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**MARLBORO TOWNSHIP PLANNING BOARD
RESOLUTION PB 1053-10**

<p>In the Matter of Camelot at Marlboro for Preliminary Major Site Plan Approval and Minor Subdivision.</p>	<p>FINDINGS OF FACT AND CONCLUSIONS OF LAW</p> <p>Block 132, Lot 18 Marlboro Township, Monmouth County Zone: CS, Commercial Service and LI, Light Industrial</p> <p>Application No. PB 1053-10 Approval Date: March 16, 2011</p>
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BE IT RESOLVED, by the Planning Board of the Township of Marlboro (Board) that the action of this Board on March 16, 2011, in this matter is hereby memorialized by the adoption of this written decision setting forth the Board's findings and conclusions.

RELIEF SOUGHT AND JURISDICTION

1. This application is the product of litigation between the Township and the applicant that began in March of 2002, when a predecessor company acquired a parcel commonly known as the "Entron Property." Thereafter, in November of 2002 the applicant then brought a builders' remedy suit against Marlboro alleging that the Entron Property was suitable for inclusionary development. Since negotiations between the applicant and Marlboro appeared to be productive, the applicant did not continue with the lawsuit. Subsequently, on or about July 6, 2004, the applicant and the then Township administration reached an agreement for the development of the Entron Property and also at or around this same time—in July of 2004—Marlboro petitioned the Council On Affordable Housing (COAH) for substantive certification and included in that plan was the Entron Property which Marlboro relied upon, in part, to satisfy its constitutional obligation to provide a realistic opportunity for the creation of affordable housing. The 2004 plan called for the construction of 365 units, of which 245 would be market rate/age restricted, and, 120 on-site affordable units of which 44 would be age-restricted and 76 would be family affordable units. Objections were then filed to Marlboro's plan. As a result of the filing of the foregoing objections, Marlboro was forced to undergo COAH mediation. An amendment was then made to the initial agreement and thereafter the Township enacted Ordinance No. 2005-319 which called for an inclusionary development on the Entron Property consisting of 245 market-rate units and 49 affordable age-restricted units. In addition, the developer was required to fund the cost of seventy-one (71) units via a Regional Contribution Agreement (RCA).
2. In December of 2005, Marlboro Township rescinded Ordinance 2005-319 by adopting Ordinance 2005-482, resulting in the Township seeking other locations to find an

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affordable housing development, which included the possible development of the Stattel Farms site. In 2006, the applicant again revived its prerogative writ action against the Township, challenging the rescission ordinance, and the matter went to the Appellate Division. In February of 2008, the new administration was confronted by a reversal by the Appellate Division and the case was reinstated. Prior to the new administration in late 2007, the matter could have been resolved by the Kleinberg administration's signature on the settlement agreement. Pursuant to the reinstatement of the litigation, Entron was placed back into the 2008 Fair Share Housing Plan to provide 250 market-rate units with 50 affordable family unit rentals. These rentals under the current COAH guidelines could provide a "double bonus" credits for the Township's affordable housing obligation, as they are low to moderate income rental units that provide double credits.

3. This is an application for preliminary major site plan approval to redevelop the 18.23 acre Entron site. The property is within the area regulated by the Entron Industries Redevelopment Plan in the north central portion of the Township. The property fronts on N.J.S.H. 79 northbound and Beacon Hill Road. Vehicular access will only be from N.J.S.H.79. The applicant seeks site plan approval for the residential development of 250 dwelling units on 15.35 acres of the Entron site. The remainder of the Entron site is planned for commercial redevelopment. This application is for site plan approval to demolish the existing buildings on the site and construct the residential component. The commercial area will be cleared and regraded.

The applicant revised its submission to include a minor subdivision application to create a separate 0.91 acre lot for the multifamily buildings which will be developed as affordable housing.

The Entron site was used for industrial purposes for many years. As a result of industrial use, it is classified as an active brown field site, which DEP defines as "any former or current commercial or industrial site that is currently vacant or underutilized and on which there has been, or there is suspected to have been, a discharge of contamination.

There are 10 buildings on the property of which four buildings are currently used.

4. The adjoining uses include the Coastal Learning Center and an age-restricted multifamily development to the north and a nursery to the south across Beacon Hill Road. The balance of the surrounding land uses are single family residences and small commercial uses.
5. The zoning for the areas abutting this tract include commercial zone districts [C-S Community Service and C-2 Neighborhood Commercial] along the highway frontage, Senior Citizen Multifamily District I to the north and the Land Conservation District zone district to the west and south of the tract

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6. The proposed construction under this site plan is for twelve (12) multifamily buildings, a community clubhouse and pool, the associated road, parking, utility, storm water management facilities and landscaping. Access to the development will be from Route 79 at the north side of the tract opposite Harnley Road; no access is proposed from Beacon Hill Road. A landscaped buffer is proposed along the perimeter of the tract and the storm water management basins are proposed along the southern portion of the tract adjoining Beacon Hill Road.
7. Fifty of the 250 dwelling units will be affordable low and moderate income family rental units developed according to COAH standards. The remaining two hundred units will be market rate housing. A tabulation of the proposed affordable units and market rate units by the number of bedrooms is provided below.

