

**TOWNSHIP OF BORDENTOWN
PLANNING BOARD MEETING**

November 8, 2018

The Bordentown Township Planning Board meeting was called to order at approximately 7:33 PM in the main meeting room of the Municipal Building on Municipal Drive.

PRESENT: Stephen Benowitz, Mayor, Class I
Bill Grayson, Class II
Eric Holliday, Committeeman, Class III
George Chidley, Chairman, Class IV
Danielle Esser, Class IV
Timothy Fairlie, Class IV
Eugene Grybowski, Class IV
William Popko, Class IV
Joseph Nyzio, Alt. #1
Nicholas D'Angelo, Alt. #2
Rich Wells, Attorney, Garty Law Firm
Fred Turek, II PE, PP, CME, CPWM, Engineer
Jack Carman, RLA, FASLA, PP, Planner / Landscape Arch.
Mike Theokas, Interim Dir. of Comm. Dev./ Alt. Bd. Secretary
Cindy Dziura, Alt. Bd. Secretary/Recording Secretary

ABSENT: Kevin Hirschfeld, Vice-Chairman, Class IV
Lou Garty, Attorney, Garty Law Firm
Brian Johnson, Dir. Comm. Development/Planning Bd. Secretary
James L. Kochenour, PE, Traffic Engineer

The meeting was opened by Chairman Chidley. The Board participated in the salute to the flag. Roll call was taken by Cindy Dziura. The open public meetings announcement was read by Chairman Chidley.

MINUTES:

Mayor Benowitz made a motion to approve the minutes of October 11, 2018; seconded by Mr. D'Angelo.

Roll call: AYE: Esser, Fairlie, Grayson, Grybowski, Popko, D'Angelo, Benowitz, Chidley
NAY: None
ABSENT: Hirschfeld
ABSTAIN: Nyzio, Holliday
NOT VOTING: None

RESOLUTIONS:

• **Resolution No. P-2018-17 – RESOLUTION GRANTING THE APPLICATION OF SINGH TILE AND STONE, LLC, FOR PRELIMINARY AND FINAL SITE PLAN APPROVAL WITH PHASING OF IMPROVEMENTS WITH RESPECT TO BLOCK 120, LOT 4, MORE COMMONLY KNOWN AS 250 RT. 130 SOUTH.**

Mayor Benowitz made a motion to approve Resolution P-2018-17; seconded by Committeeman Holliday.

Roll call: AYE: Esser, Fairlie, Grayson, Grybowski, Popko, Nyzio, Holliday, Benowitz, Chidley
NAY: None
ABSENT: Hirschfeld
ABSTAIN: None

NOT VOTING: D'Angelo

Robert Baranowski, Jr., Esquire, of Hyland Levin, representing the Applicant CCBP II LLC, submitted a letter dated November 5, 2018 requesting an extension of time for subdivision approval. There were no other changes.

• **Resolution No. P-2018-18 – ON THE APPLICATION OF CCBP II, LLC FOR AN EXTENSION OF AMENDED MINOR SUBDIVISION APPROVALS WITH RESPECT TO BLOCK 138.12, LOT 5.03, MORE COMMONLY KNOWN AS 300 BORDENTOWN-HEDDING ROAD.**

Mayor Benowitz made a motion to approve Resolution P-2018-16; seconded by Committeeman Holliday.

Roll call: AYE: Esser, Fairlie, Grybowski, Popko, Nyzio, Holliday, Benowitz, Chidley
NAY: None
ABSENT: Hirschfeld
ABSTAIN: Grayson
NOT VOTING: D'Angelo

DISCUSSION ITEM:

a. Township Committee Ordinance #2018-28 entitled **AN ORDINANCE TO AMEND CHAPTER 25, LAND DEVELOPMENT ORDINANCE, OF THE BORDENTOWN TOWNSHIP CODE, TO ESTABLISH A NEW ZONING DISTRICT, ENTITLED “AR-AH AGE-RESTRICTED AFFORDABLE HOUSING.”**

Continuation of discussion from the October 11, 2018 Planning Board meeting. Comments to be reported back to the Township Committee (Resolution P-2018-19).

Interim Director of C.D. Theokas gave background on the proposed ordinance and discussed density. He also discussed the affordable housing agreement with Fair Share Housing, and explained the process where the Planning Board makes recommendation to the Township Committee. There were questions and discussion from the Planning Board members.

