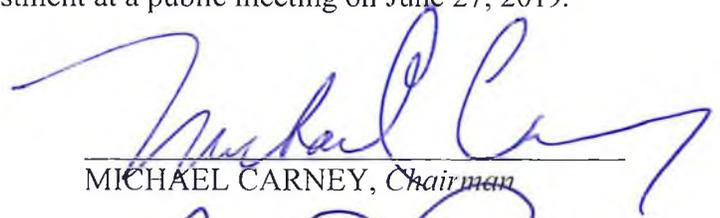

MICHAEL CARNEY, *Chairman*

Attest:

MICHAEL THEOKAS, *Board Secretary*

Date Adopted : May 23, 2019
Date Memorialized : June 27, 2019
Motion: Carney
Second: McTamney
For Adoption: Anderson, Simpson, McTamney, Klosinski, Carney
Against: None
Abstentions: None
Absent: Schiano, Dela Cruz, Caldwell
Not Voting: None

CERTIFICATION

I hereby certify that the following is a true copy of a resolution duly adopted by the Bordentown Township Zoning Board of Adjustment at a public meeting on June 27, 2019.


MICHAEL CARNEY, *Chairman*

MICHAEL THEOKAS, *Board Secretary*

**TOWNSHIP OF BORDENTOWN
OFFICE OF THE TOWNSHIP CLERK
1 MUNICIPAL DRIVE
BORDENTOWN, NJ 08505
(609) 298-2800 EXT. 2108
m.carrington@bordentowntwp.org**

July 2, 2020

George Chidley
Planning Board Chairman
Township of Bordentown
1 Municipal Drive
Bordentown, NJ 08505

Dear Mr. Chidley:

Township Ordinance No. 2020-07 entitled "An Ordinance of the Township of Bordentown Amending the Agway (Growmark)/Yates Redevelopment Plan" was introduced by the Township Committee on March 9, 2020.

This Ordinance is now being referred to the Planning Board for review. The Planning Board is asked to review the amended Redevelopment Plan to determine if it is substantially consistent with the Township's Master Plan.

The Township Committee is prepared to hold its public hearing and consider adopting Ordinance No. 2020-07 at its next Township Committee meeting being held on July 13, 2020.

Sincerely,



Maria S. Carrington
Township Clerk

Enclosure

TOWNSHIP OF BORDENTOWN

ORDINANCE NO. 2020-07

**AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN AMENDING THE
AGWAY (GROWMARK)/YATES REDEVELOPMENT PLAN**

WHEREAS, the Bordentown Township Committee (the “Township”) is the Redevelopment Authority for Bordentown Township; and

WHEREAS, the Township previously established a Redevelopment Area, pursuant to the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1, *et. seq.*), which area is commonly referred to as the “Agway (Growmark)/Yates Redevelopment Area;” and

WHEREAS, a Redevelopment Plan for the redevelopment area was adopted by the Township Committee on November 26, 2007; and

WHEREAS, since the adoption of the Redevelopment Plan (the “Plan), there have been changes in conditions and circumstances; and

WHEREAS, one of such changes includes the Township’s current efforts to address its constitutional obligation to provide for its fair share of very low-, low-, and moderate-income housing, as directed by the Super Court and consistent with N.J.A.C. 5:93-1, *et seq.*, as amended and supplemented, N.J.A.C. 5:80-26.1, *et seq.*, as amended and supplemented, and the New Jersey Fair Housing Act of 1985, N.J.S.A.52:27D-301 *et. seq.*; and

WHEREAS, pursuant to that obligation, the Township entered into a settlement agreement with Fair Share Housing Center (“FSHC”), which was subsequently amended and executed on June 11, 2019; and

WHEREAS, pursuant to that obligation, the Township also entered into a settlement agreement with the entity known as K Johnson Urban Renewal LLC on March 11, 2019; and

WHEREAS, the settlement agreements determined that a portion of the Agway (Growmark)/Yates Redevelopment Area is appropriate and suitable for a family rental inclusionary development of 130 units with a mandatory affordable housing set-aside, which will result in 26 affordable family rental units; and

WHEREAS, a Housing Element and Fair Share Plan was prepared by the Township Planner and adopted by the Planning Board on August 8, 2019 (“2019 HEFSP”), recommending the implementation of an inclusionary development within certain portions of the Agway (Growmark)/Yates Redevelopment Area; and

WHEREAS, the Township desires to adopt an amendment to the Agway (Growmark)/Yates Redevelopment Plan to implement the terms of both settlement agreements and the recommendations of the 2019 HEFSP.

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Bordentown that:

Section 1: The Amended Redevelopment Plan for the Agway (Growmark)/Yates Redevelopment Area, attached as Appendix A, is hereby adopted.

Section 2: This ordinance shall take effect upon final passage and publication according to law.

Section 3: All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 4: If any section, paragraph, subdivision or clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

INTRODUCED: March 9, 2020

AMENDED
REDEVELOPMENT PLAN
For the
AGWAY (GROWMARK)/YATES
REDEVELOPMENT AREA

Township of Bordentown
County of Burlington
State of New Jersey

Heyer Gruel and Associates
February 2020

Steve Benowitz, Mayor
Maria Carrington, Clerk

MAYOR AND TOWNSHIP COMMITTEE

Steve Benowitz, Mayor
Eric Holliday, Deputy Mayor
Angel Sauro, Confidential Aide to the Mayor
Eugene M. Fuzy, Committeeman
James Kostoplis, Committeeman
Kenneth Mason, Committeeman

PLANNING BOARD MEMBERS

Class I Member:
Stephen Benowitz, Mayor
Class II Member:
Bill Grayson
Class III Member:
Eric Holliday, Deputy Mayor
Class IV Members:
George Chidley, Chairman
Kevin Hirschfeld, Vice-Chairman
Danielle Esser
Tim Fairlie
Mary Ann Holston
William Popko
Erica Bowyer - Alt. #1
Nicholas D'Angelo - Alt. #2
Mike Theokas, Board Secretary
Interim Director of Community Development

Planning Board Attorney:
Brian Carlin, Esquire

Planning Board Engineer:
Frederick J. Turek, II, PE,PP, CME, CPWM

Planning Board Landscape Architect Planner:
Jack Carman, RLA, FASLA, PP

Planning Board Traffic Engineer:
James L. Kochenour, PE

INTRODUCTION

This amended Agway (Growmark)/Yates Area Redevelopment Plan (herein after referred to as "the Amended Plan") regulates lands within the Agway (Growmark)/Yates redevelopment area (herein after referred to as "the Redevelopment Area") designated by the Township of Bordentown as Block 57, Lots 1.01, 1.02 and 6, comprised of approximately 71.67 acres. These lands are bounded to the west by Route 206 and the Conrail railroad tracks, and to the east by Route 130. The southern boundary of the Redevelopment Area begins on the Route 206 right-of-way, approximately 280 feet south of its junction with the Conrail railroad tracks and extends to Route 130. The northern boundary connects the railroad tracks with Route 130, intersecting the southern end of Amboy Road. Figures I and 2 below are maps of the Redevelopment Area.

The original Redevelopment Plan which was adopted in November 26, 2007 was prepared by Remington & Vernick Engineers, Inc. (Remington & Vernick). The Redevelopment Area was deemed an "Area in Need of Redevelopment" by the Township Committee in 2003.

In June 2008, the Township entered into a Redevelopment Agreement with K. Johnson Enterprises, LLC and Growmarks FS, LLC as amended by the First Amendment to the Redevelopment Agreement dated June 2011 for Block 57 Lots 1.02 & 6.

A portion of the Redevelopment Area (Block 57 Lots 1.02 & 6) is also a component of the Amended Settlement Agreement between the Township and Fair Share Housing Center (FSHC) which was executed on June 11, 2019 (the "Amended Settlement Agreement") and the Settlement Agreement between the Township and K Johnson Urban Renewal LLC.(the "KJ Settlement Agreement") dated March 11, 2019. The Settlement Agreements determined that this portion of the Redevelopment Area is appropriate and suitable for a family rental inclusionary development of 130 units with a mandatory affordable housing set-aside. This mandatory set aside will result in 26 affordable family rental units. See Redevelopment Area site map.

As such, this Redevelopment Plan amends the adopted 2007 Redevelopment Plan in order to redevelop a portion of the Redevelopment Area and implement the Amended Settlement Agreement between the Township and FSHC and the KJ Settlement Agreement.

STATUTORY REQUIREMENTS

The Redevelopment Plan is a formal planning document for the Redevelopment Area. According to the Local Redevelopment and Housing Law (NJSA 40A:12A-7), the Redevelopment Plan shall include an outline for the planning, development, redevelopment or rehabilitation of the project area sufficient to indicate:

1. Its relationship to definite local objectives as to appropriate land uses, density of population and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements;
2. Proposed land uses and building requirements in the project area;
3. Adequate provision for the temporary and permanent relocation as necessary of residents in the project area including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market;
4. An identification of any property within the redevelopment area proposed to be acquired in accordance with the redevelopment plan;
5. Any significant relationship of the redevelopment plan to:
 - a. The master plans of contiguous municipalities;
 - b. The master plan of the County in which the municipality is located; and
 - c. The State Development and Redevelopment Plan adopted pursuant to the "State Planning Act" PL 1985, C398 (C52:18A-196 et al.).
6. As of the date of the adoption of the resolution finding the area to be in need of redevelopment, an inventory of all housing units affordable to low- and moderate-income households, as defined pursuant to section 4 of P.L. 1985 c.222 (C.52:27D-304), that are to be removed as a result of the implementation of the redevelopment plan, whether as a result of subsidies or market conditions listed by affordability level, number of bedrooms, and tenure.
7. A plan for the provision, through new construction or substantial rehabilitation of one comparable, affordable replacement housing unit for each affordable housing units that has been occupied at any time within the last 18 months, that is subject to affordability controls and that is identified as to be removed as a result of implementation of the Redevelopment Plan.

AREA AND SITE DESCRIPTION/ PROPOSED DEVELOPMENT

The Redevelopment Area includes two industrial parcels. The northern portion of the Area (Block 57, Lots 1.01) previously contained a vacant copper-foil manufacturing facility (known as the Yates site). The site continues to be undeveloped.

