

**TOWNSHIP OF BORDENTOWN  
PLANNING BOARD MEETING**

**August 11, 2016**

The Bordentown Township Planning Board meeting was called to order at approximately 7:39 PM in the main meeting room of the Municipal Building on Municipal Drive.

PRESENT: Steven Benowitz, Deputy Mayor Class I  
Roger Plew, Class II  
James Cann, Committeeman, Class III  
Kevin Hirschfeld, Vice-Chairman, Class IV  
Timothy Fairlie, Class IV  
Eugene Grybowski, Class IV  
William Popko, Class IV  
Nicholas D'Angelo, Alt. #2  
Brian K. Johnson, Secretary, Dir. Of Community Development

ABSENT: Joseph Nyzio, Chairman Chidley

PRESENT: Lou Garty, Attorney  
Fred Turek, Engineer  
Jack Carman, Planner

The meeting was opened by Vice-Chairman Kevin Hirschfeld at 7:32.

The Board participated in the salute to the flag.

The open public meetings announcement was read by the Vice- Chairman.

Roll Call was taken by Pamela Keintz, Recording Secretary.

Roll call           PRESENT: D'Angelo, Fairlie, Plew, Grybowksi, Popko, Cann, Benowitz, Hirschfeld,  
                          ABSENT: Nyzio, Chairman Chidley

**Ms. Concannon entered the meeting at 7:35**

Vice-Chairman Hirschfeld stated Mr. Nyzio and Chairman Chidley were excused from the meeting.

**MINUTES:**

None

**RESOLUTION(S):**

**Resolution P-2016-16 – ON THE APPLICATION OF BORDENTOWN WATERFRONT COMMUNITY, LLC. FOR APPROVAL OF AN AMENDED PRELIMINARY AND FINAL MAJOR SITE PLAN WITH VARIANCES AND FOR APPROVAL OF A MAJOR SUBDIVISION FOR THE PROPERTY IDENTIFIED ON THE TAX MAP OF THE TOWNSHIP OF BORDENTOWN AS BLOCK 140, LOTS 5-8, 10-16, 18 AND BLOCK 141, LOT 4, MORE COMMONLY KNOWN AS THE BORDENTOWN WATERFRONT COMMUNITY (PHASE II)**

Deputy Mayor Benowitz pointed out a few changes to be made to Resolution P-2016-16 by the recording secretary. Changes were made.

A motion to memorialize the Resolution, once the changes are made, was made by Deputy Mayor Benowitz; seconded by Mr. Popko.

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

**NEW BUSINESS:**

**VOADV PROPERTY, INC. - PB-2015-0002 – Applicant proposes Final Site Plan Approval with Variances, Block 140, Lot 3.02**

Review letters from the Board's professionals Fred Turek, dated August 1, 2016, and Jack Carman, dated August 2, 2016, were received.

Matthew Waite, Attorney for the applicant, gave an overview of what would be heard at tonight's meeting.

He spoke of the applicant's plans for a three story Senior Affordable Housing Project with 69 one bedroom units and one two bedroom unit for a property manager. They came in front of the Planning Board in June, 2015 for a Preliminary approval. They were granted variances.

The applicant has obtained financing and outside approvals.

Variances requested were the setback of building face to curb and reduction in the number of parking spaces.

The applicant is seeking waivers for the following are parking stall depth, tree location plan, on the requirement to provide a Community Impact Statement, on the requirement to provide an Environmental Statement, a Traffic study and finally on the obligation to provide fencing around the basin.

Mr. Louis Zuegner, engineer for the applicant, was sworn in by attorney Lou Garty.

Mr. Zuegner testified as follows:

Mr. Zuegner discussed the completeness review regarding tree inventory, he is looking for a waiver on this plan, and he would like to do inventory with the Planning Board professionals. The site is very difficult to walk through, due to thick underbrush. He would like to do inspections on the site to make sure they compensate for the trees. Mr. Carman and Mr. Turek agreed with Mr. Zuegner.

Mr. Zuegner continued with the Environmental Impact Statement, it being a redevelopment area, he acknowledged that the applicant will supply some supplement information. The applicant is asking for a waiver from doing a complete EIS per the township ordinance requirement. It is part of the Re-development area. He stated that it must be a clean site and will show Phase I and what the conditions are. In terms of the tree inventory they asked for a waiver.