Bedroom Count	Market Units	Affordable Units	Total # of Units	% of Total
One Bedroom	40	10	50	20%
Two Bedroom	124	25	149	59.6%
Three Bedroom	0	15	15	6%
Two Bedroom with den	36	0	36	14.4%
Total	200	50	250	100%

The square footage of the affordable units is as follows:

- One Bedroom: 680 square feet;
- Two Bedroom: 920 to 935 square feet;
- Three Bedroom: 1,180 to 1,190 square feet.

The square footage of the market rate units is proposed as follows:

- One Bedroom: 795 square feet;
- Two Bedroom: 1,020 to 1,270 square feet;
- Two Bedroom w/den: 1,450 square feet.

8. The subject of this application is within the jurisdiction of this Board. The Board has acted within the time required by law.

THE APPLICANT

9. Applicant Camelot at Marlboro, LLC, 433 River Road, Highland Park, New Jersey 08904 is the contract purchaser of the property owned by Entron Industries, L.P. The LLC is under the umbrella corporation Kaplan Companies, at the same address, a principal of which is Jason Kaplan.
10. The applicant has certified that all property taxes for the subject property and all escrow fees required under the applicable ordinance(s) for such an application have been paid. This certification includes an agreement to pay all future monies due under the escrow ordinance for consultants and other professional work on the property.

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11. The applicant has submitted an Affidavit of Proof of Service of Notice published in the Asbury Park Press. The Proof of Service comports with the notice before the Board that this matter is of the character that the Applicant has presented to the Board.

THE HEARINGS

12. Two public hearings took place with regard to this application.
 - a. On February 16 and March 16, 2011 hearings took place before the Marlboro Township Planning Board at the Marlboro Municipal Building, 1979 Township Drive, Marlboro, NJ 07746-2299. A Technical Committee Review meeting took place on January 11, 2011 regarding this application, which reviewed the overall redevelopment plans, floor plans, affordable housing components, administrative agent requirements, drainage basin, and green building tech.

PLANS PRESENTED

13. The Board reviewed the following documents:
 - a. Preliminary and Final Major Site Plan (35 sheets) prepared by William Wentzien, P.E., of Cranmer Engineering PA dated December 1, 2010, last revised January 24, 2011.
 - b. Architectural Plans (14 sheets) prepared by JLM Design Group, Plymouth Meeting, Pennsylvania, dated November 29, 2010 for the Kaplan Company.
 - c. Emergency Vehicle Maneuvering Plan (1 sheet) prepared by Cranmer Engineering PA dated January 24, 2011, unrevised.
 - d. Minor Subdivision Plan (1 sheet) prepared by Cranmer Engineering PA dated January 24, 2011, unrevised.
 - e. Truck Overall Site Plan with red indicating no-parking areas, dated December 1, 2010, prepared by William Wentzien, P.E., of Cranmer Engineering PA.
 - f. Minor Subdivision Plan prepared by Vincent Creevy, PLS, of Cranmer Engineering PA, dated January 24, 2011.
 - g. Amended Road A Cross-Section dated February 11, 2011, by William Wentzien, P.E., of Cranmer Engineering PA.
 - h. Existing Land Use and Aerial Plan for Camelot at Marlboro, prepared by Thomas Planning Associates, February 11, 2011, showing neighboring sites and uses, including various commercial properties, industrial properties, vacant lands and single-family residences.

OTHER DOCUMENTS REVIEWED BY THE PLANNING BOARD

14. The Board reviewed the following documents submitted by the Applicant:
 - a. Stormwater Management Report (2 volumes) prepared by Cranmer Engineering, PA dated December 1, 2010, last revised January 24, 2011.

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- b. Traffic Impact Report prepared by Langan Engineering and Environmental Services, Inc. dated December 4, 2010; and Langan letter in response to Board professionals' questions dated January 25, 2011.
- c. March 10, 2011 letter from React Environmental Professional Services Group, Inc., addressing environmental conditions at the site, specifically that the project objective is to make the site safe for its planned use and comply with all relevant NJDEP regulations. That includes completing all investigations and remediation work necessary before, during and after residential/commercial redevelopment to allow for issuance of an appropriate response action outcome for the site, issued by the assigned licensed site remediation professional.
- d. Application PB #1053-10 submitted on January 24, 2011, by Cranmer Engineering, which included site plans, minor subdivision plans, site circulation plans, drainage report and soil boring and groundwater report prepared by Cranmer Engineering PA, dated January 24, 2011, unrevised.

EXHIBITS PRESENTED

15. The following exhibits were presented to the Board:
- a. 35-page preliminary site plan for Camelot;
 - b. Colorized site plan, aerial, dated November 29, 2010;
 - c. Aerial of site location and uses in the surrounding area dated February 11, 2011;
 - d. Package of 25 architectural drawings dated November 29, 2010;
 - e. 15-sheet floor plan exhibit dated November 30, 2011;
 - f. Minor subdivision plan dated January 24, 2011;
 - g. November 29, 2010 phasing plan for the site;
 - h. No-Parking Zone area plans;

