



TOWNSHIP of HOPEWELL
MERCER COUNTY

201 WASHINGTON CROSSING – PENNINGTON ROAD
TITUSVILLE, NEW JERSEY 08560-1410

PROJECT / APPLICATION

BLOCK:

LOT:

ADDRESS:

PROJECT NAME:

RESOLUTION



TOWNSHIP OF HOPEWELL
MERCER COUNTY
PLANNING BOARD

201 Washington Crossing Pennington Road
Titusville, New Jersey 08560-1410
Phone: 609.737.0605
www.hopewelltpw.org

August 26, 2021
Via Email jason@primelaw.com
and US Mail

Jason R. Tuvel, Esq.
Prime & Tuvel
2 University Plaza Drive, Suite 109
Hackensack, NJ 07601

**RE: US Home Corporation D/B/A Lennar
Major Subdivision, Preliminary/Final - Site Plan, Preliminary/Final
Block 93, Lots 5.01, 5.02 and 6.02 – Scotch Road
Resolution No. 21-014**

Dear Mr. Tuvel:

Attached herewith is a copy of the signed Resolution for the above referenced application. Please note that all conditions stated in the Resolution must be satisfied and the plan must be submitted for signature by Township officials within sixty (60) days of approval.

The Planning Board Secretary is empowered to grant a one hundred eighty (180) day extension if the applicant requires additional time to meet the conditions of the approval. In order to be granted an extension, please send me a letter requesting an extension and state the reasons an extension is required along with a check in the amount of \$35.00 made payable to Hopewell Township to process your request. Any additional extensions beyond the one hundred eighty (180) days require Planning Board consideration.

If you have any questions or require additional information, please do not hesitate to contact me at (609) 737-0605, ext. 6550 or by email at lbarbieri@hopewelltpw.org.

Very truly yours,

Linda Barbieri
Planning Board Secretary

LB

Attachment

cc: Mitchell Newman, Esq., Vice President, Lennar
Via Email Mitch.Newman@lennar.com
and US Mail – 2465 Kuser Road, 3rd Floor, Hamilton, NJ 08690

HOPEWELL TOWNSHIP PLANNING BOARD

RESOLUTION NO. 21-014

**RESOLUTION MEMORIALIZING PRELIMINARY AND FINAL MAJOR SUBDIVISION
AND PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL WITH DESIGN
WAIVERS AND EXCEPTIONS GRANTED TO U.S. HOME CORPORATION (DBA LENNAR)
FOR AN INCLUSIONARY DEVELOPMENT KNOWN AS HOPEWELL PARC WITH
RESPECT TO PROPERTIES LOCATED IN HOPEWELL TOWNSHIP AND BEING
DESIGNATED ON THE HOPEWELL TOWNSHIP TAX MAP AS LOTS 5.01, 5.02 AND 6.02 IN
BLOCK 93 LOCATED ON SCOTCH ROAD**

WHEREAS, U.S. Home Corporation ("LENNAR") has made application to the Hopewell Township Planning Board ("Board") for preliminary and final major sub division and preliminary and final major site plan - approvals and other development approvals to construct 1,077 residential units in two sections for a project known as "Hopewell Parc" or the "Parc". The North section is proposed to be developed with 542 units consisting of 338 multifamily units, 92 stacked town houses, 30 town houses and 82 single family homes. The South section is proposed to be developed with 535 residential dwelling units consisting of 132 multifamily units, 224 stacked town houses, 70 town houses and 109 single family homes. Of the 1,077 area residential dwelling units proposed the North section will provide 122 affordable housing units in various buildings and the South section will provide 94 affordable housing units in various buildings. The property will also contain accessory uses and structures customary and incidental to the types of residential development proposed such as but not limited to a community center, event spaces, swimming pools with related and customary facilities, tot lots, dog parks, open space and other recreational facilities along with other related site improvements.

WHEREAS, the Property is located in the Hopewell Township Inclusionary Plan Development 1 (IPD-1) Zone and is located within a Redevelopment Area established by virtue of a Redevelopment Plan dated November 27, 2017, and an amended Redevelopment Plan dated January 29, 2018. The applicant is the Redeveloper pursuant to two Redevelopment Agreements, issued separately for the North and South sections of the project, both dated July 25, 2019. The applicant is also the Owner and Redeveloper of a portion of block 91, lot 3.11 located on the East side of Scotch Road which is not presently the subject of this application; and

WHEREAS, the applicant has properly complied with all procedural requirements of the Hopewell Township Land Use Development Ordinance ("LUDO") and the Municipal Land Use Law ("MLUL"), thereby vesting the Board with jurisdiction to hear and act upon the application; and

WHEREAS, the application was presented to the Board at public hearings **held on** February 25, 2021, March 25, 2021, April 22, 2021, May 13, 2021 and May 27, 2021; and

WHEREAS, as part of the application, the applicant submitted the following plans and documents which were made part of the record.

- Completed Application forms completed by the Applicant and by the three owners (in counterpart) of the Property, namely the US Home Corporation (d/b/a Lennar), (Block 93, Lot 5.01), CF Hopewell CC&L, LLC, (Block 93, Lot 5.02) and Hopewell WEST RES, LLC, co-owner with Applicant, (Block 93, Lot 6.02), collectively the "Owners;"

- "ALTA I NSPS Land Title Survey, Block 93, Lots 5.01, 5.02 and 6.02 for US Home Corporation d/b/a Lennar" prepared by Kenneth R. Raike, P.L.S., dated May 8, 2019, last revised to January 8, 2020 consisting of (1) sheet;
- Tree Inventory Plan, contained in "Existing Conditions Plan" Sheet 1 of 5 through Sheet 5 of 5 (see Plan Set referenced in item 11 herein, infra);
- Preliminary and Final Major Subdivision and Preliminary and Major Site Plan ("Plan Set") consisting as Sheets as indexed on Plan Set Cover Sheet, prepared and signed by Brian R. Perry, P.E., of Van Note- Harvey Associates, Inc. Princeton, New Jersey, drawn in compliance with the requirements of the Engineering, Planning, Lighting and Landscaping sections of the Submissions Checklist, dated December 16, 2020;
- "Traffic Impact Study for Hopewell Parc" prepared by Karl A. Pehnke, P.E. PTOE and Eric J. Vilorio, P.E. of Langan Engineering & Environmental Services, Inc., Lawrenceville, NJ. dated December 16, 2020;
- Environmental Impact Assessment entitled "Environmental Impact Report for Hopewell Parc" prepared by Van-Note Harvey Associates, Inc. dated December 16, 2020;
- Engineer's Report for Hopewell Parc, prepared by Van Note-Harvey Associates, Inc, dated December 16, 2020;
- Stormwater Management Measures Maintenance and Field Manuals for Hopewell Parc prepared by Van Note-Harvey Associates, Inc. and dated December 16, 2020;
- Fiscal Impact Report entitled "Community Impact Statement for a Proposed Residential Development in Hopewell Township, Mercer County, New Jersey," prepared by Richard Reading of Richard B. Reading Associates, Princeton, NJ, dated December 14, 2020;
- Preliminary Subsurface Investigation — Proposed Stormwater Facilities (collated, bound, signed and sealed) prepared by Melick-Tully, a Division of GZA, dated November 17, 2020;
- Copies of following NJDEP permits for Block 93, Lots 5.02 and 6.02:
- NJDEP Freshwater Wetlands Letter of Interpretation: Line Verification Permit dated April 17, 2020, (File No.: 1106-09-003.2)
- NJDEP Flood Hazard Area Verification dated November 7, 2019, (File No.: 1106-0903.2 LUP 190001)
- Architectural Evaluations and Floor Plans for Hopewell Parc prepared by:
- Holiday Architects, dated December 16, 2020, Sheets A-1 through A-34 in Plan Set Index of Sheets;
- Major Architects, dated December 16, 2020, Sheets A-01 through A-15 in Plans Set Index of Sheets;
- Preliminary and Final Subdivision Plan for Hopewell Parc prepared by Van Note-Harvey Associates, Inc. dated December 16, 2020 as set forth in Plan Set Sheet Index, Sheets CE4-A through CE-15. Request for the De Minimis Exception from RSIS prepared by Creigh Rahenkamp dated April 12, 2001.

