

**HAMILTON TOWNSHIP PLANNING BOARD
RESOLUTION 2007-03**

**In the Matter of Brandywine Woods, LLC,
for Preliminary Site Plan Approval,
Variance Relief from Building Height,
Building to Building Separation, Club-
House parking and Buffer Requirements
For Constructing 308 (Reduced to 298)
Units of Residential Housing for Active
Adults (30 Buildings-Three Stories)**

CONCLUSIONS OF LAW

**Map 119, Section 1922, Lots 26, 27 and 34
Hamilton Township, Mercer County
Zone: REO-5/Plned Retirement Overlay**

**Application No. 06-01-004
Approval Date: July 26, 2007**

BE IT RESOLVED by the Planning Board of the Township of Hamilton (ATownship@) that the action of this Board on July 26, 2007 in this matter is hereby memorialized by the adoption of this written decision setting forth the Board=s findings and conclusions.

RELIEF SOUGHT AND JURISDICTION

1. The applicant is seeking preliminary site plan approval to construct three hundred eight (308) units of age-restricted residential housing. The project will consist of thirty (30) three-story multi-family residential buildings (ten [10] units each), with the first floor reserved for parking. Buildings #1 through #4 have 12 units each, without first floor parking. Access to the site is via a new intersection with Estates Boulevard (4 leg intersection). This new entrance was designed in response to the master plan road requirements. This new driveway will also serve the Gershen Apartments. A secondary right-in right-out driveway is proposed off Klockner Road (about 700' to the west of the Estates Boulevard entrance) at Agnes Path.

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

3. The location of the property is Klockner Road, Hamilton Township, New Jersey.

4. Map 119, Section 1922, Lots 26, 27 and 34, located in the area designated on the Hamilton Township Zoning Map as REO-5 Planned Retirement Overlay.

THE APPLICANT

5. The property is owned by Joseph Zomparelli, Albert Bottoni and Chester Lindsey.

6. The applicant has certified that the owner has paid all property taxes for the property and the applicant has certified that it has paid all escrow fees required under ordinance

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for such an application. This certification includes agreement to pay all future monies due under the escrow ordinance for consultants and other professional work on the property.

7. The applicant has submitted an Affidavit of Proof of Service of Notice published in the Trenton Times. The Proof of service comports with the notice before the Board that this matter is of the character that the applicant has presented to the Board.

THE HEARINGS

8. Two public hearings took place with regard to this application.:
 - a. On July 26, 2007, a hearing took place before the Planning Board at the Township Municipal Building located on Greenwood Avenue. There was a previous hearing on May 24, 2007, which led to the plan being redesigned.

PLANS PRESENTED

9. The Board reviewed the following plans and sketches:
 - a. Preliminary Site Plan (sheets 1-31) and Existing Drainage Area Map (Fig. 3.1), prepared by Amertech Engineering, Inc., dated September 11, 2005; revised February 25, 2006, September 22, 2006 and April 23, 2007;
 - b. Residential floor plans and elevations (sheets A-1 to A-28), prepared by Sonnenfield and Trocchia, dated November 9, 2005, revised March 20 2006;
 - c. Boundary and Topographical Survey, prepared by Schoor DePalma, dated November 23, 2005;

OTHER DOCUMENTS REVIEWED

10. The Board also reviewed the following documents:
 - a. Stormwater Management Report, prepared by Amertech Engineering, Inc., dated November 18, 2005, revised July 13, 2006;
 - b. Fiscal Impact Analysis, prepared by Richard B. Reading Assoc., dated December 15, 2005, with Addendum dated March 27, 2006;
 - c. Traffic Evaluation, prepared by Langan Engineering and Environmental Services, December 1, 2005 and April 6, 2006;
 - d. Traffic Engineering Evaluation, prepared by Langan Engineering and Environmental Services, dated December 19, 2005 and revised April 27. 2007;

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- e. Environmental Impact Statement, prepared by Amertech Engineering Inc., dated November 28, 2005, revised July 13, 2006;
- f. Proposed Master Plan road letter, prepared by Ecol Sciences Inc., dated December 15, 2005;
- g. Planning Statement, prepared by Stearns Assoc. LLC, dated November 18, 2005;
- h. Planning and Zoning Report, prepared by P. David Zimmerman, dated July 27, 2006;
- i. Subsurface Exploration and Geotechnical Evaluation, prepared by Atlantic Engineering Lab Inc., dated July 15, 2005;
- j. Phase I Environmental Site Assessment, prepared by EcolSciences Inc. report dated September 27, 2004;
- k. Phase U Investigation (Sampling Location and Data —2 reports), prepared by EcolSciences Inc. report dated July 19, 2005 (A736 Lab Results pgs. 1-415) and dated July 22, 2005 (A873 Lab Results pgs. 1-488);
- l. Completeness Response letter prepared by Amertech Engineering, dated October 19, 2006;
- m. Letter in Support of SBCZ waiver, prepared by Amertech Engineering, dated October 19, 2006.