The southern portion of the Redevelopment Area (Block 57, Lots 1.02 &6) formerly contained an Agway industrial facility, the majority of which has since been redeveloped. The development known as Team Campus 85 currently contains 6 buildings in addition to a youth soccer field. Building A contains a 30,000 square foot office ; Building B contains a 75,000 square foot fitness center; Building C consists of a 78,500 square foot office ;Building D consists of a 45,000 square foot indoor practice field; Building E contains a 2,900 square foot branch bank and Building F contains a 24,000 square foot office.

The northern rear portion of the development currently contains the Agway silo and related buildings that are proposed to be demolished. This site will be redeveloped with an inclusionary development containing up to three five story buildings with a maximum of 130 family rental units of which 20 % of the units or 26 will be family affordable rental units. In addition, up to 9,000 square feet of non -residential space will be provided.

REDEVELOPMENT GOALS AND OBJECTIVES

A number of the goals contained in the 2007 Plan continue to remain valid. Several new objectives have been added.

- Create economic opportunity
- Stimulate private economic investment in the Area
- Create new jobs
- Improve the utilization of land, which can be redeveloped for the community's benefit while also taking into account environmental constraints imposed upon the land
- Redevelop underutilized parcels to meet the changing needs of the Township
- Create an aesthetically pleasing development
- Address a portion of the Township's affordable housing obligation by redeveloping a portion of the Area for a residential inclusionary development.

RELATIONSHIP OF THE PLAN TO TOWNSHIP LAND DEVELOPMENT REGULATIONS

The Redevelopment Area shall be redeveloped in accordance with the standards detailed in this Amended Redevelopment Plan. The Plan supersedes the use and bulk provisions of the Township Land Development Regulations (Chapter 25) as it relates the residential inclusionary development as detailed in the Settlement Agreements. Other Township regulations affecting developments that are in conflict are superseded by this Plan. However, existing engineering standards, performance standards and definitions detailed in the Land Development Ordinance shall apply.

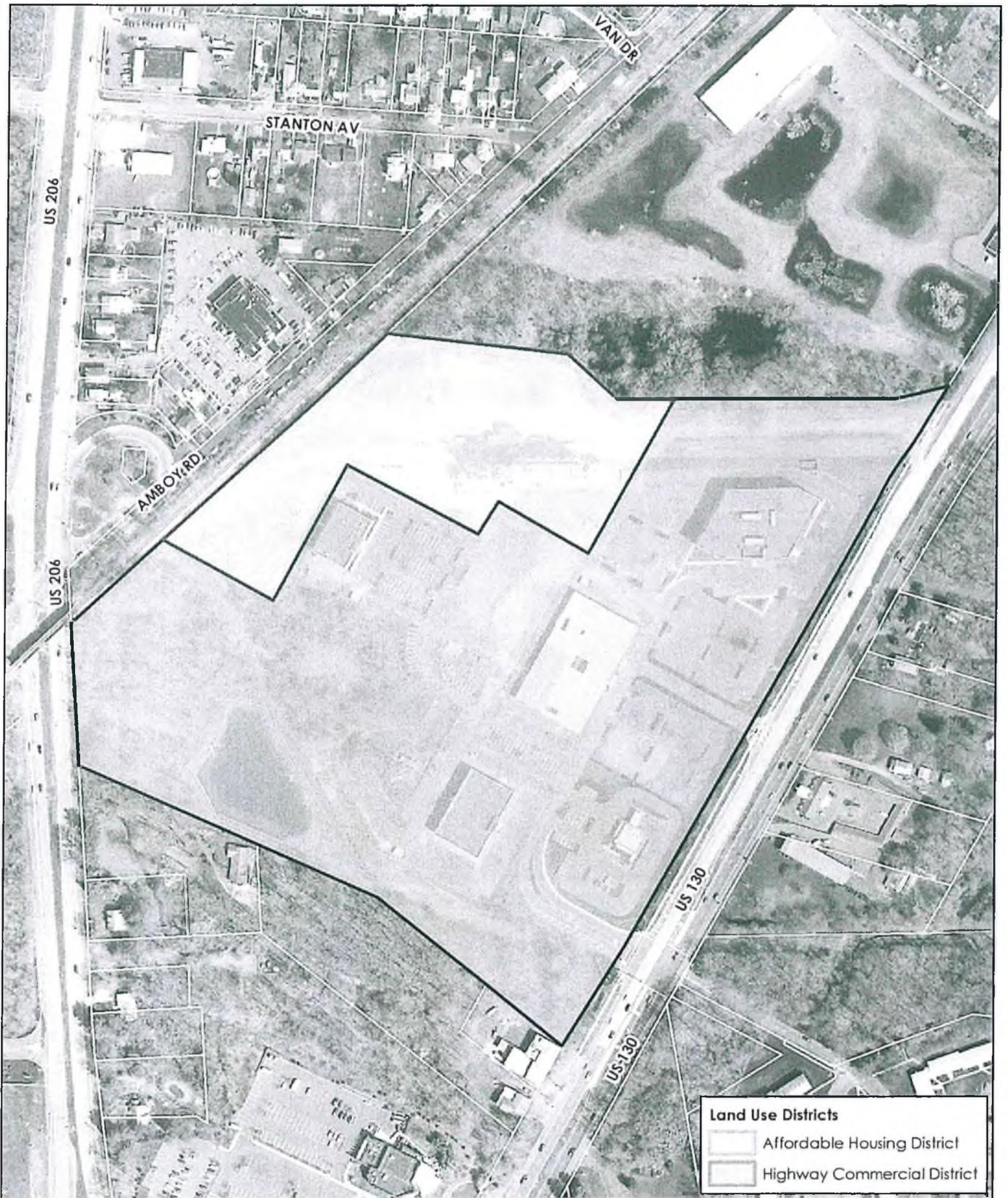
No deviations may be granted which will result in permitting a use that is not a permitted use within this Redevelopment Plan. Any deviation from standards of this Plan that results in a “d” variance pursuant to N.J.S.A. 40:55D-70d shall be addressed as an amendment to the Plan rather than via variance relief through the Township’s Zoning Board of Adjustment. An application requesting a deviation from the requirements of this Redevelopment Plan shall provide public notice of such application in accordance with the public notice requirement set forth in N.J.S.A. 40:55D-12a.&b. All development must be approved by the Planning Board and shall be submitted through the normal site plan and subdivision procedures as identified by N.J.S.A. 40:55D, et seq.

Any deviations from bulk standards shall require “c” variance relief. The Planning Board shall have the power to grant relief to the same extent as the Board may grant relief from bulk and dimensional requirements pursuant to N.J.S.A. 40:55D-70.c.

The Planning Board may grant exceptions or waivers from design standards from requirements for site plan or subdivision approval as may be reasonable and within the general purpose and intent of the provisions for site plan review and/or subdivision approval within the Plan. The Board may grant exceptions or waivers if it is determined the literal enforcement of one or more provisions of the Plan is impracticable or would exact undue hardship because of peculiar conditions pertaining to the site. No deviations may be granted under the terms of this section unless such deviations can be granted without resulting in substantial detriment to the public good and will not substantially impair the intent and purpose of the Redevelopment Plan.

Final adoption of this Redevelopment Plan by the Township Committee shall be considered an amendment to the Township of Bordentown Land Development Ordinance and Zoning Map. Unless otherwise defined in the Plan, terms used in this Plan shall have the same meaning as defined in the Township’s Land Development Ordinance.

The Bordentown Township Committee will serve as the redevelopment entity responsible for the execution of the Amended Plan.



0 125 250 Feet

Source: NJGIS, NJGIN, NJDEP, NJDOT

Land Use Map
Bordentown Township, NJ

HGA
HEYER, GRUEL & ASSOCIATES
February 2020

LAND USE PLAN

This Land Use Plan shows the following two (2) Land Use districts:

- The Highway Commercial District
- The Affordable Housing District

The following district standards contain information pertaining to the permitted and accessory uses, bulk standards and other district specific standards.

Affordable Housing District

Purpose: The purpose of the Affordable Housing District is to create an inclusionary residential development. This Land Use Plan section includes an illustrative concept plan designed in accordance with the Settlement Agreements with FSHC and K.Johnson Urban Renewal LLC. In accordance with the Township's Settlement Agreements, the residential development is required to provide a set aside of 26 family rental affordable units.

Principal Permitted Uses

- Multi-family residential inclusionary development in accordance with the Settlement Agreements between the Township and FSHC and the Township and K. Johnson LLC
- Mixed use residential/commercial development in accordance with the Settlement Agreements between the Township and FSHC and the Township and K. Johnson LLC

Accessory Uses

- Uses which are customary and incidental to the principal use such as parking, signage, fences, open space and recreational facilities

Standards

Maximum number of residential units: 130

Minimum number of Affordable Family rental units: 26

Bedroom mix of market units: Units shall consist of 1 and 2 bedroom units. No more than 50% of the market units shall be 2 bedroom units. No 3 bedroom market units shall be permitted.

Number of buildings: 3

Mixed Use Development: The ground floor of the building closest to the existing fieldhouse (Building D) shall be developed with up to 9,000 square feet of non-residential space. The upper floors shall be developed with residential units. The area between the mixed use building and the adjacent proposed residential building shall be developed as a tot lot. The area in the front of the non-residential space shall be developed as an outdoor "plaza"

Minimum perimeter building setback: 50 feet

Buffer: A minimum 25 wide buffer shall be provided between the Conrail railroad right of way and the Redevelopment Area. The buffer shall consist of landscaping and fencing as required by the Planning Board at site plan application.

Maximum building height:4 stories/ 50 feet

Minimum parking:

- Residential: 2 spaces per unit
- Non -residential: 1 space per 200 square feet

Distance between buildings: 25 feet

A "green" area shall be provided adjacent to the north side of the existing fieldhouse.

