

HAINESPORT TOWNSHIP JOINT LAND USE BOARD MINUTES

Time: 6:30 pm

October 4, 2023

1. Call to Order

The meeting was called to order at 6:30 pm by Mr. Krollfeifer.

2. Flag Salute

All participated in the Flag Salute

3. Sunshine Law

Notice of this meeting was published in accordance with the Open Public Meetings Act By posting on the municipal bulletin board, publication in The Burlington County Times and Courier-Post Newspapers, and by filing a copy with the Municipal Clerk

4. Announcement of “No new business after 10:30 PM”

5. Roll Call

Present: Mr. McKay, Mrs. Kelley, Mrs. Gilmore, Mr. Tricocci,
Mrs. Tyndale, Mrs. Baggio, Ms. Kosko, Mr. Bradley,
Mr. MacLachlan, Mr. Krollfeifer

Absent: Mayor Clauss, Mr. Noworyta, Mr. Murphy

Also Present: Robert Kingsbury, Esq., Board Attorney
Scott Taylor, Planner
Martin Miller, Engineer
Paula Tiver, Board Secretary
Kathy Newcomb, Zoning Officer

6. Items for Business

**A. Case 23-13: The Arc of Burlington County
Block 11 Lots 2.05 & 5.04
1015 Deacon Road
Preliminary & Final Site Plan
Use Variance
Attorney: Patrick McAndrew**

Proper notice was given.

Mrs. Gilmore and Mr. Bradley (mayors) recused themselves due to a use variance.

Patrick McAndrew: Good evening, I am Pat McAndrew representing the applicant, I'm going to have three potential witnesses. Bill Nicholson, our planner engineer, Dwayne

Belton, our contractor and Joanne Nadolski, who is the principal director of the organization.

Mr. Kingsbury swore in the witnesses.

Mr. McAndrew: In terms of a presentation, I was going to have Ms. Nadolski give an overview of the use. It is a non-conforming use which we are modifying slightly with these two structures. That's what gives rise to the use variance issue and then I'll have Bill Nicholson do the engineering and planning testimony. Mr. Belton is available in case there is a contracting type question that we can answer. In terms of focusing on this. This facility has been there many years and is a non-conforming use at this point. It's being modified really to have shelter, both on the entrance. So, we have a portico for drop off and pickup to keep people out of the elements. We have an activities area that used to be a pool. The pool has been removed, but we still use it for activities. We want to put a pavilion there, a roof, much like we have in parks nearby. That it gives shelter people who are outdoors, doing activities, whether it's play or other things, training. The idea is that we're not really changing the facility in terms of the building square footage, the employees, the hours, the nature of use, but we're giving shelter in these two spots. We're using the entrance and we're using the pavilion area. We don't have any shelter for it. So, with that in mind. Ms. Nadolski can you tell us about yourself like how long you've been with the organization what your job is?

Ms. Nadolski: I have been there 37 years in various positions and I'm currently the Executive Director of the Arc of Burlington County.

Mr. McAndrews: In general terms, what is the use and how does it operate?

Ms. Nadolski: It is used currently for adults with developmental disabilities as a day hab. So, they meet there. There are various activities ranging from personal care and do community outings. I don't know do you need to know how many people are currently there and getting services?

Mr. McAndrew: I'm sure you're licensed for a certain number, is that number going to change as a result of these structures?

Ms. Nadolski: We have allotted for 39 and we currently have maybe 29. So that would allow 10 more people to come in and get services, but that's what the building will allow as well.

Mr. McAndrew: That is what your license allows.

Ms. Nadolski: Yes.

Mr. McAndrew: The facilities that we're providing here, the portico and the pavilion. They're not per say increasing anything.

Ms. Nadolski: No, it doesn't change anything.

Mr. McAndrew: It doesn't change your hours.

Ms. Nadolski: No, it changes nothing.

Mr. McAndrew: How do your client's come and go.

Ms. Nadolski: They are transported in. We have staff that pick them up at areas, either a residential group home or from their own homes. The staff use their vehicles to drive in and they pick up a vehicle, go out, pick them up, and drop them off. Then stay for the remainder of the shift.

Mr. McAndrew: When you have the portico, the idea is that these vans can go into the portico and drop people off.

Ms. Nadolski: Especially if someone, let's say they are using a wheelchair, walkers, it would make it a lot easier and nicer for them to have a protective cover. That's really the key point on this is so that they can be dropped off under a protective cover.

Mr. McAndrew: What's the purpose of the pavilion area in the field.

Ms. Nadolski: When we lost the pool, which had kind of out lived its usefulness and it was in disrepair. We decided that we lost a recreational area. So, the pavilion would offer that and it offers more seasonal use, they can use it through the fall and maybe even early winter. It just gives them an opportunity to have an area that's recreational. They can eat lunch out there and do even some of their activities.

Mr. McAndrew: The pavilion gives them a roof area that's shelter, out of the sun, and elements.

Ms. Nadolski: Correct.

Mr. McAndrew: How many employees do you have and is that going to change as a result of this application?

Ms. Nadolski: It could change but not really, dramatically. Not really. We currently have five, it could go up to six.

Mr. McAndrew: How does trash work today and how is your lighting? Let's go through some of the site issues.

Ms. Nadolski: We currently have a dumpster from Waste Management. It gets picked up once weekly. We also I think utilize some of the front building utilizes the township recycle and trash, they don't generate enough though. We have the additional dumpster for any increased trash that we might have. That's tucked away kind of towards the back of where we have a garage. It's not really in the way.

Mr. McAndrew: It is not visible from the street.

Ms. Nadolski: Not really.

Mr. McAndrew: The front building is for offices.

Ms. Nadolski: We actually have 10 people who are in that building as well. There's 10 senior people.

Mr. McAndrew: What's in the back building?

Ms. Nadolski: Currently 29 and could go up to 39. That's the goal.

Mr. McAndrew: How is parking in terms of adequacy today? Do you have enough?

Ms. Nadolski: Plenty.

Mr. McAndrew: Is that because you rely mostly on the van service?

Ms. Nadolski: Correct. It is not like individuals coming in with a single vehicle, they're getting dropped off. So yes, it's never been an issue. We've got plenty of parking.

Mr. McAndrew: Any lighting or neighborhood concerns?

Ms. Nadolski: I don't believe so. We've never heard anyone ever asked you know to dim our lights turn off our lights. I don't think that's an issue we're far enough away from neighbors in the back anyway that it would present a problem.

Mr. McAndrew: Before I move on to Mr. Nicholson, does anybody have any questions about operations?

Mr. Krollfeifer: Where is the dumpster on the map and is it previously approved?

Ms. Nadolski: It has been there for 20 years.

Mr. McAndrew: I don't believe it has been previously approved.

Mr. Krollfeifer: There's not a problem with it, I was just asking to get it on the record.

Mr. McAndrew: It is by the existing garage and pretty much out of site.

Mr. Krollfeifer: You are proposing to put the pavilion where the pool was.

Mr. McAndrew: Yes, the pool is gone. It is replacing the pool in the same area.

Bill Nicholson gave his credentials.

Mr. Krollfeifer: Any questions from the Board? If not, witness acceptable.

Mr. McAndrew: Can you describe the changes in the site that we are talking about tonight?

Mr. Nicholson: The main thing we're doing is adding the portico here to the rear of the building and to facilitate the maneuvering in and out. Of that we have a strip of paving here which we show the shaded area here. Also, a couple extra parking spaces back here allows extra maneuvering room into and out of the portico. Then over here is the pavilion over here, the pool used to be more located about here. So, it's not exactly the same spot, the same general area. The pavilions over here on the angle, which is 36' by 72' pavilion interconnected with the facilities with a proposed sidewalk.

Mr. McAndrew: That's an open pavilion, the sides are open.

Mr. Nicholson: Yes, all four sides are open with a roof only.

Mr. McAndrew: From a planning perspective we're modifying a non-conforming use. What are the positive benefits to these two shelters modifying the use?

Mr. Nicholson: As applicant testified, I believe it's because it facilitates a better convenience for the clients. Provides better services for their clients. Keeping them out of the weather, they come and go. Then for using the yard area under a roof area out of the sun and other elements. They can be out there in inclement weather.

Mr. McAndrew: In a sense the use is staying the same.

Mr. Nicholson: Yes, just to facilitate the use.

Mr. McAndrew: If the Board were to grant the changes in the use and the site plan, are there any negative impact you see.

Mr. Nicholson: Not that I see now.

Mr. McAndrew: Do you see the benefits outweighing any negatives.

Mr. Nicholson: Absolutely.

Mr. McAndrew: Can you help identify where the dumpster is?

Mr. Nicholson: The existing garage is located here and it's in the front right corner right here, the southeast corner of the existing garage on concrete.

Mr. Taylor: Between the garage and the road?

Mr. Nicholson: Yes, they're off to the right side on concrete pad that surrounds the garage.

Mr. McAndrew: That is our direct presentation but we're here to go over letters and answer any questions.

Mr. McKay: Can you take a look at Taylor's letter of September 30, 2023. There's general comments B 1-11. Maybe runs through those one by one is the easiest way to cover those things.

Mr. McAndrew: B1, Ms. Nadolski covered the existing use that everything was going to essentially stay the same. She covered number two which is adequacy of parking.

Mr. Taylor: The front building is 10 clients; predominantly senior clients and the rear building is 29 now and up to 39.

Mr. McAndrew: Yes. She testified the parking worked for that because it was basically drop off and pickup. B3, we're agreeable to one way traffic and we'll revise the plan to show that with the necessary markings and striping. B4, Mr. Taylor suggested curb island

areas, were agreeable to that and will revise the plan. B6, my understanding of trash pickup is that it occurs during the day so those hours of seven to seven are fine.

Mr. McKay: Five you skipped, but there's the drawing from an architect of the proposed pavilion and the portico

Mr. McAndrew: Yes. The colors are supposed to pretty much match the front building and basically be earth tone colors.

Mr. McKay: So, the colors will match and construction in accordance with the plans.

Mr. McAndrew: Yes.

B6, we agree to the hours. We have a dumpster that it gets emptied once, once a week to the main building and then the front building the township picks up once a week. B8, Ms. Nadolski testified, the existing lighting being adequate and no problems. Number nine, the issue about trees. As far as we know, we're not disturbing any trees or taking any trees out for this proposal.

Mr. McKay: It turns out that that should happen during construction, is there an agreement to replace with the appropriate caliper trees?

Mr. McAndrew: We probably could tweak the plan a few feet to make it work. As far as we know, there's no trees being impacted.

Mr. Taylor: That sort of ties in a little of 10 and also 11. From looking at the aerial, its kind looks like some minor shifting or maybe a tree at the corner of the pavilion. It looks like your grades are fine. You can shift the pavilion a few feet.

Mr. Nicholson: There are no trees near this pavilion.

Mr. Belton: Where the pavilion is proposed now, there has to be 30 to 40 feet to the closest tree. We will not get anywhere near a tree constructing this.

Mr. Taylor: It might make sense to at least put a note on that if it is close because the pool was here and the aerial footage shown over the pool but the pavilion actually looks like it's rotated. A little further back so I think as long as we shift it, we could do that but I guarantee you when Bill came out to set this on his drawing. We set the four corners with codes and then had the folks yeah; the folks came out and we tweaked it a little bit just to turn it however we those cones stayed far away from the tree the pavilion to try and protect the tree.

Mr. Belton: We could do that but I guarantee you when Mr. Nicholson came out to set this on his drawing. We set the 4 corners with cones and then had the folks come out. We did tweak it a little just to turn it. However, those cones stated far away from the tree.

Mr. McAndrew: B10, no landscaping is proposed. The site is pretty well screened along the perimeter. I do have a picture it shows like pool location which Mr. Nicholson has seen this picture and can identified that.