EXHIBITS PRESENTED

- 11. The following exhibits were presented:
 - a. A-1, brochure for development showing similar project.
 - b. A-2, previous plan showing what the original concept looked like.
 - c. A-3, current concept revised showing redesigned main entrance.
 - d. A-4, overall site plan.
 - e. A-5, first floor plan for building.
 - f. A-6, second floor plan for units.
 - g. A-7, third floor plan.
 - h. A-8, colored elevations of front of buildings.
 - i. A-9, garage and rear elevations of building
 - j. A-10, black and white elevations for end of building.
 - k. A-11, floor plan of rental unit buildings.
 - l. A-12, front elevation for rental building.
 - m. A-13, rear elevation of rental building.
 - n. A-14, clubhouse floor plan.
 - o. A-15, clubhouse elevation.
 - p. A-16, photo showing boarder with residential community.

TOWNSHIP REPORTS

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12. At the hearing, the Board considered the following reports presented by Township officials:
 - a. February 1, 2007 Planning report, revised June 7, 2007.
 - b. February 8, 2007 Engineering report, revised June 14, 2007.

TESTIMONY AND PUBLIC INPUT

13. The testimony given by and on behalf of the applicant was as follows:
 - a. The applicant was represented by Bob Smith, Esq., Also testifying on applicant's behalf were:
 - b. David Moskowitz, Environmental Engineer.
 - c. Kevin O'Brien, Planner.
 - d. Andrew Tendler, Vice President of applicant.
 - e. Sharif Ali, P.E., of Ameritech, Inc. testified as applicant's engineer and reviewed the plan.
 - f. Daniel Disario, P.E., testified as applicant's traffic expert.
 - g. Richard Arzsburger, architect.
 - h. Anatol Hiller, principal of applicant.
14. The following Township staff gave advice to the Board:
 - a. Robert C. Poppert, P.P., AICP, Township Planner.
 - b. Thomas E. Dunn, Township Engineer, who reviewed his June 14, 2007 revised memorandum.
 - c. Michael W. Herbert, Esq., gave advice to the Board.
 - d. Steve Malvey, Maser, Township traffic expert.
13. No members of the public who spoke.

FINDINGS AND CONCLUSIONS REGARDING PRELIMINARY SITE PLAN

14. Nature of application
 - a. The subject property is located on the south side of Klockner Road, just east of Interstate 295 within the REO-5 zone (with a Planned Retirement Overlay Zone).
 - b. The applicant is seeking preliminary site plan approval to construct three hundred eight (308) units of age-restricted residential housing. The project will consist of thirty (30) three-story multi-family residential buildings (ten

[10] units each), with the first floor reserved for parking. Buildings #1 through #4 have 12 units each, without first floor parking. Access to the site is via a new intersection with Estates Boulevard (4 leg intersection). This new entrance was designed in response to the master plan road requirements. This new driveway will also serve the Gershen Apartments. A secondary right-in right-out driveway is proposed off Klockner Road (about 700' to the west of the Estates Boulevard entrance) at Agnes Path.

- c. The applicant proposes to construct a nine thousand (9,000 sq. ft.) square foot clubhouse. The minimum size for the clubhouse has also been met (25 sq. ft. x 300 d.u. = 7,500 sq. ft. clubhouse).
- d. The applicant has met the open space/recreation area requirement of twenty (20%) percent by providing sixty-four and three-tenths (64.3) percent for the overall tract.
- e. In terms of recreational amenities, the following are proposed:
 - i. One regulation doubles tennis court.
 - ii. Two bocce courts.
 - iii. One in-ground swimming pool.
 - iv. A picnic area and tot lot.
 - v. Outdoor seating areas.
 - vi. A recreation building of nine thousand (9,000 sq. ft.) square feet.
- f. The Board approves the application, finding that there is no negative impact upon the public's health, safety and welfare, nor upon local zoning regulations.

CONDITIONS REQUIRED

- 15. The Board finds that, in order to address the concerns expressed in the course of the hearing, and to limit the relief to that which is reasonably necessary to satisfy the applicant's legitimate requirements, the relief granted is subject to the following conditions:
 - a. In terms of recreational requirements, the required amenities that are not provided are exercise areas and stations and two (2) shuffleboard courts. The applicant will work with the Township to provide these amenities.
 - b. On sheet 3 of 31, a six (6) foot wide wood chip walking trail is proposed to meander through the rear wooded portion of the property. The majority of this trail would transverse through the wetlands and corresponding transition areas and come within a very close proximity to two (2) water bodies. This path should be re-designed so as not to adversely impact any standing bodies of water. Also, the detail shown on sheet 31 should provide for little to no excavation to install the path. Excavation within the pathway areas will only

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cut and adversely impact the existing trees as well as compact the surrounding ground by means of excavating equipment. If the path were a maximum of five (5) feet wide, the limits of disturbance would be minimized. The Board requires that the applicant utilize a different type of base material that provides for a more even and stable path for the residents to walk on and which is acceptable to the NJDEP.