TOWNSHIP EXPERT REPORTS

16. At the hearing, the Board considered the following reports presented by Township officials:
- a. B-1, December 30, 2010 report of Township of Marlboro Environmental Commission, which made certain recommendations including obtaining a Letter of Interpretation from the NJDEP, obtaining approvals from NJDOT, NJDEP, Monmouth County/Freehold Soil Conservation District and the Water Department.
 - b. The applicant shall submit a site investigation/soil boring report and it shall be acknowledged by the report that there is considerable groundwater monitoring going on at the site.
 - c. B-2, Letter dated February 14, 2011 from Marlboro Township Historic Preservation Advisory Committee, which reviewed the site and made certain recommendations with regard to the preservation of a building on site named "Liberty Hall" which has some historic significance. However, Board

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- members have also reviewed the building with the Board Engineer and found that the building cannot be preserved.
- d. B-3, Traffic Safety Bureau memorandum dated February 9, 2011, which reviewed the Langan Engineering traffic report, and made certain recommendations with regard to NJDOT review of the site, emergency access to the site and no-parking area on the site, as are listed in the No-Parking Map supplied by the Project Engineer.
 - e. B-4, February 7, 2011 report of Marlboro Township Fire Sub-Code Official/Fire Inspector John W. Borden, who made certain recommendations, including requiring that the proposed street names be submitted to the Township, that the island in the main entrance be removed, compliance with the state law requirement for fire lanes, that a fire hydrant be located at the clubhouse, that he still had concerns with regard to emergency vehicle access to the site requiring that all access be 20 feet wide, that certain areas of the site be marked "No Parking – Fire Lane.
 - f. B-5, February 14, 2011 letter from Bob Miller, Buildings & Grounds, recommending that the Township not assume responsibility for any on-site improvements, including streets, detention basins, underground basins, walls and sidewalks.
 - g. B-6, February 10, 2011 letter from Bob Miller, Buildings & Grounds, stating that the development shall be maintained by an association, that he believed there are still issues with regard to the planned stormwater management system and the use of underground basin that cause concern regarding longevity and proper operation. He stated that with regard to the system, it needs a better design so it can be remediated and that he has concerns with the lack of flow in the storage area, that sediment and debris would collect over time and reduce capacity. He also had a problem with the proposed vertical wall basin, that there is no access to the basin. He suggested a ramp access way was needed that would support the weight of at least a back-hoe to allow entry of maintenance equipment. He also had concerns with the out-flow onto Beacon Hill Road and into stormwater facilities there. With regard to planting of trees, he stated all trees must be planted and burlap removed, including all material around the root ball at planting.
 - h. B-8, February 10, 2011 report of Planning Board Engineer CME Associates, by Ernest J. Peters, Jr., P.E., P.P., CME, with attached Technical Engineering Review No. 1, dated February 10, 2011.
 - i. B-5, February 3, 2011 report of T & M Associates by Richard S. Cramer, PP, AICP, Board Planner.

TESTIMONY AND PUBLIC INPUT

17. The applicant and its attorneys presented the following witnesses:
February 16, 2011 Hearing:
- a. The applicant was represented by Gerald N. Sonnenblick, Esq., of Sonnenblick, Parker & Selvers, PC, 4400 Route 9 South, Freehold, NJ 07728.

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Mr. Sonnenblick presented several witnesses, including Thomas A. Thomas, P.P., partner in Thomas Planning Associates Group, LLC, applicant's planner; Jason Kaplan, principal of applicant's umbrella company, Kaplan Companies; Jerry F. Naples, Jr., from React Environmental Professional Services Group, Inc., the environmental consultant; William T. Wentzien, P.E., principal engineer of Cranmer Engineering PA, site plan architect; Carl A. Pehnke, P.E., PTOE, Associate with Langan Engineering & Environmental Services, traffic engineers; Terry Morgan, AA, AIA, partner with JLM Design Group, Registered Architects PA New Jersey/New York.

- b. First to testify was William Wentzien, P.E., project engineer, who reviewed with the Board Exhibits A, B and C as to the site location and current uses. He referenced the Route 79 intersection of Beacon Hill Road and the redevelopment plans for the area. He stated that this property was zoned multi-family redevelopment district overlay with commercial redevelopment district overlay as well. He said that the property is U-shaped with a school use inside the U. It is surrounded by single-family homes and commercial uses, including a nursery. There would be 250 residential uses, 200 market-rate and 50 affordable units.
- c. Next to testify was Terry Morgan, AIA, architect, who is a partner with JLM Design Group, and he has been involved with the project for the last three years. He worked with the Township Planner on the redevelopment of the property. He reviewed with the Board Exhibit D and the architectural plans for the project. He stated that there would be three-story buildings along Beacon Hill Road where the affordable units would be located, some of which would have carriage garages. All are fronted to the inside of the property. The market-rate units would be on the other side of the property and would also be multi-floor units. In reviewing Exhibit E, it was stated that the first floor of a lot of the units would have the garages, for the market-rate units.
- d. Next to testify was Jason Kaplan, who was a principal of Kaplan Companies. He described the overall application. He reviewed with the Board the clubhouse architecture, exercise room and meetings rooms and so forth. He stated that the clubhouse and exercise room could be used by all, including the affordable housing tenants. He stated that there would be no long hallways in any of these structures. He was assisted in testimony by Terry Morgan, who went on to review the entrances and exits at the site. Dumpster locations would be enclosed and are designed so that trucks will not have to reverse and disturb the peace with the warning signals from such reversal. He assured the Board that the developer would maintain all dumpster locations. Mr. Kaplan assured that his company will comply with all requirements of the Board and professionals.
- e. Next, Mr. Morgan reviewed the central building, which would function as the location for postal boxes, like a post office. It will be available for all residents.
- f. Next to testify was William Wentzien, P.E., project engineer, who reviewed with the Board Exhibit D, colorized site plan showing how the property would