Highway Commercial District

Principal Permitted Uses

1. Retail sales of goods and services.
2. Garden centers engaged in the retail sales of living plant material and related garden equipment, vegetation and produce. Outside areas for [the] storage, sale and display [of living plant material] shall conform to all bulk and design requirements for the zone.
3. Banks, including drive-in facilities.
4. Offices and office buildings
5. Restaurants, bars and taverns
6. Health clubs, bowling alleys, skating rinks and other similar indoor recreational activities.
7. Legitimate theaters
8. Childcare centers for which, upon completion, a license is required from the Department of Human Services pursuant to N.J.S.A. 30:5B-1 et seq.
9. Indoor/outdoor sports fields to be used for group or individual training. The field may be enclosed in a structurally sound structure using light-weight fabric, polymer or air-cell paneling supported by strong lightweight metal, polymer or wood framing.
10. Medical Offices
11. Hospitals
12. Same Day Surgery Centers
13. Mixed uses of any of the above

Permitted Accessory Uses

1. Parking decks and garages for automobiles
2. Garages and buildings for storage
3. Temporary construction trailers and one (1) sign not exceeding seventy-five (75) square feet, advertising the prime contractor, subcontractor(s), financing institution and similar data for the period of construction beginning with the issuance of a construction permit and concluding with the issuance of a certificate of occupancy or one (1) year, whichever is less, provided the

trailer(s) and sign are on the site where construction is taking place and are set back at least thirty feet (30') from the street and lot lines.

4. Radio, television and satellite dish antennae, subject to the requirements of Section 25:513 of the township ordinance.
5. Indoor/outdoor sports field: Field to be used for group or individual training. Field may be enclosed in a structurally sound structure using light-weight fabric, polymer or air-cell paneling supported by strong light-weight metal, polymer or wood framing.
6. Uses customarily incidental and accessory to the principal permitted use such as parking, signage, and fencing.

Bulk and Area Requirements

1. Minimum lot area: 5 acres
2. Minimum lot frontage: 200 feet
3. Minimum lot width: 150 feet
4. For principal structures:
 - a. Minimum setback from Route 130: 80 feet for small satellite banks or take-out restaurants, 100 feet for all other principal structures
 - b. Minimum side yard setback: 50 feet
 - c. Minimum setback from Conrail right-of-way and Route 206: 100 feet
5. Minimum setback from Route 130 for all parking areas and access aisles: 40 feet
6. Minimum setback from Conrail right-of-way for all accessory structures: 50 feet
7. Minimum side yard setback for accessory structures, including parking areas, aisles and driveways: 15 feet
8. Maximum Impervious Cover: 75%
9. Maximum Building Height for buildings used exclusively for offices or hotels: 55 feet/5 stories
10. Maximum Building Height for buildings not used exclusively for offices or hotels: 42 feet/3.5 stories

Design Requirements: Highway Commercial District

The requirements set forth below supersede the requirements of the prevailing zoning.

Standards of Section 25:521 should be adhered to, subject to the approval of the Planning Board. Sample materials and a color rendering shall be submitted. These materials and rendering are considered to be part of any approvals and shall not be substantially changed.

Buffering

1. A landscaped buffer with a minimum width of 40 feet shall be maintained along the entire frontage of Route 130. The buffer area shall be limited to vegetative lawns, ground cover, shrubs, bushes, trees, decorative walls and/or fences, and fountains. This buffer may include decorative lighting, identification signs, traffic directional signs and access driveways to and from Route 130.
2. A landscaped buffer with a minimum width of 15 feet shall be maintained along the lot line separating Block 57, Lot 6 from Block 57, Lot 1.02. The buffer area shall include a single row of evergreen plantings, fencing, berms, mounds or a combination thereof to provide an adequate screen to the benefit of the uses on Lot 1.02.
3. A landscaped buffer with a minimum width of 15 feet shall be maintained along the lot lines separating Block 57, Lot 6 from Block 57, Lots 7, 8 and 21. This landscaped buffer shall utilize the existing vegetative growth and be supplemented with additional screening where existing growth does not provide adequate screening.
4. A landscaped buffer with a minimum width of 80 feet shall be maintained along the common lot line between the Conrail railroad right-of-way and the entire Redevelopment Area. Existing vegetative growth located within existing wetland buffers shall remain undisturbed. For areas outside of wetland buffers, landscape screening shall consist of fencing, berms, mounds, multiple staggered rows of evergreen plantings or a combination thereof to achieve adequate screening. Existing rail sidings are to remain within the 80-foot buffer and may be accompanied by a paved loading area for access to rail cars. A buffer is to be placed 80 feet from the southerly most rail siding in the remaining un-paved area.
5. A minimum 70-foot wide landscaped buffer shall be maintained along the entire Route 206 frontage. Existing vegetation growth located within existing wetland buffers shall remain undisturbed, except where proposed stormwater basin outlet piping may cross the buffer to discharge to Hollow Mile Run.
6. A minimum 15-foot wide landscaped screen buffer shall be maintained along the proposed lot line separating the existing warehouse/manufacturing use from the proposed mixed use development. Existing vegetation growth located within existing wetland buffers shall remain undisturbed. This landscaped buffer shall be limited to a single row of evergreen plantings, fencing, berms, mounds or a combination thereof to achieve adequate screening to the benefit of adjoining properties. Where a single row of evergreen planting is being used, a single row is to be planted on each side of the new lot line and staggered so as to appear as a double staggered row of evergreens.

Buildings/Architecture

1. Except as otherwise required below, all buildings shall comply with the design guidelines set forth in Ordinance 2003-23.
2. Penthouses or roof structures for the housing of stairways, tanks, ventilating fans, air conditioning equipment, or similar equipment required to operate and maintain the building, skylights, spires, cupolas, flagpoles, chimneys or similar structures; may be erected above the height limits prescribed by the Plan, but in no case more than fifteen percent (15%) more than the maximum height permitted for use in the Redevelopment Area.
3. Silos, barns and other related buildings for farming purposes associated with farming, warehousing and manufacturing shall not exceed the height of existing silos, buildings and structures.
4. Adaptive reuse or continued use of existing buildings, towers, silos, or other structures shall be the existing height, excluding screened roof top appurtenances, which shall not exceed an additional 5 feet.
5. Detailed architectural plans including colors, materials, and textures, shall be provided for all new buildings and existing buildings that are to remain. Detailed floor plans shall be provided for the new buildings.
6. Buildings shall be located, designated and identified to allow for adequate fire and emergency access.
7. All new construction must conform to Americans with Disabilities (ADA) Act requirements.
8. All external appurtenances, including but not limited to electrical components and HVAC equipment, including roof-mounted units, shall not exceed five (5) feet above the ground surface or the roofline, shall be screened by landscaping or enclosed to match the building facade, and shall not be included in determining building height.
9. HVAC and other appurtenances shall comply with all applicable federal, state or local regulations governing noise levels for both day and night time uses.
10. All power, phone, CATV, and other utilities shall be installed underground, as per current engineering standards. Roof antennae or towers shall not be permitted.
11. The use of the U.S. Green Building Council's LEED@ (Leadership in Energy and Environmental Design) construction standards is encouraged.
12. Buildings shall be considered in terms of their relationship to the surrounding area and natural environment as well as in relation to the human scale.

Parking and Vehicle Circulation

1. Ingress and egress from Route 130 shall be permitted in the following manner:
 - a. For the existing warehouse/manufacturing operations, a right-in and right-out driveway will be located at the northern end of Block 57, Lot 6. This driveway will be the only access for the traffic associated with the existing operations. The proposed improvements will include a wider approach driveway to allow for

queuing of vehicles. The driveway will proceed back through the warehouse/manufacturing site to allow for continuous movement for tractor trailer vehicles.

- b. The mixed use portion of the redevelopment site will be served with two driveway entrances, both on Route 130. One entrance will be located at the center of Redevelopment Block 57, Lot 6, and the other will be located at the southerly portion of the redevelopment tract. The southern-most driveway will be aligned with Livingston Lane located on the opposite (easterly or northbound) side of Route 130, and will allow left turn and right turn entry to and from the site from Route 130. This driveway shall provide a minimum of one in-bound lane and 3 out-bound lanes. These driveways and openings are subject to the approval of the NJDOT and openings may be modified as required by NJDOT. There will be no access to the existing warehouse/manufacturing operations from the mixed use site.
- c. Parking for redevelopment Block 57, Lot 6 will be provided as follows:
 - 1) For the existing warehouse/manufacturing operations, one parking space will be provided per 850 square feet of building floor area for the grain storage operations, and one space will be provided per 375 square feet of building floor area for the fertilizers storage/manufacturing operations.
 - 2) For the mixed use portion of the site, parking will be provided at the following rate:
 - i. Medical Office building: 1 space per 235 square feet of floor area.
 - ii. Professional Office building: 1 space per 200 square feet of floor area.
 - iii. Sports Center: 1 space per 235 square feet of floor area.
 - iv. Communications Tower: 1 space per 100 square feet of floor area.
 - v. Satellite Bank: 1 space per 200 square feet of floor area.
 - vi. Parking space size for the warehouse/manufacturing portion of the site is to be 9 feet wide by 18 feet long. Minimum aisle width is to be 30 feet.
 - vii. Parking space size for the mixed use portion is to be 9 feet wide by 18 feet long for 76% percent of the total amount of stalls and 10 feet wide by 18 feet long for the remaining 24 percent of the total number. Driveway aisle widths in each parking group are to be a minimum of 25 feet. Driveways circulating around each building are to be 30 feet in width.
 - viii. Useable walkways and crosswalks, within the site shall be designed to interconnect buildings to parking areas. Sidewalks are to be a minimum of 6 feet wide where parking stalls abut head-on.

Sidewalks running adjacent to driveways with no parking stalls are to be 5 feet in width.