Mayor Benowitz made a motion to open the meeting to the public for comment on Township Ordinance #2018-28; seconded by Committeeman Holliday.

Roll call: AYE: Esser, Fairlie, Grayson, Grybowski, Popko, Nyzio, Holliday, Benowitz, Chidley
NAY: None
ABSENT: Hirschfeld
ABSTAIN: None
NOT VOTING: D'Angelo

ANGELA & DAVID PANTALEONE, 318 Crescent Drive: Mr. and Mrs. Pantaleone expressed concern that Senior Affordable Housing would decrease their property value. Since the property was designated Highway Commercial, they were hoping that an attractive strip mall or something equivalent would be built there.

Chairman Chidley explained the process and what is required of the Planning Board stating the Planning Board makes recommendations to the Township Committee. It is the Township Committee's final decision.

ASHLEY MURPHY & TOM ARMITAGE, 325 Crescent Drive: Ms. Murphy said she was also concerned about traffic, safety for the school children, and said it was a small size property for a large amount of people to be living in. Mr. Armitage said he was concerned about crime and potential sex offenders. Interim Director of C.D. Theokas explained that the housing is age-restricted and the management company monitors who is living there.

DAVID PANTALEONE, 318 Crescent Drive: Mr. Pantolone said he believes residents of Senior Affordable Communities are taking in other family members.

Mayor Benowitz made a motion to close the meeting to the public for comment; seconded by Committeeman Holliday.

Roll call: AYE: Esser, Fairlie, Grayson, Grybowski, Popko, Nyzio, Holliday, Benowitz, Chidley
NAY: None
ABSENT: Hirschfeld
ABSTAIN: None
NOT VOTING: D'Angelo

Mr. Fairlie said he would like to have some comparison to density, as it compares to River Walk or Bradford Pointe. Planning Board Engineer Fred Turek responded that he did not know the numbers for those communities right now, but this development is approximately 21 dwelling units per acre.

Mr. Grybowski made a motion to deem the proposal inconsistent with the Master Plan based upon the proximity of the proposal to neighboring residences, and that the proposal basically does not fit in terms of the purpose and intent of the Master Plan of what should go in the parcel, as well as height and proximity to the highway; seconded by Mr. Fairlie.

Roll call: AYE: Esser, Fairlie, Grybowski, Nyzio
NAY: Grayson, Popko, Holliday, Benowitz, Chidley
ABSENT: Hirschfeld
ABSTAIN: None
NOT VOTING: D'Angelo

Motion Failed.

Interim Director of C.D. Theokas explained that if the Township does not have approved Affordable Housing Projects, it is subject to legal intervention by developers where the Planning Board and Township Committee has very little say and mandated by the Courts in how those projects are proposed and developed. Mayor Benowitz stated that the Township settled in court for 425 Affordable Housing Units and the Township Committee is trying their best to provide Affordable Housing and at the same time protect other interest in the Township, make it most successful for every resident in the Township; he is not trying to be emotional, but he is trying to protect the Township as a whole.

Mr. Grayson made a motion to recommend to the Township Committee that Township Ordinance #2018-28 Affordable Housing overlay is consistent with the Master Plan and add the recommendations that have been made by the Planning Board, as well as a recommendation that the Community Impacts are carefully studied; seconded by Mr. Popko.

Roll call: AYE: Grayson, Popko, Holliday, Benowitz, Chidley
NAY: Esser, Fairlie, Grybowski, Nyzio
ABSENT: Hirschfeld
ABSTAIN: None
NOT VOTING: D'Angelo

Motion Passes.

Ms. Esser made a motion to grant authorization for the Planning Board Chairman and Professionals to memorialize the amended resolution of recommendation received from the Planning Board Attorney; seconded by Committeeman Holliday.