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be developed. He reviewed how the structures would be phased in, including the construction of the affordable housing units and the commercial units. He reviewed Exhibit F, minor subdivision plan showing how the property would be subdivided for financing purposes, whereby the portion of the property containing the affordable housing units will be subdivided off from the remainder of the property. However, he assured the Board that the property would still be operated as one property and that buffering would be adequate for all portions of the property. Next he reviewed Exhibit G, which is the November 29, 2010 phasing plan for construction. He followed with Exhibit H, which is the No Parking zone areas where the developer will restrict parking in order to provide adequate ingress and egress as well as for emergency vehicles.

- g. He stated that building coverage allowed for this zone is 20% and here it is 16%. Maximum impervious coverage allowed is 55%; here it is 39%. He then reviewed buffering which requires a 25-foot separation; in some places it is only 10 feet wide. However, he emphasized that the project in general is designed to follow the redevelopment plan. He then reviewed the Board's expert reports and stated that the applicant would comply. He specifically pointed out that he would comply with the Borden report on emergency vehicle access and emergency services for the site.
- h. With regard to stormwater drainage, he stated that there would be two above-ground basins and six below-ground basins, and that the system would be 100% closed. Finally, he stated that there would be adequate water and sewer for the project.
- i. He went on to state that the complex is ADA compliant for the first floor, as is required under COAH rules for affordable units. There are no elevators in the buildings.
- j. Next to testify was Carl A. Pehnke, P.E., of Langan Engineering. Mr. Pehnke reviewed his traffic impact study with the Board members, including traffic counts. He reviewed access drives that are required to be NJDOT-compliant. He stated that the applicant was currently in the pre-approval process for access to the site from a state road. He stated that access to the site will not be a problem.
- k. He stated that the nearby Wildflower affordable housing and market-rate unit project was looked at for traffic count and that it would not affect this project. He stated that the parking on-site would work. There would be an association controlling use of parking spaces. He further stated that he would work with Mr. Borden to assure 30-foot separation from buildings. There were no health and safety issues with regard to traffic circulation. He stated that he would need a waiver for the construction of 9 x 18' parking spaces, as the ordinance requires 10 x 20'. Parallel stalls are 23 feet long.

March 16, 2011 Hearing:

- 1. Board Engineer Laura Neumann, P.E., was in attendance at this hearing.

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- m. Mr. Naples from React Environmental Professional Services Group, Inc., testified first, reviewing with the Board the clean-up goals for the site and what has been done so far. He stated that the site used to be industrial uses, and it needed to be remediated. He reviewed the clean-up process, which will be done prior to building on site, and stated that they would be obtaining an RAO letter from the NJDEP.
 - n. He went on to state that the site is uniquely set and will need ongoing monitoring. He referred to the REPSG March 10, 2011 report stating that there were some contaminated hot spots above and below ground which will need remediation and removal. He estimated that the cost to clean up the site is between \$3 and \$5 million, and will take 8-16 months. He stated that the site was a typical brown field that he has dealt with many times and, like before, will be following the guidelines set forth by NJDEP. He stated that an RAO letter would also need to be obtained.
 - o. The Historical Advisory Committee report was then reviewed and "Liberty Hall" became the focus of the Board. Liberty Hall is a building on the site that is filled with asbestos. It is not able to be moved and it has no known historical value. Board member Frank LaRocca (Councilman) was a supporter of the building's restoration but has since toured the building and states that nothing further can be done.
 - p. Next to testify was Mr. Kaplan and the planner, Thomas A. Thomas, P.P., who reviewed again the phasing and the affordable housing component. He stated that the first phase would include 30 affordable units (80 market). Mr. Kaplan agreed that he would comply with all requirements of Board Planner Richard Cramer's reports and Board Engineer Ernest Peters' reports.
18. The following Township staff gave advice to the Board:
- a. Richard S. Cramer, P.P., Planning Board Planner. The Board professional reviewed the standards for approval of this application and gave opinion regarding its legitimacy. He stated that the Board can deviate from the requirements of the zone for low and moderate-income housing. Mr. Cramer stated that technical subdivision was allowed and that his concerns regarding the size of the buffers were alleviated. He stated that the applicant met the goals of redevelopment and is green and sustainable.
 - b. Ernest J. Peters, Jr., P.E., Planning Board Engineer. The Board professional reviewed the standards for approval of this application
 - c. Michael W. Herbert, Esq., Planning Board Attorney. The Board professional reviewed the standards for approval of this application and gave opinion regarding its legitimacy. At this time, the history of the litigation was reviewed by the Board as stated in the beginning of this resolution and was agreed to by the applicant.
19. Members of the public who testified with regard to the application:

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- a. Russell Reeves of 98 Reedsville Road stated that he has property along Beacon Hill Road and was concerned about the landscape buffer on Beacon Hill Road. He wanted more evergreens to be placed there.
- b. Art Raskin, 411 Route 79, asked if public funds are being used to clean up, to which applicant responded they were not. He also worried about enough parking spaces on site because he did not want people to use Route 79 as a parking area. Applicant responded that there would be adequate parking. He was also worried about construction traffic, which applicant stated would comply with all local ordinances. Finally, regarding drainage basins, applicant agreed that there would be adequate access to the basin around the vertical portion of it. The applicant also agreed to provide all environmental information for the site to the Board Engineer.