- c. A ten (10) foot high chain link fence is proposed to run the perimeter of the outdoor pool area. A fence of this height and style is not one typically found in this type of environment. The applicant shall propose an ornamental fence (i.e. jerith, etc.), no higher than six (6) feet and colored black.
- d. In terms of parking, the applicant shall provide 1.25 spaces for each 1-bedroom and 1.75 spaces for each 2-bedroom unit. The applicant has indicated that all units will be two-bedrooms. Therefore, four hundred fifty-five (455) parking spaces are required whereas five hundred twenty (520) parking spaces are proposed. For Buildings #1 to #4 that do not have garages, eighty-four (84) spaces are required whereas eighty-four (84) are proposed. It must be remembered that these figures will be reduced by ten residential units pursuant to the Board's directive.
- e. The applicant proposes seventy-seven (77) parking spaces for visitors, where seventy-seven (77) are required (0.25 spaces per unit for visitors) and seventy-seven (77) spaces for the clubhouse, where seventy-seven (77) are required (1 space per 4 units). Visitor parking spaces must be labeled as such on the plans for clarity. Visitor and clubhouse spaces now meet ordinance standards.
- f. All site work, including landscaping, must be completed as bonded for in accordance with the applicant's plan prior to occupancy. This shall be a condition of approval.
- g. Plant wet tolerant shrubbery around all sides of flared end sections (F.E.S.) #5 to shade and regulate temperature of discharged water but not disrupt flow (sheet 19 of 31).
- h. Provide a landscape plan and schedule for Building #3 and #4.
- i. The landscape schedules as shown on sheet #20 should include all "Interior Site Landscaping" within one consolidated schedule, not on two (2) different schedules. This will eliminate any confusion.
- j. The applicant shall add deciduous and/or coniferous azaleas on the shady side of the buildings (i.e. north sides) and on the Klockner Road side of the berm planted under the larger shade frees. Provide for numerous groupings.
- k. The plan should also incorporate numerous groupings of perennials/ grasses (coreopsis, Echinacea, daylily, miscanthus, pennisetum, rudbeckia, salvia, etc.) on the Klockner Road berm and within the

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foundation landscape plans for all buildings.

- l. Provide at least five (5) different landscape foundation plans for the twenty-six (26) typical multi-family buildings.
- m. The landscape plan around the in-ground pool area should be designed in a way to provide screening (privacy) for the users from parking lot.
- n. Wetland tolerant deciduous trees (of varying calipers) have now been planted to define the perimeter of the wetlands transition area (sheet 16 of 31). On the south side of this wetland area, change the four (4) Magnolias to Red Maple. This area is too narrow for this type of tree. Plant all other Magnolia frees at least fifteen (15) feet off the interior road curbing.
- o. Change the eighty-six (86) Japanese Black Pine to forty-six (46) Norway Spruce and forty (40) Douglas Fir.
- p. Change the one hundred eleven (111) White Pine to fifty (50) White Pine and sixty-one (61) Austrian Pine. Ensure that the fifty (50) White Pine are evenly scattered throughout the development.
- q. All graphics on the landscape plan must be labeled as to their species.
- r. All trees planted along a roadway should be setback at least fifteen (15) feet off a curb line.
- s. Entrances to sites deserve special landscape treatment. A combination of ornamental grasses (i.e. dwarf fountain grass), perennials (i.e. black-eyed Susan, daylilies), evergreen and flowering shrubbery should make up this design. This should be added at both site entrances adjacent to the guard house/gates.
- t. The main ID sign on sheet 16 will be obstructed by the berm and landscaping. This berm and landscaping should be pulled back so as to gain adequate visibility from the roadway. Also, the sign should be set more perpendicular to the roadway.
- u. The four (4) islands within the larger parking lot should provide for low growing ground cover in lieu of turf.
- v. The location of all light fixtures (poles) should be shown on the landscape sheets so that the placement of both on the site will not lead to any conflicts.
- w. The applicant has submitted a separate site lighting plan (sheets #12415). The sheets submitted now show the locations of each light fixture and the corresponding isolux curves for each. The exact type of pole (style, height) is to be agreed upon by the Township and applicant. The type of base used and the mounting details must be provided on sheet #15.
- x. In parking lots, at least five (5) percent of the parking lot shall be landscaped. The landscaping should be located in protected areas along walkways, center islands and at the ends of bays. The applicant must

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indicate if these requirements have been met for the overall site and show such calculations.

