

Call to Order:

The meeting was called to order at 7:00 p.m. by Vice Chairman Salvadori who read the following statement: “Notice of this meeting was sent in writing to the South Jersey Times on May 28, 2014. In addition, notice of this evening’s public hearing was sent to the South Jersey Times by the applicant’s attorney.

The Board saluted the flag.

Roll call: Present – Mr. Carney, Mr. Fritz, Ms. Hui, Mr. Manfredi, Mr. Salvadori, Mr. Kozak. Absent – Mr. McLaughlin, (excused), Mr. Price, (excused). Also present – Mr. Marmero, Solicitor, Ms. Pellegrini, Planner, Mr. Sander, Engineer, Mr. Sebastian, Council Liaison.

Public Hearing:

1. #1713 – Hovbros Stirling Glen, LLC – Amended Final Major Subdivision

Present – Kevin Sheehan, applicant’s attorney, Bill Ralston, applicant’s engineer, Tom Morandi, Hovbros.

Member’s packets contained: 1. Report dated May 13, 2014 prepared by Martin Sander. 2. Report dated May 22, 2014 prepared by Martin Sander. 3. Report dated May 22, 2014 prepared by Pam Pellegrini. 3. Response letter dated June 13, 2014 prepared by Paul Witthohn, CES. 4. Reduced sized copies of the applicant’s final major subdivision plan.

The applicant is requesting amended final major subdivision approval for Stirling Glen I which is a converted plan from age-restricted units to market rate units. The applicant is proposing the project to be developed in four phases which have been revised from their previous approval for the conversion. Section one will contain 44 residential lots, the pump station lot, and the upper portion of the stormwater management basin. Section two will consist of 38 residential lots and the remaining drainage improvements; Section three consists of 57 residential lots and the lower portion of the stormwater management basin, and Section four consists of the remaining 56 units. The applicant was granted preliminary major subdivision/site plan approval on May 1, 2012 under the conversion law. The property is located on Fries Mill Road also known as Block 14201, Lot 1.

Public Hearing: (continued)

1. #1713- Hovbros Stirling Glen, LLC (continued)

Mr. Sheehan introduced himself as the applicant's attorney. He stated that they came before the Board a couple of years ago under the conversion law to convert Stirling Glen I to market rate units from the approved age-restricted development; Stirling Glen II remains as an age-restricted development. The Board granted that approval in May of 2012. One of the issues related to the project was that originally the Stirling Glen I site was to have the recreational facilities such as the clubhouse for the age-restricted community for both Stirling Glen I and II. The Board agreed that in lieu of providing recreation for Stirling Glen I the applicant would make a donation to the Township's recreation fund in the amount of \$1,500.00 per unit and also placed a condition on the approval that required the applicant to provide a clubhouse to serve the recreational needs for Stirling Glen II. The applicant's engineer did provide a response letter to the Board's professional review letters. The will discuss Mr. Sander's comment concerning the condition that the applicant obtain preliminary and final approval for Stirling Glen II.

Mr. Ralston was sworn in by Mr. Marmero. He displayed the plan for the Board and gave a brief overview of the plan. He commented that nothing has changed on the plan except the lot where they were going to have the clubhouse is now open space. They are currently working with the MMUA for a water main extension down Fries Mill Road in order to service the site. The water and sewer plans have not changed from the original approval other than the flows because of the conversion to market rate units. The density, the lot configuration, and the location of the roadways is all the same as they were approved for the age-restricted development. There is a comment concerning the lighting with regard to having 1.0 footcandles over all the intersections. They have agreed to comply with that requirement. The building footprint has been modified since the units are now proposed as two story units with basements.

Mr. Sheehan commented that they have agreed to comply with the comments in Mr. Sander's and Ms. Pellegrini's reports with the exception of the comment regarding approval for Stirling Glen II. He stated he spoke with Mr. Marmero earlier in the day with regard to that issue. He stated that their understanding was that the Board was concerned with the recreation on Stirling Glen II and that the plan had to be amended to provide recreation on the age-restricted site. They do understand that they cannot pull permits or develop that site until they amend the plan to include recreation. The applicant has agreed with that requirement.

Public Hearing: (continued)

1. #1713- Hovbros Stirling Glen, LLC (continued)

Mr. Sander replied that a condition of the preliminary approval was that the applicant would at least submit the plans for Stirling Glen II for amended preliminary and final. Mr. Sheehan stated that he is not aware of a reason to tie the two projects together. They understood it as they could not develop Stirling Glen II until they came back to amend the plan. Mr. Sander replied that the resolution indicates that the applicant must have amended preliminary and final for II as a condition of the approval for Stirling Glen I. Mr. Marmero read the condition from the resolution which did say the applicant was granted preliminary subdivision approval conditioned upon him receiving amended final approval for Stirling Glen I and amended preliminary and final subdivision/site plan approval for Stirling Glen II. Mr. Sheehan stated that they did not read it as being tied together; however they would ask the Board for relief from that condition. He stated that they are not trying to back away from their obligation to provide recreation on Stirling Glen II. They would like to get financing and approval for this project so they can start this project by the third quarter of this year.