2. Loading and Unloading
 - a. Loading and unloading for the existing warehouse/manufacturing site is an integral part of the current operations. The existing and adaptive procedures and movement patterns shall be made as part of the Plan.
 - b. Loading and unloading for the mixed use portion of the site shall be as follows:
 - 1) Medical Office Building: The loading and ambulance drop-off area are to be located at the rear of the building. This area is to simultaneously accommodate both activities at one time. The loading area is to accommodate tractor trailer trucks.
 - 2) Health Sports Building: The loading facility is to be located behind the building. The parking lot and driveway are to accommodate tractor trailer trucks.
 - 3) Professional Office Building: The loading facility is to be located behind building, and the parking lot and driveway are to accommodate a tractor trailer truck.
 - 4) Satellite Bank: The loading area is to utilize one of the proposed parking stalls, on a temporary basis, accommodating a small box or panel truck.
 - 5) Communications Tower: The loading area is to utilize a portion of the proposed 30-foot wide access driveway, on a temporary basis, accommodating a tractor trailer truck.

Signs

1. One monument-type sign shall be permitted along the Route 130 frontage.
2. Each building front shall be permitted to have a facade sign or free standing sign large enough to identify the corporate entity or entities occupying the building.
3. The Redeveloper shall provide a comprehensive sign package, including colors and materials, to the Planning Board. The Planning Board may approve a comprehensive sign package for the project that exceeds the standards of the zoning ordinance and/or this document, in terms of sign area and number of signs if it is demonstrated to the Board's satisfaction such additional signage is necessary to appropriately identify the uses on the site from the street, and is consistent with good planning for the site.

Lighting

1. All lighting shall be post or building mounted and oriented earthward to minimize light spillage and glare.
2. Parking area lighting shall be post-mounted, located within landscaped areas and islands, and shall not exceed 30 feet in height above grade.
3. Pedestrian and access point lighting shall be post-mounted and shall not exceed 16 feet in height above grade.

4. Fixtures shall be shielded to eliminate light overflow into adjoining lots.
5. Lighting shall conform to the Township's specifications. Exact details will be specified at the time of site plan review.

Fencing/Enclosures

1. All bulk waste/recycling receptacles (dumpsters) shall be fully screened. Such screening shall be of adequate height to fully shield the receptacle and shall utilize plantings and/or brick construction with a brick front and gated access way which can be secured during periods of non-use. Chain link fencing for refuse screening is prohibited, however, chain link gates for access to refuse is allowable. If landscape screening is utilized, bollards shall be provided to maintain the integrity of the planted screening. Full brick construction shall be required for structures located within designated buffer area adjacent to any residential or commercial building.
2. Ornamental fencing shall be encouraged
3. Privacy fencing along the rear property line shall be permitted.
4. Heights of all fencing are subject to Planning Board review and approval.

Infrastructure

1. Sidewalk/Walkways: Pedestrian or connecting walkways, within the site, shall be constructed of pavers, concrete, and textured pavement in colors and/or patterns. All walkways shall be a minimum of five (5) feet in width, and shall extend from the building facade to the curb line.
2. Water, Sewer and Stormwater Management: These systems are to be investigated, constructed and upgraded, as required, and shall be subject to review and approval by all applicable federal, state, and local agencies, and will be the responsibility of the selected Redevelopers based on the final approved usages within the Redevelopment Area. All water, sewer and stormwater systems must conform to the New Jersey Department of Environmental Protection Stormwater Regulations, and shall be subject to the applicable state laws and regulations in effect at the time of approval of the Plan.

Miscellaneous Design

1. Drive-up Window Queuing: Vehicle queuing areas shall be adequate to accommodate a minimum of 6 automobiles per drive-up window for banking or fast-food restaurant facilities.
2. A minimum of 3 feet of stepped landscaping shall be provided from the fence of the existing 911 Tower.
3. Minimum setback from the existing 911 Tower shall be maintained to the following: 250 feet to a property line; 120 feet to a building; 11 feet to a parking stall; and 3 feet to an access parking driveway.
4. In determining the types of plants that will be provided on a development plan, consideration should first be given to the species listed on the "Township of Bordentown Schedule of Recommended Street Trees."
5. Usable pedestrian access ways shall be provided throughout the site.

Relationship to Other Plans

Master Plan/Reexamination

The Township's most recent Master Plan Reexamination Report was adopted in August 2018. The Reexamination Report builds on the goals and objectives identified in the 1990 Master Plan and its subsequent Reexamination Reports and Revisions adopted in 1996, 1998, 2002 and 2008. A Land Use Plan element was also adopted in 2018.

This Redevelopment Plan supports the following goals from the 1990 Master Plan:

- The Land Use Plan of the Township of Bordentown should build upon and refine the past planning decisions of the municipality, consistent with present local and regional needs, desires, and obligations
- The Land Use Plan noted the physical characteristics of the Township and its inherent limitations of the land to host different types of community development, thereby necessitating the assignment of different densities and intensities of development to match the capacities of the environment
- The Land Use Plan should strive to prevent homogeneous suburban development throughout the municipality, using such elements as a balanced variety of uses, housing styles and neighborhood commercial centers providing personal sales and services.
- Higher density housing should be permitted only as part of larger scale developments to ensure that adequate roads, recreational areas, community amenities, drainage facilities, public water and sewerage facilities, and other infrastructure are constructed commensurate with the requirements for a variety of residential densities.
- Retail shopping facilities should be provided to serve the needs of the existing and anticipated residential population of the Township, and such shopping facilities should be provided as an integral part of the large scale residential development or in other specific locations in order to avoid the proliferation of vehicular shopping trips.
- Industrial research and office acreage should be controlled with appropriate regulations, without denying the needs of modern research and manufacturing activities and in an appropriate balance between residential and non-residential development and the commensurate benefits of a balanced tax base.
- Proper and sufficient water supplies and sewerage facilities should be planned in order to provide the reasonable opportunity for the implementation of the foregoing Land Use Plan.

The following represents additional recommendations from the 2008 Master Plan Reexamination Report:

- Review existing redevelopment plan/areas to determine if changes need to be made to the boundaries, types of uses permitted, and zoning requirements.

The 2008 Reexamination Report additionally states that the site, Block 1.01 Lots 3 and 6, be included as part of the Township's Redevelopment Plan along with several surrounding properties.

The 2018 Reexamination Plan and Land Use Plan recognizes the Agway Redevelopment Plan and details the goals and proposed uses.

This Redevelopment Plan is consistent with the Township's Master Plan 2018 Reexamination Report and Land Use Plan. It is also a component of the adopted August 2019 Housing Element and Fair Share Plan.

Northern Burlington County Growth and Preservation Plan

The Northern Burlington County Growth and Preservation Plan (GAPP) was adopted by the Burlington County Board of Chosen Freeholders in October 2010. The Township is located in northern Burlington County. The GAPP presents a regional strategy with the following goals:

- Revitalize Northern Burlington County's Hamlets, Villages and Towns
- Conserve Northern Burlington County's agricultural and natural resources and systems
- Promote beneficial economic growth, development and renewal for all residents of the County
- Protect the environment, prevent and clean up pollution
- Provide adequate public facilities and services at a reasonable cost
- Provide adequate housing at a reasonable cost
- Preserve and enhance areas with historic, cultural, scenic, open space and recreational value
- Ensure sound and integrated planning and implementation throughout the Northern Burlington County region.

The GAPP shows the majority of Bordentown Township under the category of T3- Suburban. The Suburban Area includes Post World War II neighborhoods and modern residential subdivisions in sewer service areas, as well as development highway corridors and centers outside older communities. According to the GAPP, the Redevelopment Area falls within the suburban infill classification.

The Plan also encourages redevelopment, where appropriate, at intensities sufficient to support pedestrian-oriented development, public safety, transit accessibility, a broad range of uses and mixed uses, and efficient use of infrastructure. Additionally, municipalities should continue to provide local and regional housing services that support healthy Centers.

This Redevelopment Plan is consistent with the GAPP.

New Jersey State Development and Redevelopment Plan

The New Jersey State Development and Redevelopment Plan (SDRP) was adopted on March 1, 2001. This plan compared the planning policies among various government levels with the purpose of attaining compatibility among local, county and State plans. The SDRP allocates land into five (5) different categories called Planning Areas. The Redevelopment Area in Bordentown Township is located within Planning Area 1 (PA1), the Metropolitan Planning Area. The

Metropolitan Planning Area includes a variety of older, developed cities and towns that have a compact, close-knit development pattern. The SDRP is a unique document that, while not binding, guides State-level development and redevelopment policy as well as local and regional planning efforts. The Plan includes eight statewide goals and dozens of policies which are intended to implement the goals.

The goals of the PA 1: Metropolitan Planning Area are as follows:

- Provide for much of the State’s future redevelopment
- Revitalize cities and towns
- Promote growth in compact forms
- Stabilize older suburbs
- Redesign areas of sprawl
- Protect the character of existing stable communities

This Redevelopment Plan is consistent with the State Development and Redevelopment Plan.

State Strategic Plan

The Final Draft of the New Jersey State Strategic Plan for Development and Redevelopment dated October 2011, which has yet to be adopted by the State Planning Commission, was intended to be an update to the State Development and Redevelopment Plan. This document takes a strategic approach to setting goals and a vision for the State of New Jersey. The State Strategic Plan contains four over-arching goals that “incorporate[s] administrative actions, legislative and regulatory forms, and public investment prioritization.” These goals are as follows:

- Goal 1: Targeted Economic Growth
- Goal 2: Effective Planning for Vibrant Regions
- Goal 3: Preservation and Enhancement of Critical State Resources
- Goal 4: Tactical Alignment of Government

The Strategic Plan further states “these goals must work in tandem as their interrelationship represents a critical piece of the State’s blueprint for success.”

Additionally, the State Strategic Plan articulates a number of goals as Garden State Values. The following values are relevant to this Redevelopment Plan:

- Garden State Value #1: Concentrate development and mix uses.
- Garden State Value #2: Prioritize Redevelopment, infill, and existing infrastructure.
- Garden State Value #4: Create High-Quality, Livable Places.
- Garden State Value #6: Advance Equity.
- Garden State Value #7: Diversify Housing Options.

- Garden State Value #8: Provide for Healthy Communities through Environmental Protection and Enhancement.
- Garden State Value #10: Make Decisions within a Regional Framework

This Redevelopment Plan is consistent with the Draft State Strategic Plan.