- y. Locate landscaping to provide for climate control. For example, shade trees should be located on the south to shield the hot summer sun and evergreens on the north to act as windbreaks. Therefore, add shade trees to the following locations:
 - i. One (1) at the south end of Buildings #6, #8, #10 and #28.
- z. On sheet 13 of 31, just north of the pool within the larger parking field, there are two (2) freestanding light fixtures on raised concrete footings (24"). These two (2) lights should be located within landscaped islands so that they will be flush mounted with grade. The plans should be revised accordingly.
- aa. Based on the submitted lighting plans, it appears that the site does not meet the 0.5 minimum and 1.0 average footcandle values within the parking lots and drive aisles. The applicant should provide a point-to-point lighting analysis of the site and meet the lighting requirements of the ordinance.
- bb. The applicant is subject to the tree replacement ordinance (Section 160-117). All areas of trees cleared (including utilities, access roads, etc.) with acreage totals for each, must be shown on the plans. This should be shown on a separate plan.
- cc. The limits of the tree protection fencing should also be shown on the Soil Erosion and Sediment Control Plans.
- dd. Checklist 2A #13 must be shown prior to application for final site plan approval. The removal of any trees may not take place until the applicant receives final site plan approval.
- ee. Any trees to remain or to be preserved must be bolded on all landscape plan sheets.
- ff. Project Signage: In terms of entry signage, the applicant now proposes to construct two (2) entry signs, one (1) on the west (or entrance) side of the Estates Boulevard entrance and one (1) at the secondary entrance off Klockner Road with Agnes Path. A detail for the first sign has not been provided on sheet 4 of 31. The second sign is noted to be thirty-eight (38) square feet in area and five and forty-five (5.45) feet in height. The setback of this sign has now increased to thirty (30) feet off the existing right of way. Based on the submitted information, the applicant has received variance relief from the required sign setback of fifty (50) feet. All dimensions and colors of materials should be clearly labeled on the sign details. This detail should also show how it would be illuminated. The detail on sheet A28 of the architect's plans should note that the "uplights" should be angled to illuminate the sign face. The color of the

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brick, stone, precast stone cap and sign background must be noted. Color samples and manufacturer cut sheets/catalogs should also be submitted for review.

- gg. The applicant shall also develop a coordinated sign package including interior directional signs and building mounted signage/identification that can easily direct residents and visitors to their destinations while inside the development. The applicant has stated that this coordinated sign package will be addressed at final site plan submission. This shall be a condition of approval.
- hh. The size, location, design, color, texture, lighting and materials of all temporary signs should not detract from the design of proposed buildings and structures and the surrounding properties. A plan for such signs must be submitted at the time of final site plan review.
- ii. At a previous meeting with the applicant (on January 9, 2007), the Township relayed concerns with the “side elevations” of the buildings and how they are finished. As the side elevations of at least twelve (12) buildings face Burgundy Circle (an internal loop roadway), these side facades must be finished to “mirror” the front of the buildings. This will present a more attractive and pleasing streetscape image. Revised plans for the side elevations were submitted and were acceptable to the staff.
- jj. The applicant is required to submit color samples of the proposed materials. The applicant must note the colors of the proposed materials on the plans. Samples of the proposed materials were submitted at the July 26th hearing.
- kk. The submitted elevation if used over the entire complex would not succeed in rendering interest and variety as stipulated in the ordinance.
- ll. At this time, the combination of stone finish with the other materials adds variety and appeal to the finish. When two units are attached to each other then additional interesting features are required to break the continuity. The applicant can experiment with different materials for the façade. Using stone, vinyl and brick in different permutations and combinations can substantially brighten up the dull façade.
- mm. The Board requires that the applicant add different window types, different heights for the roof and staggering setbacks for the units. Revised architectural drawings were submitted to the staff and were acceptable.
- nn. The roof types are the same with minor variations. The applicant should try different roof styles. All the elevations have blank valley of the roof that needs to be livened up, by adding additional dormers. The only change that was noticeable on sheets of the revised drawings was that the dormers on the roof of the front rear and side elevations were removed.

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The rooflines show some height variations. The height variations would not be noticeable from a distance. Revised architectural drawings were submitted to the staff and were acceptable.