WHEREAS, the following reports and review letters and memoranda were submitted by the Board's professionals and the Township staff and were made part of the record:

- January 27, 2021 Memorandum from The Health Department submitted by Dawn Marling, Health Officer
- January 28, 2021 Memorandum submitted by Van Clef Engineering and Associates, Planning Board Consulting Engineer on the application
- February 12, 2021 Memorandum issued by Mark Kataryniak, P.E., Board Engineer
- February 17, 2021 Letter submitted by Andrew J. Fosina, Jr. BS, CFPS, Fire Official Hopewell Valley Bureau of Fire Safety
- February 20, 2021 Memorandum issued by the Environmental Commission
- February 23, 2021 Memorandum issued by Banisch Associates, Inc. submitted by Francis J. Banisch, III, PP/AICP, Township Planner
- March 16, 2021 Traffic Study Review issued by Dolan & Dean, submitted by Gary W. Dean, P.E., P.P., Planning Board Traffic Consultant on the Application

WHEREAS, the applicant appeared before the Board at the public hearings through its attorneys, Prime Law, LLC by (Jason R. Tuvel, Esq. and Allyson Kasetta, Esq.) who presented sworn testimony from the following witnesses:

- Mitchell Newman, Director of Land Acquisition and Entitlements for Lennar
- Brian R. Perry, P.E., CME, LEED AP, Applicant's Civil Engineer
- Karl A. Pehnke, P.E., Applicant's Traffic Engineer
- Creigh Rahenkamp, P.P., AICP, Applicant's Professional Planner
- Christina Spangler, Applicant's Lighting Designer

WHEREAS, the following exhibits were presented and referred to by the applicant's witnesses during its presentation and were marked as follows:

- Exhibit A-1a** Project Site
- Exhibit A-1b** Project with Constraints Overlay
- Exhibit A-2** Overall Site Plan w/Constraints Overlay
- Exhibit A-3** Rendered Overall Site Plan
- Exhibit A-4** Single Family Homes Rendering
- Exhibit A-5** Rendered North Section
- Exhibit A-6** Rendering North Section Single Family Boulevard Treatment
- Exhibit A-7** Townhome Plan View Rendering
- Exhibit A-8** Park Avenue Diagram
- Exhibit A-9** Blow-up Rec Area Entry

- Exhibit A-10** Sales Map & Construction Trailer Site Plan (SM-1)
- Exhibit A-11a** Development Boundary
- Exhibit A-11b** Diagram with Natural Buffer
- Exhibit A-12** Diagram of Critical Viewsheds
- Exhibit A-13a through h** Plan, Photos and Renderings of Critical Viewsheds
- Exhibit A-14** Architectural Floor Plans and Rendered Elevations by Holliday Architects Comprised of the following labeled series of subsets:
 - Exhibit A-14a** Overall Plan and Index by Building Type
 - Exhibit A-14b through A-14k** (24'x40') Rear-Loaded Stacked Townhomes
 - Exhibit A-14l through A-14o** 24-Unit Condominium Buildings
 - Exhibit A-14p through A-14r** 19-Unit COAH Building
 - Exhibit A-14s through A-14v** 21-Unit COAH Building
 - Exhibit A-14w through A-14x** 13-Unit COAH Building
 - Exhibit A-14y through A-14bb** 26-Unit COAH Building
 - Exhibit A-14cc through A-14dd** 40-Foot Side Single Family Homes
 - Exhibit A-14ee through A-14ff** 50-Foot Side Single Family Homes
 - Exhibit A-14gg through A-14hh** Clubhouse
 - Exhibit A-14ii** Events Building
 - Exhibit A-14jj** South Pool Cabana
- Exhibit A-15** Architectural Floor Plans and Rendered Elevations for the Apartments in the North Section by Major Architects Comprised of the following labeled series of subsets:
 - Exhibit A-15a through A-15 b** Buildings 1 & 2 Floor Plans & Longitudinal Elevations
 - Exhibit A-15c through A-15e** Building 3 Floor Plans & Longitudinal Elevations
 - Exhibit A-15f through A-15g** Buildings 4 & 5 Floor Plans & Longitudinal Elevations
 - Exhibit A-15h through A-15j** Building 6 Floor Plans & Longitudinal Elevations
 - Exhibit A-15k** Typical Building Side Elevations
 - Exhibit A-15l** Building Elevations with Color Variations
 - Exhibit A-15m through A-15o** Multifamily Clubhouse Plans & Elevations
 - Exhibit A-15f** Buildings 4 & 5 Ground Floor & Typical Floor Plans
 - Exhibit A-15g** Buildings 4 & 5 Longitudinal Elevations
- Exhibit A-16a** Diagram of Overall Site
- Exhibit A-16b** Pedestrian Circulation Element Diagram
- Exhibit A-16c** Bicycle Circulation Element Diagram
- Exhibit A-16c1** Great Western Bike Rail Interconnection Diagram
- Exhibit A-16d** Sustainable Transportation Element Diagram
- Exhibit A-16e** Overlay Diagram of Site Amenities
- Exhibit A-1411.1** Revised South Clubhouse Floor Plan
- Exhibit A-14B.1** Revised Architectural Plan
- Exhibit A-14G.1** Revised Architectural Plan
- Exhibit A-14M.1** Revised Architectural Plan
- Exhibit A-14Q.1** Revised Architectural Plan
- Exhibit A-14T.1** Revised Architectural Plan

Resolution 21-014
Block 93 Lots 5.01, 5.02, 6.02
P/F Major Subdivision & Site Plan
Hopewell Parc

Exhibit A-14X.1 Revised Architectural Plan
Exhibit CE-16.1 Layout Plan with Revisions
Exhibit CE-22.1 Layout Plan with Revisions
Exhibit A-17 Test Pit Overlay Plan
Exhibit A-18a Landscape Exhibit – North Buffer
Exhibit A-18b Landscape Exhibit – North and South Entrance
Exhibit A-19a Revised Overall Lighting Plan, North Section
Exhibit A-19b Revised Overall Lighting Plan, South Section
Exhibit A-19c Revised Lighting Illumination Levels
Exhibit A-20 Memorandum dated 4/9/2021
Exhibit A-21 Color Rendering of CE-2.1
Exhibit A-19d Revised Lighting Plans, containing 17 sheets
Exhibit A-19e Revised Lighting Fixture/Pole Reduction Summary

WHEREAS, the following planning board exhibits were reviewed and discussed:

Exhibit PB-1 Sheet LG2.02 marked with Suggested revisions by
Chairwoman Murphy
Exhibit PB-2 Sheet LG2.03 marked with Suggested revisions by
Chairwoman Murphy
Exhibit PB-3 Sheet LG2.05 marked with Suggested revisions by
Chairwoman Murphy
Exhibit PB-4 Sheet LG2.07 marked with Suggested revisions by
Chairwoman, Murphy
Exhibit PB-5 Sheet LG2.11 marked with Suggested revisions by
Chairwoman Murphy