Mr. Nicholson: Yes, that's looking about where the pavilion will be more or less looking back towards a Deacon Road I believe.

Mr. McAndrew: This shows a pretty well screened perimeter in terms of neighbors around us.

Mr. Nicholson: Yes.

Mr. McAndrew marked it as exhibit A1 and the plan as A2.

Mr. Taylor: For the Board we put the comment in for some testimony about landscaping and buffers in case the Board Member had any knowledge of the site or if there were any public concerns. There are no specific concerns on our part.

Mr. McAndrew: Do you want to go over the engineer's letter.

Mr. Miller: This plan has less than 5,000 square feet of new disturbance. The only issues have to do with the parking and most of the parking now is all existing. Some of it is nonconforming. The Board just has to be aware if they approve this application that there are a number of nonconforming parking spaces. However, there are three or four handicap spaces that will need to be signed. The Board can't exempt them from signing the handicap parking area.

Mr. Nicholson: We agree to modify the plan to show those spaces and add the details for the signs.

Mr. Miller: The other thing is along the back. There are all the parking spaces usually have to be curbed. If there is no curb there, they would have to ask for an exemption for the curb. The Board may want to consider wheel stops, I don't know if you need those. That is what is in the ordinance. Mr. Taylor's letter indicated that we should probably should have some direction arrows to show the direction of the traffic, particularly in the area where we're wanting to get to the back.

Mr. Nicholson: Understood.

Mr. McAndrew: My client believes that the 11 spaces in the back, existing ones have wheel stops. Which are not shown on the plan. We agree to the new wheel stops for the new parking spaces. That's agreeable.

Mr. Taylor: I think maybe to double check some of the widths of the existing accessible parking stall striping and those isle widths. They have been there for a while in front of the building.

Mr. Nicholson: I can check that, if we have to adjust those, we can do that with restriping.

Mr. Krollfeifer: On the parking lot area, what are the foot markings that are back here? I see 11', 5', 8', 18'. They do not seem to make sense.

Mr. Nicholson: The width and the depth of the parking spaces. The 18' is the depth and the width is 11' for the accessible space, 5' for the striped area next to the accessible

space and 8' for another accessible space next to that and the rest are conventional spaces 9' wide.

Mrs. Newcomb: Is COAH required on the new accessory building?

Mr. Taylor: That would have to be determined by the Township, not this Board.

Mrs. Newcomb: If they decide to go solar in the future on this structure, do they have to come back to the Board? Is it permitted as long as they are not ground mounted?

Mr. Taylor: Does our ordinance otherwise permit it on a roof in a permitted use?

Mrs. Newcomb: Yes.

Mr. Taylor: If they would like the flexibility to be able to do that, they should probably request to include potential future rooftop solar on the pavilion or the other structures.

Mr. McAndrew: That sounds like a good request.

Mr. Krollfeifer: Mr. Taylor, Mr. Miller, any other questions? Any questions from the Board Members before I open it for public comment? Hearing none, I will open for public comment. Does anyone want to step forward to the podium and have a comment about this application? Please raise your hand and there's nobody on the phone.

Mr. Kingsbury swore in Barbarann Cline.

Ms. Cline: I just wanted to let the Board know I live beside and in front of this place. There was actually a pavilion there before the pool. I mean, it was there before. So, unless there was like a lot of lighting or something different, you really have had that structure there in this township before.

Mr. Krollfeifer: Any other public comment on this application? Hearing none, I will close the public comment. Back to the Board, what's your pleasure on this application.

Mr. McKay: I move to grant the use variance that's been requested with the additional provision that the current configuration of the buildings will allow for potential future rooftop solar. And the resolution approves such a construction without the need to come back before this Board for any additional approvals, although building approvals will still be required.

Mr. Krollfeifer: Do we need to mention or approve the dumpster?

Mr. Kingsbury: It will be part of this site plan approval.

Mr. Taylor: I think your testimony was that it is located on a concrete pad and it is setback far from the street. I guess the Board should probably grant a designed waiver for that trash enclosure to not be fully enclosed with an enclosure with a fence or a wall.

Mr. McKay: I will amend my motion accordingly.

Second: Mrs. Kelley

Roll call: Mr. McKay, yes; Mrs. Kelley, yes; Mr. Tricocci, yes;

Mrs. Tyndale, yes; Mrs. Baggio, yes; Ms. Kosko, yes; Mr. Krollfeifer, yes

B. Case 18-04C: Longbridge Farms
Block 103 Lot 1 & Block 113 Lot 4.05
Final Major Subdivision
Attorney: Douglas Heinold

Mr. Heinold: Mr. Chair, members of the Board and professionals. My name is Doug Heinold. I am with the firm of Raymond, Coleman, and Heinold in Moorestown, New Jersey representing the applicant Longbridge before you this evening. We were before you in the not-too-distant past to obtain preliminary site plan and preliminary subdivision approval. We're back tonight seeking final subdivision and final site plan approval. The project consists of 45 market rate attached townhouse lots within the Longbridge Redevelopment zone, four single family detached residential lots, two open space lots, and one for future commercial use and related site improvements. The future commercial use, you will see again, once we have a proposal for that part of the project, we will be back for a site plan application with respect to whatever is proposed on that. This portion of the property as you're aware is sort of in the middle or rear of the of the triangle tucked in behind the residential lots that already faced the street and eventually will be blocked from 38 largely by the commercial development when that occurs. I'd like to get our witnesses sworn in. Trudy, Rick Clemson is our professional engineer, and Drew Krisanda as representative Longbridge.

Mr. Kingsbury swore in the witnesses.

Mr. Clemson was previously sworn and qualified before this Board but Mr. Clemson could you just give your qualifications for the benefit of the Board again?

Mr. Clemson provided his credentials.

Mr. Heinold: Before, I'm going to basically just hand this over in a moment to Mr. Clemson to go through some of his review comments as essentially, as you know, preliminary is sort of preliminary finals a little bit of a misnomer. Preliminary is not the 50-yard line. It's the red zone, right? I mean, when you get into the red zone, and we're just trying to get across the goal. So, we're here to present some of the final comments and clarifications with respect to some of the details that needed to be worked out. I think what you'll hear is largely an ability of will comply, where there are some open issues, we'll explain where those are and much of that has to do with things like the post office and their control over where things go. PSE&G and where what they have available to us So Mr. Clemson, why don't you go through what you have prepared and address and then if there's anything that I think we need to touch on as well I'll jump in.

Mr. Clemson: Good evening. I was here before presenting the preliminary subdivision application. I will give an overview of the project. The first exhibit (A1) is an aerial photo showing the boundary of the property. So, the overall Longbridge Farms track consists of three properties. Block 103.01 Lots 1 & 8 which is at the bottom. You can see this is all agricultural and then the third property is lot Block 113 Lot 4.05 which is all the way at the southern end of the property. The track is approximately 22.8 acres and has frontage on Route 38, Hainesport-Mt. Laurel Road, and Fostertown Road. North of the site we have a large residential subdivision known as The Glen at Masons Creek. To

the east of the track is a mix of residential and commercial. We have a vacant car dealership immediately to our east. To the east and the south, we have some single-family homes with frontage on Hainesport-Mt. Laurel Road. To the south and east of the site on the other side of Hainesport-Mt. Laurel Road we have another large subdivision known as Hainesport Chase. To the west we have some large lot single-family homes that front on Fostertown Road. The track as it currently exists consists of one single-family home that exists on lot 4.05. We also have agricultural and a little bit of woods and wetlands basically in the middle of the property. The vast amount of the property is agricultural. The track is located within the Longbridge Redevelopment area.

The Redevelopment Plan for Longbridge was adopted on July 13, 2021. That plan created two zoning districts. One was the Longbridge Redevelopment area Townhouse District. The easterly portion of track. A couple hundred feet back off of Route 38 towards Hainesport-Mt. Laurel Road. The Longbridge Redevelopment Area highway commercial area zoning district is the bulk of the agricultural area to the west and then we also have a portion of the property so essentially the land that fronts on Hainesport-Mt. Laurel Road which will remain in the R1 district.

The townhouse area complies with the LR zoning standards that were established. The single-family homes along Hainesport-Mt. Laurel Road of which we have four. I'm going to put up a color rendering (A2). R1 are the single-family home lots here. We have 3 proposed single-family homes and one existing single-family home. In the Longbridge Redevelopment zone, townhouse zone, there are 45 proposed townhouses along two public streets. When we received preliminary approval, we were granted two design waivers. One design waiver related to the setback of the second single-family home in from the right. On the northernly side of Foxwood Drive. We were granted a design waiver to allow for that building to be setback 65.6' from the ultimate right away, where 75 was a recommendation. It accomplished a couple of things; it better distributed the yard areas around that particular lot. It still keeps the house about 95' from the curb line that we are going to be constructing. Quite frankly it is further back than many other homes along Hainesport-Mt. Laurel Road. The other design waiver that was granted was a buffer along Hainesport-Mt. Laurel Road so we did not wind up with essentially a screen that blocked the view of the residence. We wanted to have a softer presentation.

Mr. Heinold: Just to be clear, those were granted in preliminary, we're not proposing any changes relative to those right?

Mr. Clemson: No changes. I'm just describing what we have approved. So, we have 4 single-family homes, one which is existing and 3 proposed and 45 townhouses. Townhouse lots will be 2,200' or larger. 20' wide with a minimum of 110' deep. They will conform to the Redevelopment bulk standards. We have two public streets proposed, Foxwood Drive which connects to Hainesport-Mt. Laurel Road, immediately opposite Easton Way. We also have Friendship Court which ends in a cul-da-sac that connects to Foxwood Drive. Both of these roads would be classified and consistent with a residential neighborhood street as determined or classified by residential site improvement standards. The roads will be curbed and we'll have sidewalk on both sides. It had been designed in accordance with RSIS.

Trash and recycling will be curbside pickup. We are proposing roadway improvements along Hainesport-Mt. Laurel Road. Our subdivision plan has been approved by Burlington County. We are going to widen our side of the county road to provide a 20'

cartway from center line with curb and sidewalk. We are also granting the county additional 17 'right-of-way which will get them from 33' from center line to 50'.

We have two single family homes, the existing home which sat on lot 4.05 and the one immediately north of Foxwood. They have driveway access onto the internal street. The single-family homes to the far north and south of the frontage will have access to the county road. They were approved by the county.

Mr. Taylor: The dedication with the Burlington County, that hasn't changed from preliminary?

Mr. Clemson: That has not changed. All the proposed townhouses will have driveway access to Foxwood Drive or Friendship Court. Every townhouse will have a 10' single wide driveway and a garage. No changes to the roadways, lot configuration since preliminary other than shifting of some driveway. It may have been a left-hand driveway but now we have a right-hand driveway. That would be the extent of the changes. The number of units, placement of the units is from preliminary approval.

Landscaping is proposed throughout the project. We have street trees that are beyond the limits of the right-of-way along Foxwood and Friendship. They are 40' intervals. We have fence buffering along the south and west side of the townhouse development. We also have buffering separates the proposed single family lots from the townhouse area. We also have buffering from the property to the east which is the old car dealership. As it stands right now, we are currently proposing 96 shade trees, 46 ornamental trees, 250 evergreens and 353 shrubs. In addition to that, we also have numerous grasses, shrubs and other types of plants within our bio retention basin, so part of our stormwater management system. So, at preliminary we have done a tree survey. That tree survey identified 106 trees with a diameter eight inches or greater. 88 of those trees had to be removed as a result of the grading and construction activities. So, as a result 88 trees with a caliper of 3" or greater need to be provided in addition to those that are specifically required to address the street tree and buffer requirements. As currently designed, 30 of the 96 shade trees that we're proposing are not specifically required by code. They were in addition to what we needed to do. Those 30 trees count towards our replacement requirement which leaves us with a deficit of 59 deciduous shade trees. As a result of a virtual meeting that we had with the Board's planner, we decided to provide those 58 trees within this area. The dense area of green circles, this is an area between one of our bio retention basins and this wooded wetlands area. We are going to install the 58 trees in order to bring us into compliance with the tree removal and compensation ordinance.