Mr. Zuegner asked for a waiver for the Traffic Study. No traffic counts were done on Burlington-Bordentown Road.

A waiver was requested for a Community Impact Statement.

Mr. Plew asked what justification the applicant had to grant the Environmental waiver. Mr. Zuegner stated certain steps have been taken. The applicant has a Natural Heritage Data Base letter as part of the process with NJDEP. They have a confirmed letter of interpretation. They do know that there are no threatened endangered species, plants or animals on site.

Mr. Zuegner continued his testimony on what the Phase I examined. Historical mapping as far back as the site had found was presented. Also presented were documents from various agencies that showed on site any concern with regards to this property.

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Mr. Owen McCabe, developer for the applicant, was sworn in by Attorney Lou Garty.

Mr. McCabe testified as follows:

Mr. McCabe was asked if he was aware of the environmental report Phase I which was submitted. He answered yes, they contracted with Stout Caldwell and they prepared the Phase I for their plan.

He briefly testified on three areas of concerns that came up in the report. Originally they were contracted to do the entire lot before it was subdivided. This property is located on lot 3.02.

There were three areas of concern which was a house, what looked to be farmland and a junk yard. A memorandum was issued by Stout Caldwell that showed only two areas of concern not three.

Soil samples have been done, one on the junk yard the second is being tested to see if there are any farm issues or residue. This report will be complete within two weeks.

NJDEP reports showed no underground storage tanks were found. The vacant house is no longer there.

The professionals looked at brown fields. Mr. McCabe stated they looked at everything possible. The soil reports are the only item they are waiting for.

Mr. McCabe continued his testimony stating as far as the Wetland permit; a very intensive study had to be done to submit their part of the Wetlands and Buffering Program.

Lou Garty asked whether there was a specific timeline for the tree inventory. Mr. McCabe and Fred Turek agreed they will have a site meeting. Mr. McCabe will provide a detailed plan after the site meeting.

Mr. Hirschfeld spoke of the Traffic Impact Statement. In order for completeness of application, the Boards professionals will recommend the Board accept the modifications of the parking memo with the understanding the applicant show proof to justify the variance for the parking. Mr. Turek stated he will provide proof. He recommends the waiver be granted.

Mr. Hirschfeld asked about previous testimony in regards to the Community Impact Statement. There is very little impact on the community with its use.

Mr. D'Angelo questioned the applicant on whether the applicant will be building Senior Housing or not. It was confirmed that it will be Senior Housing on this site. The applicant has received money for Senior Housing to be built.

Committeeman Cann made a motion to deem the application complete and to accept the waivers, with item #46 modifications to be delivered to the Board professionals at a later date and the Environment Impact modification as to the soil report available in two weeks, seconded by Deputy Mayor Benowitz.

Roll call            AYE: D'Angelo, Concannon, Fairlie, Grybowski, Plew, Popko, Cann, Dept. Mayor Benowitz, Vice-Chairman Hirschfeld,  
                          NAY: None  
                          ABSENT: Nyzio, Chidley  
                          ABSTAIN:

Mr. McCabe continues his testimony as follows:

The applicant, Volunteers of America Delaware Valley, is the regional chapter in this area. The units are age restricted and senior affordable.

The VOADV applied for and was granted tax credits in December 2015. Since then they have worked hard to close with their funder. The tax credits are for 30 years with a 15 year compliance period with the IRS and a 30 year restriction with HFMA's. There will be a deed restriction. The Township will get COAH units; Township will receive the rental and 5 special need units. This will go along with our COAH plan.

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The applicant is inching towards the closing. The first item that was taken care of, to move forward, was the sewer service had to get back into the area. First it was in and then it was taken out. The applicant went through an eight month process and now it is back in the area. The second was working with Conrail and NJ Transit to make the crossing happen on the site. They went through a public hearing process and completed everything that they needed. Changes were made to the site plan regarding the rail line.

Mr. McCabe expressed the sense of urgency to get this project completed. Financially as well as our seniors need these units completed. There is a waiting list.

Mr. McCabe was asked about the urgency of getting the project complete. He stated as soon as the shovel gets put into the ground he will have 12 months to have the building built and obtain a CO. The deadline is December of 2017 to complete this project. After that time, he will start paying back the credits to the state and he is subject to a recapture. Ideally the project is complete by December 2017 with a lease up period of six months and hopeful the building will be fully occupied by June of 2018.