Roll call: AYE: Esser, Fairlie, Grayson, Grybowski, Popko, Nyzio, Holliday, Benowitz, Chidley
NAY: None
ABSENT: Hirschfeld
ABSTAIN: None

NOT VOTING: D'Angelo

NEW BUSINESS:

<p>PB-2018-04 Received 9/21/2018 Escrow #986800 Escrow fees: PAID</p>	<p><u>LARKEN ASSOCIATES, LLC (NISSIM) – Completeness Only</u> Applicant (Nissim) is seeking to construct 272 apartments, including 40 affordable housing units. <u>REPORTS BY BOARD PROFESSIONALS:</u> Jack Carman, Planner/Landscape Architect: 10/30/18 Fred Turek, Engineer: 11/1/18</p>	<p>Block 1.01, Lot 3 596 Route 206 Zone: CC N.W./Nissim Redevelopment Area</p>
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Present giving testimony representing applicant were:

Bryan Plocker, Esquire – Hutt & Shimanowitz (also half of Larken Associates, the applicant)

Mr. Plocker stated that the Community Impact Statement had been submitted, and they are requesting a waiver of the tree inventory because it is an Affordable Housing Project. Attorney Wells said notices were received.

Mayor Benowitz made a motion to deem the application complete; seconded by Committeeman Holliday.

Roll call: AYE: Esser, Fairlie, Grayson, Grybowski, Popko, Nyzio, Holliday, Benowitz, Chidley
 NAY: None
 ABSENT: Hirschfeld
 ABSTAIN: None
 NOT VOTING: D'Angelo

The preliminary and final site plan hearing will be December 13, 2018.

NEW BUSINESS:

<p>PB-2018-06 Received 10/11/2018 Escrow # 9860500 Escrow fees: PAID</p>	<p><u>237 ROUTE 130 CONVENIENCE, LLC (Wawa)</u> Applicant is seeking variances for signs at the Wawa location. <u>REPORTS BY BOARD PROFESSIONALS:</u> Jack Carman, Planner/Landscape Architect: November 7, 2018 Fred Turek, Engineer: November 6, 2018</p>	<p>Block 121, Lot 5 237 Route 130 Zone: GWC-S Southern Gateway Redevelopment Area</p>
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Present giving testimony representing applicant were:

Tim Prime, Esquire – Prime Law
Matt Sharo -- Engineer, Dynamic Engineering Consultants

Mr. Prime said that 5 sign variances are being requested; the project was re-approved in 2017 because the 2015 approval was appealed by an objector. There are also 2 variances requested for the 2 proposed monument signs. Mr. Prime said there are also architecture modifications that will be discussed. Wawa has a new prototype that is all brick, however, he did not have the renderings at this time. He will present them to the Planning Board Professionals to, hopefully, be approved administratively.

Mr. Sharo was sworn-in. Planning Board Attorney Wells confirmed he reviewed the notices. Planning Board Engineer Turek and Planner Carman recommended that the application be deemed complete.

Mr. Fairlie made a motion to deem the application complete; seconded by Committeeman Holliday.

Roll call: AYE: Esser, Fairlie, Grayson, Grybowski, Popko, Nyzio, Holliday, Benowitz, Chidley
NAY: None
ABSENT: Hirschfeld
ABSTAIN: None
NOT VOTING: D'Angelo

The hearing commenced.

Mayor Benowitz made a motion to open to the public; seconded by Committeeman Holliday.

Roll call: AYE: Esser, Fairlie, Grayson, Grybowski, Popko, Nyzio, Holliday, Benowitz, Chidley
NAY: None
ABSENT: Hirschfeld
ABSTAIN: None
NOT VOTING: D'Angelo

Seeing no comments, Mayor Benowitz made a motion to close to the public; seconded by Ms. Esser.

Roll call: AYE: Esser, Fairlie, Grayson, Grybowski, Popko, Nyzio, Holliday, Benowitz, Chidley
NAY: None
ABSENT: Hirschfeld
ABSTAIN: None
NOT VOTING: D'Angelo

Mayor Benowitz made a motion to approve the applicant's request for bulk variance relief subject to all the conditions, as cited by Planning Board Attorney Rich Wells; seconded by Ms. Esser.

Roll call: AYE: Esser, Fairlie, Grayson, Grybowski, Popko, Nyzio, Holliday, Benowitz, Chidley
NAY: None
ABSENT: Hirschfeld
ABSTAIN: None
NOT VOTING: D'Angelo

DISCUSSION ITEM:

- b. Township Committee Ordinance #2018-26 entitled **ORDINANCE AMENDING CHAPTER 25 “LAND DEVELOPMENT ORDINANCE”, SECTION 25:519 “LARGE-SCALE REMOVAL OF TOP SOIL.”****

Comments to be reported back to the Township Committee (Resolution P-2018-21).