- oo. Regarding the clubhouse, the staff suggested that the applicant remove the arches.
- pp. The applicant is required to note the colors of the materials.
- qq. The applicant is proposing brick and stone (random masonry) to the side. The random stones look rather busy and should be removed.
- rr. This property is subject to the payment of Transportation Improvement District (TID) fees. TID dollar amount will be:
$$\text{Total Square Feet} = 399,153 \times \$0.70 \text{ pr sq. ft.} = \$279,407.10$$

This incorporates the reduction of units (308 to 298) and only computes the fee for market rate units (265).
- ss. The applicant is required to construct the affordable housing units. In this instance, the applicant is required to provide thirty-five (35) such units, based on the revised site plans noting three hundred eight (308) total units (this amount will be adjusted to subtract 10 units). Please note that local Ordinance 160-255 "off tract improvements" provides that COAH units should not be counted. So the number of units is $308 - 10$ (Planning Board Requirement) = 298, minus COAH units 33. Therefore, 265 is the correct number of market units.
- tt. The Phase II Environmental Investigation, prepared by EcolSciences Inc., dated November 15, 2005 (attached as an appendix to the Environmental Impact Statement prepared for this project) has identified "two (2) areas of suspected fill material of an unknown origin and environmental quality". Samples taken from the elevated farm road exhibited a slight exceedance of a number of compounds. The report goes on to state, "additional investigation and remediation will be required" which would consist of removal or encapsulation of these fill areas. Based on these conclusions, the applicant must then take the next step to remedy this situation. These remedial actions must be provided to the Township and implemented as a condition of approval. NJDEP approval may be necessary. The applicant has stated in the plan review response letter that the remediation/additional investigation plan will be submitted prior to final site plan submission. This shall be a condition of final approval. Applicant has applied to NJDEP for entry into the voluntary cleanup program.
- uu. On page #12, section 4.3 of the Phase I Environmental report, has stated that "it is possible that underground storage tanks remain on the subject property". If UST's or even AST's are found on site, then the applicant is responsible for the proper removal of the same and must notify the

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- Township upon the finding of these. Also, numerous areas of fill material noted within the report must be disposed of accordingly.
- vv. Details/colors/manufacturer have not been provided for the tot lot, picnic area (tables and benches) or the terrace/trellis. The gazebo detail on sheet A27 of the architect's plans should note colors of materials and the manufacturer. A catalog cut could also be provided.
 - ww. The plans have now been revised to show Belgian block curbing in lieu of concrete, however, the applicant has not indicated as to why all the curbing is "mountable" curb instead of vertical curbing. We believe that mountable Belgian block curb to be a tripping hazard. Sidewalk is required across the entire frontage of the property, of which should meander through the lower area of the berm and as well as through the trees. The plans currently do not show this requirement. This is an ordinance requirement even if off-site linkages are not readily available. Applicant agreed to provide all "vertical" curbing throughout the property.
 - xx. Pedestrian crosswalks throughout the development should be constructed out of red brick pavers or stamped concrete in lieu of the proposed striping.
 - yy. The curbed concrete island at the rear of each multi-family building should include a depressed curb and sidewalk leading to the rear doors. As drawn, it is unclear how people access the rear doors.
 - zz. All proposed street names must be approved by the Administrative Officer. This is a requirement of final approval.
 - aaa. The block retaining wall detail on sheet 30 of 31 should note the exact color and manufacturer to be used. The infiltration/recharge area detail on this same sheet shows areas of "decorative stone" around the inlet. The plans should clarify if this is loose stone or a veneer attached to the precast structure.
 - bbb. A temporary sales trailer plan detail has been shown on sheet 30 of 31. To best review the proposed detail (in terms of lighting, landscaping, etc.); the applicant should show where on the overall site this would be located. A separate construction trailer plan and temporary signage plan should be provided for review as a condition of final site plan approval.
 - ccc. All structures (outlet boxes, headwalls, etc.) within the detention and retention basins must have a stone veneer facing to create a more natural appearance. The applicant has indicated a brick or stone veneer, as selected by the owner. However, due to the nature of the setting, a stone veneer would be more natural in appearance over brick.
 - ddd. The applicant is proposing a split-rail fence around the wet basin. The Board does not allow fencing around any type of basin; therefore, the

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applicant should remove it from the plans.