Relationship to Adjacent Municipalities

The Township of Bordentown lies adjacent to the following municipalities:

- Hamilton Township (Mercer County)
- Chesterfield Township (Burlington County)
- Mansfield Township (Burlington County)
- Florence Township (Burlington County)
- Fieldsboro Borough (Burlington County)
- Bordentown City (Burlington County)

The development of this area is not anticipated to have any impacts on the adjacent municipalities.

Administrative and Procedural Requirements

Duration of Redevelopment Plan

The Redevelopment Plan shall remain in effect for 30 years from the date of adoption of this Plan by the Township Committee. After that period, the Zoning Ordinance will regulate the development of the site.

Amending the Redevelopment Plan

Upon compliance with the requirements of applicable law, the Township of Bordentown may amend, revise or modify this Redevelopment Plan, as changing circumstances may make such changes appropriate.

Property Acquisition

Although permitted, the use of eminent domain is not anticipated.

Relocation

The site does not contain any residential units which would require relocation.

Affordable Housing Units

No affordable housing units are identified to be removed as part of the implementation of this Redevelopment Plan.

Provision of New Affordable Housing Units

Redevelopment Plans are permitted to require the provision of affordable housing units per the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-7.b).

In conformance with the Amended Settlement Agreement and the KJ Settlement Agreement, residential development within the Redevelopment Area is required to provide 26 family-rental units. Residential units shall be developed in conformance with the approved Settlement Agreements and all affordable housing units shall comply with the Uniform Housing Affordability Controls (UHAC), N.J.A.C. 5:80-26.1 et. seq. or any successor legislation, with the exception that in lieu of 10% of affordable units in rental projects being required to be affordable households earning at or below 35% of the regional median household income, a minimum of 13% of affordable units in such projects is required to be affordable to households earning at or below 30% of the regional median household income. The proposed affordable units will comply with the MOU, UHAC regulations, the FHA, applicable COAH regulations, and all other applicable laws.

The residential units and any redevelopment agreement shall comply with N.J.A.C. 5:97-6.6 and 6.4, including all phasing requirements.

AMENDED
REDEVELOPMENT PLAN
For the
AGWAY (GROWMARK)/YATES
REDEVELOPMENT AREA

Township of Bordentown
County of Burlington
State of New Jersey

Heyer Gruel and Associates
February 2020

Steve Benowitz, Mayor
Maria Carrington, Clerk

MAYOR AND TOWNSHIP COMMITTEE

Steve Benowitz, Mayor
Eric Holliday, Deputy Mayor
Angel Sauro, Confidential Aide to the Mayor
Eugene M. Fuzy, Committeeman
James Kostoplis, Committeeman
Kenneth Mason, Committeeman

PLANNING BOARD MEMBERS

Class I Member:
Stephen Benowitz, Mayor
Class II Member:
Bill Grayson
Class III Member:
Eric Holliday, Deputy Mayor
Class IV Members:
George Chidley, Chairman
Kevin Hirschfeld, Vice-Chairman
Danielle Esser
Tim Fairlie
Mary Ann Holston
William Popko
Erica Bowyer - Alt. #1
Nicholas D'Angelo - Alt. #2
Mike Theokas, Board Secretary
Interim Director of Community Development

Planning Board Attorney:
Brian Carlin, Esquire

Planning Board Engineer:
Frederick J. Turek, II, PE,PP, CME, CPWM

Planning Board Landscape Architect Planner:
Jack Carman, RLA, FASLA, PP

Planning Board Traffic Engineer:
James L. Kochenour, PE

INTRODUCTION

This amended Agway (Growmark)/Yates Area Redevelopment Plan (herein after referred to as "the Amended Plan") regulates lands within the Agway (Growmark)/Yates redevelopment area (herein after referred to as "the Redevelopment Area") designated by the Township of Bordentown as Block 57, Lots 1.01, 1.02 and 6, comprised of approximately 71.67 acres. These lands are bounded to the west by Route 206 and the Conrail railroad tracks, and to the east by Route 130. The southern boundary of the Redevelopment Area begins on the Route 206 right-of-way, approximately 280 feet south of its junction with the Conrail railroad tracks and extends to Route 130. The northern boundary connects the railroad tracks with Route 130, intersecting the southern end of Amboy Road. Figures I and 2 below are maps of the Redevelopment Area.

The original Redevelopment Plan which was adopted in November 26, 2007 was prepared by Remington & Vernick Engineers, Inc. (Remington & Vernick). The Redevelopment Area was deemed an "Area in Need of Redevelopment" by the Township Committee in 2003.

In June 2008, the Township entered into a Redevelopment Agreement with K. Johnson Enterprises, LLC and Growmarks FS, LLC as amended by the First Amendment to the Redevelopment Agreement dated June 2011 for Block 57 Lots 1.02 & 6.

A portion of the Redevelopment Area (Block 57 Lots 1.02 & 6) is also a component of the Amended Settlement Agreement between the Township and Fair Share Housing Center (FSHC) which was executed on June 11, 2019 (the "Amended Settlement Agreement") and the Settlement Agreement between the Township and K Johnson Urban Renewal LLC.(the "KJ Settlement Agreement") dated March 11, 2019. The Settlement Agreements determined that this portion of the Redevelopment Area is appropriate and suitable for a family rental inclusionary development of 130 units with a mandatory affordable housing set-aside. This mandatory set aside will result in 26 affordable family rental units. See Redevelopment Area site map.

As such, this Redevelopment Plan amends the adopted 2007 Redevelopment Plan in order to redevelop a portion of the Redevelopment Area and implement the Amended Settlement Agreement between the Township and FSHC and the KJ Settlement Agreement.

STATUTORY REQUIREMENTS

The Redevelopment Plan is a formal planning document for the Redevelopment Area. According to the Local Redevelopment and Housing Law (NJSA 40A:12A-7), the Redevelopment Plan shall include an outline for the planning, development, redevelopment or rehabilitation of the project area sufficient to indicate:

1. Its relationship to definite local objectives as to appropriate land uses, density of population and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements;
2. Proposed land uses and building requirements in the project area;
3. Adequate provision for the temporary and permanent relocation as necessary of residents in the project area including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market;
4. An identification of any property within the redevelopment area proposed to be acquired in accordance with the redevelopment plan;
5. Any significant relationship of the redevelopment plan to:
 - a. The master plans of contiguous municipalities;
 - b. The master plan of the County in which the municipality is located; and
 - c. The State Development and Redevelopment Plan adopted pursuant to the "State Planning Act" PL 1985, C398 (C52:18A-196 et al.).
6. As of the date of the adoption of the resolution finding the area to be in need of redevelopment, an inventory of all housing units affordable to low- and moderate-income households, as defined pursuant to section 4 of P.L. 1985 c.222 (C.52:27D-304), that are to be removed as a result of the implementation of the redevelopment plan, whether as a result of subsidies or market conditions listed by affordability level, number of bedrooms, and tenure.
7. A plan for the provision, through new construction or substantial rehabilitation of one comparable, affordable replacement housing unit for each affordable housing units that has been occupied at any time within the last 18 months, that is subject to affordability controls and that is identified as to be removed as a result of implementation of the Redevelopment Plan.

AREA AND SITE DESCRIPTION/ PROPOSED DEVELOPMENT

The Redevelopment Area includes two industrial parcels. The northern portion of the Area (Block 57, Lots 1.01) previously contained a vacant copper-foil manufacturing facility (known as the Yates site). The site continues to be undeveloped.

The southern portion of the Redevelopment Area (Block 57, Lots 1.02 & 6) formerly contained an Agway industrial facility, the majority of which has since been redeveloped. The development known as Team Campus 85 currently contains 6 buildings in addition to a youth soccer field. Building A contains a 30,000 square foot office ; Building B contains a 75,000 square foot fitness center; Building C consists of a 78,500 square foot office ; Building D consists of a 45,000 square foot indoor practice field; Building E contains a 2,900 square foot branch bank and Building F contains a 24,000 square foot office.

The northern rear portion of the development currently contains the Agway silo and related buildings that are proposed to be demolished. This site will be redeveloped with an inclusionary development containing up to three five story buildings with a maximum of 130 family rental units of which 20 % of the units or 26 will be family affordable rental units. In addition, up to 9,000 square feet of non -residential space will be provided.

REDEVELOPMENT GOALS AND OBJECTIVES

A number of the goals contained in the 2007 Plan continue to remain valid. Several new objectives have been added.

- Create economic opportunity
- Stimulate private economic investment in the Area
- Create new jobs
- Improve the utilization of land, which can be redeveloped for the community's benefit while also taking into account environmental constraints imposed upon the land
- Redevelop underutilized parcels to meet the changing needs of the Township
- Create an aesthetically pleasing development
- Address a portion of the Township's affordable housing obligation by redeveloping a portion of the Area for a residential inclusionary development.

RELATIONSHIP OF THE PLAN TO TOWNSHIP LAND DEVELOPMENT REGULATIONS

The Redevelopment Area shall be redeveloped in accordance with the standards detailed in this Amended Redevelopment Plan. The Plan supersedes the use and bulk provisions of the Township Land Development Regulations (Chapter 25) as it relates the residential inclusionary development as detailed in the Settlement Agreements. Other Township regulations affecting developments that are in conflict are superseded by this Plan. However, existing engineering standards, performance standards and definitions detailed in the Land Development Ordinance shall apply.

No deviations may be granted which will result in permitting a use that is not a permitted use within this Redevelopment Plan. Any deviation from standards of this Plan that results in a “d” variance pursuant to N.J.S.A. 40:55D-70d shall be addressed as an amendment to the Plan rather than via variance relief through the Township’s Zoning Board of Adjustment. An application requesting a deviation from the requirements of this Redevelopment Plan shall provide public notice of such application in accordance with the public notice requirement set forth in N.J.S.A. 40:55D-12a.&b. All development must be approved by the Planning Board and shall be submitted through the normal site plan and subdivision procedures as identified by N.J.S.A. 40:55D, et seq.

Any deviations from bulk standards shall require “c” variance relief. The Planning Board shall have the power to grant relief to the same extent as the Board may grant relief from bulk and dimensional requirements pursuant to N.J.S.A. 40:55D-70.c.