WHEREAS, the following information, testimony and evidence was presented
to the Board at the Hearings:

February 25, 2021 Hearing

Mitchell Newman, the Applicant's Director of Land Acquisition and Entitlements, testified as follows:

- Lennar is a publicly traded home builder and founded in 1954 as a family owned business. In 1972 Lennar became a member of the New York stock exchange and is currently building homes in 21 states, in 76 markets throughout the country in 10 active communities in New Jersey and 4 coming soon.
- Property consists of approximately 188.7 acres. With environmental constraints the net developable area is approximately 131 acres. He presented **Exhibit A-3** which is the rendered overall site plan. The applicant is required to provide affordable housing with a variety of housing types protecting the environmental features of the property. The plan creates new housing opportunities by preserving buffers to adjacent neighborhoods; by protecting view sheds to the north of the property; by providing ascetically pleasing architecture with designed layouts and finishes with variations in the architectural finishes and by providing alternatives to have single family homes on individual lots. The homes are designed to appeal to a variety of households, size, ages and income levels. The plan provided for a walkable neighborhood with amenities that include a clubhouse, pool, dog runs, outdoor dining, tot lots and pathways to encourage the community in social interaction, open space and small parks of approximately 5,000 square feet in size distributed throughout.
- The witness testified that the application does meet all of the criteria required by the Redevelopment plan. The witness presented exhibits displaying all of the home types in the market rate section and the home types in the affordable housing sections.
- The various home styles were presented through the architectural exhibits presented by the witness.
- The combined North and South community will consist of 100 townhomes, 316 stacked townhomes, and 191 single family homes.
- In the North section there is a separate independent apartment section consisting of 270 apartments in 6 apartment buildings., 216 are market rate apartments and 20% of the total apartments (54) are affordable apartments,
- In response to a board review letter the witness testified that the width of the building in question is 225 feet 6 inches which triggers additional requirements under the redevelopment plan. The applicant agreed to reduce the buildings by 6 inches so as to provide conformance.
- The applicant agreed to comply with the COAH and UHAC regulations and requirements regarding the bedroom mix for the affordable units as well as the UHACs requirements for pricing and phasing for each of the components of the project.

- The affordable multi-family units are not just divided by buildings and locations but some of the affordable homes are grouped into certain buildings and mixed with the market rate homes. The affordable units in the 270-unit apartment project are included in the apartment buildings.
- The applicant will comply with the redevelopment agreement and will phase in the affordable homes with the market rate homes. He acknowledged that the redevelopment agreement is a little bit more aggressive than the typical UHAC requirements relating to phasing. In response to the Board's Engineers questioning the applicant demonstrated different design features and elevations, masonry and vinyl siding so that there are no blank walls with just siding, no windows or other treatments. All the buildings have some features wherein all of the windows are brick or a variation and the siding color or texture or variation with the brick work as well as a change in roof elevation.
- The Redevelopment Agreement provides and establishes a cap on the number of market rate bedrooms. The cap is 2,558 market rate bedrooms and the applicant agreed to that cap. The applicant's plans provide for 2,258 bedrooms. Therefore, there are 300 additional market rate bedrooms that the applicant can add to the homes in the process of sales and construction.
- The applicant agreed with the Board Engineer that the applicant and the town will keep a tally sheet as part of the plan set as the project goes through construction so that the applicant remains compliant with the bedroom count limitations of the Redevelopment Agreement. The applicant agreed to this as a condition of any approval. The applicant agreed to work with the Township's Fire official and provide details of the fire suppression system. For both recycling and trash the townhomes with garages, the townhomes and single family homes the trash will be curb side and the multi-family section would be through their central dumpster and recycling facility.
- There are 420 residential market rate units in the North and 441 in the South. There are 122 affordable units in the North and 94 affordable units in the South.
- The witness testified that the proposed recreation plan submitted by the applicant conforms with the Redevelopment Plan and the Redevelopment Agreement. The recreational amenities include clubhouses, pools, dog parks, outdoor dining, tot lots and pathways to encourage the community in social interaction, open spaces and small park areas of approximately 5,000 square feet distributed throughout the property.
- The witness testified the height of the clubhouse in the North apartment section to the top of the roof is 25 feet, 6 inches and with the chimney the total height is 34 feet, 7 inches and is within the heights requirements of the plan.
- In the Northern section of the project, the clubhouse, the pool, the dog park, and the community garden in the apartment section are exclusive to the apartments. The

apartment units will also have the ability to use the other recreational facilities since they will have the option to be members of the homeowner's association. They may be optional members of the homeowner's association.

- The recreational facilities in the South section consists of approximately 4.9 acres and includes an 8,265 square foot clubhouse, a pickle ball court, a 7,200 square foot dog park, a sports court, a large 3,000 tot lot area and a special events center. It also includes a pool and patio area with a cabana building. The witness through exhibits presented details of the recreation buildings including the elevations and floor plans.
- All of the recreation areas with the exception of those in the North section apartment section will be maintained by a master association.
- The applicant is proposing 2 walking trails running through the site and through some environmentally constrained areas. The applicant has been working with the NJDEP to attempt to secure permitting to create a walking path from the North all of the way through the South and to create another walking path that will eventually connect into the mixed use "Wedge" project.
- Except as to the North section apartment section there will be a master homeowner's association that will be responsible for the recreational facilities as well as the alleys that are behind the townhomes and stacked townhomes as well as the on street and off street parking. The homeowner's association will also be responsible for maintenance of all of the storm waters systems and sidewalks and walking paths together with the entry monuments to the property. In response to questions from the Board Engineer the witness testified as follows:
 - a) The project will be developed in phases. The phasing plan for both the North and the South sections is included in the Site Plan.
 - b) The applicant will comply with the Redevelopment Plan requirement that the affordable units have to be built out in a proportionate roll out with the market rate units in each section of the project and the applicant will phase in the recreational amenities accordingly. The recreational facilities will be phased in as each section is phased.
 - c) More specifically in the South section the clubhouse area will be open at approximately the 50th percentile certificate of occupancy for the entire community with the pool following at the next earliest pool season. The event center would be built with the related parking lot earlier in the project since the applicant anticipates using the event center for its welcoming home sales center. In addition, it is anticipated the Plaza Park area will also be built at the 50th percentile certificate of occupancy for the entire community.
- Upon questioning from the Board Engineer the applicant agreed to provide controls regulating the elevations for the single family homes so as to obtain a variety of the elevations throughout the single family homes portion of the community. This would take the form of internal controls and the applicant will keep the building department informed as they submit building permit applications.