Mr. McCabe continued his testimony on parking needs. He stated there are more than enough spaces. The seniors do not all have cars. Transportation will be provided for this project. All cars are registered on site; this is how the applicant has been able to track the number of cars on their other Senior Affordable Housing properties.

Fred Turek, engineer for the township, testifies that there is a township ordinance in regards to additional parking spaces. The ordinance gives Brian Johnson a 2 year period to determine whether more parking is required.

Mr. Zuegner continued with his testimony:

He showed the board members the comparison of both renderings of the plans. The lot is 7.08 acres which puts it at under 10 units under an acre which is acceptable. They are in the Waterfront Village Redevelopment area and permitted use, residential zone.

He showed the board members how the project has advanced its design from the Preliminary approvals. It is a site that will be serviced by public sewer and NJ Transit. There are no issues with crossing the gas line.

Permits are with the NJDEP for this project.

Site is higher than the railroad. There is an emergency access road. The applicant has worked with the design engineer. It is operated by NJ Transit. Conrail does freight on this line.

Mr. Zuegner and Jack Carman have worked together on the rear of the building and the back yard patio area. They will continue to work together on making a link following all the way around the building.

The site is in a re-development area. The applicant previously received a grant relief for the distance from the curb face to the building. This approval is for 11.99 ft, and 15 ft. is required. The building has been amended and now has a dimensional affect. The relief now is to the closest point of building which is the balcony and mechanical room. The relief is now at 7.82 ft. to that closest point. The back wall is now pushed back. Instead of 11.99 ft. it is now 12.34 ft. There is still plenty of space for landscaping and plantings.

Committeeman Cann expressed concern regarding whether plans show bollards in front of the buildings. Seniors have pressed the gas pedal instead of the brake pedal in the past.

Mr. Zuegner told the board that there is a 6 ft. sidewalk plus landscape area. The applicant and our professional team will come to a good solution regarding decorative bollards.

The second relief is the parking. Constructed and reserved parking spaces, in the Twp. Ordinance. The Ordinance says you must construct 65 % of the required spaces. This was approved in the Preliminary approvals.

Mr. Zuegner discussed a requirement in the Ordinance regarding completely fencing in stormwater basins. A section of the re-development plan said not to fence them when you've met NJDEP other

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requirements for safety ledges. The basins are NJDEP compliant and meet the requirements. They are seeking relief if fence is required.

The parking spaces are 9 x 18 and were granted relief at Preliminary. They are compliant with RSI.

The sidewalk comes out the Bordentown Burlington Rd. The applicant is seeking approval from the county for a crosswalk. This will allow for a complete pedestrian link between the senior housing and the Waterfront and retail spaces.

Mr. Zuegner continued his testimony on the site lighting. This matches the site lighting in terms of matching the style of lighting out to the Waterfront area.

The site is fully sewered and water through public utilities.

The applicant has permits in with the DEP regarding storm water and will be NJDEP compliant in regards to treatment of water quality.

Applicant has the LOI for the wetlands. They did not have this at preliminary.

Mr. Zuegner said the applicant will comply with the two review letters from the townships professionals, Mr. Turek and Mr. Carman, in their entirety.

Mr. Plew asked if there will be a NJ Transit bus stop at this property. Mr. Zuegner answered not to his knowledge. Mr. Cann stated there will be one in front of the apartments. The bus that stopped on Rte. 130 now will stop on Bordentown Burlington Rd. near the apartments.

Mr. Waite testified that a Sand Hand bus from Burlington County, once this site is registered, will come to the senior housing site.

Vice-Chairman Hirschfeld inquired about the sewer line and whether there will be any disturbance.

Mr. Zuegner stated the water line comes out to Bordentown Burlington Road and follows the VOADV drive, crossing the gas line in a short location. The sewer line follows the emergency access road and coordinates with Waterfront and a sewer man hole, which across from the VOADV site and be connected to the sewer treatment.

Mr. Zuegner stated that **no** substantial changes were made and they have improved the design. This design promotes the goals of the re-development zone.

Mr. Turek asked Mr. Zuegner to explain the emergency access for this property. He stated they are construction a section of the VOADV side and the Waterfront is constructing a section of theirs. They are coordinating a connection in the middle of the two properties. This has been discussed with transit and it will be paved across the tracks. There will be gates and controls. The emergency services will have access to the controls for the gates.

