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Attorney for Galloway Township Planning Board

APPLICATION OF MRD GALLOWAY, LLC FOR AMENDED PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL WITH VARIANCES FOR LOT 43.01 OF BLOCK 1260.01, 45, ROUTE 9 (NEW YORK ROAD) & SMITHVILLE BOULEVARD

TOWNSHIP OF GALLOWAY
PLANNING BOARD

APPLICATION NO. 05-16

DECISION AND RESOLUTION GRANTING AMENDED PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL

THIS MATTER having been heard by the Planning Board of the Township of Galloway (referred to as the "Board") on May 5, 2016, at a regularly scheduled meeting at the Township Hall of Galloway Township and the Board having reviewed the application and plans as submitted and a quorum being present; and

WHEREAS, Applicant is MRD Galloway, LLC ("Applicant");

WHEREAS, Applicant is represented by Keith A. Davis, Esquire, Kevin J. Dixon, P.E., P. P., P.T.O.E., and Daniel McCauley, Architect (the "Representatives");

WHEREAS, the site is located at the intersection of Route 9 (New York Road) and Smithville Boulevard and is commonly known as Lot 43.01 in Block 1260.01. The site is located in the Smithville Planned Unit Development. The site is located adjacent to the Smithville Self Storage Facility and contains an existing stormwater management basin

within a drainage easement for the development on Lot 43.02 and the existing brick "Smithville" sign. The remainder of the site is vacant and wooded.

WHEREAS, on July 16, 2015 the Applicant received approval to construct 120 units consisting of 60 one-bedroom and 60 two-bedroom housing units within ten (10) three-story buildings (the "Prior Approval").

WHEREAS, the Applicant now seeks to amend preliminary approval to construct 30 one-bedroom and 90 two-bedroom homes in five buildings (24 units per building) and a clubhouse is now proposed. Other improvements include off-street parking for 260 vehicles (of which 70 are garage spaces), stormwater management facilities, internal sidewalks, landscaping, and signage. The Applicant is proposing to construct an access drive into the site which will utilize the existing traffic signal at Route 9 and Smithville Boulevard A secondary "emergency exit" access to the storage facility access drive on Lot 43.03 is also proposed. The proposed development will be serviced by public sewer and sanitary sewer. Additional improvements include the extension of the sanitary sewer system along Route 9.

WHEREAS, Applicant received modification to the approved PUD land use map to permit residential housing in a "C" Commercial Area on July 16, 2015. The Applicant is seeking Amended Preliminary and Final Major Site Plan approval from the Planning Board for the construction of 120 multi-family dwelling units (the "Project").

WHEREAS, the approvals, variances, waivers and other relief requested by the Applicant are referred to as the Requested Relief;

WHEREAS, the Galloway Township Planning Board has received the following documents and submissions in support of the application by Applicant.

NO.	TITLE	PREPARED BY	DATE	LAST REVISION
	Planning Board & Zoning Board Application, Land Development Application Checklist, Affidavit	Applicant	3.22.2016	
	Correspondence w. Attachments Planning Report	Keith A. Davis Smithville Community Association Timothy D. Michel, PP	3.22.2016 2.26.2016 2.26.2016	
14 of 14	Site Plan	Dixon Associates, LLC	3.14.2016	3.22.2016
L1 L2 L3	Landscape Plan	Melillo & Bauer Associates.	3.14.2016 3.14.2016 3.14.2016	3.21.2016 3.21.2016 3.21.2016
6 of 6	Architectural Plans	Martin Architectural	12 3.2015	
	Stormwater Management Report	Dixon Associates, LLC	2.17.2016	
	Community Impact Statement w. Supplement (Short Form)	Timothy D. Michel, PP	2.26.2016	
	Traffic Engineering Assessment Raven's Nest	Shropshire Associates, LLC	6.24.2015	3.1.2016
	Environmental Impact Report*	Landsystems, LLC	4/ 2015	
	Access Easement Agreement*	Nehmad Perillo & Davis, PC	No Date	
	Sanitary Sewer Main Easement Agreement*	Nehmad Perillo & Davis, PC	No Date	
	Deed Imposing Restrictive Covenant Establishing Buffer Area*	Nehmad Perillo & Davis, PC	No Date	
	Joint Stormwater Basin Maintenance Agreement*	Keith A. Davis, Esq.	No Date	
	Sanitary Sewer Main Easement Agreement*	Keith A. Davis, Esq.	No Date	
	Municipal Fiscal Impact Statement	Timothy D. Michel, PP	5-13-2015	
	Planning Report	Timothy D. Michel, PP	2.26.2016	
	Certification No 162-15*	Cape Atlantic Soil Conservation District	5-8-15	

* Submitted as part of July 16, 2015 approval.