The Planning Board may grant exceptions or waivers from design standards from requirements for site plan or subdivision approval as may be reasonable and within the general purpose and intent of the provisions for site plan review and/or subdivision approval within the Plan. The Board may grant exceptions or waivers if it is determined the literal enforcement of one or more provisions of the Plan is impracticable or would exact undue hardship because of peculiar conditions pertaining to the site. No deviations may be granted under the terms of this section unless such deviations can be granted without resulting in substantial detriment to the public good and will not substantially impair the intent and purpose of the Redevelopment Plan.

Final adoption of this Redevelopment Plan by the Township Committee shall be considered an amendment to the Township of Bordentown Land Development Ordinance and Zoning Map. Unless otherwise defined in the Plan, terms used in this Plan shall have the same meaning as defined in the Township’s Land Development Ordinance.

The Bordentown Township Committee will serve as the redevelopment entity responsible for the execution of the Amended Plan.



0 125 250 Feet

Source: NJOGIS, NJGIN, NJDEP, NJDOT

Land Use Map
Bordentown Township, NJ



LAND USE PLAN

This Land Use Plan shows the following two (2) Land Use districts:

- The Highway Commercial District
- The Affordable Housing District

The following district standards contain information pertaining to the permitted and accessory uses, bulk standards and other district specific standards.

Affordable Housing District

Purpose: The purpose of the Affordable Housing District is to create an inclusionary residential development. This Land Use Plan section includes an illustrative concept plan designed in accordance with the Settlement Agreements with FSHC and K.Johnson Urban Renewal LLC. In accordance with the Township's Settlement Agreements, the residential development is required to provide a set aside of 26 family rental affordable units.

Principal Permitted Uses

- Multi-family residential inclusionary development in accordance with the Settlement Agreements between the Township and FSHC and the Township and K. Johnson LLC
- Mixed use residential/commercial development in accordance with the Settlement Agreements between the Township and FSHC and the Township and K. Johnson LLC

Accessory Uses

- Uses which are customary and incidental to the principal use such as parking, signage, fences, open space and recreational facilities

Standards

Maximum number of residential units: 130

Minimum number of Affordable Family rental units: 26

Bedroom mix of market units: Units shall consist of 1 and 2 bedroom units. No more than 50% of the market units shall be 2 bedroom units. No 3 bedroom market units shall be permitted.

Number of buildings: 3

Mixed Use Development: The ground floor of the building closest to the existing fieldhouse (Building D) shall be developed with up to 9,000 square feet of non-residential space. The upper floors shall be developed with residential units. The area between the mixed use building and the adjacent proposed residential building shall be developed as a tot lot. The area in the front of the non-residential space shall be developed as an outdoor "plaza"

Minimum perimeter building setback: 50 feet

Buffer: A minimum 25 wide buffer shall be provided between the Conrail railroad right of way and the Redevelopment Area. The buffer shall consist of landscaping and fencing as required by the Planning Board at site plan application.

Maximum building height:4 stories/ 50 feet

Minimum parking:

- Residential: 2 spaces per unit
- Non -residential: 1 space per 200 square feet

Distance between buildings: 25 feet

A ‘green’ area shall be provided adjacent to the north side of the existing fieldhouse.

Highway Commercial District

Principal Permitted Uses

1. Retail sales of goods and services.
2. Garden centers engaged in the retail sales of living plant material and related garden equipment, vegetation and produce. Outside areas for [the] storage, sale and display [of living plant material] shall conform to all bulk and design requirements for the zone.
3. Banks, including drive-in facilities.
4. Offices and office buildings
5. Restaurants, bars and taverns
6. Health clubs, bowling alleys, skating rinks and other similar indoor recreational activities.
7. Legitimate theaters
8. Childcare centers for which, upon completion, a license is required from the Department of Human Services pursuant to N.J.S.A. 30:5B-1 et seq.
9. Indoor/outdoor sports fields to be used for group or individual training. The field may be enclosed in a structurally sound structure using light-weight fabric, polymer or air-cell paneling supported by strong lightweight metal, polymer or wood framing.
10. Medical Offices
11. Hospitals
12. Same Day Surgery Centers
13. Mixed uses of any of the above

Permitted Accessory Uses

1. Parking decks and garages for automobiles
2. Garages and buildings for storage
3. Temporary construction trailers and one (1) sign not exceeding seventy-five (75) square feet, advertising the prime contractor, subcontractor(s), financing institution and similar data for the period of construction beginning with the issuance of a construction permit and concluding with the issuance of a certificate of occupancy or one (1) year, whichever is less, provided the

trailer(s) and sign are on the site where construction is taking place and are set back at least thirty feet (30') from the street and lot lines.

4. Radio, television and satellite dish antennae, subject to the requirements of Section 25:513 of the township ordinance.
5. Indoor/outdoor sports field: Field to be used for group or individual training. Field may be enclosed in a structurally sound structure using light-weight fabric, polymer or air-cell paneling supported by strong light-weight metal, polymer or wood framing.
6. Uses customarily incidental and accessory to the principal permitted use such as parking, signage, and fencing.

Bulk and Area Requirements

1. Minimum lot area: 5 acres
2. Minimum lot frontage: 200 feet
3. Minimum lot width: 150 feet
4. For principal structures:
 - a. Minimum setback from Route 130: 80 feet for small satellite banks or take-out restaurants, 100 feet for all other principal structures
 - b. Minimum side yard setback: 50 feet
 - c. Minimum setback from Conrail right-of-way and Route 206: 100 feet
5. Minimum setback from Route 130 for all parking areas and access aisles: 40 feet
6. Minimum setback from Conrail right-of-way for all accessory structures: 50 feet
7. Minimum side yard setback for accessory structures, including parking areas, aisles and driveways: 15 feet
8. Maximum Impervious Cover: 75%
9. Maximum Building Height for buildings used exclusively for offices or hotels: 55 feet/5 stories
10. Maximum Building Height for buildings not used exclusively for offices or hotels: 42 feet/3.5 stories

Design Requirements: Highway Commercial District

The requirements set forth below supersede the requirements of the prevailing zoning.

Standards of Section 25:521 should be adhered to, subject to the approval of the Planning Board. Sample materials and a color rendering shall be submitted. These materials and rendering are considered to be part of any approvals and shall not be substantially changed.

Buffering

1. A landscaped buffer with a minimum width of 40 feet shall be maintained along the entire frontage of Route 130. The buffer area shall be limited to vegetative lawns, ground cover, shrubs, bushes, trees, decorative walls and/or fences, and fountains. This buffer may include decorative lighting, identification signs, traffic directional signs and access driveways to and from Route 130.
2. A landscaped buffer with a minimum width of 15 feet shall be maintained along the lot line separating Block 57, Lot 6 from Block 57, Lot 1.02. The buffer area shall include a single row of evergreen plantings, fencing, berms, mounds or a combination thereof to provide an adequate screen to the benefit of the uses on Lot 1.02.
3. A landscaped buffer with a minimum width of 15 feet shall be maintained along the lot lines separating Block 57, Lot 6 from Block 57, Lots 7, 8 and 21. This landscaped buffer shall utilize the existing vegetative growth and be supplemented with additional screening where existing growth does not provide adequate screening.
4. A landscaped buffer with a minimum width of 80 feet shall be maintained along the common lot line between the Conrail railroad right-of-way and the entire Redevelopment Area. Existing vegetative growth located within existing wetland buffers shall remain undisturbed. For areas outside of wetland buffers, landscape screening shall consist of fencing, berms, mounds, multiple staggered rows of evergreen plantings or a combination thereof to achieve adequate screening. Existing rail sidings are to remain within the 80-foot buffer and may be accompanied by a paved loading area for access to rail cars. A buffer is to be placed 80 feet from the southerly most rail siding in the remaining un-paved area.
5. A minimum 70-foot wide landscaped buffer shall be maintained along the entire Route 206 frontage. Existing vegetation growth located within existing wetland buffers shall remain undisturbed, except where proposed stormwater basin outlet piping may cross the buffer to discharge to Hollow Mile Run.
6. A minimum 15-foot wide landscaped screen buffer shall be maintained along the proposed lot line separating the existing warehouse/manufacturing use from the proposed mixed use development. Existing vegetation growth located within existing wetland buffers shall remain undisturbed. This landscaped buffer shall be limited to a single row of evergreen plantings, fencing, berms, mounds or a combination thereof to achieve adequate screening to the benefit of adjoining properties. Where a single row of evergreen planting is being used, a single row is to be planted on each side of the new lot line and staggered so as to appear as a double staggered row of evergreens.

Buildings/Architecture

1. Except as otherwise required below, all buildings shall comply with the design guidelines set forth in Ordinance 2003-23.
2. Penthouses or roof structures for the housing of stairways, tanks, ventilating fans, air conditioning equipment, or similar equipment required to operate and maintain the building, skylights, spires, cupolas, flagpoles, chimneys or similar structures; may be erected above the height limits prescribed by the Plan, but in no case more than fifteen percent (15%) more than the maximum height permitted for use in the Redevelopment Area.
3. Silos, barns and other related buildings for farming purposes associated with farming, warehousing and manufacturing shall not exceed the height of existing silos, buildings and structures.
4. Adaptive reuse or continued use of existing buildings, towers, silos, or other structures shall be the existing height, excluding screened roof top appurtenances, which shall not exceed an additional 5 feet.
5. Detailed architectural plans including colors, materials, and textures, shall be provided for all new buildings and existing buildings that are to remain. Detailed floor plans shall be provided for the new buildings.
6. Buildings shall be located, designated and identified to allow for adequate fire and emergency access.
7. All new construction must conform to Americans with Disabilities (ADA) Act requirements.
8. All external appurtenances, including but not limited to electrical components and HVAC equipment, including roof-mounted units, shall not exceed five (5) feet above the ground surface or the roofline, shall be screened by landscaping or enclosed to match the building facade, and shall not be included in determining building height.
9. HVAC and other appurtenances shall comply with all applicable federal, state or local regulations governing noise levels for both day and night time uses.
10. All power, phone, CATV, and other utilities shall be installed underground, as per current engineering standards. Roof antennae or towers shall not be permitted.
11. The use of the U.S. Green Building Council's LEED@ (Leadership in Energy and Environmental Design) construction standards is encouraged.
12. Buildings shall be considered in terms of their relationship to the surrounding area and natural environment as well as in relation to the human scale.