Planning Board Engineer Turek stated that, to protect the Township, they only changed a few words to capture all of the sites in the Township: “Any major subdivision, major site plan, or planned soil removal operation.”

Mayor Benowitz made a motion to open to the public; seconded by Committeeman Holliday.

Roll call: AYE: Esser, Fairlie, Grayson, Grybowski, Popko, Nyzio, Holliday, Benowitz, Chidley
NAY: None
ABSENT: Hirschfeld
ABSTAIN: None
NOT VOTING: D’Angelo

Seeing no comments, Mr. Fairlie made a motion to close to the public; seconded by Ms. Esser.

Roll call: AYE: Esser, Fairlie, Grayson, Grybowski, Popko, Nyzio, Holliday, Benowitz, Chidley
NAY: None
ABSENT: Hirschfeld
ABSTAIN: None
NOT VOTING: D’Angelo

Mayor Benowitz made a motion to approve Township Committee Ordinance #2018-26, with amendment; seconded by Ms. Esser.

Roll call: AYE: Esser, Fairlie, Grayson, Grybowski, Popko, Nyzio, Holliday, Benowitz, Chidley
NAY: None
ABSENT: Hirschfeld
ABSTAIN: None
NOT VOTING: D’Angelo

DISCUSSION ITEM:

- c. Township Committee Ordinance #2018-31 entitled **AN ORDINANCE AMENDING CHAPTER 25, SECTION 900 OF THE TOWNSHIP CODE REGARDING PERFORMANCE, MAINTENANCE AND RELATED GUARANTEES.**”

Comments to be reported back to the Township Committee (Resolution P-2018-20).

Chairman Chidley stated that there was a reference to State Statutes along with an amendment to the statutes. He asked that language be incorporated so that in the event those statutes are changed again, it stays valid. Attorney Wells will add this change.

Mayor Benowitz made a motion to open to the public; seconded by Ms. Esser.

Roll call: AYE: Esser, Fairlie, Grayson, Grybowski, Popko, Nyzio, Holliday, Benowitz, Chidley
NAY: None
ABSENT: Hirschfeld
ABSTAIN: None
NOT VOTING: D’Angelo

Seeing no comments, Mayor Benowitz made a motion to close to the public; seconded by Committeeman Holliday.

Roll call: AYE: Esser, Fairlie, Grayson, Grybowski, Popko, Nyzio, Holliday, Benowitz, Chidley

NAY: None
ABSENT: Hirschfeld
ABSTAIN: None
NOT VOTING: D'Angelo

Mayor Benowitz made a motion to approve Township Committee Ordinance #2018-31, with minor change; seconded by Ms. Esser.

Roll call: AYE: Esser, Fairlie, Grybowski, Popko, Nyzio, Holliday, Benowitz, Chidley
NAY: None
ABSENT: Hirschfeld
ABSTAIN: Grayson
NOT VOTING: D'Angelo

ADMINISTRATIVE ITEMS FROM THE COMMUNITY DEVELOPMENT OFFICE:

A letter dated November 5, 2018 was received from Lt. Governor Sheila Y. Oliver, Commissioner, Department of Community Affairs regarding Review of Resolution #2018-295-15 determining delineated parcels in the Township as an Area in Need of Rehabilitation. Mayor Benowitz read the letter into the record. Interim Director of C.D. Theokas will scan and email a copy of the letter to all the Planning Board members.

Interim Director of C.D. Theokas stated that the Larken Associates/Nissim Project will be heard on December 13, 2018. A Special Meeting will be scheduled for November 29, 2018 for the application of Rising Sun Meadows.

In addition, RFPs for 2019 have been advertised.

ADJOURNMENT:

At this time, Mayor Benowitz made a motion to adjourn the meeting; seconded by Committeeman Holliday.

Roll call: AYE: Esser, Fairlie, Grybowski, Popko, Nyzio, Holliday, Benowitz, Chidley
NAY: None
ABSENT: Hirschfeld
ABSTAIN: Grayson
NOT VOTING: D'Angelo

The meeting was adjourned at approximately 10:08 pm.