- The main Boulevard will be a public street and as one enters into the community and makes a left that will also be a public street. The parking area around the multi-family buildings would be private. There will be a public street as one continues along the Southern leg of the community. Where the stacked townhomes are fronting and the other side of the stacked townhomes where the garages are located is an alley and that would be private.
- With respect to the private streets the applicant will request that the Township provide enforcement through Title 39.
- Upon questioning from the Township Planner the applicant agreed to fill in additional green space in the North section of the property. Applicant is proposing one masters homeowners association which would include the apartment units as optional members.
- Except for the North section apartment section, the master association will be responsible for the recreation area, the private roads, the parking areas, entry monuments and storm water basins.
- There may be a sub-condominium association for the stacked townhomes and the multi-family buildings to maintain specific features of those buildings. The applicant agreed to submit the Home Owners Association documents for review and approval by the Township attorney and the Planning Board attorney.
- The Home Owners documents will also be submitted to the New Jersey Department of Community Affairs during the applicant's sales registration process.
- The applicant agreed to disclose in the applicants Home Owners Association documents that certain set back criteria may affect the property so that the people are well aware that their yard may not support any specific recreation activity such as a pool.
- The applicant agreed to incorporate into the Home Owners Association documents that any permit applications submitted to the Township would have to have pre-approval by the association.
- The applicant agreed to enter into a Developers Agreement with the Township subject to the review and approval of the Township attorney and the Township Engineer. The applicants acknowledge that certain infrastructure needs to be completed before building construction and occupancy.
- The HVAC systems will be located in the back of the stacked townhouses and in the back of the market rate townhomes by the drive way.
- The applicant agreed to review the size of the homes that face the public road area to help the appearance of the end units as they relate to Scotch Road.
- The applicant has upgraded the sidewalks to be 5-foot-wide so that there is a more walkable community and has proposed extensive walking trails not only behind the South active recreation area but also throughout the park area. The applicant anticipates that the trails eventually will connect the community as well as provide a

connection to the Wedge property subject to DEP approval. The applicant intends to tie into the Great Western bikeway that would run all along Scotch Road. The applicant agreed to revise its plans to detail the sidewalks and highlight the walking paths throughout the community.

- The applicant agreed to take a look at the LEED guidelines for a sustainable community development and provide the board with a score card of LEED system guidelines as it applies to the community.
- The applicant, per state requirements, will offer an option to the single family home owners and the townhome owners to install charging facilities in the garages. The applicant agreed to add a couple of charging stations at the clubhouse parking lot and a couple of charging stations adjacent to some of the multi-family buildings. The expectation is to provide a half dozen charging stations in the South and a half dozen charging stations in the North so that those residents that either don't have a garage or might have a couple of cars will have access to a more easily accessible charging station. The applicant acknowledged that it will comply with the redevelopment agreement to install conduits on each of the homes that would facilitate a wiring system going up to the roof structure so that if a home owner choose to provide solar they would at least have a conduit to run the wires through their home. The applicant agreed to provide such conduits to all buildings with the exception of the multifamily buildings, including the clubhouse.
- The applicant agreed to revise its plan to provide bike racks throughout the site. The applicant agreed to work with the township fire official to evaluate adequate access to all of the buildings for fire protection purposes.
- The applicant agreed to reserve some easements for the added sidewalks within the applicant's sidewalk system to provide public access to the Township Park System and other communities within the Township to improve accessibility to the property for the public. The applicant agreed to revise its plan to detail the reserved easement areas or the added sidewalks
- The Project amenities, the recreation areas are not open to the general public but will be privately owned and maintained.
- The applicant has been assured that there will be water and sewer capacity for the project; however, the applicant needs to work out the location of the conveyance lines with the water and sewer utilities.
- The mixed use element of the Redevelopment Plan is shown on Exhibit A-3 which details a preserved area for future development known as the "Wedge" and the Wedge will provide the mixed use element of the Redevelopment Plan. The applicant will detail locations of connectivity from its development to the retail portion of the "Wedge" on revised plans.
- The applicant agreed to reserve easements for future connections to the Township walking paths at the South entrance road to the project to connect the limits of the

property to future connection with the "Wedge". The applicant agreed at a minimum to provide a note on the plans regarding general cross easements with the owners of the "Wedge" as well as to revise its plans to locate potential future connections as well as any future path opportunities.

March 25, 2021 Hearing

II. Brian Perry, the Applicant's Civil Engineer testified as follows:

- He is a LEED accredited professional as well as a PE
- The witness presented **Exhibit A1** which is an overview of the site.
- The site consists of lots 5.01, 5.02 and 6.02 with 80 acres in the North section and 110 acres in the South section. The "Wedge" which is approximately 35 acres is not part of the project.
- He confirmed that the applicant is planning to extend the connection through the "Wedge" to provide an interconnection back into the applicant's community.
- The parking complies with RSIS standards as well as the Redevelopment Plan.
- All of the public rights of way are lined with 5-foot sidewalks on both sides. The sidewalks will be ADA compliant.
- There are interconnecting pathways (6 feet wide) between the North and South section of the property and there are areas throughout the entire community for bicycle circulation in a "share the road" also known as "SHARROWS" scenario.
- All the lots will conform to the bulk standard set forth in the Redevelopment Plan.
- An estimated 1,200 trees will be removed and approximately 1,400 trees, 613 in the North and 776 in the South, are to be planted throughout the site as replacements.
- The planting plan meets the intent of the ordinance and further provides a diverse planting plan.

- The applicant will work with the Township to satisfy all landscaping and tree comments including providing additional diverse trees.
- The applicant has accepted the Board Engineer's written comments with respect to landscaping and has stipulated that it will work with the Township regarding the same.
- The lighting plan was prepared by an NCQLP certified lighting professional and is designed in conformance with the ordinance with the minor exception for the full cut off requirement of the ordinance.

- Currently, there is a 5% uplight (spillage in the horizontal plane) but there is no spillage on adjacent properties. The lights are LED and will be maintained by the Home Owners Association.
- Chair Murphy informed the witness that the Board would like the applicant to submit a revised lighting plan to be presented to the Board and the applicant agreed to do so.
- The witness provided a storm water management overview.
- The witness informed the Board that the applicant is in talks with ELSA and ELSA has indicated that there is sufficient capacity at their plant; however, the applicant is still working with ELSA on a means of conveyance to their treatment plant on Whitehead Road; the ELSA application will be applied for under a separate application upon receiving municipal approval.
- The applicant has been in discussions with the Trenton Water Works for a water main loop connection with 2 connections back out to Scotch Road which will provide water service to the site.
- As per the recommendations of the Board of Engineers the applicant has stipulated to provide sight triangles in those area required so that there are no plantings or other visual obstructions within those areas and applicant will revise or add those plans to show those easements. The applicant is seeking a RSIS "de minimis exception" for the minimum radius width of 100 feet along the roadway center line and the alleys; the Board Engineer informed the Board that with the easements he can support the "de minimis exception".
- Exhibits A-11A and B are the exhibits demonstrating the storm water management plan
 - a. Approximately 30% or more of the site is dedicated to green storm water management, non-structural features throughout the site.
 - b. The intent of the storm water management plan is to meet the 4 criterion of the NJ DEP Storm Water rules which includes non-structural strategies; ground water recharge; water quality; water quantity and peak rate reduction across the site.
 - c. The Storm Water Management Plan does not negatively impact on nearby septic systems.
 - d. The witness stated that the application is not subject to the new NJ DEP storm water regulations but that the plan has achieved some of the goals and objectives of those new regulations adopted on March 2, 2021.
 - e. The applicant has agreed to comply with all of the storm water management comments provided by the Board professionals in their reports and memoranda. The applicant's storm water application was deemed complete by the state.
- The applicant agreed that access to the "Wedge" parcel could be provided from the South section whether it be roadway or otherwise and that there is a potential for an additional linkage in the future at such time that the "Wedge"/mixed use area of the Redevelopment

Plan gets developed; the connections could also serve the same purpose for pedestrians as well as bicycle connections.