- eee. If the development is to be staged over a period of years, a phasing plan with a net density of the land development in each phased area shall be shown with a timetable for development. Applicant testified that there will be no phasing for this project.
- fff. The 10' by 20' dumpster enclosure plan shows one (I) recycling and one (1) dumpster area. As these units are placed sideways within the enclosure, we would have to assume that someone would have to manually pull them out before they can be emptied. A typical waste disposal contractor will not do this. When accessed by a disposal vehicle, the units should be easily accessible by the same. Note the color of the pvc slats on the front dumpster gates.
- ggg. In addition, only one (1) 12' by 30' dumpster enclosure is proposed within the community and is located just to the west of the clubhouse. Curb-side pickup will be provided.
- hhh. The applicant is required to provide recycling facilities under the New Jersey Statewide Mandatory Source Separation and Recycling Act. A recycling plan must be submitted in accordance with Section 160-134(4).
- iii. On sheet 5 of 31, the sidewalk along Klockner Road must extend to the property line with adjacent Lot 28. In addition, at the western entrance off Klockner Road, add sidewalks to connect the interior sidewalks to those on Klockner Road.
- jjj. The applicant should show the removal of the existing driveway to the Gershen Apartments (Lot 25) and show that the area will be restored (i.e. full face curbing, removal of driveway surface, topsoil and seed).
- kkk. The finished ground treatment of the two (2) boulevard islands within the Estates Boulevard extension, the three (3) islands within Tambuk Trail, the two (2) islands at Agnes Path and the two (2) islands within Burgundy Circle should be labeled on the plans. The applicant should also explain as to why these (2) islands are shown within Burgundy Drive.
- lll. Directional signage should be provided at the end of the Estates Boulevard extension to point motorists to the Gershen Apartments or Brandywine Woods.
- mmm. On sheet 9 of 31, a three (3) foot high gabion wall is proposed to be built within the infiltration basin. As the vast majority of this will be visible to the public view, it should be constructed out a more aesthetically pleasing retaining wall block.
- nnn. On this same sheet, a small gate is shown at the southeast end of the infiltration basin and at the north end of the wet basin. The plan still shows a 15' wide grass paver basin access area. We would recommend

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not using the grass pavers for this access way, especially as it is not clear how any vehicle can access this area. If able to be traversed by vehicles, we would suggest using an access way compiled of a turf surface, 4" topsoil, 6" DGA and a compacted subgrade. This formula has worked in other projects. Access to the basins from the interior parking lot must also be shown.

- ooo. The Township Master Plan indicates a proposed 70 feet wide roadway (future Estates Boulevard). The applicant has addressed the issue of the Estate Boulevard Extension by realigning the drive entrance. To combine the entrance for this development with the existing senior citizen complex to the east by means of an easement from the Gershen Group, LLC. The applicant needs to include a signal at this intersection of Klockner Road and Estate Boulevard Extension, subject to approval by the NJDOT..
- ppp. The approved wetland delineation must be shown on the plan and indicated as a wetlands conservation easement. All bearings and distances must be shown on the plan. The following note must also appear on the plans: "The wetlands conservation easement prohibits any activity which would destroy or alter the wetlands, such as filling, excavating, clearing or construction unless specifically approved by the Department of Environmental Protection." This will require a deed of easement to the Township prior to signing if the final plan. DEP general permits No. 2, 6, 7, 10, 11 and 17 are required.
- qqq. As a condition of approval, the applicant shall be required to submit the following upon completion of construction and prior to release of any performance guarantees:
 - i. As-Built drawings prepared by a New Jersey Licensed Land Surveyor for the drainage system and detention facilities.
 - ii. Engineer's certification that the detention facilities have been constructed in accordance with approved plans and appropriate detention size and volume of storage is provided. The certification should include a table comparing the design storage volumes to the as-built conditions.
- rrr. The operation and maintenance of the storm water management facilities shall remain with the owner or owners of the property with permanent deed provisions requiring that it shall pass to any successive owner or operator of the site. Add a note to the plan addressing this requirement.
- sss. Township ordinance section 160-115 requires that the light intensity provided at ground level within all parking and walkway areas shall be a minimum of 0.5 foot-candle anywhere in the area to be illuminated, and shall average a minimum of 1.0 foot-candle over the entire area. Show

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individual foot-candle values on plan. The lighting plan as revised on April 23, 2007, does not meet these standards.

ttt. The following approvals are required:

- i. Mercer County Planning Board (Preliminary and Final)
- ii. Mercer County Soil conservation District (Preliminary and Final)
- iii. Compliance with Township Water Pollution Control Department comments.
- iv. Compliance with Township Fire Officials comments.

uuu. The applicant shall provide a construction schedule in Microsoft project format (or using other software acceptable to the Township Engineer) showing all site work, including the signal and frontage improvements. The schedule shall show at minimum:

- i. The start and finish of the on-site work.
- ii. The planned start, finish and occupancy of each building.
- iii. The start and finish of the signal and frontage improvements, including utility relocations (if any).

vvv. Plan shall have a note saying "All striping including pavement markings shall be long life thermoplastic".

www. Klockner Road is an arterial Road as per master plan. The arterial road is 50' wide (cartway) and the right-of-way line shall be 15' behind the face of the curb. The applicant has proposed the right-of-way line only 10' behind the curb. This shall be changed to 15'. The Applicant has retained the location of R.O.W. as 10' behind the curb line but made a note that 5' wide area to be dedicated to Hamilton Township. This is not correct. The new R.O.W. line shall be shown 15' behind the curb line.

xxx. The applicant's traffic report of April 27, 2007 from Langan Engineering Co. suggests warrant 1 and warrant 2 are met with to provide a traffic signal at the intersection of Estates Boulevard/Estates Boulevard Extension and Klockner Road. The applicant shall contact the NJDOT and obtain permission to design a signal. One set of drawings of traffic signal shall be submitted to the Township for approval prior to submitting to the NJDOT.

yyy. The applicant shall submit a drawing showing the existing lane configuration on Estates Boulevard and both approaches of Klockner Road. The proposed striping shall align with the existing applicant's striping on Estates Boulevard. The applicant shall provide up to three exiting lanes on Estates Boulevard Extension based upon NJDOT standards. A dedicated left turn lane shall be provided on Klockner Road approach to enter this development. A dedicated right turn lane to enter this development is also required on the other approach of Klockner

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Road, if needed.