An access easement will be provided for the townships emergency services to get through the route back across the tracks.

Mr. Zuegner stated this road will be paved. There will be a break away barrier on the access road. No trespassing signs will be put up.

Mr. Plew asked the applicant if there was a time frame that a guest could stay in the housing unit. Mr. McCabe answered if a guest is there for more than 10 days, the resident can lose their unit. This is one of the reasons they will have a property manager on site 24/7.

Richard Ragan – Planner/Architect and Daniel Nichols- Architect for the applicant were sworn in by Lou Garty.

Mr. Nichols gave testimony as such;

The building is a L shape due to the shape of the site. The ground floor of the building has a vestibule, lobby area and a community room. The community room looks out onto the garden area.

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A mechanical room and laundry room is located one on each floor. There is an administrative office and a mail room for the residence.

Due to the buildings length and its residence, it is required to have three stair towers. There is one at each end of the building and the third towards the center. There is a single elevator towards the lobby area.

The second and third floor layout is similar to each other. Mechanical, electrical and storage spaces are found on these floors. There is a laundry room on each floor.

A slight change to the look of the building is due to the utility closets for the heating units. Next to the one on the first floor is a patio area and on the second and third floor ones are balconies. Accesses to the utility closets are from inside the units.

The materials used for the outside of the building is vinyl siding and Church Brick. There are two colors of siding being used to break up the look of the building. Azek is being used for the trim and the wrapping of the columns. Earthy tones are being used due to the setting in which this building is.

The garden and community space will also allow the residence to have a barbeque area.

Mr. Ragan thoughts on the bollards for the front of the building are to design a structural fence. The architect will put in a low fence along the inside of the patio which is capable to act as a bollard. This will be where the cars face the building as well as the patio.

Mr. Carman stated there is also a six inch curb there also.

The Fire Marshalls report was discussed. The installation of a stand pipe will be in each of the stair towers towards the outside of the building.

Mr. Turek went over the open items of his review letter, dated August 1, 2016, with the board and the applicant. The timing of the access road was discussed. It will be completed by December, 2017.

Mr. Zuegner addressed the Fire Marshall's letter regarding the drop off isle and the paving of the access road, the applicant has satisfied this. This will be made a condition of approval.

Mr. Turek stated that part of the affordable housing is that the two properties are connected. He also suggested the township write a letter to the county in support of the connection road.

Mr. Turek wants the gas line marked and Mr. Zuegner agreed.

Mr. Turek continues with his review letter. The redevelopment standard, for the basin, is not fencing the basin. Mr. Zuegner stated that the standards said not to fence if you are in compliant with NJDEP guidelines and the applicant is within the guidelines.

Lou Garty stated the applicant does not need a variance for this. Mr. Turek recommended a waiver of this.

Mr. Zuegner stated the walls for the wetland crossing for the road and walls at the back of the cul-de-sac.

Mr. Carman discussed his review letter. Additional concerns were worked out with the applicant. Signs were discussed also. The applicant's professionals and the township professionals have worked out everything.

A motion to open to the public was made by Mr. De'Angelo; seconded by Mr. Fairlie.

All were in favor.

Mr. Walter Kosul, residing at 539 Route 206, Trenton, NJ 08610, asked a few questions regarding how the meetings work in reference to Preliminary and Final approvals for different applications. The Planning board members answered his questions.

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Motion to close to the public was made by Mr. D'Angelo; seconded by Committeeman Cann.

All were in favor.

A motion to approve Final Site Plan, with conditions, was made by Committeeman Cann; seconded by Deputy Mayor Benowitz.

Roll call            AYE: D'Angelo, Concannon, Fairlie, Grybowski, Plew, Popko, Cann, Dept. Mayor Benowitz, Vice-Chairman Hirschfeld,  
NAY: None  
ABSENT: Nyzio, Chidley  
ABSTAIN:

**DISCUSSION:**

**None**

Open for public comment.

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

Mr. Kosul asked once again regarding how the meetings work. The Planning Board members explained how the process works.

Close to the public.

Motion made by Mr. Fairlie; seconded by Mr. Plew.

Motion to adjourn was made by Mr. D'Angelo; seconded by Mr. Fairlie.

All were in favor. The Motion carried.

Meeting ended at 9:25.