- **Exhibit 16B** showed these potential connections.
- The applicant is proposing 2 walking trails running through the site and through some environmentally constrained areas. The applicant has been working with the NJDEP to attempt to secure permitting to create a walking path from the North all of the way through.
- Regarding the public transit issue, the applicant has looked into it. However, New Jersey Transit bus route does not go through the area. The applicant has agreed to reach out to the Greater Mercer TMA at the County for purposes of bringing people from the neighborhood to the rail station versus the other route that brings people from the rail station to the Southfield's Office Complex. The applicant agreed to the Board Chair's recommendation that the applicant explore the Northern section of the site as well as the Southern section of the site.
- The applicant agreed to the Board Chair's suggestion that a pedestrian linkage would be located on the property from the North section to the South section in the event an additional stop is not available at the North section of the property.
- The applicant has projected that it could potentially achieve up to 47 points using the LEED Scoreboard for Neighborhood Design; LEED certification is achieved at 40 points.
- Applications have been made for all outside agencies approvals including the Mercer County Planning Board, the Mercer County Soil Conservation District, the DRCC and the NJ DEP for wetlands and flood hazard area permits.
- The applicant agreed to provide the consent of the "Wedge" owner for future connections and agreed to the same as a condition of approval.
- Lot 5.02 is owned by C.F. Hopewell and C.F. Hopewell has consented to the application: lot 5.02 is known as the Home Front property and qualifies for the development for 3 affordable homes; the Home Front is a tenant leasing the property from C.F. Hopewell. The applicant has agreed to look into a way to expand sewer service to the home front property so that additional affordable units may be considered to be built by others.

III. Gary Dean, P.E., Board's Traffic Consultant, testified as follows:

- He recommended that the Board in order to ensure adequate emergency access given the size of the community give consideration to adhering to the RSIS standards to design an appropriately landscaped boulevard.
- His other concern is that some of the pocket parking is shown on some of the alleys in the project.

- The concern with the parking along the alleys is that the ordinance requires a 24-foot-wide back out space and the alleys only provide for an 18-foot-wide back out space.
- The applicant agreed to make the Boulevard changes and to revise its plans to show a divided Boulevard in the South as it is divided in the North section.
- The applicant also agreed to address the "alley issue" by making the parking stalls deeper to provide an additional 6 feet of maneuvering space for 24 ft. total "back out" space.

IV. Mitchell Newman testified as follows:

- He has been in communication with New Jersey Bus Transit service.
- The final determination on a bus stop for the North and South sections is to be made by the Greater Transportation Authority.
- The applicant discussed the Board Engineer's report on design exceptions and agreed as follows:
 - a. The applicant will screen some of the larger parking spaces between the parking and the main roads.
 - b. The applicant will comply with section 7 of the Memorandum (set back of sign)
 - c. The applicant will not be seeking any relief as to signage except for temporary signage.
 - d. The applicant does not need relief from the 14-day requirement for temporary signage given this ordinance section does not have time limit for signage.
- The encroachments on the stream corridor area will be identified on revised plans and will be placed in a conservation easement.
- The applicant will provide a map indicating where the steep slopes exist on site; the applicant is not disturbing more steep slopes than the ordinance allows and to the extent that they can remove any encroachment in the steep slope area, they will; the applicant agreed to provide an overlay analysis of the steep slopes issue and provide details of same.
- The applicant has agreed to comply with all the grading recommendations in the Board Engineer's Memorandum.
- The applicant will provide drainage from the foundations of the buildings and will provide plantings along the Township property subject to an acceptable agreement with the Township regarding the plantings.
- Reviewed the memorandum issued by James Bash, P.E., consulting Engineer to the Board and stated as follows:
 - a. The applicant will comply with the consulting engineer's comments.

- b. The detention basin will be relocated off of the lots and the basins will have access for inspection and maintenance
- c. The crossings from the apartments to the Wedge piece will be ADA compliant.
- d. Any meaningful shift or change in the layout of the physical features will be shown on revise plans as well as any changes to the parking layout.
- e. A dumpster will be provided in the parking lots serving the multi-family buildings, except with regard to the apartment section, there will be one central dumpster location. Regarding the fire official's report, the applicant agreed to provide some fire safety fire suppression sprinklers above and beyond what is required by the fire code in certain buildings as per the fire official's recommendations.
- f. The applicant agreed to comply with portions of the fire official's report and will provide a list of those conditions from that document of items that will remain as conditions.

V. Karl A. Pehnke, P.E., the Applicant's Traffic Consultant testified as follows:

- He is a PE with an expertise in traffic engineering and is a Vice President with Lagan Engineering and Environmental Services.
- His office prepared a traffic impact study dated December 16, 2020 which was submitted to the Board as part of the application.
- As noted in the Traffic Impact Study, the Applicant's professionals met with Mr. Kataryniak as well as the Mercer County Planning Board early in the design process since Scotch Road is under County jurisdiction.
- The traffic counts utilized in the traffic impact study was collected in August 2019 since the applicant was aware at that time that Mercer County would soon be proceeding with construction which would impact traffic in the vicinity of the Property. Mr. Pehnke's office validated the counts by comparing them with information published by the New Jersey Department of Transportation, and also had the benefit of traffic data provided by Mr. Kataryniak.
- Mr. Pehnke's office also prepared traffic projections that included approximately 2,200 residential units that are anticipated to be constructed in the surrounding area which would impact traffic on Scotch Road, including the units proposed by this application and other nearby developments.
- The traffic projection incorporated a growth rate of approximately 18 percent without the Applicant's proposed development and approximately 25% with it included. They were provided to the Mercer County Planning Board which subsequently granted approval for the proposed development.
- Separate access points are provided for the North and South Sections, which the witness showed by reference to Exhibit A3:

- a. For the access point to the North section, Scotch Road will be widened into the median so as to create a left turn lane for vehicles travelling northbound to turn into the property, since it is anticipated that over 66 percent of traffic will travel to the property from the South.
 - i. In response to questions from the Board, Mr. Pehnke testified that the level of traffic generated by the proposed development is unlikely to warrant a new traffic signal at the access section to the North section, and that in lieu of making a left out of the property onto Scotch Road, which would present various safety issues, a vehicle can make a right turn and then a legal U-turn at the signal for the Southern access point. Mr. Dean agreed with these conclusions and further pointed out that a new signal at this intersection could create insufficient spacing between the existing traffic signals on Scotch Road, which was a concern expressed by the Mercer County Planning Board.
 - b. The access point to the South section will be located opposite American Boulevard. Based on discussions with the Mercer County Planning Board, the applicant will improve the existing intersection by rebuilding the traffic signal; widening Scotch Road into the median so as to construct a double left-turn lane into the property; widening the Southbound approach so as to construct a right-turn lane into the property; and providing all appropriate pedestrian accommodations across the driveway and across Scotch Road. The levels of service at the driveways to the property and traffic signals along the Scotch Road corridor are expected to remain satisfactory, as Scotch Road was designed to handle a much higher level of traffic than it currently experiences and it can therefore handle the increase associated with the proposed development.
- The Applicant has agreed to provide sidewalks along the property's frontage on Scotch Road at the request of the Mercer County Planning Board.
 - Mr. Pehnke finds the street types within the proposed development to be appropriate and generally conforming to RSIS standards. However, as stated by Mr. Perry, de minimis exceptions are required with respect to the radius width along the roadway center line and the alleys and the offset between alleys and streets. Mr. Pehnke believes both conditions are appropriate, as he has utilized similar designs in other developments, and it is his expert opinion that they will not cause any detriment from safety or operational standpoints.