**FINDINGS AND CONCLUSIONS REGARDING
PRELIMINARY SITE PLAN APPROVAL**

20. Nature of the application:

- a. The subject 18.2 acre property contains bifurcated frontages of 393 feet and 131 feet along the east side of NJ State Highway Route 79 to the west and 1,067 feet of frontage along Beacon Hill Road to the south within both a CS (Commercial Service) and a LI (Light Industrial) Zoning Districts. The site frontages along Route 79 are separated by two lots, one of which is developed with a single-family residential use (Lot 16), and the other is a Coastal Learning Center (Lot 17), currently vacant. The subject site is utilized by Entron Industries and contains a 68,635 s.f building, a 6,342 s.f. building, a 4,677 s.f building, and a 10,365 s.f. building. In addition, the site contains various gravel surface parking, storage, and loading areas with one gravel access driveway along Route 79 near the Beacon Hill Road intersection, and two access gravel driveways along Beacon Hill Road. The eastern property line is encumbered by a 25 foot wide ingress/egress easement dedicated to the Marlboro Township Municipal Utilities Department to access a water supply tank on adjoining Lot 19. The northern and eastern portion of the site is heavily wooded, and public water and sanitary sewer services are available.
- b. Pursuant to Ordinance 2010-9, the subject property was designated as an area in need of redevelopment. Said Ordinance adopted an "Entron Industries Redevelopment Plan" prepared by Heyer, Gruel & Associates dated February 2010 as the controlling document guiding future development of the property. The site was designated for development to include not more than 250 multi-family dwelling units of which at least 50 units would be designated as affordable housing units. In addition, the site was designated to be developed for office, retail, and restaurant uses on a portion of the property at the Route 79 and Beacon Hill Road intersection.
- c. The Applicant proposes a phased development consistent with the Redevelopment Plan, specifically, consisting of the subject multi-family residential development and future office, retail, and restaurant development.

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At this time, the Applicant is seeking approval for the multi-family residential development only.

- d. The multi-family development encompasses approximately 15.3 acres of the overall tract, and specifically consists of the following:
- i. 200 market rate dwelling units and 50 affordable housing units within 9 three-story buildings and 3 four-story buildings.
 - ii. A 44-foot-wide boulevard style access drive from Route 79.
 - iii. An emergency gravel driveway from Route 79.
 - iv. An internal roadway network.
 - v. Off-street parking for a total of 236 vehicles.
 - vi. A community/clubhouse building with an outdoor pool and patio area.
 - vii. Public water service via connection to an existing main along Beacon Hill Road, as well as along Route 79.
 - viii. Sanitary sewer service via connection to an existing main along Beacon Hill Road.
 - ix. Two detention basins and six underground basins to handle the increase in stormwater runoff. It should be noted that said basins ultimately discharge into existing drainage systems along both Beacon Hill Road and Route 79.
 - x. Additional improvements include landscaping, lighting, mailbox shelter, a maintenance building, and refuse enclosures throughout the multi-family development.
- e. The above noted improvements will be constructed in phases, as outlined below:
- Phase 1
- i. Construction of the 44-foot-wide boulevard-style access and the emergency gravel drives along Route 79.
 - ii. Construction of 5 multi-family residential buildings containing 110 units.
 - iii. Construction of a clubhouse building and amenities, mailbox shelter, and maintenance building.
 - iv. Interior roadways including 106 parking spaces.
 - v. Surface stormwater basins.
- Phase 2
- i. 4 multi-family buildings containing 80 units.
 - ii. Interior roadways including 72 parking spaces.
- Phase 3
- i. 3 multi-family buildings containing 60 units.
 - ii. Interior roadways including 58 parking spaces.
- It should be noted that any proposed phasing of utility, landscape, and other additional site improvements is not clearly evident at this time.
- f. In addition to the above, the Applicant is seeking Minor Subdivision approval