Mr. Taylor: That is comment F2 of our report.

Mr. Clemson: The last thing we are going to talk about other than discussion related to the professional letters is the lighting. This was definitely a big issue that Mr. Taylor and I had to work through. The redevelopment plan calls for full cut off or dark sky compliant light fixtures and in essence what that basically means is a fixture that the direction of the light down and does not have light beyond a certain percentage directing upward which would create light pollution. That was one of the requirements in the redevelopment plan. The other part related to the color temperature that is generated by a light fixture. In terms of what you would see in a house. Maybe you would have an older soft white light bulb that you would put in your lamp that would have a yellowish

tone, a very muted tone that probably has somewhere in the 2500 or 2000 Kelvin. Some of the newer LED light bulbs that you can purchase at Home Depot are referred to as daylight. It generates a super high white color. That would be a 5000 Kelvin very white color opposed to the yellowish color. We have the streets here and the lighting that we're proposing would be through the least lighting program through PSE&G. Those are lights that would be maintained by PSE&G after the developer installs them. There is a cost associated with a public street light. The existing lighting on any public street in Hainesport is part of the least lighting program. The township pays some fee per light fixture to PSE&G to maintain those lights. The developer pays to have those lights put in. Within PSE&G who controls this program there are limited fixtures and color generating light fixtures that are available to us. In order to do a full, cut off of dark sky complying fixtures, the only fixture that they have within their program is generally referred to as a code light fixture. It would be an LED fixture that is very green and energy friendly. It is what you would see driving down any of the local streets. It is pointing down. We can get a dark sky full cut off fixture but it would be that particular fixture in order to do that.

Mr. Taylor: That fixture is 4,000 Kelvin.

Mr. Clemson: The other issue that we ran into with PSE&G, I think partially because they don't want to have a ridiculous amount of inventory. They want interchangeability because they are providing light to tens if not hundreds of towns in New Jersey. The only color that is part of the least lighting program is 4,000. We tried to argue with them but we were unsuccessful. So, to the extent that we can only get that 4,000 light, that any relief is necessary in order to this, we would respectfully ask for that tonight. We were able to address the full cut off.

Mr. McKay: Refresh my recollection on the townhouses. Is there an HOA agreement and if there is, how that controls subsequent modifications allowed or not allowed by the individual townhouse owner?

Mr. Heinold: To address the question that was put forth, the applicant proposes an HOA, correct?

Mr. Krisanda: Correct.

Mr. Heinold: That will be all set forth and documents that will be submitted to the township professionals, including the township attorney for final review and approval. Is that right?

Mr. Krisanda: Correct.

Mr. Heinold: So right now, I think the issue presented is, can you get into a little bit about some of the restrictions, Mr. Taylor's letter of August 25 noted, a desire to understand better what limitations residents will have with respect to their backyards. I know there's an effort being made to maintain a clean look to those backyards and some uniformity. So, can you just go over what's proposed and what the limitations will be?

Mr. Krisanda: As far as limitations, folks are going to be limited to really nothing in their backyards, no sheds, no spas, not anything of that nature.

Mr. McKay: Gardens?

Mrs. Baggio: Fences?

Mr. Krisanda: No fences.

Mr. Heinold: We had not addressed the issue of gardens or whether somebody wants to do plantings but if the township has a concern, we'll address that. It had not been raised previously. Mr. Taylor, do you have a concern with gardens?

Mr. Taylor: A lot of times for the major developers we see planting limitations that homeowners can plant certain things that get no taller than 36 or 42". If the Board has a concern a lot of times its in the HOA documents. Most of these homeowners wouldn't have the ability to put a row of bushes across the back of their lot area. There can be restrictions.

Mr. Heinold: I don't think the intent is to allow additional substantial plantings. If the Board has any issue or concern with how gardens may look, we can limit that with some reasonable restrictions along the lines that you're talking about, we'd be amenable to that.

Mr. McKay: Some square footage limitations.

Mr. Bradley: Will the townhouses have patios?

Mr. Krisanda: Patios and decks will all be standard. The only option would be to put a 10 by 14 deck and the same size patio underneath.

Mrs. Baggio: At the last preliminary, I thought I recalled a discussion about making residential HOA responsible for maintaining the retention pond or whatever in the commercial area. Is that still part of this?

Mr. Heinold: Yes.

Mrs. Baggio: I have to say I really object to that. I really think that's putting an unfair burden on the residential homeowners to have to keep up with the commercial property.

Mr. Heinold: I understand the concern, but I want to clarify that that basins serves some of the stormwater needs of the townhouse development and they are only responsible for it as a shared percentage for whatever happens on the commercial lot. So, when the commercial development is built, and the commercial developers contributing to that basin, they will also be paying a pro rata share for that base.

Mrs. Baggio: If there's any problem with that, t's going to be the residential HOA responsibility to go after the commercial businesses that are violating it?

Mr. Heinold: Well, they're going to be part of a joint agreement. And HOA documents are enforceable if somebody doesn't comply with their obligations under them. They can have substantial penalties, there's severe consequences.

Mrs. Baggio: There are severe financial costs, that burden will fall on homeowners to have to carry the legal costs or whatever they need to go after those commercial clients

that are not complying. I think that's an unfair responsibility for the homeowners. That's just my opinion.

Mr. Heinold: I understand the concern. I do think it'll be absolutely covered by the legal documents, and they will have the ability to recover those costs if somebody is not complying.

Mrs. Baggio: Have you ever lived in an HOA?

Mr. Heinold: Yes, I've been involved with HOAs. I've been involved with HOA litigation.

Mrs. Baggio: It is easier said than done. It places a lot of financial hardship until they can get to a successful conclusion. But that's just my thoughts.

Mr. Heinold: Yes, anytime it's the same as if some resident doesn't pay for their fair share. It's covered by the other residents until they can recover it.

Mrs. Baggio: It's true, but now you are throwing in commercial businesses that is totally different.

Mr. McKay: While you're on the subject of the basin, that was tucked into the last topic. My recollection is from preliminary, that the basin was going to be designed to be a dry and be somewhat self-maintaining in terms of how it was going to be planted. Can you either confirm that or modify that?

Mr. Clemson: Yes, all the basins that we're proposing here, which by the way, are dictated by state standards that have gone through several rounds of modifications over the last few years. Those design parameters are dictated to us. These facilities that we're proposing are complying with what are referred to as the New Jersey Green Stormwater infrastructure standards. They're all designed as bio retention basins, which is a very environmentally friendly type of design. The basins will be dry, they are not wet. They are dry basins, they are planted.

Mr. McKay: Except perhaps after a heavy storm.

Mr. Clemson: Absolutely. There's a certain draw down time after a storm will take place. They are dry and they are planted.

Mr. McKay: These basins unlike the basin what you might be familiar with at the entrance to Hainesport Chase. They cannot be mowed.

Mr. Clemson: Correct. They are not like that at all. This is more like a meadow.

Mr. Heinold: I will say those basins are what we're getting away from that under the new stormwater.

Mr. McKay: I just want to confirm that my recollection of it is correct. Or the addition to the big one, are there a couple small over by the wetlands?

Mr. Clemson: We have a couple of smaller ones in here, they're very linear in nature. And then the main base is over here and that basin is designed servicing 67% of that residential area, 33% is reserved for commercial.

Mr. McKay: All the basins have the same environmentally friendly design? Are they all linked so that the water flows from one to the next?

Mr. Clemson: Yes, there are linkages between. Not every basin is directly linked to another one. They are together and we refer to that as a treatment train.

Mr. McKay: Is there an ultimate outfall?

Mr. Clemson: Yes. The ultimate outfall is up in the northeasterly corner. It will be in this area here which then drains into a stormwater ditch and then enters the Route 38 system, then goes down to Masons Creek.

Mr. McKay: You have landscaping indicated around the major basins. What does that consist of?

Mr. Clemson: The landscaping around the perimeter, particularly this area here is really a buffer from 38 just to screen and add some trees to screen from that facility. It's dark green vegetation that you see on the extreme perimeter. That's really more for buffering and aesthetics. The vegetation is doing all the work.

Mr. Bradley: Is there a small basin near the cul-de-sac?

Mr. Clemson: There's a small facility here and here.

Mr. McKay: Is there any plan to include any fencing, any signage, anything at all that would tell the general public that the basin is not an open space for the public to use or is it open space for the public to use?

Mr. Clemson: I would say that it is not really deemed public open space. In terms of whether there's any signage proposed right now, no. There is no fencing, however, we could potentially put a couple of signs basically say something like do not mow or something.

Mr. McKay: I am not suggesting that signs or fencing is appropriate, I'm asking.

Mr. Clemson: It should be pretty obvious to the folks who are doing the maintenance that is not something you are going to mow down. By the way, the HOA is going to have an extremely detailed maintenance manual, which will be given to the folks who are going to be doing maintenance on behalf of the HOA so they understand how the systems work. That is our primary control over.

Mr. McKay: I don't expect the State Highway Authority mowing crews to come in and mow that.

Mr. Clemson: There is a defined area between the highway and where we are.

Mr. Taylor: DOT normally does not go beyond their right-of-way.

Mr. Clemson: We are at least 50' away from the right-of-way.

Mr. Taylor: Some of the things we've done on some other projects, more often than not. We find it's the HOA and there's one or two people that think that should all be mowed. Then they get themselves on the HOA board. What we've done with some other projects that change that perception is that every 150 feet or so some very small signs. It just says meadow habitat gets put in. A lot of developers like from a marketing standpoint because then it said people going why aren't they mowing that. Look we created a habitat in my backyard. That also establishes that line long term for landscapers and future HOAs.

Mr. McKay: Well, I like that suggestion. It's I couldn't figure it out. I knew something needed to be done there. It's a good idea.

Mr. Taylor: It helps lineate and change the perception.

Mr. McKay: I suggest that.

Mr. Heinold: I think that's a great idea.

Ms. Kosko: Because that ultimately discharges into the state road, do you need to have approval from the state for this?

Mr. Taylor: You do not.

Mr. Krollfeifer: I have a question about that same area that you're talking about. I have a recollection and maybe somebody else can help me with this. In some of our prior presentations, it was talked about a rode easement through there to the next property if it was developed. Because the county wouldn't allow enough curb cuts. Is that infringing on that potential?

Mr. Clemson: We purposely pull the basin back away from the right-of-way to provide for linkage if it were to happen. So, we purposely left room there.

Mr. Krollfeifer: You testified that there's going to be a water drainage basin.

Mr. Clemson: The basin stops here and then there is a stormwater feature that runs along lot 2. It is very simple, essentially, there is going to be a driveway linkage between the properties. They would simply have to put a pipe in that drainage facility and build a driveway over top of it.

Mr. Krollfeifer: Mr. Ravikio, do you remember what I'm talking about. Wasn't it linking your commercial property.

Mr. Taylor: It is a requirement of the redevelopment plan that any commercial development on that site shall provide connectivity to the adjacent site. That is a requirement for when they come in for any commercial development.

Mr. Bradley: Did you say linking the commercial property.

Mr. Taylor: So, there is no linkage between the commercial and the residential. What the town wanted when we were looking at this globally realizing that synergies between

two commercial that would then stop some unnecessary trips on both of the side streets and Route 38. If somebody was coming to town and they wanted to go to the old Volkswagen site, whatever gets developed there, they could come through this highway commercial site. Similarly in the other direction, Hainesport-Mt. Laurel Road cutting through that site to so you do not have to go out to Route 38. We anticipate that would occur and would actually benefit both.