April 22, 2021 Hearing

VI. Mitchell Newman testified as follows:

- The applicant has been meeting with ELSA for the purpose of seeing if any engineering issues could be resolved. The applicant remains optimistic that it will obtain sewer service approval from ELSA. He testified that C.F. Hopewell already submitted a letter to the planning board (the Wedge owner submitted a letter to the planning board) consenting to the various access points that had been discussed.
- New Jersey Transit Bus Service is pessimistic about bringing the New Jersey Transit Bus Line up to the property however New Jersey Transit does not have an issue with reserving a place for a future bus stop on the property and the applicant agreed to reserve an area for the future and to report to the Board Engineer at least annually to The Greater Mercer Transit Group and New Jersey Transit.
- The applicant is in agreement with portions of the fire officials report and will submit a list of conditions from that report that will remain as conditions. The Applicant's through its exhibits presented revised architectural plans to show enhancements to the site elevations of certain buildings and a portion of the clubhouse, and agreed to revise its architectural plans accordingly.

VII. Creigh Rahenkamp, P.P., the Applicant's Planner, testified as follows:

- He is a professional planner with 39 years of experience and 25 years as a licensed professional planner in New Jersey who appears regularly before Planning and Zoning Boards and has also served as both an expert and a court appointed Master in the Superior Court of New Jersey.
- Mr. Rahenkamp was present for all of the testimony of the prior witnesses and adopts their testimony as if given by him as it relates to planning background and planning compliance.
- The proposed development complies with all requirements of the Redevelopment Plan, and specifically in the following aspects:
 - a. All of the bulk standards are satisfied.
 - b. The Applicant's strategic use of alleys to keep garages from fronting on all of the townhouse and stacked townhouse streets, shorter blocks, absence of cul-de-sacs, and the provision of a walkable community with mixed residential types all advance the Redevelopments Plan's stated vision of a compact human scale mixed unit type style of development.
 - c. The dedication of 174 acres substantially satisfies the Redevelopment Plan's open space requirements, in with the distribution of neighborhood parks, within the community. The Applicant has strategically chosen to have one large community center with the South section for the entire community to

enjoy, which is not uncommon or inappropriate for developments of this scale. In addition, the Applicant has provided 5 pocket parks in the North section and 5 pocket parks in the South Section so that all of the townhouses and the multi-family buildings will have a pocket park within one block.

- d. The affordable housing units will be distributed throughout the community in accordance with the Redevelopment Plan, which requires that they not be grouped together in a single building. The affordable units are located in six (6) separate neighborhoods as follows:
 - i. Within the North Section, Phase N-1 includes an independent multi-family building located between a townhouse neighborhood and a stacked townhouse neighborhood; Phase N-2A has two affordable multi-family buildings within a townhouse neighborhood and Phase N-4 has affordable units fully integrated in the independent, rental community.
 - ii. Within the South section, Phase S-1A has 2 affordable multi-family buildings located within a neighborhood of townhouses and single family homes; Phase S-3 has two (2) condominium buildings within which a total of 10 units will be affordable as well as an affordable multi-family building in between them and Phase S-3 has an affordable multi-family building within a townhouse neighborhood and a stacked townhouse neighborhood.
 - iii. The Applicant has configured the affordable units in this manner so they are integrated with other types of units, but still can managed appropriately as rental housing given that market housing is intended to be for sale.
- Mr. Rahenkamp testified that the proposed development will comply with the Townhouse ordinances, which have been adopted to implement the Uniform Housing Affordability Controls (UHAC) and that in accordance with the Settlement Agreements executed between the Applicant, the Townhouse and Fair Share Housing Center, the deed restriction for the affordable units will run for at least 40 years and until the Township takes appropriate action to terminate the restriction, rather than the traditional 30 years.
- The Plan reflects a total of 30 one bedroom, 145 two bedroom and 41 three bedroom affordable units. Mr. Rahenkamp acknowledged the requirement in the Redevelopment Plan and UHAC that 20 percent or 44 of the affordable units have three bedrooms and stipulated that the affordable units would be reconfigured to comply.
- Mr. Rahenkamp testified that the application requires de minimis exceptions from the RSIS with respect to the following, all related to the alleys:
 - a. On-street parking within alleys, which is prohibited under the RSIS, the Applicant proposes head-in parking behind the townhouses in order to provide guest parking. Mr. Dean has questioned whether larger vehicles would have difficulty maneuvering in a single move K-turn coming out of those guest spaces, and in response, Mr. Rahenkamp stipulated that the Applicant would make those particular spaces deeper by including what is essentially a driveway apron within them, effectively adding another 6 feet of space for maneuvering.
 - b. Centerline radius within the alleys, as a minimum of 100 feet is required and 50 feet is proposed: the proposed design is intended to keep vehicular traffic at a low speed, and the

reason for the exception is that RSIS treats alleys the same as a residential street where in this context, they are not functioning in the same manner.

- c. Intersection offsets for the alleys, as a minimum of 100 feet is required and a minimum of 97 feet is proposed; as with the centerline radius, the RSIS treats alleys the same as residential streets and the offset requirements for intersections are much more substantial than would typically be applied to alleys in national standards for alleys, which treat alleys as collective driveways rather than as streets.
- d. Intersection angles, where the minimum of 75 degrees is not being met within Phase N-1, given that this deficiency is only present in a low volume alley which effectively serves as a driveway for 12 units and does not connect roads that are more heavily traveled, Mr. Rahenkamp finds the design to be appropriate. This is essentially a two-legged intersection rather than a curve that should be driven at a design speed.
- e. Mr. Rahenkamp gave the expert opinion that strict compliance with the RSIS requirements would result in practical difficulties, and that the proposed design is consistent with the intent of the RSIS and represents a reasonable solution that meets the needs of public health and safety and are, in fact, necessary to meet the goals and design requirements of the Redevelopment Plan.
- f. Mr. Rahenkamp explained the findings set forth in the fiscal report dated December 14, 2020 authored by Richard Reading as follows:
 - i. Upon full build out of the community, the number of expected residents is 2,666 with 329 school aged children, of which 50 would live in the affordable units. As a point of comparison the school district lost 448 students between 2010 and 2018.
- g. Total municipal revenues are calculated at approximately 1.5. million, while municipal costs would be approximately 1.2 million resulting in a surplus of approximately \$300,000. For the Township. School district revenues are calculated at approximately 6.3 million, while costs would be approximately 5.8 million, resulting in a surplus of approximately \$306,000. For the school district. The information used to prepare these calculations was confirmed by Dr. Thomas Smith, Superintendent of the school district.

VIII. Brian Perry introduced proposed modifications to the landscaping and lighting plans and provided a summary of his Storm Water Management regulation research. The witness presented exhibits A-16.1 and A-22.1 representing revised layout plans.

- a. Changes to the sidewalks;
- b. Parking adjustments along the alleys;
- c. Other layout changes;
- d. A lot line adjustment to carve out additional open space for a private park in the North West section of the site;
- e. Additional amenities including bike racks, benches, etc.;
- f. Consistent with exhibit A-18a the applicant will provide an enhanced buffer to the Township owned land from the North section to the stacked townhomes and townhomes that have rear facing garages;

- g. The enhanced landscaping extends onto Township owned property to the North of the site subject to an acceptable agreement with the Township;
- h. He presented an additional landscape exhibit A-18b providing more formal entrances in both the North and the South sections;
- i. The applicant agreed to put up required fencing, staking, and wiring which is to monitored during construction so as to address deer resistance;
- j. The applicant agreed that the Home Owner's Association will have maintenance obligations in perpetuity for the planting materials subsequent to expiration of the maintenance bond;
- k. The applicant agreed to berming in appropriate areas to enhance the landscaping plan;
- l. The applicant agreed to work with the Township to provide an easement or some other legal document that would allow for plantings to be on Township owned property subject to the Board Engineer's approval and the Township Attorney's approval;
- m. He presented exhibit A-19a reflecting a lighting component change and responded to the board chairs request to further provide the Board plan changes at the next meeting;
- n. Regarding storm water analysis, the applicant did consider the new rules and regulations of the NJ DEP and although the applicant does not necessarily meet the strict letter of the law as it applies to green infrastructure the applicant did take the extra step to meet or exceed the three main criteria mentioned: peak rate reductions, water quality and ground water recharge. The applicant acknowledged the Township Planners statement that the applicant has met the intent of the new storm water regulations and the Board Engineer agreed that the applicant has exceeded the requirements for water quantity reductions, ground water recharge and has complied with all of the other requirements that any major project would be subject to regarding water quality, water quantity and ground water recharge;
- o. The Board Engineer is satisfied that the storm water design proposed by the applicant satisfies those requirements and those requirements would have been the same whether they are under the new regulations or the pre-existing regulations first established by the NJ DEP.