Parking and Vehicle Circulation

1. Ingress and egress from Route 130 shall be permitted in the following manner:
 - a. For the existing warehouse/manufacturing operations, a right-in and right-out driveway will be located at the northern end of Block 57, Lot 6. This driveway will be the only access for the traffic associated with the existing operations. The proposed improvements will include a wider approach driveway to allow for

queuing of vehicles. The driveway will proceed back through the warehouse/manufacturing site to allow for continuous movement for tractor trailer vehicles.

- b. The mixed use portion of the redevelopment site will be served with two driveway entrances, both on Route 130. One entrance will be located at the center of Redevelopment Block 57, Lot 6, and the other will be located at the southerly portion of the redevelopment tract. The southern-most driveway will be aligned with Livingston Lane located on the opposite (easterly or northbound) side of Route 130, and will allow left turn and right turn entry to and from the site from Route 130. This driveway shall provide a minimum of one in-bound lane and 3 out-bound lanes. These driveways and openings are subject to the approval of the NJDOT and openings may be modified as required by NJDOT. There will be no access to the existing warehouse/manufacturing operations from the mixed use site.
- c. Parking for redevelopment Block 57, Lot 6 will be provided as follows:
 - 1) For the existing warehouse/manufacturing operations, one parking space will be provided per 850 square feet of building floor area for the grain storage operations, and one space will be provided per 375 square feet of building floor area for the fertilizers storage/manufacturing operations.
 - 2) For the mixed use portion of the site, parking will be provided at the following rate:
 - i. Medical Office building: 1 space per 235 square feet of floor area.
 - ii. Professional Office building: 1 space per 200 square feet of floor area.
 - iii. Sports Center: 1 space per 235 square feet of floor area.
 - iv. Communications Tower: 1 space per 100 square feet of floor area.
 - v. Satellite Bank: 1 space per 200 square feet of floor area.
 - vi. Parking space size for the warehouse/manufacturing portion of the site is to be 9 feet wide by 18 feet long. Minimum aisle width is to be 30 feet.
 - vii. Parking space size for the mixed use portion is to be 9 feet wide by 18 feet long for 76% percent of the total amount of stalls and 10 feet wide by 18 feet long for the remaining 24 percent of the total number. Driveway aisle widths in each parking group are to be a minimum of 25 feet. Driveways circulating around each building are to be 30 feet in width.
 - viii. Useable walkways and crosswalks, within the site shall be designed to interconnect buildings to parking areas. Sidewalks are to be a minimum of 6 feet wide where parking stalls abut head-on.

Sidewalks running adjacent to driveways with no parking stalls are to be 5 feet in width.

2. Loading and Unloading

- a. Loading and unloading for the existing warehouse/manufacturing site is an integral part of the current operations. The existing and adaptive procedures and movement patterns shall be made as part of the Plan.
- b. Loading and unloading for the mixed use portion of the site shall be as follows:
 - 1) Medical Office Building: The loading and ambulance drop-off area are to be located at the rear of the building. This area is to simultaneously accommodate both activities at one time. The loading area is to accommodate tractor trailer trucks.
 - 2) Health Sports Building: The loading facility is to be located behind the building. The parking lot and driveway are to accommodate tractor trailer trucks.
 - 3) Professional Office Building: The loading facility is to be located behind building, and the parking lot and driveway are to accommodate a tractor trailer truck.
 - 4) Satellite Bank: The loading area is to utilize one of the proposed parking stalls, on a temporary basis, accommodating a small box or panel truck.
 - 5) Communications Tower: The loading area is to utilize a portion of the proposed 30-foot wide access driveway, on a temporary basis, accommodating a tractor trailer truck.

Signs

- 1. One monument-type sign shall be permitted along the Route 130 frontage.
- 2. Each building front shall be permitted to have a facade sign or free standing sign large enough to identify the corporate entity or entities occupying the building.
- 3. The Redeveloper shall provide a comprehensive sign package, including colors and materials, to the Planning Board. The Planning Board may approve a comprehensive sign package for the project that exceeds the standards of the zoning ordinance and/or this document, in terms of sign area and number of signs if it is demonstrated to the Board's satisfaction such additional signage is necessary to appropriately identify the uses on the site from the street, and is consistent with good planning for the site.

Lighting

- 1. All lighting shall be post or building mounted and oriented earthward to minimize light spillage and glare.
- 2. Parking area lighting shall be post-mounted, located within landscaped areas and islands, and shall not exceed 30 feet in height above grade.
- 3. Pedestrian and access point lighting shall be post-mounted and shall not exceed 16 feet in height above grade.

4. Fixtures shall be shielded to eliminate light overflow into adjoining lots.
5. Lighting shall conform to the Township's specifications. Exact details will be specified at the time of site plan review.

Fencing/Enclosures

1. All bulk waste/recycling receptacles (dumpsters) shall be fully screened. Such screening shall be of adequate height to fully shield the receptacle and shall utilize plantings and/or brick construction with a brick front and gated access way which can be secured during periods of non-use. Chain link fencing for refuse screening is prohibited, however, chain link gates for access to refuse is allowable. If landscape screening is utilized, bollards shall be provided to maintain the integrity of the planted screening. Full brick construction shall be required for structures located within designated buffer area adjacent to any residential or commercial building.
2. Ornamental fencing shall be encouraged
3. Privacy fencing along the rear property line shall be permitted.
4. Heights of all fencing are subject to Planning Board review and approval.

Infrastructure

1. Sidewalk/Walkways: Pedestrian or connecting walkways, within the site, shall be constructed of pavers, concrete, and textured pavement in colors and/or patterns. All walkways shall be a minimum of five (5) feet in width, and shall extend from the building facade to the curb line.
2. Water, Sewer and Stormwater Management: These systems are to be investigated, constructed and upgraded, as required, and shall be subject to review and approval by all applicable federal, state, and local agencies, and will be the responsibility of the selected Redevelopers based on the final approved usages within the Redevelopment Area. All water, sewer and stormwater systems must conform to the New Jersey Department of Environmental Protection Stormwater Regulations, and shall be subject to the applicable state laws and regulations in effect at the time of approval of the Plan.

Miscellaneous Design

1. Drive-up Window Queuing: Vehicle queuing areas shall be adequate to accommodate a minimum of 6 automobiles per drive-up window for banking or fast-food restaurant facilities.
2. A minimum of 3 feet of stepped landscaping shall be provided from the fence of the existing 911 Tower.
3. Minimum setback from the existing 911 Tower shall be maintained to the following: 250 feet to a property line; 120 feet to a building; 11 feet to a parking stall; and 3 feet to an access parking driveway.
4. In determining the types of plants that will be provided on a development plan, consideration should first be given to the species listed on the "Township of Bordentown Schedule of Recommended Street Trees."
5. Usable pedestrian access ways shall be provided throughout the site.

Relationship to Other Plans

Master Plan/Reexamination

The Township's most recent Master Plan Reexamination Report was adopted in August 2018. The Reexamination Report builds on the goals and objectives identified in the 1990 Master Plan and its subsequent Reexamination Reports and Revisions adopted in 1996, 1998, 2002 and 2008. A Land Use Plan element was also adopted in 2018.

This Redevelopment Plan supports the following goals from the 1990 Master Plan:

- The Land Use Plan of the Township of Bordentown should build upon and refine the past planning decisions of the municipality, consistent with present local and regional needs, desires, and obligations
- The Land Use Plan noted the physical characteristics of the Township and its inherent limitations of the land to host different types of community development, thereby necessitating the assignment of different densities and intensities of development to match the capacities of the environment
- The Land Use Plan should strive to prevent homogeneous suburban development throughout the municipality, using such elements as a balanced variety of uses, housing styles and neighborhood commercial centers providing personal sales and services.
- Higher density housing should be permitted only as part of larger scale developments to ensure that adequate roads, recreational areas, community amenities, drainage facilities, public water and sewerage facilities, and other infrastructure are constructed commensurate with the requirements for a variety of residential densities.
- Retail shopping facilities should be provided to serve the needs of the existing and anticipated residential population of the Township, and such shopping facilities should be provided as an integral part of the large scale residential development or in other specific locations in order to avoid the proliferation of vehicular shopping trips.
- Industrial research and office acreage should be controlled with appropriate regulations, without denying the needs of modern research and manufacturing activities and in an appropriate balance between residential and non-residential development and the commensurate benefits of a balanced tax base.
- Proper and sufficient water supplies and sewerage facilities should be planned in order to provide the reasonable opportunity for the implementation of the foregoing Land Use Plan.

The following represents additional recommendations from the 2008 Master Plan Reexamination Report:

- Review existing redevelopment plan/areas to determine if changes need to be made to the boundaries, types of uses permitted, and zoning requirements.

The 2008 Reexamination Report additionally states that the site, Block 1.01 Lots 3 and 6, be included as part of the Township's Redevelopment Plan along with several surrounding properties.

The 2018 Reexamination Plan and Land Use Plan recognizes the Agway Redevelopment Plan and details the goals and proposed uses.

This Redevelopment Plan is consistent with the Township's Master Plan 2018 Reexamination Report and Land Use Plan. It is also a component of the adopted August 2019 Housing Element and Fair Share Plan.

Northern Burlington County Growth and Preservation Plan

The Northern Burlington County Growth and Preservation Plan (GAPP) was adopted by the Burlington County Board of Chosen Freeholders in October 2010. The Township is located in northern Burlington County. The GAPP presents a regional strategy with the following goals:

- Revitalize Northern Burlington County's Hamlets, Villages and Towns
- Conserve Northern Burlington County's agricultural and natural resources and systems
- Promote beneficial economic growth, development and renewal for all residents of the County
- Protect the environment, prevent and clean up pollution
- Provide adequate public facilities and services at a reasonable cost
- Provide adequate housing at a reasonable cost
- Preserve and enhance areas with historic, cultural, scenic, open space and recreational value
- Ensure sound and integrated planning and implementation throughout the Northern Burlington County region.