- zzz. The existing driveway for hi-riser shall be curbed full face along Klockner Road. The sidewalk shall be extended through the driveway. The pavement area of the driveway shall be removed, topsoiled, fertilized and seeded.
- aaaa. The drive isle of all parking areas shall be labeled as 25'.
- bbbb. The applicant shall demonstrate that entire site is accessible by WB-50 trucks.
- cccc. A special sign showing two developments (Brandywine Woods and Hi-Riser) with the directional arrows shall be installed on Estates Boulevard Extension at the intersection with Trambuk Trail.
- dddd. The width of Burgundy Lane (excluding island areas) shall be designed as 30'. The width varies from 28' to 30' as shown on the drawing.
- eeee. The crosswalk shall be 8' wide — two 8" wide stripes shall be 8' apart. 12" wide stripes shall be 4' on center parallel to the traffic flow.
- ffff. Trabuke Trail shall have smooth curve on East side. The radius size between station 2+71.55 and 3±41.05 shall be increased from 50' to provide smooth curve. The median island which includes guard house shall be straight after station 4±00. This will increase the radius size from 25' to 50' or larger.
- gggg. Sign R4-7 (Keep Right) is required at each end of the island on Burgundy Circle.
- hhhh. Minimum distance of 4' is required between the stop line and the nearest crosswalk line.
- iiii. The end areas (15' wide) of Danica Court and Sonoma Trail shall be posted as "No Parking — Any Time".
- jjjj. Sign R5-I (Do Not Enter) is required at the intersection of Agnes Path and Klockner Road. Also, sign R3-2 is required to prevent left turn movement for the traffic exiting from this driveway. The pavement marking arrow shall be shown as right turn arrow.
- kkkk. On construction detail sheet, typical township roadway details shall include all pavement thicknesses. The size of sign R4-7 shall be in English units.
- llll. The application is residential development. There are wetlands on the property and a small portion of the southern area by Cypress Lane is the flood plain. There is also a standing body of water. The Environmental Impact Statement indicated limited agricultural use. The applicant must still address the following or submit proof that they have been addressed.
- mmmm. The Phase I Environmental Site Assessment indicated numerous potential areas of concern. There is also an inactive unlined capped

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Township landfill only 0.34 mile from the property. Applicant testified that it will comply with all NJDEP rules and regulations concerning the site.

- nnnn. The Applicant has submitted volumes of raw data and laboratory testing for soil sampling.
- oooo. An NJDEP-approved work plan for remediation is required to address the three chemicals found in some locations and known to be carcinogenic. A copy of the work plan shall be submitted for our records.
- pppp. There are activities disturbing some portions of the freshwater wetlands. NJDEP permits authorizing these activities must be submitted as part of the records for this application.
- qqqq. The Applicant submitted revised plans and calculations (dated 4/23/07) and upon review, Engineering finds the stormwater runoff management and control measures satisfactory and adequate.
- rrrr. Long-term maintenance of the stormwater facilities. The maintenance plan and design of the wet basin must provide for basin drawdown. Both basins are in excess of 9 feet deep (15 feet for the wet basin). They both qualify as Class IV dams and this classification must be considered in the maintenance and operation plans. The long-term maintenance plan must be amended to include the submittal of annual maintenance and inspection reports.
- ssss. Areas of groundwater recharge are provided on the plans. However, there are no supporting calculations or analysis to show the efficiency of these recharge zones. The plans must include details of a typical recharge area and calculations must indicate volume balance. Also, detailed soil logs and permeability studies must be provided for the areas of the infiltration basin and any groundwater recharge locations.
- tttt. This application is subject to the following:
 - i. Phase II Stormwater Regulations and NJDEP review of the stormwater management plan and freshwater wetland permit. The applicant has already obtained a Letter of Interpretation for the delineation of the wetlands.
 - ii. Compliance with Township Site Investigation and Soil Sampling Ordinance, Steep Slopes Ordinance and Stream Buffer, Conservation Zone Ordinance.
 - iii. Mercer County Soil Conservation District review and approval.
- uuuu. Portions of the roadway profile show a 0.75% slope. A 1.5% minimum slope is recommended. Staff and applicant will meet to resolve this issue.
- vvvv. Details of the outfall control structures for the wet basin are needed.