May 13, 2021 Hearing

IX. Christina Spangler testified as follows:

- She is the applicant's lighting designer and is certified by the NCQL; the board accepted her qualifications.
- She introduced exhibits A-19d and A-19e which included revised plans showing building mounted fixtures, full cut-off optics, and 2700K color temperature. In response to those exhibits the Board Chair introduced **PB-1, PB-2, PB-3, PB-4** and PB-5 suggesting the applicant revise its lighting plan accordingly.
- The applicant's attorney agreed to the Board Chair's proposed revisions as set forth in the PB exhibits here and above.

X Public Comment.

- A member of the public challenged the criteria for determining that the subject property qualifies as an area in need of redevelopment. This member was informed by the Board that the designation that this property is an area in need of redevelopment was upheld by the Courts.
- Other members of the public requested that the Planning Board conduct an independent water study.
- Public comment was closed. The board did discuss the request for an independent water study and concluded it would be prudent on the Township level to monitor test wells along Scotch Road North of the site; Board Member, Parker indicated that the Environmental Commission has been championing the continuing monitoring of Scotch Road wells and invited members of the public to participate in Environmental Commission meetings to discuss the same and provide input.
- At the conclusion of the meeting the Board heard the applicant's attorney's summation and indicated that the Board may take action at the May 27th, 2021 meeting.

WHEREAS at the May 27th 2021 Planning Board Meeting, the board deliberated on the application and discussed proposed conditions regarding any approval.

WHEREAS, based upon the foregoing information, testimony and evidence as well as the application and supporting plans and documents and Township agency reviews, the Planning Board makes the following **ULTIMATE FINDINGS OF FACT AND CONCLUSIONS OF LAW:**

1. The application conforms to the requirements of the Redevelopment Plan, the Redevelopment Agreement and the land use and Development Ordinance
2. There are no variances required by the application
3. With respect to the design waivers and exceptions requested the applicant has demonstrated and submitted satisfactory proof that the design exceptions and waivers are reasonable and within the general purpose and intent of site plan sub-division review and approval in that the literal enforcement of one or more provisions of the ordinances is impractical or will inflict exact undue hardship because of peculiar conditions pertaining to the land in question.
4. The RSIS de minimis exceptions requested by the applicant (are reasonable and within the general purposes and intent of the RSIS standards) and are:
 - a. Consistent with the intent of the Site Improvement Act
 - b. Reasonable, limited and not unduly burdensome
 - c. Meets the needs of public health and safety
 - d. Takes into account existing infrastructure and possible surrounding future development
5. The approval of this application will help address the Township's obligation to provide affordable housing consistent with the Township's settlement with the applicant and the Redevelopment Agreements between the Township and the Applicants.
6. The applicant has satisfactorily addressed the major concerns of the Board and its consultants and the public by its agreement to satisfy the conditions set forth above and in this resolution-set forth above and below.
7. The testimony reference above is hereby incorporated into the Findings of the Board.

WHEREAS, at the conclusion of the hearing on May 27, 2021, the Planning Board has taken action by voting on said application and, in accordance with N.J.S.A. 40:55D-10(g) of the Municipal Land Use Law, has directed that this resolution be prepared

NOW, THEREFORE, based on the foregoing findings, determinations and conclusions, including reliance on the information, testimony and evidence presented at the hearings, **BE IT RESOLVED** that the Planning Board of the Township of Hopewell hereby grants preliminary and final major sub-division preliminary and final major site plan approval together with the requested waivers and exceptions and de minimis exceptions from the Residential Site Improvement standards, subject to the following conditions:

1. The applicant's satisfaction of all comments and agreements made during testimony before the Board except as may be modified herein.
2. Payment of all professional escrow and engineering review fees associated with this application within thirty (30) days of invoice.
3. Securement of all approvals from all government agencies that have jurisdiction over the application.

4. All conditions contained in the resolution and in the record of proceedings in this matter, including any agreements made by the applicant, were essential to the Board's decision to grant the approvals set forth herein.
5. The development of this property shall be implemented in accordance with the plans submitted and as approved. In the event the applicant shall make or propose any material changes to the project or structures on the property from those shown on the revised and approved plans and exhibits approved for this application, whether these changes are voluntarily undertaken or required by any regulatory agency, applicant shall resubmit any such changes to this Board for review and determination.
6. The Township reserves the right to request additional site improvements should actual field conditions vary from what is depicted on the plans and/or is indicated by the designs.
7. Site work shall not commence prior to compliance with the terms and conditions set forth herein.
8. Applicant is required to post performance guarantees and inspection fees subject to the approval of the Township Attorney and the Township Engineer as required by the Municipal Land Use Law.
9. The grant of the site plan approval specified herein shall not be construed to include satisfaction of the Uniform Construction Code of the State of New Jersey.
10. All taxes and assessments relating to this property must be current.
11. Copies of the executed plans shall be furnished by the applicant to the Planning Board Secretary, the Tax Assessor, the Tax Collector, the Zoning officer, the Construction Official, the Township Engineer and the County Planning Board.
12. The applicant shall enter into a Developer's Agreement with the Township subject to the review and approval of the Township attorney and the Board Engineer. The Developer's Agreement shall be recorded.
13. The applicant shall comply with all applicable affordable housing requirements as required by the Township ordinances which have been adopted to implement UHAC regulations including, but not limited to, income distribution, phasing of the affordable units, heating source, accessibility and adaptability, amenities, size of units and bedrooms, appointment of an experienced administrative agent to handle affirmative marketing, etc., development of marketing plan for the affordable units, except as same may be modified by the Redevelopment Agreements.
14. With respect to the affordability control period for the units, the applicant shall submit deed restrictions providing that the newly constructed affordable units shall, pursuant to N.J.A.C. 5:80-26.11 and Township Ordinance No. 18-1697, remain affordable to very low, low and moderate income households for a period of at least forty (40) years and until terminated by the Municipality.