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- to create two (2) lots within the multi-family component of the development. Proposed Lot 18.02 will be 0.9 acres in size, and contain the affordable housing units, specifically Buildings 8 and 9. Proposed Lot 18.01 will be 17.3 acres in size, and contain the market rate units/buildings, clubhouse building, and the future commercial development.
- g. In general, the Applicant has made the following plan revisions:
- i. An emergency access drive has been provided from Route 79.
 - ii. Guide rail has been provided along Road A at the detention basin.
 - iii. A fence has been provided around the detention basin located along Beacon Hill Road. It shall be 6 feet in height.
 - iv. The site identification sign has been revised to comply with the redevelopment plan.
 - v. The COAH units (Buildings 8 and 9) will be located on a separate lot.
 - vi. A site circulation plan has been provided.
 - vii. The distance from the back of Buildings 7, 8, and 9 to the detention basin along Beacon Hill Road has been increased.
 - viii. Various grading, drainage, and landscaping revisions.
- h. Relationship to Township Master Plan and Zone Plan
- i. Master Plan. The Entron site was proposed for redevelopment as an inclusionary development for affordable housing in the Township Master Plan Housing Element and Fair Share Plan adopted by the Planning Board in December 2008.
 - ii. In 2009, the Marlboro Township Council authorized the Planning Board to undertake a preliminary investigation to determine whether the Entron Site (Block 132 Lot 18) was an area in need of redevelopment under the Local Housing and Redevelopment Law. By resolution adopted on August 5, 2009 the Marlboro Planning Board determined that the subject property met the criteria to be classified as an area in need of redevelopment and recommended same to the Township Council. The Township Council subsequently adopted a resolution on September 10, 2009 designating Block 132 Lot 18 as a Redevelopment Area.
 - iii. In May 2010, the Township adopted by Ordinance 2010-9 the Entron Industries Redevelopment Plan to regulate the future use and development of Block 132 Lot 18. The Redevelopment Plan divides the 18 acre Entron Redevelopment Area into two districts: the Office-Commercial district and the Multi-Family Residential District.
 - iv. The Redevelopment Plan districts for the Entron site supersede the underlying zoning.
 - v. The approximately 2 acre Office-Commercial district on the Entron site permits the development of office, retail sales, restaurants and banks.
 - vi. The approximately 15 acre Multi-Family Residential district permits the development of multi-family residential housing, including a maximum of 200 family market rate units and a minimum of 50 affordable units.
 - vii. The redevelopment of the Entron site for affordable housing continues to

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be part of the Revised Housing Plan Element and Fair Share Plan adopted by the Planning Board in 2010.

viii. The preliminary site plan application of Camelot LLC to develop 250 multi-family dwelling units at the site, of which 50 will be affordable family rental units, is consistent with the recommendations of the Township Revised Housing Plan Element and Fair Share Plan.

- i. The applicant shall identify the entity which will own and operate the community building/clubhouse and pool, and the facility should be available to the affordable units as well as the market rate units. A schedule should be established for the completion of the clubhouse and recreation facility. The schedule should require completion before the issuance of a specified number of building permits. The Kaplan organization will own and maintain the community building/clubhouse and pool and that its use will be available to the tenants of the affordable units. The revised site plan includes the community building/clubhouse and pool as part of the Phase 1 construction.
- j. A tot lot/playground shall be included as part of the recreation facilities and located in proximity to the pool and clubhouse for the convenience of all the residents.

21. **Board findings:**

- a. The Board grants preliminary major site plan approval with variances.
- b. The Board finds that there is no negative impact upon the public's health, safety and welfare, nor upon the local zoning codes for this area of the Township.
- c. The Applicant shall comply with all testimony placed in the record before the Board as well as with regard to all requests of Board members and Board professionals.

CONDITIONS REQUIRED

22. The Board finds that in order to address the concerns expressed in the course of the hearing, and to limit the relief to that which is reasonably necessary to satisfy the Applicant's legitimate requirements, the relief granted is subject to the following conditions, and non-compliance shall result in the rescission of this approval:

- a. Applicant shall complete all investigations and remediation work necessary before, during and after residential/commercial redevelopment to allow for issuance of an appropriate response action outcome for the site, issued by the assigned licensed site remediation professional, pursuant to the March 10, 2011 letter from React Environmental Professional Services Group, Inc
- b. Regarding drainage basins, there shall be adequate access to the basin around the vertical portion of it.

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- c. The applicant shall provide all environmental information for the site to the Board Engineer.
- d. The applicant shall comply with N.J.S.A. 5:97-3.14, Accessible and Adaptable Affordable Units Statute, for all affordable units on site.
- e. This application is subject to the requirements of the Residential Site Improvement Standards (RSIS) adopted as N.J.A.C. 5:21-1 et. seq. The applicant has not requested any waivers or *de minimus* exceptions from the RSIS requirements. An agreement to exceed said requirements shall be filed with DCA for all proposed improvements which exceed the RSIS.
- f. The need to submit an updated Site Investigation and Soil Sampling Report. The Stormwater Management Report indicates that there is considerable soil and groundwater contamination resulting from past use of the property. The report includes excerpts from a Remedial Investigation Report, and correspondence from the NJDEP Site Remediation Program wherein groundwater and soil contamination is discussed. The date of the reports and correspondence are approximately 8-9 years old. The Applicant shall indicate the status of the NJDEP review of the case. It appears that while the aforementioned report excerpts recommended further investigation and possible remedial action, it is not clear from the submitted documents whether same has been undertaken. The Applicant shall submit information as to the status of the remedial efforts to the Board Engineer on a timely basis.
- g. The applicant stated that the commercial development will occur after the residential development is up and running.
- h. Proposed phasing of utility, landscaping, lighting and additional site improvements shall be clarified. Applicant stated that a more specific phasing plan shall be submitted on a timely basis.
- i. The timing associated with the existing building demolition, specifically those buildings which are located on the lot for future commercial development. A more specific plan shall be submitted on a timely basis.
- j. The need for any improvements (curb, sidewalk, widening, right-of-way dedication, etc.) along either the Route 79 and/or Beacon Hill Road site frontages. The applicant shall submit a curb, sidewalk widening and right-of-way dedication to the Board Engineer for review.
- k. The disposition of the fence encroachment from adjoining Lot 17 along the existing paved driveway, as well as the driveway encroachment onto the subject property from adjoining Lot 15. The fence will be left alone.
- l. The ownership and maintenance responsibilities for the above ground and underground detention systems shall be done by applicant/owner. An easement shall be provided to the Township for any necessary maintenance in the event of an emergency and/or failure.
- m. The applicant will file a subdivision plat.
- n. Demolition Plan. The site plan package did not contain a demolition plan. A demolition plan shall be submitted by the applicant.
- o. Tree Removal. The applicant's tree removal and replacement plan is subject to the review and recommendations of the Board Engineer.