Mr. Sebastian commented that the condition was placed on the approval for Stirling Glen I so that the applicant would have to come back for amended approval on Stirling Glen II. He commented while there isn't anything to tie the two projects together; the town may not see Stirling Glen II for another fifteen years. The town would like to know they have that offset of age-restricted units which will help to mitigate the impact of the market rate units and the addition of school aged children. Mr. Sheehan replied that even if they come in for the approvals it doesn't mean they are going to build it. Mr. Sebastian replied that he believed if Mr. Hovnanian spent the money to amend the plans and get amended preliminary and final that he will build it. Mr. Sander commented that the issue is can the applicant receive final approval tonight without first getting amended preliminary and final for Stirling Glen II which was a condition of their preliminary approval. He stated the Board should resolve that issue first. Mr. Marmero commented that although there is concern about the taxes and the offset; the Board cannot really consider that issue, the tie-in really concerned the recreation and the amended plan for Stirling Glen II to contain a clubhouse. The Board can consider that issue and whether or not they want to hold the applicant to the condition or not. Mr. Sheehan stated if there is some other way to make the town comfortable with regard to insuring the clubhouse will be part of the Stirling Glen II they would be happy to do that; they are not trying to back out of providing recreation.

Public Hearing: (continued)

1. #1713 – Hovbros Stirling Glen, LLC (continued)

Mr. Sander asked if the plans for Stirling Glen II are ready to be submitted. Mr. Sheehan stated that some of the redesign has been done but it is not complete. Mr. Fritz asked what the time table is for submitting Stirling Glen II. Mr. Morandi was sworn in by Mr. Marmero. Mr. Morandi is the Director of Land Planning and Development. He testified that they should be ready to submit the plans for Stirling Glen II in approximately ninety days. The infrastructure required for Stirling Glen I, such as the pump station, the improvements to Fries Mill Road, are not supported by just Stirling Glen I. The level of improvements is such that it is not financeable without the addition of the Stirling Glen II.

Mr. Sander asked if the issue is that they need to obtain financing. Mr. Sheehan replied that due to the market conditions, they must show their lenders that they are moving forward. Mr. Sander stated that a condition that they cannot start construction on I before the plans are submitted for II should be okay then since they are so close to submitting for II. Mr. Morandi replied that they would like to be in a position to start construction since that will probably happen by the end of September which is prior to being ready to submit the plans for II. Mrs. Farrell stated that they would like to start by the end of September but she doubts that they will since there are a lot of things that must be done before then. Mrs. Farrell stated that they cannot build II without coming back in for the amendment. Mr. Sander replied that they have approvals for II and that there isn't anything stopping them from coming in to get permits to build that phase. Mrs. Farrell stated they do not have signed plans for Stirling Glen II because they never posted bonding and inspection so she has not signed the plans. There was further discussion with regard to the Permit Extension Act which would require the applicant to ask for an extension if they do not submit plans before June of 2015. There was a comment made that if they do not submit the plans and they do not come back in for an extension, then the plans die and it would be like starting all over again. Mrs. Farrell commented that they do not need II in order to build Stirling Glen I. Mr. Sheehan asked if the Board would like him to send a letter indicating that they will amend the plans for Stirling Glen II to include a clubhouse for recreation. Mr. Marmero stated that the letter will be a condition of any approvals granted by the Board this evening.

Mr. Sebastian asked if the previous resolution should be amended. Mr. Marmero replied that it did not have to be amended but that he would include that condition as part of the new resolution.

Public Hearing: (continued)

1. #1713 – Hovbros Stirling Glen, LLC (continued)

Mr. Sander indicated that the application could be deemed complete by the Board. Motion by Mr. Fritz, seconded by Mr. Carney to deem application #1713 complete. Voice vote; all ayes, motion passed.

Ms. Pellegrini reviewed her report for the Board. She stated that her report shows that the applicant has revised the section limits and the units per section from the previous approval. They have also revised the building footprints and the stormwater management basin is proposed to be constructed in two phases instead of one. In addition, the landscaping plan has been modified as well as the overall grading plan. She asked that the applicant provide testimony regarding the building footprints including the number of bedrooms and to confirm that no setback variances are required. She stated that she received architectural drawings late in the day today. The applicant's response letter indicated they would revise the plans to show the missing setback lines as well as the dimensions of the typical footprints. Mr. Marmero indicated that the architectural elevations were marked as Exhibit A-1.