15. In the event that approval by some other Board or governmental agency or compliance with any of the conditions of approval herein provides for material changes in the plans heretofore submitted, the Board reserves the right to review such changes.
16. All documents required to be prepared by the applicant by virtue of the terms and provisions of any condition set forth in this resolution shall before execution be submitted and approved by the Township Attorney, Board Attorney and Board Engineer.
17. The applicant shall comply with all federal, state and local laws, rules and regulations and obtain other governmental approvals in the implementation of this approval.
18. The applicant shall revise its plans and documentation to provide a bedroom tally of the market rate units by unit type as well as a bedroom tally of the very low, low and moderate income units by unit type for each phase of the project.
19. The applicant shall enter an agreement with the Township conferring Title 39 jurisdiction on all streets, public and private, including alleys. It is anticipated that such agreement will be set forth in a Developers Agreement.
20. The applicant shall submit HOA documents for review and approval by the Township Attorney, the Board Engineer and Board Planner.
21. The applicant has obtained C.F. Hopewell's written approval for connections to the Wedge. C.F. Hopewell's written approval has been submitted to the Planning Board as part of the record in these proceedings evidencing C.F. Hopewell's consent for future connections to the Wedge.
22. Applicant will work with the Board Engineer to make sure that the park areas with the exception of the main South section recreation area located at the site entrance, are brought on board when the homes adjacent to it are completed.
23. The applicant shall, among all other approvals, obtain a DEP permit for multiple connection trails, two north to south plus the south to wedge connection, identified in the approved plans.
24. The applicant will identify the 40-foot-wide, 50-foot-wide single family homes on the revised plans.
25. Except for the apartments in the North section, the HOA will be responsible for maintenance of parking area and will coordinate with the Township for snow removal and any maintenance issues.
26. The applicant agrees to work with the Township Planner to turn green spaces into more active park areas for the North section of the property and to install pathways leading North towards municipal complex and Woolsey Park to the extent of the property limits owned by the applicant.
27. In addition to submission of the HOA documents to the Township Attorney and Planning Board Attorney for review and approval, the HOA documents require approval by the DCA. At a minimum, the HOA documents shall include the following:

- a) Townhomes and stacked townhomes in the multi-family units will not have the right to put up fences or pools,
 - b) In the single family section, fences would be allowed but the HOA documents would limit the types of fences so they would have an aesthetic uniform look,
 - c) The HOA documents will disclose the setback criteria,
 - d) HOA approvals will be a prerequisite to any zoning or building permits for accessory structures on a lot,
- 28. The applicant agrees to employ storm water management green techniques and collection as noted in the applicant's Engineer's testimony for ground water recharge and to identify these techniques in the HOA documents,
 - 29. The applicant agrees to work with the Board Planner and the Board Engineer on additional opportunities for recreation in the single family section of the project,
 - 30. The applicant will revise its plans to show the location of the HVAC systems in the back of the townhomes and stacked townhomes.
 - 31. The applicant will revise its plans to show the location of all the utility meters including schematics.
 - 32. The applicants will revise its plans to show the location of the bike paths and the walking paths.
 - 33. The applicant will add vehicle charging stations at the clubhouse parking lot and twelve (12) additional charging stations adjacent to some of the multi-family buildings.
 - 34. The applicant shall install conduit between the roofs and service panels of each building to allow for potential future solar capability.
 - 35. The applicant shall revise its plans to provide bike racks at locations satisfactory to Board Engineer and Township Planner.
 - 36. The applicant shall provide reserved easement areas where appropriate and identified by the applicant in these proceedings.
 - 37. The applicant shall work with the Board of Education regarding the bussing of school children.
 - 38. The applicant will revise its plans to put a note on the plans identifying a potential road connection to the "Wedge" and will work with the owners of the Wedge and the Township to agree upon a more defined easement area.
 - 39. The applicant will work with the Township, the Board Planner and the Board Engineer to satisfy all landscaping and tree comments.
 - 40. The applicant shall obtain ELSA approval for the sanitary sewer system and connections between the proposed development and the collection system in Ewing Township.
 - 41. The applicant shall obtain Trenton Water Works approval for the water service connection to the proposed development.
 - 42. The applicant will provide easements for sight triangles where required and add those easements to the plans.

43. The applicant will obtain will-serve letters from the utility companies and will identify and locate these utilities on revised plans.
44. The applicant will work with the Township to address the reforestation requirements of the ordinance.
45. The applicant will use its best efforts to obtain approval for a potential expansion of the sewer system for the home front property so that additional residential units potentially can be built.
46. The applicant agrees to make changes to the South Boulevard and make the South Boulevard divided as it is divided in the North section. The applicant shall submit revised plans satisfactory to the Board Engineer and the Board's Traffic Consultant showing the revisions to the boulevard treatment.
47. The applicant shall revise its plans to identify the encroachments in the stream corridor area and identify areas where the stream corridor area can be expanded through averaging to offset the encroachments. The applicant shall place the adjusted stream corridor in a conservation easement satisfactory to the Board Engineers and the Township Attorney.
48. The applicant shall revise its plans to include a map of the steep slopes as well as an overlay analysis of the steep slopes area satisfactory to the Board Engineer.
49. The applicant shall comply with all of the comments set forth in the Van Cleef January 28, 2021 Engineering report except as modified by testimony and this Resolution.
50. The applicant has agreed to comply with the Fire Official's report dated May 25, 2021 which modified the Applicant's April 22, 2021 Submission.
51. The applicant shall revise its plans to address the Board's Traffic Consultant's comments regarding dividing the North and South Boulevards and shall revise its plans regarding the maneuverability of the parking spaces by adding an additional 6 feet for maneuverability where appropriate and as designated by the Planning Board Engineer.
52. The applicant shall continue its discussions with New Jersey Bus Service and the Greater Mercer Transportation regarding bus service for the project.
53. The applicant shall revise its plans to extend sidewalks on the South section of the Scotch Road frontage for a possible future bus shelter along Scotch Road.
54. The applicant shall submit revised plans to screen the larger parking spaces as designated by the Board Engineer
55. The applicant shall submit revised plans satisfactory to the Board's Traffic Consultant and the Board Engineer to modify the depth of the parking spaces within the green space islands to provide for an adjacent aisle with a minimum width of 24 feet, where this minimum width is currently not met for improved traffic movement and circulation.
56. The applicant shall revise its lighting plans consistent with exhibits A-19d and A-19e as revised by Planning Board exhibits PB1 through PBS.

57. The applicant shall submit revised plans to demonstrate that all lighting will be 2,700 degrees Kelvin and controlled by photocell. All lights will be maintained by the Home Owner's Association. Only wall mounted "SF1" fixtures and those ceiling mounted "high hat" style recessed lights above the private balconies will be privately switched and maintained by the residents of the community.
58. The applicant shall work with the Township Engineer to revise its lighting plans to include adaptive dimming light controls in various parking areas.
59. The applicant shall comply with all conditions set forth in the April 22, 2021 document reviewed and approved and modified by the Township Fire Official dated May 25, 2021 which conditions are attached hereto and made a part hereof as Exhibit A.
60. The Board has granted de minimis exceptions from the RSIS standards requested by the Applicant and shall send a copy of this Resolution to the NJ DCA Division of Codes and Standards.

Resolution 21-014
Block 93 Lots 5.01, 5.02, 6.02
P/F Major Subdivision & Site Plan
Hopewell Parc

ROLL CALL ON THE MOTION – May 27, 2021

Yes - 7 No - 0 Absent - 4 Abstain - 0 Not Voting - 0

Belmont:	Yes	Parker:	Yes
Khare:	Absent	Peterson:	Yes
Kiss:	Yes	Swanson:	Yes
Kuchinski:	Yes	Sandom:	Yes
McLaughlin:	Absent	Paul:	Absent
Murphy:	Absent		

VOTE ON THE RESOLUTION – August 24, 2021

Yes - 6 No - 0 Absent - 1 Abstain - 0 Not Voting - 4

Belmont:	Yes	Peterson:	Yes
Kiss:	Yes	Sandom:	Absent
Kuchinski:	Yes	Swanson:	Yes
McLaughlin:	Not Voting	Paul:	Not Voting
Murphy:	Not Voting	Chait:	Not Voting
Parker:	Yes		

CERTIFICATION

I hereby CERTIFY that the foregoing is a true copy of a Resolution adopted by the Hopewell Planning Board at a duly advertised meeting held on August 24, 2021, at which a quorum was present.



Linda Barbieri
Secretary