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- p. Title 39. Title 39 Traffic Enforcement shall be requested by the applicant so that the Marlboro Township Police Department can enforce Township Traffic Laws within the new residential development.
- q. Commercial Phasing. The applicant shall identify the schedule for the development of the commercial area. *An appropriate plan for the stabilization and landscaping of the commercial site shall be submitted for review and approval by the Board Engineer.*
- r. Applicant shall use silt fence around all construction activities, in accordance with Township regulations.
- s. Applicant shall comply with the Marlboro Township back fill ordinance regulations for the site.
- t. The Applicant shall comply with all requirements of the Police officials.
- u. Applicant shall comply with the comments contained in the report of Township Planning Board Engineer CME Associates, by Ernest J. Peters, Jr., P.E., P.P., CME, with attached Technical Engineering Review No. 1.
- v. Applicant shall comply with the comments in the report of Marlboro Township Fire Sub-Code Official/Fire Inspector John W. Borden.
- w. Applicant shall comply with the comments in the reports of T & M Associates by Richard S. Cramer, PP, AICP, Board Planner, excluding the exceptions placed upon the record and agreed to by the Board.
- x. Applicant shall monitor and immediately take necessary action to remediate any flooding or damage on site and to neighboring properties caused by applicant during and after construction.
- y. Applicant shall submit maintenance plans and confirming reports for the site after it is built; this applies specifically to underground basins.
- z. Applicant shall augment the buffer located along Beacon Hill Road with evergreens as much as possible.
- aa. Due to the fact that this is a subdivision application, easements will need to be established and reviewed by the Board Attorney for Lots 18.01 and 18.02 for cross access parking, drainage, and related items. Also, the use of Lot 19.02 will be restricted to affordable housing in accordance with the Redevelopment Plan.
- bb. Applicant must obtain all other required approvals, including:
 - i. Monmouth County Planning Board
 - ii. Freehold Soil Conservation District
 - iii. NJDEP – Letter of Interpretation (LOI)
 - iv. NJDOT Access Permit
 - v. Marlboro Township Environmental Commission (Advisory)
 - vi. Marlboro Township Fire Bureau
 - vii. Marlboro Township Police Department
 - viii. Marlboro Township Water Company
 - ix. Any other local, county, state or federal jurisdictions that may require approval.

VARIANCES AND WAIVERS REQUESTED AND GRANTED

18. The Applicant requested the following variances:

- a. *Ordinance 2010-9* - A 10 foot wide landscaped buffer shall be provided along the Office-Commercial District boundary; 4.4 feet is proposed from the future subdivision line for the proposed Commercial component (Lot 18.01).
- b. *Ordinance 2010-9* - A minimum four foot offset shall be provided every 30 feet length of the wall plane of a building; the proposed building length is to be 92 feet without an offset for Lot 18.01 and 82 feet appears proposed for Lot 18.02.
- c. *Ordinance 2010-9* - The minimum required lot area is 15 acres; 0.9 acres is proposed for Lot 18.02.
- d. *Ordinance 2010-9* - The maximum building and structure coverage is 20%; 53.9% is proposed for Lot 18.02.
- e. *Ordinance 2010-9* - The maximum impervious coverage is 55%; 76.2% is proposed for Lot 18.02.

19. In addition to the above, the following variance is necessary:

- a. *Section 220-97C(6)* - No parking shall be permitted within 30 feet of the outer walls of any structure.

20. Waivers requested:

- a. The site plan generally conforms to the Entron Industries Redevelopment Plan for the Multi-Family Residential District as adopted by the Township, except for deviations related to building length and buffering. As a result of the proposed subdivision, there will also be deviations for minimum lot area, maximum impervious coverage, and maximum building and structure coverage for proposed lot 18.02. Proposed lot 18.02 will be developed with the two multi-family buildings for affordable housing. Proposed lot 18.01 will be located partly within the commercial district and partly within the residential district.

The subdivision will result in the following deviations:

Minimum Residential District Lot Area:

15 acres required, 0.91 acres proposed for Lot 18.02: Does not comply;
therefore, a waiver is granted due to proofs presented by applicant

Maximum Residential District Building Coverage:

20% permitted, 53.93% proposed on Lot 18.02: Does not comply;
therefore, a waiver is granted due to proofs presented by applicant

Maximum Residential District Impervious Lot Coverage:

55% permitted, 76.25% proposed on Lot 18.02: Does not comply;
therefore, a waiver is granted due to proofs presented by applicant

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b. Building and Design Standards.

Maximum Building Length: 240 feet	Complies
Maximum Number of units per Building: 30	Complies
Minimum side to side setbacks: not less than 20 feet	Complies
Minimum front to front distance: not less than 65 feet	Complies
Minimum back to back distance: not less than 50 feet	Complies
Building façade offsets (4' offset for 30' length of building wall plane) therefore, a waiver is granted due to proofs presented by applicant	Does not Comply;
Pitched roofs	Complies

c. Additional standards.