The reduction in the landscaping is due to the elimination of the clubhouse; however the plantings around the basin have been reduced as well. The landscape plan is still pending her review. With regard to COAH, the Board agreed to the applicant paying a fee of \$686,000.00 in lieu of providing on-site COAH. The applicant agreed to provide a recreation fee of \$1,500.00 per unit in lieu of providing onsite recreation; this fee is required to be made before the final plans are signed. The developer's agreement should be amended based on the final approval and the homeowner's documents must be submitted for approval. Mr. Kozak asked how the COAH fees will be collected. Ms. Pellegrini replied that that issue will be indicated in the new developer's agreement. Mrs. Farrell asked if they have a new developer's agreement. Mr. Sheehan stated that the new agreement has not been done as of yet.

Mr. Sebastian commented that the conversion law specifies that they cannot increase the building footprint and the number of bedrooms. In addition, he asked if there was supposed to be a deed restriction so that the new homeowner's could not add a fourth bedroom. He stated that there are facilities shown on the second floor that would allow a homeowner to easily convert space for a fourth bedroom not to mention the fact that they now all have basements.

Public Hearing: (continued)

1. #1713 – Hovbros Stirling Glen, LLC (continued)

Mr. Marmero agreed that the number of bedrooms cannot be increased under the conversion law. After some discussion, the applicant agreed that the deed restriction would be indicated in the developer's agreement as well in the homeowner documents and the individual deeds and covenants to not allow the addition of more bedrooms to the units. Mr. Kozak inquired again as to the payment of the COAH; Mrs. Farrell stated that there was a separate agreement with regard to the COAH; however she informed Mr. Sheehan that the fee is typically paid in two payments, the first half at building permit and the remainder at CO which is the requirement of the ordinance.

Mr. Sander reviewed his report for the Board. He stated that the applicant's engineer submitted a letter agreeing to comply with all of the comments in his May 22nd report. However there are two issues he would like to address. The first is to provide the homeowner's association documents for approval which should be included in the resolution. The second is for the legal descriptions to be revised for the drainage easements not just the plan of lots. Mr. Ralston agreed that the legal descriptions would be revised.

Motion passed to open the hearing to the public. There being none, motion passed to close the hearing to the public.

Mr. Kozak stated that he thought Ms. Pellegrini and Mr. Sander should give their advice as to whether the application should move forward since there was some controversy over the original condition of approval with regard to Stirling Glen II. Ms. Pellegrini asked Mr. Marmero if it was okay to disregard the condition of approval made at the preliminary without a new public hearing. Mr. Marmero responded that the law requires that if it is a modification to a substantial condition then notice would have to be given. Mr. Sheehan replied that he did notice. Mr. Sander commented that his main objection was that it was a condition of the previous approval and it wasn't done; however if the applicant is going to submit the letter guaranteeing recreation will be provided on Stirling Glen II, then he doesn't have a problem with the Board moving forward. No other questions were raised.

Public Hearing: (continued)

1. #1713 – Hovbros Stirling Glen, LLC (continued)

Mr. Marmero stated that the applicant was seeking final major subdivision approval for Stirling Glen I with the conditions that the applicant's attorney will provide a letter indicating the recreation will be provided on Stirling Glen II, the deed restrictions on the number of bedrooms being placed in the homeowner's deeds and association documents, the COAH fees being paid according to the ordinance, the submission of the homeowner's documents, and the submission of revised plans. Motion by Mr. Carney, seconded by Mr. Fritz to grant amended final major subdivision approval with the conditions stated. Roll call vote: Ayes – Mr. Carney, Mr. Fritz, Ms. Hui, Mr. Manfredi, Mr. Kozak, Mr. Salvadori. Nays – Zero. Abstentions – Zero.

Public Portion:

Motion passed to open the meeting to the public. There being none, motion passed to close the meeting to the public.

Reports:

1. Mrs. Farrell commented to the Board that she would like to change the July 1, 2014 regular meeting to July 22, 2014. She stated that she spoke with Ms. Pellegrini, Mr. Marmero, and Mr. Sander about the change. Mr. Marmero stated that he cannot make that meeting due to another scheduled meeting; however he can send someone to fill in for him. All of the board members were okay with the change in dates.

Approval of Minutes:

1. 5/20/14 regular meeting.

Motion by Ms. Hui, seconded by Mr. Fritz to approve the minutes from the May 20, 2014 regular meeting. Voice vote; all ayes, motion passed.

Adjournment:

The meeting was adjourned at 7:47 p.m.

These minutes are an extract from the meeting that was held on the above date and are not a verbatim account or to be construed as an official transcript of the proceedings. The tape of the meeting is stored in the office of the Board. Ninette Orbaczewski, Clerk Transcriber.