Mr. McKay: I actually wanted to finish up my discussion because the signage issue that has been proposed for the Route 38 basis is good, as we talked about. There's also the issue of trespassers on the wetlands area, that tone of green and darker green that you have on the diagram. How you propose to control access to that? Do you propose any pathways in there for the residents to use who live in the townhouses or for town residents in general to use?

Mr. Clemson: We are not proposing pathways through that area. It would be kind of hard to get back into that area. We are not proposing any public access.

Mr. McKay: Does that area actually exist in a wet state for parts of the year?

Mr. Clemson: Yes, sometimes. It gets wet, dries out, gets wet, and dries out.

Mr. Bradley: Does it not drain into Mason's Creek?

Mr. Clemson: If it fills up enough it will head down through a ditch that heads down to Fostertown Road, goes underneath Fostertown Road, goes through another ditch, and then ultimately gets to Mason's Creek.

Mrs. Baggio: Is that the ditch the one near the Kidney Center? Does it go across Route 38?

Mr. Clemson: Essentially what happens is, when this overflows, there is a drainage feature that runs through here, goes underneath Fostertown Road, goes between these two properties here, and then hits Mason's Creek. Mason's Creek then goes under Route 38 and then wraps back around this way and actually goes behind here.

Mr. McKay: This wooded area, who's the ultimate owner of that wooded area?

Mr. Clemson: So, that is actually part of the townhouse area.

Mrs. Baggio: Is that a wetland area?

Mr. Clemson: Most of it. So, this line here is essentially a boundary line. With the exception to this top piece here, this area here is within and the land mass that's controlled by townhouse area, the HOA.

Mr. Taylor: That's actually subdivided and created as an HOA open space lot, correct?

Mr. Clemson: Correct, it is an open space lot.

Mr. McKay: Open space but not recreational space, correct?

Mr. Clemson: Correct.

Mr. Krollfeifer: The HOA would be responsible for maintaining that property?

Mr. Clemson: There's really not much to maintain regarding maintenance. They are going to have insurance coverage. This is meant to be in natural state. It is not intended to be doing anything in there.

Mr. McKay: What you're going to add to it by way of the additional 50 something trees, it is going to be a look alike addition.

Mr. Clemson: Correct. We are basically going to be expanding this area probably the really dark green into this.

Mr. McKay: If some kid decides to go in there and build a tree fort someday, at least the HOA can say stop and take it down.

Mr. Taylor: Mr. Krisanda started to talk a little bit about the patio and some of those other restrictions and then went to gardens. Can I ask for clarification on a couple of things? There's no sheds, pools, hot tubs, spas, no addition, no rear yard fences.

Mr. Krisanda: Correct:

Mr. Taylor: The only fences are the side privacy fences?

Mr. Krisanda: Yes, in between the interior units to create a little privacy.

Mr. Taylor: The max ground level patio size is 10'x14'?

Mr. Krisanda: Correct.

Mr. Taylor: So, every unit will have a patio?

Mr. Krisanda: No, not necessarily. They would have a little landing outside the door. If they choose to purchase that they go through the builder. It will not be included as part of the base house.

Mr. Taylor: So, all the patios are optional.

Mr. Krisandra: It may be an incentive that goes through the whole life of the job that remains to be seen and possibly the decks may be included. I can not testify to that at this point.

Mr. Miller: Regarding the patios, someone's going to ask to enclose that to make a sun room.

Mr. Krisandra: Not allowed, not possible.

Mr. McKay: If somebody buys one without the deck and then decides the deck would have been a good idea. They have a design that they have to follow.

Mr. Krisanda: Correct.

Mr. Heinold: Per the HOA requirements.

Mr. MacLachlan: People are going to say I didn't know that. Is it going to be in their deed or contract?

Mr. Heinold: One of the things that I think is important is it's not just a township issue and a variance issue, it's an HOA regulation. So really, until the HOA says yes, you can do this, but shouldn't become a township issue. It should be something that's called at the HOA level. The HOA has an interest in maintaining uniformity of decks and patios of not allowing enclosures and illegal structures in the backyard illegal fences and things of that nature. So will be covered in the HOA documents it will be disclosed as part of the sale process.

Mr. MacLachlan: Would it be appropriate for the township to have a copy of that.

Mr. Heinold: It will be on file for the township as well.

Mrs. Newcomb: I have a list in my office of all the developments in town that have an active HOA. We tell the homeowners that you are not getting anything until the HOA approves. Is the HOA an off-site management, what type of HOA are we dealing with?

Mr. Krisanda: As the developers will manage the HOA until there's a percentage of owners. Once you hit that percentage, you notify them and they will manage the HOA and make decisions for their community.

Mrs. Newcomb: That will be important for the zoning and construction office in order to deal with that. Are we talking about low grade decks that are 30" or less? No anything up high, no second story deck? It needs to be defined.

Mr. Krisanda: They will only be off the first floor, so nothing low that would be a patio at grade. A deck would be at what we call the first floor because there is a lower level first floor. Which is roughly 9'.

Mrs. Newcomb: Are they allowed to have paver patios and front walkways?

Mr. Krisanda: No, they can not modify the front in anyway.

Mrs. Newcomb: So, it will be in the HOA document that there's no expansion of a driveway or a cut?

Mr. Krisanda: Correct.

Mr. Taylor: One issue that you may want to consider for the rear patios is to allow flexibility that it will either be a concrete or pavers. You may want to consider.

Mrs. Tyndale: When you were talking about the back yard, you were talking about no fences but are allowed to have privacy fences between.

Mr. Krisanda: The only privacy fencing is in between to allow for privacy when they are sitting on their back patio. Nobody can obtain additional fencing in their backyard so you

don't see one lot fenced and the next one not fenced. It is meant to remain open and clean looking.

Mrs. Tyndale: I'm just curious why can they not have one in the back? If they want to have a dog or something? Then they have to always go out with their dog.

Mr. Krisanda: The HOA will cut the lawns. So, they're going to be somebody else cut my lawn and I'll sacrifice.

Mrs. Baggio: Our HOA says our dog has to be on a leash.

Mr. Krisanda: You could get an electric fence.

Mr. McKay: So, you can put in an invisible fence in your lot.

Mr. Heinold: We just want to create a uniform look. What you see where they don't have those regulations is a fence that is 20 years old, one that is 5 years old, and no fence.

Mrs. Newcomb: An issue that has become argumentative in a HOA is the backyard fire pits. They define them as a wood one and one is a gas which they have to come to us. It has become popular in regards to HOA's allowing certain sizes, whether they are gas or wood burning.

Mr. McKay: They would be a fire hazard if they were on a concrete deck.

Mrs. Baggio: We had the same issue with gas grills. The townhomes are not allowed to have gas grills but the single-family could because of fire concerns. But then that got changed.

Mrs. Tyndale: Going back to the basin, the homeowners are responsible for maintaining the basin. That's correct, right?

Mr. Clemson: The HOA.

Mrs. Tyndale: But then when there's commercial development, they will contribute to the HOA? Is that what I'm understanding?

Mr. Krisanda: There will be another HOA and the two HOA's will have an agreement.

Mrs. Tyndale: So, it's a commercial HOA.

Mr. Krisanda: That's correct. There may be 3 or 4 tenants on the commercial property. They will be grouped together by an HOA, who is talking to the 45 plus the three single for those people through an HOA.

Mrs. Tyndale: So, until the commercial Hoa is established, it's the residential HOA that bears the brunt of the basin.

Mr. Heinold: That's true, the only thing I would say is under the new stormwater regulations, there's not a lot of immediate maintenance associated with that once it's constructed. So, I don't think that's going to be a bill.

Mrs. Baggio: There will be trash that will be blown off of Route 38 that will probably have to get cleaned up.

Mr. Clemson: You will have general clean up and the HOA is going to be mowing lawns and things like that. They will mow any turf areas around the perimeters but the actual basin maintenance itself is really designed to be natural. They are designed to take care of themselves. When we were talking about all the trees, we are providing between the basins wooded area of the ground cover in that, we're actually suggesting of the Board's planner to do a meadow type mix that'll be growing at the same time that the trees are growing. That area might be mowed twice a year.

Mrs. Baggio: That goes back to why I say a problem with that. Businesses are going to come and go. They may or may not pay their portion share of whatever their contribution. In the meantime, the HOA is trying to do their budget and they are not getting the income from these commercial groups. Now they have to go after these commercial groups and I think it is going to be a headache for the HOA.

Mr. Krisanda: This would be no different than if this was all residential and you had the first phase of residential say the first 15 lots going into the basin. Those folks are paying and then the next 20 lots come in at some later point.

Mrs. Baggio: I feel it is easier going after individuals than it is businesses that may not be here.

Mr. Heinold: Whether it's one business owner or an HOA on that side. That's going to be a percentage of their obligation. That group is going to have to come up with that percentage. It may actually fall to the business owners if one or two are not, not paying, as opposed to the residents.

Mr. Clemson: This configuration here is not unique. I've done many other products that were mixed use projects that had this same exact configuration, where one entity might take the lead in terms of responsibility. Point is, it's a shared financial responsibility, to just say that I've done the job, exactly what this mixed use, where you have the commercial and residential stormwater, and it's handled exactly like this.

Mrs. Baggio: It's going to just really depend upon who the HOA will get as their managing agent. A lot of the HOA's are volunteer homeowners just doing it, but they're going to need professional management.

Mr. Bradley: Have you considered having it owned only by the commercial side? It's outside of the residential property lines.

Mr. Clemson: The configuration here is consistent with what was approved. So, we went with that.

Mr. Heinold: We had designed this again in accordance with the plan that the obligations are not going to be solely on that homeowner's association. What we're representing is we don't anticipate that to be a burden on the HOA based upon the testimony.

Mr. Bradley: Having been a president of an HOA, I disagree with you.

Ms. Kosko: If there's not a commercial development built yet, how is nothing there contributing to the stormwater basin, nothing's going to be built yet. So, there's not going to be infrastructure there that's going to be contributing to the stormwater basin. So, until the commercial development is built, the residential development is going to be contributing to the stormwater runoff into that basin, solely.

Mrs. Kelley: There is already existing water in that area when it rains.

Mrs. Tyndale: In regards to the grass that is around the basin, who's responsible for cutting it.

Mr. Clemson: The homeowner's association.

Mrs. Tyndale: I just want to make sure that's included because I know that there's like areas in the town where there's a basin and a homeowner is responsible for it or whatnot. And so, I think it should be stated that it's the HOA that's responsible for cutting the grass.

Mr. Krisanda: The HOA will be cutting all the grass. The homeowners are not going to be responsible for any grass. That is part of the reason we decided no fence.

Mr. McKay: Can we switch gears to architectural design on the building's because I know that was discussed. We talked about it very preliminarily when we did preliminary and there were drawings. I don't know if there have been any changes to that or not.

Mr. Heinold: What was presented at preliminary has not changed in that regard.

Mrs. Baggio: These are the homes that will be like offset.

Mr. Heinold: Yes, to help prevent that sort of blank wall look.

Mr. Bradley: Is it similar to what we see on Route 38?

Mr. Krisanda: No, those are all the same color. There are eight different colors.

Mr. McKay: What is the name of the street?

Mr. Heinold: Foxwood.

Mr. McKay: Across the street there's a Fox Court. Is there any way to get away from the fox.

Mr. Clemson: We presented the county 911 coordinator with the names. That was one of the names that he approved. One of the reasons that I think most of the counties have gone this direction is that rather than having a municipality review street name and they are only looking inside their box. Well, when the county 911 coordinator is looking at this, he is looking at the bigger box.

Mr. McKay: I know you have to get the name approved. If the county approves it, then that's fine. I am not suggesting that you go back and change it now.

Mr. Heinold: In reviewing what we've gone through, it's sort of jumped around a little bit. Mr. Taylor did you have any more open items. There's a couple of things in your report. 35-foot height was called out as a potential to be determined. Mr. Clemson, can you just verify we're under the 35-foot height.