www. The Board requires that the applicant include the application number within the subject line of all correspondence relating to this application, and that the application number be shown adjacent to the title block on all plans.

xxxx. The applicant is requested to provide the Township with a list of proposed street names for consideration by the Township. The list shall include one alternate name for each name provided. The Township will provide the applicant with a current street map, with the street names if so requested. The Township in turn will advise the applicant of the selected street names in writing. The street names along with the lot and block must be on the mylars to be filed at the Mercer County Clerk's Office.

yyyy. All resubmissions of plans, reports and other documents shall be accompanied by a cover letter which describes the purpose of the resubmission, includes appropriate references and list the specific changes and additions included with the resubmission. Along with the listing there shall be a reference to the related page number where the change/addition was incorporated. The change/addition shall be highlighted. Also, the transmittal letter shall specifically state there are no other changes, modifications or additions to the plan, report, etc.

zzzz. The applicant is required to forward all subsequent revised plans, reports, estimates, and agreements to the Township's Consultant or Consultants for review and comment. This includes the final plans sent to the Township, after Planning or Zoning Board Approval, for Mylar Review.

aaaaa. Subject to the conditions of the Division of Planning memorandum dated February 1, August 30, October 25 and December 12, 2006, and June 7, 2007, as modified by this resolution.

bbbbb. Subject to the conditions of the Division of Engineering memorandum dated February 8 and September 6, 2006, January 11, May 16, June 4 and June 14, 2007, as modified by this resolution.

ccccc. Subject to compliance with all other applicable local, county, state and federal laws.

VARIANCES AND WAIVERS REQUESTED AND GRANTED

15. The following variances were requested:
 - a. The minimum distance between window walls is seventy-five (75) feet for multi-family buildings. Within this development, the applicant proposes building separations between fifty (50) and sixty-five (65) feet. The fifty (50) foot to sixty-five (65) foot spacing is much too narrow considering the height of the buildings. This variance is subject to the elimination of one 10-unit

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- building.
- b. According to Section 160-88 (3)(f) of the ordinance, no portion of any principal permitted use or parking lot shall be located closer than one hundred (100) feet from any common property line with a non-residential use or non-residential zoning district. A twenty-five (25) foot wide landscaped buffer shall be installed within these setback areas to diminish the visual encroachment of residential privacy and residential neighborhood characteristics of a planned retirement development. Therefore, the applicant requested a variance from the one hundred (100) foot setback to a non-residential zoning district where as forty (40) feet is proposed to Lot 28.
 - c. In addition, the REO-5 zone states that at least the first fifty (50) feet adjacent to any lot line shall not be used for parking and shall be planted and maintained in lawn area or ground cover or landscaped with evergreen shrubbery. As stated previously, the applicant proposes forty (40) feet to Lot 28, and said variance is hereby granted.
 - d. In addition, thirty (30) feet is proposed between the easterly property line and a vehicle turn-around by Building 11 and 12 is hereby approved.
 - e. The maximum impervious surface coverage of forty (40) percent is met. The applicant proposes seventeen (17) percent. Impervious coverage will be further reduced by the elimination of one 10-unit building.
 - f. The applicant had previously applied for a use variance to exceed the maximum building height for the three-story residential buildings. The applicant has now revised the buildings to show that they are thirty-eight and three-tenths (38.3) feet in height, which is within the 10% allowance. Therefore, the applicant now requires a bulk variance for building height. Thirty-five (35) feet is required whereas thirty-eight and three-tenths (38.3) feet is proposed, and is hereby granted.

16. The applicant through its professional testimony has provided statements that the position criteria have been met by the construction of the proposed building being an asset to the site as well as to the township. The applicant has also proven negative criteria by showing that there is no negative impact upon the public's health, safety and welfare, nor upon local zoning ordinances.

CONCLUSION

Based upon the foregoing, the Hamilton Township Planning Board, at its July 26, 2007 meeting, voted to approve the application.

This Resolution of Memorialization was adopted on September 13, 2007 by a vote of the majority of the members present, who voted to grant the relief sought by the applicant.

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The date of decision shall be July 26, 2007, except that the date of the adoption of this memorializing resolution is the date of decision for purposes of (1) mailing a copy of the decision to the applicant within ten (10) days of the date of the decision; (2) filing a copy of the decision with the administrative officer; and (3) publication of a notice of this decision. The date of the publication of the notice of decision shall be the date for the commencement of the vesting protection.

We do hereby certify that the foregoing resolution was adopted by the Hamilton Township Planning Board at its regular meeting held on September 13, 2007. This resolution memorializes formal action taken by the Board at its regular meeting held on July 26, 2007.



Cheryl Durelli, Secretary
Hamilton Township Planning Board