No vehicular access to Beacon Hill Road	Complies
Pedestrian and vehicular connection to Office-Commercial	Complies
Landscaped buffer of 10 feet along the Office-Commercial district boundary therefore, a waiver is granted due to proofs presented by applicant	Does not Comply;
Minimum 25% of parking within/under buildings	Complies
Parking Spaces - Required 10 x 20 therefore, a waiver for 9 X 18 spaces is granted	Does not Comply;

d. Deviations. The Redevelopment Plan authorizes the Planning Board to grant deviations from the Redevelopment Plan regulations and standards where the purposes of the Redevelopment Plan would be advanced and the benefits of granting the deviation outweigh any detriments and can be granted without resulting in substantial detriment to the public good.

The applicant is requesting that the Board approve the following deviations from the Redevelopment Plan:

- i. Width of the landscaped buffer between the residential and commercial areas: 4.4 feet proposed and a minimum of 10 feet required.

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The applicant indicates that the buffer will be satisfied on the commercial site plan. This shall be shown on the site plan.

- ii. Building façade: The maximum length of a façade without an offset is 30 feet, 92 feet is proposed for the market rate buildings; 82 feet is proposed for the affordable buildings.

The applicant provided testimony to the Board on the rationale for each requested deviation and demonstrate to the satisfaction of the Board that the deviations promote the purposes of the Redevelopment Plan.

21. To be entitled to variance relief, the applicant must provide proof to satisfy the positive and negative criteria pursuant to N.J.S.A. 40: 55D-70c for the bulk variances:
 1. Positive Criteria. The applicant must prove either a hardship in developing the site in conformance to the zone standards due to exceptional narrowness, shallowness, or shape of the property; or due to exceptional topographic conditions or physical features uniquely affecting the property; or due to an extraordinary and exceptional situation affecting the property or its lawful existing structures. Alternatively, the applicant may satisfy the positive criteria by demonstrating that the variance relief will promote a public purpose as set forth in the Municipal Land Use Law (N.J.S.A. 40:55D-2) and thereby provide improved community planning that benefits the public and the benefits of the variance substantially outweigh any detriment.
 2. Negative Criteria. The applicant must also show that the bulk variances can be granted without substantial detriment to the public good or substantially impairing the intent and purpose of the zone plan. This requires consideration of the impact of the proposed variances on surrounding properties and a determination as to whether or not the variance would cause such damage to the character of the neighborhood as to constitute a substantial detriment to the public good.

22. Affordable Housing Component of the application:
 - a. The fifty affordable rental units are part of the Township plan for addressing the Township affordable housing obligation. The applicant shall submit an affordable housing plan for the affordable units to establish compliance with the applicable rules and regulations of the Council on Affordable Housing (COAH) and document that the units will be creditworthy as affordable units.
 - b. The first five buildings will include 80 market-rate units and 30 affordable units, along with a clubhouse and maintenance building. Phase 2 will be four buildings, which will include 60 market-rate units and 20 affordable units. Phase 3 will be three buildings, which will contain 60 market-rate units.

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CONCLUSION

Based upon the foregoing, the Marlboro Township Planning Board, at its March 16, 2011 meeting, voted to approve the application.

This Resolution of Memorialization was adopted on May 4, 2011 by a vote of the majority of the members present, who voted to approve the relief sought by the Applicant.

The date of decision shall be March 16, 2011, except that the date of the adoption of this memorializing resolution is the date of decision for purposes of (1) mailing a copy of the decision to the Applicant within ten (10) days of the date of the decision; (2) filing a copy of the decision with the administrative officer; and (3) publication of a notice of this decision. The date of the publication of the notice of decision shall be the date for the commencement of the vesting protection.

ROLL CALL VOTE ON APPLICANT'S
REQUEST FOR PRELIMINARY SITE PLAN
AND MINOR SUBDIVISION APPROVAL
MARCH 16, 2011

Moved By:

Gupta

Seconded By:

La Rocca

Those in Favor:

*Bergh, Betoff, Gupta, Josephs, La Rocca,
Hornik, Mesinger, Rosenwald*

Those Opposed:

none

Those Absent:

Barenburg Pargament, Pollak, Negt

ROLL CALL VOTE ON MOTION TO APPROVE
RESOLUTION OF MEMORIALIZATION, MAY 4, 2011

Moved By:

Bergh

Seconded By:

Rosenwald

Those in Favor:

*Bergh, Betoff, Gupta, Josephs, Mesinger,
Rosenwald*

Those Opposed:

none

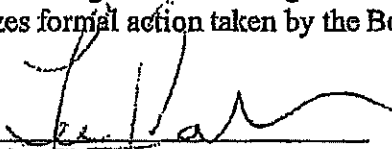
Those Absent:

La Rocca, Hornik, Negt

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CERTIFICATION

We do hereby certify that the foregoing resolution was adopted by the Marlboro Township Planning Board at its regular meeting held on May 4, 2011. This resolution memorializes formal action taken by the Board at its regular meeting held on March 16, 2011.



Larry Josephs, Chairman
Marlboro Township Planning Board

s:Marlboro-Camelot resol-042711 final