Mr. Clemson: The building will be less than 35' measured from the slab to the roof line.

Mr. Heinold: With respect to development identification signage that is to be determined.

Mr. Taylor: C1 through 4 have been addressed.

Mr. Heinold: Five we've addressed, we're in compliance with the redevelopment plan when I asked me for any additional waivers or variances that were not granted last time.

Mr. Taylor: The only waiver or change would be I think there are two choices as far as lighting goes. A decorative light that has some sideways glare to it or it's a cobra head light that is a down type fixture. Neither one fully complies with the requirements of the redevelopment plan but is what PSE&G offers at this time. Does the Board have a preference for either one of those.

Mr. McKay: Cobra head lighting is what the Chase has.

Ms. Kosko: I think for consistency purposes, I think the Cobra head would be palatable.

Mr. Taylor: We covered number six. Number 7, all trash and recycling to be done inside the townhouses.

Mr. Heinold: Correct.

Mr. McKay: Is that written into the HOA?

Mr. Heinold: It will be a requirement of the HOA and it will be internally stored so people won't be having external storage.

Mr. Krollfeifer: Are we finished with the lighting part? How about the lamp post adjacent to lot 1.20 appears to conflict with a hydrant location?

Mr. Taylor: They will have to revise the plan.

Mr. Heinold: We will comply with that.

Mr. Taylor: Any phasing of the project?

Mr. Heinold: No phasing. It is all one townhouse project.

Mr. Taylor: All the roads will be constructed with that. Is there any phasing of the single families or are all those improvements going to be done at once.

Mr. Krisanda: At once.

Mrs. Baggio: Are the streets publicly maintained or are they going to be private?

Mr. Heinold: They'll be constructed to standards acceptable to municipality and then dedicated.

Mrs. Tyndale: So, the township plows snow?

Mr. Heinold: Upon conveyance, so once it gets dedicated that doesn't happen immediately following construction but once we get the performance bonds released then it transitions over to township maintenance.

Signage we're going to comply with the requirements of the ordinance and that will be submitted for a sign permit at the time.

Mr. Taylor: I think 14 is the one you'll consider that subject.

Mr. Clemson: We are going to move the cluster box to this area adjacent to the very first parking space with in Friendship Court. We are moving it from the north side of Friendship Court to the south side and the postmaster agreed.

Mr. Taylor: I believe the balance of items under C are relatively minor and you will comply with those?

Mr. Heinold: Right. I agree we did represent to you during our pre-meeting discussions the color schemes on 18 retaining walls to ensure that they are earth toned and not poor selections.

Mr. Krollfeifer: What was the final decision regarding mailbox locations. I think there were two of them.

Mr. Clemson: There will be three units' side by side. Each unit has a total of 16 mailboxes and they are going to go on the south side of Friendship Court. A little bit to the east of the intersection with Foxwood. The post office did not like them moved around because they have to make to many stops. Some of that is out of our control.

Mrs. Newcomb: Are the EV chargers being allowed outside of the house or is the HOA mandating that they are inside the garage?

Mr. Krisanda: Only inside, they will not be outside.

Mrs. Tyndale: Why?

Mrs. Newcomb: The homeowners tell the HOA that they are doing them inside, then come to us they are permitted to do it outside. Many are doing them without electrical permits. It becomes an argument between the HOA and the town. It needs to be defined if inside or outside.

Mr. Heinold: The unit itself will be inside the garage and if a person. If a person is sitting in their driveway and the cord reaches. The important thing itself is that we are actually putting the unit inside the garage itself.

Mrs. Tyndale: I would just recommend before you do that though, we're an electrical contractor, we install these all the time now. I would just recommend that you investigate the safety issues with that.

Mr. Bradley: A lot of people are using the outside chargers because of the fire hazards.

Mr. Krisanda: Are you saying your seeing a lot of pedestals going in?

Mrs. Tyndale: Yes, my husband is the one that does the work and seeing that they are catching fire.

Mrs. Newcomb: But one of the issues is that the HOA also has consistency.

Mrs. Tyndale: But if you have a fire now.

Mr. Taylor: Is the Board ok allowing the developer that flexibility that if they are outside, they be in a consistent location and a consistent design then the ultimate builder could make that decision. So, they can choose to do something outside and whatever that solution is.

Mrs. Baggio: You want to make sure because we've ran into that before. That the builder is going to do whatever they can to accommodate the customer. If it creates a problem for the HOA later and they'll say the builder put that in. The HOA document says you can't have it.

Mr. Bradley: Put as much as you can in the HOA document, it is really cumbersome to change it.

Mrs. Gilmore: That's an option, you are not putting them in every unit.

Mr. Krisanda: It's optional.

Ms. Kosko: It is really not that new, you have to plug in diesels as well when it is really cold out.

Mr. Heinold: I think we have direction that they'll be inside, if there's flexibility to the HOA. There is going to be uniformity of how that is applied so that we do not have inconsistency.

Mr. Taylor: We are under D1 under building design. We have asked for updated renderings to show all those different features. There were a number of exhibits during preliminary approval. They do not have them this evening. I don't know if the Board has any questions on what they will look like. The applicant intends to provide all this information as a condition of approval.

Mr. McKay: Didn't we hear from council that there has been no change in that.

Mr. Heinold: The testimony and exhibits you saw preliminary have not changed.

Mr. Taylor: A lot of those exhibits contradicted each other.

Mr. Heinold: I think the information was there and explained. So, I guess what I was proposed is that if there is an expectation that we have some supplemental documents, we'll be permitted to do that as a condition of approval and we'll work with you to satisfy that condition.

Mr. Taylor: So, are you proposing as a condition of approval to give us less than full strips of floor plans and to show us what's detailed in the report here?

Mr. Krisanda: Well, we submitted the building strips that was submitted with the final application.

Mr. Taylor: They don't match the garage layout, the block out, and now it doesn't comply with RSIS. Then you have a separate handout that had structural analysis to show the trash and you had about six different exhibits. Saying look at this picture for some of the colors but not the decks so I can't tell the Board what these are going to look like. I don't know what they are going to look like. I've done 10,000 unit over the last 25 years. So, it is up to you if you don't want to provide this information as a condition of approval that is the Board's decision. You have to submit that for building permits, correct?

Mr. Heinold: Correct.

Ms. Kosko: I recall them saying specifically that they were going to provide building floor plans at final.

Mr. Krisanda: I submitted them at preliminary. I will submit whatever you guys want us to submit. I'll resubmit what we submitted at preliminary. We can talk about it. They are floor plans. They are the front elevations from the blueprints. I don't know what more to get.

Mr. McKay: So, there is no confusion. You will submit a new set as a condition of approval. It seems to be reasonable.

Mr. Krisanda: I can submit. I have a copy here.

Mr. Taylor: Let's clarify what you're saying resubmit when you already submitted. I think what Mr. McKay is asking for is a revised set of drawings and exhibits that takes the multiple other exhibits and gives one final. This is what the fronts, the backs, the sides of the different units look like, this is where the decks may be, this is the detail of the deck, so these are all in one spot. So, when we sign off on resolution compliance and it goes to zoning for permits, exactly what the Board thinks they're approving tonight and exactly what we sign off on is actually what gets built.

Mr. Krisanda: I don't know how to put all that information on one document. I mean the deck detail is the deck detail. How do I show that.

Mr. Taylor: I'm not sure why there is an issue.

Mrs. Newcomb: In dealing with Ryan Homes, we know that you have 3 to 5 models that their selling. The things I would be looking for as it is coming in. On the approved site plan if I only know that you can put something there and you are going to put something

else there. Do you guys define that or is it subject to each buyer of what type of townhouse that you are going to put there?

Mr. Krisanda: The buyer can put one of three on any of the lots.

Mrs. Newcomb: So, they fit on all the lots?

Mr. McKay: Even the end units?

Mr. Krisanda: Yes.

Mrs. Newcomb: Is it feasible for them to give us a plan that show us a proposed units for site plan and does it make a difference if it's signed off where they are showing a Mozart and it's a Beethoven does it make a difference to the Board for visual effect.

Mr. Taylor: What does the back of that Mozart look like? Is the color scheme in the photo or the one they submitted because the two renderings both had different color schemes. They were submitted as color renderings but the testimony was don't look at this for color, just look at this as an elevation.

Mr. Krisanda: You are mischaracterizing what happened. You asked for a ton of information. You asked renderings, we gave renderings and you said what color they're going to be. Then we gave color schemes.

Mr. Taylor: With all due respect. When we started writing the redevelopment plan, we asked for this. Because every other redevelopment plan, we've written, we've asked for this, and the developers actually given it to us said this is what the front will look, the sides, and the rears. We didn't do that so we said let's to do it at preliminary. Preliminary we got a briefcase of things and said it's going to look sort of like this. Some were like this, kind of like this.

Mr. Krisanda: No, I don't think anyone said kind of or sort of like this.

Mr. Taylor: If you want to go back and listen to the recording from the last meeting. I can give you the minutes.

Mr. Heinold: We did.

Mr. Taylor: If the Board is fine with it, we're happy to sign off on it.

Mr. Krisanda: These are the front elevations. All this stuff has been submitted.

Mr. Taylor: But the color renderings you submitted; the elevations are different tables.

Mr. Krisanda: Like I said, those are just pretty pictures. They were not to be used for the color of it. It was to get a better look versus the black and white architectural because the request was given me colored architectures. I've never seen color architectural plans.

Mr. Taylor: If you want, I can send you samples.

Mr. Krisanda: Please do. Here are the strip elevations in black and white. They are out of the blueprints.

Mr. Taylor: If the Board is comfortable with what the buildings will like, we can move on to landscaping comments.

Mr. McKay: Let's not let this slip. I don't why you can't put together an index binder that has all the architectural information. So, if you look in the index, you can see plans available A, B, C, D, Mozart, Beethoven wherever they are called. They're black and white, fine. Tab B can be the colors available. So, I just saw you handing a color rendering of a building. So, in one binder, whether it be electronic or paper, you have everything you need, you go to the index, you can find that and the the code official building officer will be able to have that and know exactly what's being done.

Mr. Krisanda: We can go right to lot 31. That's going to be elevation and it's going to be T 5 colors. If you look at the whole site plan.

Mr. McKay: Well, I guess the point is, my suggested you put it together in an indexed fashion. So, you're not shuffling papers back and forth trying to find what you want.

Mrs. Newcomb: Are we looking a prototype processing or are we looking at each individual plan for each house. You guys have to make that call whether you determine that or not. How many houses do we have?

Mr. Krisanda: 45.

Mrs. Newcomb: Normally what happens is the prototype process really comes down to, if you do not offer a lot of outside structural differences, very limited inside structural. The fact is that most builders want to do a prototype in this type of situation. If you are doing a mega house and you're not doing a prototype processing. So, you guys have to come up with that decision. It's better for you to go prototype processing, which is not always a bad idea in this type of situation. I agree with what they're saying is sense, it's not hard to come up with. So, you have four pages of the Mozart that you have the front, the side and the rear. These houses can go to the side, the last house. So, we want to see what the window dwellings. There's no doubt in my mind that when you're selling leads to a homeowner, is that you have that packet that says what the Mozart looks like. This is the front, this is the back, and this is the detail. When you're doing something like that, that can come into play, and it doesn't have to be anything arduous, you're not creating a mansion, you have four homes that are very simple.

Mr. Krisanda: They are the same house but some of them are deeper.

Mrs. Newcomb: Defense here is that he's signing off on planning and it comes to my office and I rely on that approved site plan to compare the house that you're looking to, to my site plan. Eventually no matter what they approve, it's our responsibility to make sure that what they've approved, Mr. Taylor, the Board, everything we have to go, okay. So, there's a lot of situations here that I think are very clearly defined. I respect all of them being in this industry for 30 plus years. It's becoming more complicated than it needs to be. So, I think you guys need to step back. We revisit what they asked you for, and come up with a simple plan.

Mr. MacLachlan: I want to walk through the process. I come down and buy a Mozart. I am the first guy and I say I want red.

Mr. Krisanda: I would say pick a lot.

Mr. MacLachlan: I don't know how you would come up with color drawings when you don't know what color.

Mr. Krisanda: The tenants are going to pick and the second thing.

Mr. MacLachlan: You don't want to put the same color next to the same color. How do the colors come into play right now?

Mr. Krisanda: All the color scheme are predetermined to a particular lot.

Mr. MacLachlan: I'm buying a house and it will be the color you want?

Mr. Krisanda: Yes. You might say I don't like that color. And I'll say well pick a different lot within that building. We're not going to open up a different building.

Mr. MacLachlan: We don't have those colors?

Mr. Krisanda: You do. Colors were submitted in packet 2. There are 8 color schemes. What we did in this particular community is we started with lot 4. It is the end unit of one building. We are running every color scheme, 1, 2, 3, 4, so forth and so on. We're continuing that even into the next building where typically would start over. You'd get more of the same units. In order to minimize the number of the same elevations, the same color. We're running all the way through the eight colors and we'll start the new sequence in the middle of the building and then we'll start over.

Mr. MacLachlan: Mr. Taylor, do you have that?

Mr. Taylor: I do not have what the color scheme will look like.

Mr. MacLachlan: Don't you have it right there?

Mr. Taylor: I don't know if that's one of the representative color schemes. I don't think that was submitted.

Mr. Krisanda: This is packet one that was submitted. It does get a little confusing because we are talking lots and different color schemes on different elevations.

Mr. Taylor: Are there shutters on the back of the buildings?

Mr. Krisanda: Correct.

Mr. Taylor: The last picture you gave us didn't have them on the backs.

Mr. Heinold: Can I make a suggestion because I think what I'm seeing, Mr. Taylor is I know you're frustrated. You're used to getting a dr. horton image of precisely what they put in every single town they come to. They come to Longbridge, they don't have the

ability to produce the same thing or having today. I understand that has been a frustrating point, what I would propose because we need to make a decision about how we're going to proceed tonight is that we continue to work with you to meet that condition. As a condition of final. We have worked through a number of the other issues to get to this point tonight. Having worked with Drew, I understand that he's trying to address your concerns and present the information you're requesting. So, I don't think there's a desire not to appease what you're trying to accomplish and get that information to you. We will continue to work with you as a condition of approval to meet that requirement.

Mr. Taylor: The floor plans will be updated to reflect the trash and to show compliance 9 x 18 because we talked about it.

Mr. Heinold: Yes.

Mr. Taylor: The floor plans now do not comply, you actually need and RSIS.

Mr. Heinold: We have updated.

Mr. Krisanda: Two of the units, the end unit had a typo in there. That has been corrected. They are greater than it was 8'11" and 78. It needs to be 9 and they have been revised like the others. They have been corrected but I have copies. We want to get you the information you want. I am struggling with the format to give. I think we can get that. We'll have to just not think about the renderings, they were meant for the idea and not the color scheme. It was to look better than the blueprints.

Mr. Krollfeifer: How are we resolving the buildings before we move on to landscaping.

Mr. Heinold: I'm proposing and requesting that we as a condition of final approval, continue to work with Mr. Taylor to present with him the final information he wants, in the format he wants so that they can see when things are submitted that they are compliant with what was approved.

Mr. Krollfeifer: So, then you're basically asking us to in our motion to approve, it's all subject to Mr. Taylor.

Mr. Heinold: And if there's any satisfaction or concern, we would be required that we couldn't meet that condition to the satisfaction of Mr. Taylor.

Mr. Taylor: D1 they will submit that.

Mr. Krollfeifer: Are you comfortable with taking on that responsibility?

Mr. Taylor: We have all driven by some really bad examples of backs of townhouses in surrounding communities. Those are the kinds of things that get planners run out of towns. I need to make sure this doesn't happen here. These are going to be very visible to the surroundings roads. So, if the Board is willing to give me enough rope to hang myself, I will do the best I can. My preference would have been that you guys would have had a clear example of exactly what all four sides of these buildings would have looked like. If the Board wants be me to work this out through resolution compliance, we are happy to.

Mr. MacLachlan: What would the time table that these folks could get those drawing to you?

Mr. Krollfeifer: Mr. Ravikio, you are signaling two weeks.

Mr. Ravikio: Yes.

Mr. MacLachlan: Has it ever been done that an approval was granted subject to Mr. Taylor's approval and submitting drawings, showing them at the next meeting? Not necessarily not making the applicant come in for a formal process. The Board could have the opportunity to look at and review so Mr. Taylors not hanging himself.

Mrs. Newcomb: Is it possible once their professionals send everything to Taylor Design, done by a PDF. At that point can that be taken a look at via email. Mr. Taylor, if your comfortable with that or not comfortable with that. Is that possible to go to any of us?

Mr. Taylor: Sending it is easy. The hard part is, and this is where it becomes sort of a legal issue. I would of have liked this or I didn't expect. That's what I'm looking at the fact is that I understand your frustration. But I also understand the board has something that we're putting solely on you, and you're a fantastic player, I'm never going to take that away from you. And I think that you'll make great decisions. But I feel like this is almost the first if that's the case. That is where it sort of opens that up.

Mrs. Newcomb: I understand your frustration. I also understand the Board has something that they are putting solely on you. You are a fantastic planner; I think you would make a great decision. I feel like this is a first.

Mr. MacLachlan: If you were not able to satisfy your requirements, they are actually going to come back to the Board. That is just the way it is. If your satisfied, that would be the end of it.

Mr. Kingsbury: You can do that. They have to satisfy the conditions to the satisfaction of the planner or come back to the Board.

Mr. MacLachlan: Does he have the option to say, I'll approve it but I want the Board to take a look at it before he approves it.

Mr. Kingsbury: That's not satisfying the planner.

Mrs. Tyndale: Mr. Taylor is it that you don't have all of the correct renderings or plans or whatnot. But what they're saying is that nothing has changed. So, it's like, like how you how the one thing was eight and seven eighths or whatever it should be nine. So that's been corrected. So, that you don't have the correct copy of that. Is that what I'm understanding?

Mr. Taylor: Those are the minor issues, it's kind of that bigger issue of what we have exhibits that said there are shutters on the rear facades. The ones that were also handed out at the last meeting. I think it was exhibit A6 did not have shutters, so some had shutters and some did not. I was concerned and because we had this sort of number of exhibits. Look at this color rendering, but don't look at the colors, just look at it for prettiness and then look at these other things for this. We're going to have decks on the

back of ours, but ignore this part. Part of my job is to really to advance if the Board is comfortable with that. If the Board is comfortable with what they look like, or they are willing to defer that and I can handle that. The main thing is that this is your town and being built in your community.

Mrs. Tyndale: I guess you are going to make sure there is symmetry between all of them.

Mr. Taylor: And consistency.

Mr. McKay: Can you do this?

Mr. Kingsbury: If the Board wants final say on the architectural, then you can make that a condition of final approval. You can bring them back before the Board at next month's meeting. You can either do that yourselves or you want Mr. Taylor do it. One way or the other, there has to be an approval.

Mr. MacLachlan: The thing is we do not have all the documents. I'm like, what are we doing here. Why don't they know they don't have them, what's going on? Can you at least make sure you have all the documents before we get them back in here?

Mr. Heinold: I will state again, I think there's frustration on both sides of the table. I'm not blaming either side of the table. I think Mr. Krisanda has tried to respond to a comment. Mr. Taylor has clearly indicated that he wants a more uniform single submission, we are amenable to trying to work through those issues as we have with a number of other issues with the Board's professionals. It's not for lack of trying. So, we will do our best to comply with that if in two weeks, there's further discussion or further revisions needed, and Mr. Taylor feels it's not ready, then come back to present to the Board. We understand that. But we are asking for final approval, I think the information we have presented is going to be consistently represented in what we submit. It's not as if we're changing anything as to what was preliminary testified to or proposed. We understand there are inconsistencies with the documents that make it more difficult for Mr. Taylor to show those consistencies and we'll address that. This is going to be a very nice townhouse community. I think if you look at some of the other developments that have gone off in the neighboring towns and compare it to this, I don't want to name names, but it runs with Dr. Horton. This is going to look we think far superior to that. So, we're proud of what we're proposing here and we have no problem trying to further address those concerns.

Mr. Krollfeifer: I think the issue that we're stuck on is we were on the assumption that this was going to be final site plan approval. I've got so many final site plans in front of me from this project that I don't know, which is which. I mean, I'm looking at some of the paperwork that I saved from the before. Like Mr. McKay was talking about Foxwood that one street. I mean, I have a thing here with final site plan, that calls that street something else. It was part of the original. I understand things have changed. But final supposed to be final. I made the comment and suggestion about putting it on Mr. Taylor for approval and I don't think that that's fair. Because the Board is the body that's supposed to make the decisions. We do rely upon our professionals. But I think we have to be given some more information. I don't like to delay things. Some people have heard me say it many times. Nothing personal, but I don't like the applicants coming back all the time because it's taking up time and time it's money. We would love to render a decision, approve this subject and Mr. Taylor's approval. I don't think we have enough

information to do that in this instance. I'm not saying we should postpone this whole thing. But I think we can make some progress. If the plans are given to Mr. Taylor, the renderings and everything else, and we can get a report on it at the next meeting will be in a position to make a decision. Or if Mr. Krisanda has a rendition right there that you are referring to of what it's going to look like?

Mr. Krisanda: Yes, the strips, like, if it's a four unit, and then I have the individuals, they're a little bit bigger, you can see the actual elevation.

Mr. Krollfeifer: What about the colors?

Mr. Krisanda: The colors are all right here. All you have to ask is show me what color is that going to be on lot 33. I just have to look at my chart and I would be happy to tell you.

Ms. Kosko: Do you have the rear of the building showing the shutters and the garage is showing all of the cutouts for the trash and recycling?

Mr. Krisanda: We have a separate detail. The blueprints do not show it's like a rider. We testified that we will put that note in the plans. This is a modification to a national builder's plan; they are not going to redraw their plans because Drew asked.

Mr. McKay: These plans are obviously well known to you but watching you explain that to us, your shuffling papers. You can't expect the planner to be able to figure that out intuitively. It should be put on you to put together an easy to follow, easy enough for professionals to follow. A plan so that all of that is spelled out in one document or a binder or however you organize it.

Mr. Krisanda: We did this at preliminary. That's why I wasn't prepared.

Mr. McKay: All this Board is trying to do is get an organized packet of paper to use. Get it to the planner and Mr. Kingsbury, to take the heat off the planner. You get those to him in two weeks. He takes a look at it; he can come back to this Board. Where you are here or not and explain this Board the packet that he got. If he approves that, he can tell the Board that. The Board can say we agree with you, and you can your condition is satisfied. If there's a problem, you can tell us that and the condition that isn't yet satisfied. I'm sure you will satisfy it down the line. So, why are we arguing about this? Why don't we just do it.

Ms. Kosko: To be clear and fair, we did get you on September's agenda for your request and somehow it couldn't be heard. We work diligently behind the scenes to accommodate the need for you to be heard. So, that we are following the statutory requirements. We are here today in October.

Mr. Heinold: Understood.

Mr. Krollfeifer: Another thing too, with all due respect, it's not like we're asking for something out of the ordinary. Take me for example, suppose I'm interested in buying, investing in one of these townhouses, you're going to have to answer all these questions. I want to know what it's going to look like, shutters or no shutters, everything, if I'm a prospective buyer.

Mr. Krisanda: I'm the developer and I'm just here to get my lots approved. So, I can then start doing business, truly doing business with the builder. I'm not building the units. I am not the builder.

Mr. Heinold: Normally seen is probably from instances where the national developer is front and center as the applicant. We're working with a 45-unit, townhouse development, we've made efforts to make that a very nice development. Again, we're willing to do this as a condition and when we hope before we're treated that way.

Mrs. Gilmore: You're saying something like, I want a brick facade. I want the Beethoven and I want it to be an end unit. I want to be in building for 4. You go, sorry, I can't do that but I can do that in building 2,

Mr. Krisanda: Yes, 100 percent. Brick is not being offered.

Mrs. Newcomb: Coming from over 15 years of working for national builders that is absolutely true. They have things specified already what they're going to do and not going to do in regards to what they can do.

Mrs. Gilmore: Is some of them stone and some are not? Do they look like these?

Mr. Krisanda: They look like this. That is a marketing piece.

Mrs. Gilmore: They are all going to be vinyl?

Mr. Krisanda: They are going to be vinyl and stone.

Mrs. Gilmore: More like this picture?

Mr. Krisanda: Yes.

Mrs. Gilmore: I want a stone front and want to be on the end.

Mr. Krisanda: No, you can't do that.

Mrs. Gilmore: I thought you said they changed with 9 building.

Mr. Krisanda: If one happens to land there. If you said I like elevation L, I would say you can have it on lot three, lot 9, lot 15, lot 23, lot 33, lot 39, and lot 45. So, the building I'm selling is building 3. You may have to wait.

Mrs. Newcomb: Usually, the sales manager already knows what that is going to be. That's to your disadvantage right now. There should have been somebody here from them because that would be answered pretty much 99% of the questions.

Mr. Kingsbury swore in Jason McNee, manager for the southern market for Ryan Homes.

Mr. McNee: What Mr. Krisanda just explained is exactly correct. We will have the predetermined building layouts. There will be three different floor plans offered. Those three different floor plans can be interchangeably mixed within those buildings, depending on the buyer's preference.

Now, the exteriors of buildings, they're all going to be predetermined and look the same, regardless of what you put in there. It's going to be at the same elevation on the exterior. So just Drew explained, if you wanted an elevation L, there's only a certain number of lots, that's going to be on in the community will know that from day one, as you said, the sales or somebody comes in, buildings are laid out. They want to buy an L; we direct them to that building or pick something different.

Mrs. Newcomb: There is something of the builder that is helping my planner out.

Mr. Krisanda: I'm getting this information from them. But ultimately, these guys could say, Drew this is too hard and leave. The reality is my builder might say you're on your own.

Mr. McNee: For Mr. Taylor's question, you have on the exterior of the facades. If you have a bulleted list of items that you need to see on the rears, you know, we absolutely want to work with you on that. If shutters are requirements, let's make that a condition of the approval.

Mr. Taylor: I think it is less of a requirement and more of tell us what the building is going to look like. We have exhibits showing both.

Mr. McNee: So, I think to answer Mr. Taylor's question. We could give you strip elevations that will show each building you know, a six-unit building, seven-unit building, and here are the strip elevations that will be included in that building. Now in that building could be Mozart, Beethoven, and Strauss, but the strip elevation will remain the same, the offsets in the rear would obviously change depending on the depth of the home, we could provide you with a rear elevation of that same building. If you want, we can put the decks on there as an option or however you want to see that designated. As far as the color scheme go, I think Mr. Krisanda explained that gets a little bit more challenging to create, you know, whatever, seven different building elevations. It is probably a pretty cumbersome packet for everybody but I think we can work through whatever legend you'd like to see there to make it easy to follow along with.

Mr. Krisanda: So, we had black and white of the front the side and the rear. But then we had to use the color matrix or legend would that be acceptable?

Mr. Taylor: That is more of a question for the Board. They may want to see one color scheme.

Mrs. Baggio: How many color schemes do you have?

Mr. Krisanda: Eight.

Mrs. Baggio: The largest building is a seven-unit building?

Mr. Krisanda: Eight. We could put them all in that.

Mrs. Baggio: Then each building repeats those patterns but to a lesser degree, depending upon how many units there are.

Mr. Krisanda: Yes.

Mrs. Kosko: Can we just do one side of the road? Maybe show us what buildings seven, six, and five would look like? Which is a four unit a six unit a seven unit and maybe even four? In a sense we would be able to take a journey along Foxwood Road and Friendship Road.

Mr. McNee: Yes, we can put together colorized strip elevations for a 4-unit building, 6-unit building, and a 7-unit building.

Mr. Krisanda: What makes it harder is that we are not starting over at every building. If we were I can show you the eight and say every left end unit that's a lot that's unit A and it's going to be these colors in a row. But since we're running through the eight color schemes, regardless of the number of units in a building, it creates more variation. So, we are kind of ticking our own butt here.

Mrs. Baggio: It sounds good in the beginning when you get new buyers in and when you get down to the last few buildings. The buyer says I want this color.

Mr. Krisanda: They would be out of luck.

Mrs. Newcomb: I have lost many of sales that way. Somebody will buy it.

Mr. McKay: I think this is dead.

Mrs. Kosko: I would like to make the recommendation that to show four building units, a full finder showing the renderings, the colors, the front side, the side, and the rear showing the shutter, showing the decks, and the options. Making it clear that these are the options. Weren't there other options also, like kitchen abutments.

Mr. McNee: The only option on the exterior would be the deck. Even on the interior, there are no structural options that are available.

Mrs. Baggio: There are only three models.

Mr. McNee: Yes.

Mrs. Baggio: The only difference is the depth.

Mr. Krisanda: Yes. They are 32', 36', and 42'. They're the same unit they just have deeper backs to them. They used to just be called a Fairmont, Fairmont Grand, and Fairmont Grand Deluxe. It was the same, you just chose a different option.

Ms. Kosko: I'd like to see the fencing in between the units as well as what the side will look like with the shutters.

Mr. Krisanda: We submitted a picture, an actual picture that showed the fencing, it showed the AC compressors.

Mr. McNee: We'll put it on rendering.

Ms. Kosko: The front shutters, the overhangs, and everything will be on those?

Mr. McNee: Yes.

Mr. Krollfeifer: When will this be ready?

Mr. Krisanda: We should be able to have this pulled together in two weeks.

Mrs. Tyndale: The only other thing I would suggest is that Mr. Taylor said there was landscaping issues. Maybe instead of us discussing all of it here, you guys could just work it all out ahead of time and you can say good to go.

Mr. Taylor: I think a lot of the other technical items in our report, most of the landscape issues are relatively minor and there was agreement that they will comply and work through those issues as a condition of approval.

The architectural is the only issue I particular had concerns.

Ms. Kosko: To be clear, all of the street trees and that's all going to be HOA requirements.

Mr. Krisanda: We will install them and it becomes part of the property of the HOA.

Mr. Heinold: Once they live through the initial phase, hopefully they continue to live.

Mr. Taylor: I think they are proposed behind the sidewalk, not between the curb and sidewalk.

Mrs. Kelley: Are there any low to moderate income housing involved with this?

Mr. Heinold: No, we are paying an in-lieu fee and that's in accord with the redevelopment plan and agreement that was negotiated with the township.

Mrs. Newcomb: Did we get any renderings of the single houses?

Mr. Heinold: It's not part of the development. So, it's going to be single family lot with his preference of the homeowner, the same would be elsewhere.

Mr. Krollfeifer: I know that time is of the essence, from everybody's standpoint, they want to get done with this and get on. I don't like the asking the question when I don't have a reasonable idea what the answer is going to be. But if they're saying they can have all this information for us in two weeks, do we have to wait for the November meeting or can call a special meeting. And if we do, Mr. Kingsbury, what has to be done regarding notices and so forth?

Mr. Kingsbury: You have to do a notice for a special meeting. I believe it is 48 hours. It would not be a problem because it's not a long notice period.

Ms. Kosko: Are you willing to come in November?

Mr. Heinold: I was going to suggest is something that we've done elsewhere. And I don't know if Mr. Kingsbury would be amenable to it. But we've covered I think pretty much everything except for this architectural issue. In terms of final and what's going to be presented to the Board if we go through this process present this in two weeks and you're back before you would it be possible to have the resolution prepared so that we don't lose that that month?

Mr. Kingsbury: We could do that.

Mr. Heinold: That'd be very much appreciated. That gets us back on track.

Mr. Kingsbury: I have had people ask me to do that before they even come to the meeting.

Mr. Heinold: We're barely asking for anything.

Mr. Kingsbury: I can do that. In other words, if the Board doesn't want to make a final decision tonight. I can have a resolution ready for adoption at the next meeting.

Mr. Krollfeifer: Not a special meeting.

Mr. Kingsbury: Not a special meeting.

Mr. Heinold: I think the two-week period is going to give Mr. Taylor time to review before and give some feedback. You know make sure we're not caught in a situation where he's not satisfied before we even get back to you.

Mr. Taylor: If they get them to me in 2 weeks, that should give me sufficient time to look at it.

Mr. Krollfeifer: Are you talking in enough time for the November 1 meeting? Mr. Kingsbury won't be able to have a resolution then.

Mr. Taylor: Mr. Kingsbury will summarize tonight's meeting and then write some language in assuming that the architecture is acceptable as presented with minor modifications to be revised.

Mr. Krollfeifer: So, we will not need a special meeting.

Mr. Taylor: Correct.

Mr. Heinold: I appreciate the concept. I think that will give us the right amount of time to get back before you.

Mr. Krollfeifer: Mr. Miller, your turn on your letter.

Mr. Miller: He had to make some changes to the drainage plan in order to satisfy our discharge to Route 38. I told them they had to come to me today and show me that it will work. He did that. He finished the whole thing and we are through. Yes, the drainage is going to work and I am satisfied with it. I have an eight-page letter that has 50 some different items he addressed. There were two open items. One had to do with the

homeowner's association and we took care of that tonight. The other had to do with the EV charging station and they took care of that.

Mr. Krollfeifer: You are referring to your August 31st letter.

Mr. Miller: Yes.

Mr. Heinold: So, with that I think the game plan is that we've addressed 90% of the letter review. We're going to do a submission within two weeks to address the architectural comments in the Taylor Design letter. That will bring us back before you next month and at that time Mr. Kingsbury has been kind enough to indicate that he will have a resolution of approval prepared. That would be greatly appreciated because that gets us essentially back on track timewise. We would request that from the Board.

Mr. Krollfeifer opened public comment.

Mr. Kingsbury swore in Bud Burns.

Mr. Burns: I'm on Fostertown Road and lived here since 1967. I was on the planning board years ago with Mr. McKay. You guys do a great job. I live behind, hopefully this development on Fostertown Road. I look at the minutes and it seems things go back and forth, he has it, he doesn't have it. It is getting a little ridiculous. I've known the Ravikios and Eric is a homegrown guy. He's not Paparone or one of these big outfits. The guy is going to do a good job, he lives right behind me. He helps me out. I became friends with Mr. Krisanda and he is putting an addition on for me why he is waiting for this to go through. I think sometimes we look at things too much. I'm sitting back there and my blood pressure went up. We are talking about shutters. I know that is part of it.

Mrs. Newcomb: We are all here to protect you as residents.

Mr. Burns: I understand that. There is not even a shovel in the ground and we are talking about shutters.

Mr. Krollfeifer: Is there any other public comments on this application?

Mr. Kingsbury swore in Dolores Krollfeifer.

Mrs. Krollfeifer: Was a traffic study done yet?

No further public comments.

Mr. Krollfeifer: We need a motion to continue this application to the November 1st meeting.

Mr. McKay motioned to carry the application.

Second: Mrs. Gilmore

Roll call: Mr. McKay, yes; Mrs. Gilmore, yes; Mr. Bradley, yes; Mrs. Kelley, yes;
Mr. Tricocci, yes; Mrs. Baggio, yes; Mrs. Tyndale, yes; Ms. Kosko, yes;
Mr. Krollfeifer, yes

Motion carries the application to the November 1, 2023 meeting at 6:30pm.

**C. Case 23-11A: 735 N. Clinton Ave., Inc.
Block 100.17 Lot 1.04
Preliminary & Final Site Plan
Attorney: Patrick McAndrew**

Mr. McAndrew: If the Board would carry this application to next month that would be great. We are still working on the plan.

Mr. Krollfeifer: What is next month's meeting date?

Mrs. Tiver: November 1st.

Mrs. Tyndale motioned to carry the application to November 1, 2023 at 6:30pm.

Second: Mrs. Baggio

Roll call: Mrs. Tyndale, yes; Mrs. Baggio, yes; Mr. Bradley, yes; Mr. McKay, yes;
Mrs. Kelley, yes; Mrs. Gilmore, yes Mr. Tricocci, yes; Ms. Kosko, yes;
Mr. Krollfeifer, yes

Motion carries to continue the application to the November 1, 2023 meeting at 6:30pm.

**D. Discussion on Resolution Adopting Findings and Recommendations to
Hainesport Township Committee Following Review of Amended Haines Mobile
Park Rehabilitation Area Designation Resolution**

Mr. Krollfeifer: The next order of business, I'm assuming Mr. Taylor's presenting this the Hainesport Mobile Park rehabilitation?

Mr. Taylor: Yes. This was actually an expansion as the Board knows that of the Haines Mobile Park area was determined an area in need of rehabilitation. The local redevelopment and housing law and this basically just extends that area to the adjacent right-of-way. As well to allow for some flexibility as that project moves forward. It's a very minor modification.

Mrs. Kelley: That road is going straight to Route 38 or is there going to be a back entrance?

Mr. Taylor: Right now, the site backs up to Hainesport Commerce Center. Access to the site is Lorraine which comes off Route 38. There is a little stub of Greenwood Ave. that ends at the Hainesport Enterprises property because the township years ago vacated the central portion of that. So, part of the redevelopment, Lorraine Ave. is still necessary and that would be a public street. There is contemplation of vacating that stub, leftover spot of Greenwood, in conjunction with the rehabilitation plan.

Mrs. Kelley: So that left over stub goes from where to where?

Mr. Taylor: Basically, from Lorraine, which is where the Allen Oil Site was. It's a very small stub there that look like a driveway. It goes from there about 200' to the west where the Hainesport Enterprises complex begins. Because Greenwood has already been vacated through Hainesport Enterprises. There is no existing through traffic and there will not be any additional though traffic. It's really contemplation of having that unused

stub of Greenwood be vacated so it can be incorporated and approved as part of the mobile home community upgrades that they are anticipating.

Mr. Bradley: Is that the resolution that I'm looking at?

Ms. Kosko: Yes. So, the job of the Board tonight is to provide any comments or anything to the Township Committee because it'll go back to the governing body next month for formal approval of this resolution. So, they authorized it to be sent to you guys tonight. They did that last night.

Mr. Krollfeifer: Just out of curiosity. Mr. Taylor what do you envision is going?

Mr. Taylor: A new entity has purchased it and they have been upgrading some of the onsite infrastructure, some of the units, they have more aggressive plans to add some amenities, and for a minor expansion. Like paving the roads, cleaning it up. Right now, there's a line of mailboxes. They want to create a cluster mailbox unit and have accessible parking, a shelter gazebo, picnic pavilion, tables and other amenities. A trash enclosure around their dumpster instead of just sitting out. So, there is a handful of upgrades. The next step will be like a lot of other projects. We're working on finalizing some of those conceptual things which includes architectural elevations.

So that would be introduced at a future meeting. That will be introduced by Township Committee and then referred back to this Board for master plan consistency. It is sort of a face lift for that site.

Mr. McKay: Is that a traditional trailer park arrangement where they rent the plot and the homeowner owns the trailer?

Mr. Taylor: Yes.

Ms. Kosko: We are capturing some affordable units with this project.

Mr. Taylor: The number is to be determined.

Mr. Krollfeifer: What do you need from us?

Mr. Taylor: A motion to accept and endorse. If there are any recommendations back to the governing body. Agreeing with the inclusion of the right-of-way.

Ms. Kosko: It is really a discussion on this resolution. We had the discussion and if the Board is in agreement. Then you just make a motion to agree with or without recommendations or comments. Then it goes back to the Township Committee.

Mrs. Baggio: We would be agreeing to allow that piece of Greenwood Ave to be incorporated into the mobile park.

Ms. Kosko: Right, to include it.

Mr. Taylor: It's just an expansion of the rehabilitation area.

Ms. Kosko: That we previously approved.

Ms. Kosko motioned to approve.

Second: Mrs. Baggio

Roll call: Ms. Kosko, yes; Mrs. Baggio, yes; Mr. Bradley, yes; Mr. McKay, yes;
Mrs. Kelley, yes; Mrs. Gilmore, yes; Mr. Tricocci, yes; Mrs. Tyndale, yes;
Mr. Krollfeifer, yes

Motion carries to approve.

Mr. Krollfeifer: Thank you Mr. Taylor for that presentation.

7. Minutes

A. Meeting minutes of June 8, 2023

Mrs. Baggio motioned to approve.

Second: Mrs. Tyndale

Roll call: Mrs. Baggio, yes; Mrs. Tyndale, yes; Mr. McKay, yes; Mrs. Gilmore, yes;
Ms. Kosko, yes; Mr. MacLachlan, yes; Mr. Krollfeifer, yes

Motion carries to approve.

8. Resolutions

A. Resolution 2023-13: Granting use variance and bulk variances for living area addition to an existing non-conforming residential dwelling on Block 86 Lot 17

Motion to approve: Mrs. Kelley

Second: Mr. Krollfeifer

Roll call: Mrs. Kelley, yes; Mr. Krollfeifer, yes; Mr. MacLachlan, yes;
Mr. McKay, yes; Ms. Kosko, yes; Mr. Bradley, yes

Motion carries to approve.

B. Resolution 2023-14: Denying use variance for expansion of single-family dwelling to construct an additional separate dwelling unit by second story addition on Block 64 Lot 15

Motion to approve: Mrs. Kelley

Second: Ms. Kosko

Roll call: Mrs. Kelley, yes; Ms. Kosko, yes; Mr. MacLachlan, yes;
Mr. McKay, yes; Mr. Bradley, yes; Mr. Krollfeifer, yes

Motion carries to approve.

C. Resolution 2023-15: Granting bulk variances with related improvements and site plan approval for fenced-in outdoor storage associated with an industrial building on Block 98 Lot 2.04

Mrs. Newcomb: The fire official and I went out the following week and met with them in regards to the items that were required.

Motion to approve: Mrs. Kelley

Second: Mr. Krollfeifer

Roll call: Mrs. Kelley, yes; Mr. Krollfeifer, yes; Mr. MacLachlan, yes;
Mr. McKay, yes; Ms. Kosko, yes; Mr. Bradley, yes

Motion carries to approve

9. Correspondence

- A. Letter dated August 21, 2023 from NJ Department of Transportation to Mr. Woods
Re: Application A-38-S-23400-2020, 570 Feet of Bancroft Lane
- B. Letter dated September 12, 2023 from Burlington Co Planning Board to Ms. Tiver
Re: Georgeanne Bruno, Block 110 Lot 9 Sheet 11
- C. Letter dated September 22, 2023 from Alaimo Engineers to Mr. Roche
Re: BTC III Hainesport Logistics Center LLC Application for Preliminary and Final Site Plan Approval Block 42 Lots 1, 1.01, 1.03, 2, 2.01 Stormwater Management Report Supplement Document Review #2
- D. Letter dated September 22, 2023 from Alaimo Engineers to Mr. Roche
Re: BTC III Hainesport Logistics Center LLC Application for Preliminary and Final Site Plan Approval Block 42 Lots 1, 1.01, 1.03, 2, 2.01 Revised Site Plan Review #2

Motion to accept and file: Mrs. Kelley

Second: Mrs. Gillmore

Roll call: Mrs. Kelley, yes; Mrs. Gilmore, yes; Mr. McKay, yes;
Ms. Kosko, yes; Mr. Tricocci, yes; Mrs. Baggio, yes; Mrs. Tyndale, yes;
Mr. Krollfeifer, yes

Motion carries to accept and file.

10. Professional Comments - None

11. Board Comments

Mr. MacLachlan: So, on social media, that I in particular shouldn't vote on certain cases because I am a Republican. I got an email and Bob called me. Its so preposterous that I can't honestly describe it. I feel that it's a big insult dealt to the Board through me that I would be in a conflict of interest for voting on a project that another Republican might own the property. I'm thinking to myself that are Democrats allow to vote on Republican projects and Republicans were only allowed to vote on Democrat project. I wanted to get your opinion if I am fortunate enough to vote on the next project that comes in here.

Mr. Kingsbury: It wasn't presented in quite that way. But I don't think the way it was presented established a conflict in your situation. If you start disqualifying people because of their political views, you are not going to have anybody.

Mr. McKay: How do we know what the political views of an applicant are?

Mr. MacLachlan: I've been around with you Mr. McKay and I don't think we knew half of the people much less what political persuasion or their religion out of the hundreds of cases that this Board has heard.

Mr. McKay: Exactly.

Mr. MacLachlan: That is dangerous ground that is getting proposed out there. I'm not bringing any names into anything. It is scary stuff. I just wanted to make a comment about it. Everybody knows me. I don't know who owns these properties half the time. It doesn't matter to me.

Ms. Kosko: Was it a blanket statement that you shouldn't vote on. Does that apply to all the applications that have come before the Board or just certain ones?

Mr. MacLachlan: Out there on social media that a Republican should not because it is a conflict of interest for voting on a project owned by a Republican.

Mr. McKay: That really is just plain nonsense.

Mrs. Tyndale: We are a nonpartisan Board.

Mr. Krollfeifer: This came up, I'm not sure if it was the infamous April meeting. It came from that attorney from the Beacon of Hope when they challenged you being a member and participant on the Board. I thought I ended it rather quickly; I said the members of the Board are appointed by the mayor and you are an alternate and during the course of the meeting. We needed you because people were vacant.

Mr. MacLachlan: I not this but my comment was purely based on his parking plan, his traffic plan. I thought it was the worst traffic plan and they asked you to get rid of me. That's not what we are talking about here. This is a purely partisan guillotine coming down that a republican has no right to vote on a project for a republican. Mr. Kingsbury and I talked today and it was scare to me that we are going to start going down that road. I think it is an insult to me and also to the Board. You come up here and your integrity gets questioned. You really have to have guts and thick skin to serve because today it is ugly especially on social media.

Ms. Kosko: Isn't that a civil liberties issue?

Mr. Tricocci: I'll tell you that I know where you are coming from because I know that does the same thing. You do a wonderful job of being correct most of the time and very careful.

Mr. MacLachlan: I like having a little say in our town. We like to know what is going on. I think this Board has been a great Board. I've been on and off it for the 18 years I've been in town. I don't think that it's made a bad decision. If anything, this Board has been pro helping people. All we want to do is create a record of what you're doing out there. Sometimes it gets misunderstood. I just wanted to let you know.

Mrs. Baggio: I read these comments but I stay out of them.

Mr. MacLachlan: Their doing it in a very bad way to cast doubt on the integrity of this Board and the Committee.

Mr. Krollfeifer: Any more comments from the Board?

12. Public Comments

Mr. Krollfeifer: Any public comments? Hearing none.

13. Adjournment;

Mr. Bradley motioned to adjourn at 9:45pm.

Second: Mrs. Baggio

Roll call: All in favor.

Paula L Tiver, Secretary