The GAPP shows the majority of Bordentown Township under the category of T3- Suburban. The Suburban Area includes Post World War II neighborhoods and modern residential subdivisions in sewer service areas, as well as development highway corridors and centers outside older communities. According to the GAPP, the Redevelopment Area falls within the suburban infill classification.

The Plan also encourages redevelopment, where appropriate, at intensities sufficient to support pedestrian-oriented development, public safety, transit accessibility, a broad range of uses and mixed uses, and efficient use of infrastructure. Additionally, municipalities should continue to provide local and regional housing services that support healthy Centers.

This Redevelopment Plan is consistent with the GAPP.

New Jersey State Development and Redevelopment Plan

The New Jersey State Development and Redevelopment Plan (SDRP) was adopted on March 1, 2001. This plan compared the planning policies among various government levels with the purpose of attaining compatibility among local, county and State plans. The SDRP allocates land into five (5) different categories called Planning Areas. The Redevelopment Area in Bordentown Township is located within Planning Area 1 (PA1), the Metropolitan Planning Area. The

Metropolitan Planning Area includes a variety of older, developed cities and towns that have a compact, close-knit development pattern. The SDRP is a unique document that, while not binding, guides State-level development and redevelopment policy as well as local and regional planning efforts. The Plan includes eight statewide goals and dozens of policies which are intended to implement the goals.

The goals of the PA 1: Metropolitan Planning Area are as follows:

- Provide for much of the State's future redevelopment
- Revitalize cities and towns
- Promote growth in compact forms
- Stabilize older suburbs
- Redesign areas of sprawl
- Protect the character of existing stable communities

This Redevelopment Plan is consistent with the State Development and Redevelopment Plan.

State Strategic Plan

The Final Draft of the New Jersey State Strategic Plan for Development and Redevelopment dated October 2011, which has yet to be adopted by the State Planning Commission, was intended to be an update to the State Development and Redevelopment Plan. This document takes a strategic approach to setting goals and a vision for the State of New Jersey. The State Strategic Plan contains four over-arching goals that “incorporate[s] administrative actions, legislative and regulatory forms, and public investment prioritization.” These goals are as follows:

- Goal 1: Targeted Economic Growth
- Goal 2: Effective Planning for Vibrant Regions
- Goal 3: Preservation and Enhancement of Critical State Resources
- Goal 4: Tactical Alignment of Government

The Strategic Plan further states “these goals must work in tandem as their interrelationship represents a critical piece of the State's blueprint for success.”

Additionally, the State Strategic Plan articulates a number of goals as Garden State Values. The following values are relevant to this Redevelopment Plan:

- Garden State Value #1: Concentrate development and mix uses.
- Garden State Value #2: Prioritize Redevelopment, infill, and existing infrastructure.
- Garden State Value #4: Create High-Quality, Livable Places.
- Garden State Value #6: Advance Equity.
- Garden State Value #7: Diversify Housing Options.

- Garden State Value #8: Provide for Healthy Communities through Environmental Protection and Enhancement.
- Garden State Value #10: Make Decisions within a Regional Framework

This Redevelopment Plan is consistent with the Draft State Strategic Plan.

Relationship to Adjacent Municipalities

The Township of Bordentown lies adjacent to the following municipalities:

- Hamilton Township (Mercer County)
- Chesterfield Township (Burlington County)
- Mansfield Township (Burlington County)
- Florence Township (Burlington County)
- Fieldsboro Borough (Burlington County)
- Bordentown City (Burlington County)

The development of this area is not anticipated to have any impacts on the adjacent municipalities.

Administrative and Procedural Requirements

Duration of Redevelopment Plan

The Redevelopment Plan shall remain in effect for 30 years from the date of adoption of this Plan by the Township Committee. After that period, the Zoning Ordinance will regulate the development of the site.

Amending the Redevelopment Plan

Upon compliance with the requirements of applicable law, the Township of Bordentown may amend, revise or modify this Redevelopment Plan, as changing circumstances may make such changes appropriate.

Property Acquisition

Although permitted, the use of eminent domain is not anticipated.

Relocation

The site does not contain any residential units which would require relocation.

Affordable Housing Units

No affordable housing units are identified to be removed as part of the implementation of this Redevelopment Plan.

Provision of New Affordable Housing Units

Redevelopment Plans are permitted to require the provision of affordable housing units per the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-7.b).

In conformance with the Amended Settlement Agreement and the KJ Settlement Agreement, residential development within the Redevelopment Area is required to provide 26 family-rental units. Residential units shall be developed in conformance with the approved Settlement Agreements and all affordable housing units shall comply with the Uniform Housing Affordability Controls (UHAC), N.J.A.C. 5:80-26.1 et. seq. or any successor legislation, with the exception that in lieu of 10% of affordable units in rental projects being required to be affordable households earning at or below 35% of the regional median household income, a minimum of 13% of affordable units in such projects is required to be affordable to households earning at or below 30% of the regional median household income. The proposed affordable units will comply with the MOU, UHAC regulations, the FHA, applicable COAH regulations, and all other applicable laws.

The residential units and any redevelopment agreement shall comply with N.J.A.C. 5:97-6.6 and 6.4, including all phasing requirements.

**PLANNING BOARD
TOWNSHIP OF BORDENTOWN
Resolution No. P-2020-15**

**A RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP
OF BORDENTOWN RECOMMENDING THE ADOPTION OF
A REDEVELOPMENT PLAN AMENDMENT FOR THE
AGWAY (GROWMARK)/YATES REDEVELOPMENT AREA**

WHEREAS, the Township Committee of the Township of Bordentown (Township Committee) previously established a Redevelopment Area, pursuant to the Local Redevelopment and Housing Law (N.J.S.A. 40A:12-1, *et. seq.*) which area is commonly referred to as the Agway (Growmark)/Yates Redevelopment Area; and

WHEREAS, the initial Redevelopment Plan for the Agway (Growmark)/Yates Redevelopment Area prepared by Remington & Vernick Engineers, Inc. (the Redevelopment Plan) was adopted by the Township Committee on November 26, 2007; and

WHEREAS, since the adoption of the Redevelopment Plan, there have been changes in conditions and circumstances; and

WHEREAS, the Township Committee has introduced Ordinance No. 2020-07 on March 9, 2020, whereby the Township Committee has determined that it is in the best interest of the Township to adopt a Redevelopment Plan Amendment for the Agway (Growmark)/Yates Redevelopment Area; and

WHEREAS, Ordinance No. 2020-07 proposes to amend the Redevelopment Plan for the Agway (Growmark)/Yates Redevelopment Area to provide for the development of a family rental inclusionary development of 130 units with a mandatory housing set-aside, which will result in 26 affordable family units to address the Township's constitutional obligation to provide its fair share of very low-, low- and moderate-income housing , as directed by the Supreme Court of New Jersey; and

WHEREAS, pursuant to that obligation the Township entered into a settlement agreement with Fair Share Housing Center (AFSHC), which was amended and executed on June 11, 2019, under which it was determined that the Agway (Growmark)/Yates Redevelopment Area is an appropriate location for the proposed family rental inclusionary development; and

WHEREAS, a Housing Element and Fair Share Plan was prepared by the Township Planner and adopted by the Planning Board on August 8, 2019 (2019 HEFSP), recommending the implementation of an inclusionary development within certain portions of the Agway (Growmark)/Yates Redevelopment Area; and

WHEREAS, Heyer Gruel and Associates prepared a Redevelopment Plan amendment,

which is titled Amended Redevelopment Plan for the Agway (Growmark)/Yates Redevelopment Area dated February, 2020; and

WHEREAS, the Municipal Land Use Law. N.J.S.A. 40:55D-26, authorizes the Planning Board to issue a report and recommendations to the governing body prior to the adoption of a development regulation, revision or amendment thereto; and

WHEREAS, Township Administrator and Acting Director of Community Development, Michael Theokas, appeared, testified and presented the report to the Board, which was made a part of the record herein with respect to the proposed Redevelopment Plan amendment for the Agway (Growmark)/Yates Redevelopment Area; and

WHEREAS, from the submissions made to the Planning Board, the testimony and proofs presented, including the testimony and evidence of all interested parties and based upon the entire record, the following further findings of fact and conclusions of law were made:

1. All of the representations as set forth in the WHEREAS paragraphs are incorporated by reference herein as findings of fact.
2. There is a need for amendment to the Redevelopment Plan for the Agway (Growmark)/Yates Redevelopment Area for the purposes served by such changes to allow for the implementation of an inclusionary residential development within the Redevelopment Area to meet the Township's constitutional obligation to provide its fair share of very low-, low- and moderate-income housing.
3. The Redevelopment Plan amendments to the Agway (Growmark)/Yates Redevelopment Area are substantially consistent with the Master Plan of Bordentown Township and the overall plans for the Agway (Growmark)/Yates Redevelopment Area.
4. The Planning Board has determined that it is in the best interest of the Township to adopt this Resolution.

NOW, THEREFORE, BE IT RESOLVED, based upon the foregoing findings of fact and conclusions of law, including all documents, testimony and evidence presented as the hearing that the Planning Board of the Township of Bordentown does hereby recommend to the Township Committee that it adopt the Redevelopment Plan amendments for the Agway (Growmark)/Yates Redevelopment Area as set forth herein, and that this Resolution and the Amended Redevelopment Plan for the Agway (Growmark)/Yates Redevelopment Area shall be considered the report of the Planning Board as required by N.J.S.A. 40A:12A-7(e).

This is a Resolution to memorialize the action taken by the Planning Board of the Township of Bordentown at a regular meeting held on July 9, 2020.

GEORGE CHIDLEY, *Chairman*

Attest:

MICHAEL THEOKAS, *Board Secretary*

Date Adopted : July 9, 2020

Date Memorialized : July 9, 2020

Motion:

Second:

For Adoption:

Against:

Abstentions:

Absent:

Not Voting: