

**TOWNSHIP OF BORDENTOWN  
PLANNING BOARD MEETING**

**April 14, 2016**

The Bordentown Township Planning Board meeting was called to order at approximately 7:35 PM in the main meeting room of the Municipal Building on Municipal Drive.

PRESENT: Stephen Benowitz, Deputy Mayor, Class I  
Roger Plew, Class II  
George Chidley, Chairman, Class IV  
Kevin Hirschfeld, Vice-Chairman, Class IV  
Patricia Concannon, Class IV  
Timothy Fairlie, Class IV  
Eugene Grybowski, Class IV  
William Popko, Class IV  
Joseph Nyzio, Alt #1  
Nicholas D'Angelo, Alt. #2

ABSENT: James Cann, Committeeman, Class III  
Brian K. Johnson, Secretary, Dir. Of Community Development

PRESENT: Lou Garty, Attorney  
Jack Carman, Planner

The meeting was opened by Chairman George Chidley at 7:35. The Board participated in the salute to the flag.

Roll Call was taken by Pamela Keintz, Recording Secretary.

Roll call        AYE: D'Angelo, Nyzio, Concannon, Fairlie, Grybowski, Plew, Popko,  
Benowitz, Hirschfeld, Chidley  
NAY: None  
ABSENT: Cann  
ABSTAIN: None

Oath of Office for Nick D'Angelo, was administered by Attorney Lou Garty.

The open public meetings announcement was read by the Chairman.

**MINUTES:**

December 10, 2015

Motion to approve the minutes was made by Ms. Concannon; seconded by Vice-Chairman Hirschfeld.

Roll call        AYE: Nyzio, Concannon, Fairlie, Grybowski, Popko, Benowitz, Hirschfeld,  
NAY: None  
ABSENT: Cann  
ABSTAIN: D'Angelo, Plew, Chidley

January 7, 2016

Motion to approve the minutes was made by Deputy Mayor Benowitz; seconded by Vice-Chairman Hirschfeld.

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Roll call        AYE: Nyzio, Concannon, Grybowski, Plew, Popko, Benowitz, Hirschfeld, Chidley  
                  NAY: None  
                  ABSENT: Cann  
                  ABSTAIN: D'Angelo, Fairlie

February 4, 2016

Motion to approve the minutes was made by Deputy Mayor Benowitz; seconded by Vice-Chairman Hirschfeld.

Roll call        AYE: Nyzio, Concannon, Fairlie, Popko, Benowitz, Hirschfeld, Chidley  
                  NAY: None  
                  ABSENT: Cann  
                  ABSTAIN: D'Angelo, Grybowski, Plew

February 11, 2016

Motion to approve the minutes was made by Mr. Plew; seconded by Vice-Chairman Hirschfeld.

Roll call        AYE: Nyzio, Concannon, Fairlie, , Grybowski, Plew, Popko, Benowitz, Hirschfeld,  
                  Chidley  
                  NAY: None  
                  ABSENT: Cann  
                  ABSTAIN: D'Angelo

**RESOLUTION(S):**

**Resolution No. P-2016-08 – ON THE APPLICATION OF INVESTORS BANK TO AMEND A PREVIOUSLY APPROVED PRELIMINARY AND FINAL SITE PLAN FOR THE PROPERTY IDENTIFIED ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF BORDENTOWN AS BLOCK 116, LOT 3 COMMONLY KNOWN AS 213 US ROUTE 206/130 AND DESIGNATED AS BLOCK 402, LOTS 1 AND 2 IN THE CITY OF BORDENTOWN**

Motion to approve Resolution P-2016-08 was made by Deputy Mayor Benowitz; seconded by Vice-Chairman Hirschfeld.

Roll call        AYE: Nyzio, Concannon, Fairlie, Popko, Benowitz, Hirschfeld, Chidley  
                  NAY: None  
                  ABSENT: Cann  
                  ABSTAIN: D'Angelo, Grybowski, Plew

**Resolution No. P-2016-09 – ON THE APPLICATION OF K.JOHNSON URBAN RENEWAL, LLC FOR A SECOND AMENDED PRELIMINARY AND FINAL MAJOR SITE PLAN AND VARIANCE RELIEF FOR THE PROPERTY IDENTIFIED ON THE TAX MAP OF THE TOWNSHIP OF BORDENTOWN AS BLOCK 57, LOT 6, MORE COMMONLY KNOWN AS 122 ROUTE 130**

Lou Garty read a portion of a letter from applicant's attorney Mark Roselli, Mr. Steve Griegel from Mr. Roselli's office was present.

Mr. Griegel stated everything was agreed upon except for paragraph 10. In the letter, the language stated that the applicant acknowledged everything in paragraph 10; the applicant stated that is inaccurate. The applicant did not acknowledge everything in paragraph 10.

Lou Garty interceded, stated that the sentence where the applicant acknowledged refers only to the fact that they are acknowledging that the property in question is a new non-residential property in a Redevelopment

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Zone and that there is a financial agreement in place between the parties and there is a Redevelopment in place dated July 26, 2008. This is all that is acknowledged.

Mr. Griegel stated the fact that the applicant never acknowledged they were required to pay the affordable housing fee referenced in paragraph 10 for the reason set forth in the letter.

Lou Garty stated there is an agreement in existence. The applicant is in a Redevelopment Zone, there is a Redevelopment agreement and a Finance Agreement. The applicant should acknowledge this. There are contractual provisions in place regarding affordable housing. All that the board's attorney did was recite the provisions of the contract which was entered nearly 8 years ago and has never been amended or protested. This is made a condition of approval and a condition that should be enforced. She also stated the board can vote on it as is and is advising that they do so.

Mr. Griegel does believe there is any contractual language and stated the applicant reserved the right to all objections including the waiver and the fee has never been imposed or brought up until now. These are all legal issues and he did not want to miss the chance to make the objections.

Lou Garty stated the language, as stated in this Resolution, is taken directly from section 4.2 of the Redevelopment Agreement. This agreement was signed 8 years ago. The board is in its rights and is preserving the Townships interests to enforce these very significant provisions.

Trish Concannon questioned Lou Garty about #10 referring to the second payment for Affordable Housing on new non-residential development. It showed 50% of the fee due upon the issuance of a building permit and the remaining fee payable upon the issuance of a Certificate of Occupancy for new buildings.

The language is consistent with other agreements that have been executed. Everything that comes to the board has had Affordable Housing fee obligations. Payment of Affordable Housing fees are a condition of approval. The permits would not be issued if not paid. The board is enforcing what the Township Committee already put in place contractually years ago. TCO's have been issued.

Mr. Roselli pointed out to Lou Garty that the applicant is required to pay a contribution of 1% of the assessed value of new construction.

Motion to approve the application was made by Deputy Mayor Benowitz; seconded by Mr. Popko.

Roll call    AYE: Nyzio, Concannon, Grybowski, Plew, Popko, Benowitz, Hirschfeld, Chidley  
              NAY: None  
              ABSENT: Cann  
              ABSTAIN: D'Angelo, Fairlie

Motion passed.

**Resolution No. P-2016-10 – A RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF BORDENTOWN APPOINTING A PROFESSIONAL TRAFFIC ENGINEER**

James L. Kockenour, PE  
ARORA & ASSOCIATES, PC

Motion to approve made by Deputy Mayor Benowitz; seconded by Vice-Chairman Hirschfeld

Roll call    AYE: Nyzio, Concannon, Fairlie, Grybowski, Plew, Popko, Benowitz, Hirschfeld,  
              Chidley  
              NAY: None  
              ABSENT: Cann  
              ABSTAIN: D'Angelo

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**Resolution No. P-2016-11 – A RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF BORDENTOWN APPOINTING A PROFESSIONAL ENGINEER**

Frederick J. Turek, PE, PP, CME  
TUREK CONSULTING, LLC

Motion to approve made by Deputy Mayor Benowitz; seconded by Vice-Chairman Hirschfeld.

Roll call     AYE: Nyzio, Concannon, Fairlie, Grybowski, Plew, Popko, Benowitz, Hirschfeld,  
                  Chidley  
                  NAY: None  
                  ABSENT: Cann  
                  ABSTAIN: D'Angelo

**Resolution No. P-2016-12 – A RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF BORDENTOWN APPOINTING A PROFESSIONAL PLANNER**

John P. Carman, RLA, FASLA, PP  
DESIGN FOR GENERATIONS

Motion to approve made by Vice-Chairman Hirschfeld; seconded by Mr. Fairlie.

Roll call     AYE: Nyzio, Concannon, Fairlie, Grybowski, Plew, Popko, Benowitz, Hirschfeld,  
                  Chidley  
                  NAY: None  
                  ABSENT: Cann  
                  ABSTAIN: D'Angelo

**Resolution No. P-2016-13 – A RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF BORDENTOWN APPOINTING A SOLICITOR**

Lou Garty  
THE GARTY LAW FIRM, LLC

Motion to approve made by Deputy Mayor Benowitz; seconded by Mr. Plew.

Roll call     AYE: Nyzio, Concannon, Fairlie, Grybowski, Plew, Popko, Benowitz, Hirschfeld,  
                  Chidley  
                  NAY: None  
                  ABSENT: Cann  
                  ABSTAIN: D'Angelo

**NEW BUSINESS:**

**Ordinance 2016-7 – Amending Southern Gateway Redevelopment Zone.**

Lou Garty gave the legal overview. This is an Ordinance that was amended by Township Committee, with the assistance of a Review Committee at the Southern Gateway Redevelopment Zone. A few changes were made and they were forwarded to the Township Clerk. Revisions were made in regards to the authorization of a filling station with a convenient store. There were issues relating to the architectural style of windows and towers not overwhelming the mass of the building. Stormwater Management, building design and landscaping clarified the issues.

Jack Carman agreed to these revisions.

Mr. Hirschfeld questioned the dimensions for the display on island stacks.

The suggested changes to the Ordinance will be sent to the Township Solicitor and the Township Clerk.

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**Resolution No. P-2016-14 – A RESOLUTION OF THE BORDENTOWN TOWNSHIP  
PLANNING BOARD REPORTING ITS FINDINGS AND RECOMMENDATIONS TO THE  
TOWNSHIP COMMITTEE ON PROPOSED ORDINANCE #2016-07, AMENDING THE  
SOUTHERN GATEWAY REDEVELOPMENT PLAN**

Motion to accept the Resolution, with additional comments, was made by Deputy Mayor Benowitz; seconded by Vice-Chairman Hirschfeld.

Roll call     AYE: Nyzio, Concannon, Fairlie, Grybowski, Plew, Popko, Benowitz, Hirschfeld,  
                  Chidley  
                  NAY: None  
                  ABSENT: Cann  
                  ABSTAIN: D'Angelo

Motion to open to the public was made by Vice-Chairman Hirschfeld; seconded by Mr. Fairlie.

Motion passed.

No public was present.

Motion to close to the public was made by Vice-Chairman Hirschfeld; seconded by Mr. Fairlie.

Motion passed.

**ADMINISTRATIVE MATTERS:**

The financial disclosure forms are due by April 30<sup>th</sup>.

Lou also asked the Board if there was an ability to have a special Planning Board meeting for Bordentown Waterfront Phase II on the first Thursday of May.

Scheduled for the Planning Board meeting for May 12<sup>th</sup> is CCBP II, LLC. The concern was having both on the agenda for the same date.

Lou Garty will not be available on May 5<sup>th</sup> and Jack Carman is not available on May 12<sup>th</sup>. Decision was made the meeting will be held on the original date of May 12<sup>th</sup>.

Motion to adjourn was made by Mr. Plew; seconded by Mr. Fairlie.

The meeting was adjourned at 8:20.