WHEREAS, the Requested Relief consists of the following submission waivers, variances and design waivers:

Submission Waivers Requested:

Major Site Plans

- Item 15 – Existing contours shall be based on the most current N.G.V.D. datum. A waiver has been requested. The Applicant indicates that this is the third phase of development on this tract using the NAVD 29. A waiver was granted previously. All required sewer as-built surveys must be provided in current datum.

PURSUANT TO COAH (AFFORDABLE HOUSING) REGULATIONS:

Residential Preliminary Site Plan Approval: For any residential site plan or subdivision application for preliminary approval consisting of 20 or more dwelling units, the developer must submit the following to address their affordable housing obligation:

- Item 31 – A plan identifying the location of affordable housing units on-site in accordance with Section 233-83.O. The plan shall provide phasing, housing style (i.e. type of construction), list of any variances and justification for variances; or If the units are proposed off site an application for residential site plan/subdivision identifying the location of affordable housing units within the Township in accordance with Section 233-83.O. The plan shall provide phasing, housing style (i.e. type of construction), list of any variances and justifications for variances. Units that are proposed off-site will be accepted at the discretion of the Planning Board.

- Item 32 – In accordance with Section 233-59.G the applicant shall identify the number of bedrooms in each unit, and indicate if the units will be for sale or rent;

- Item 33 – For units proposed off-site the applicant shall submit copies of all applications submitted to any outside agency required for approval of their affordable housing units, including but not limited to the County Planning Board, Pinelands and DEP/CAFRA.

A waiver was granted in the Prior Approval. The Applicant indicates that the project is located within the Towne of Historic Smithville Planned Unit Development (PUD) which had a CAFRA imposed affordable housing requirement that has been satisfied between Galloway Township and the previous developer of the PUD. The developer makes the argument that this development does not increase the number of residential units beyond that permitted in the PUD approvals, so there is no additional affordable housing need associated with this project. The Applicant is responsible for providing Housing Impact Fees as noted and as required of recent similar applications.

ZONING REQUIREMENTS: The site is located in the Smithville Planned Unit Development within the C Commercial area as designated on the Land Use Map. The Applicant had requested an amendment to the PUD Land Use Map approved as part of the Smithville PUD Extension & Modification 12/96 and as revised. This was granted on July 16, 2015. The parcel was changed from C Commercial, to MD Residential with an allowable density of 8.1 to 12 residential dwelling units per acre. It is also located in the CC-2 Community Commercial 2 zoning district. Multi-family townhomes, garden apartments and condominiums are permitted uses in this PUD/district. The following is a review of the zoning requirements for the project:

Smithville Planned Unit Development within the MD Residential - Multi-family Townhomes, Garden Apartments and Condominiums			
STANDARD	**REQUIRED**	**PROPOSED**	**STATUS**
Use		30 one-bedroom units, 90 two-bedroom units (120 units total)	Conforming
Density	8.1-12 DU/Acre	9.88 DU/Acre	Conforming
Lot Size		12.143 acres	Conforming
Building to Building Distance Window Wall to Window Wall	40 feet	42.47 feet	Conforming
Front Yard Setback **From Face of Grouped Parking** From Private Outdoor Open Space to Face of Grouped Parking	**15 feet** 8 feet	**11.75 feet** 15 feet	**Non-Conforming** Conforming
Side Yard Setback	Not Applicable		
Usable Private Open Yard Area from Face of Structure	10 feet	15 feet	Conforming
Perimeter Buffer **Principal Building Setback** **Deed Restricted, No Parking**	**115 feet** **100 feet**	**54.5 feet** **52 feet**	**Non-Conforming** **Non-Conforming**
Internal Buffer **Principal Building Setback** **Vegetated Buffer** **Parking and Access Drive Setback**	**60 feet** **30 feet** **20 feet**	**43.69 feet** **10 feet** **0 feet**	**Non-Conforming** **Non-Conforming** **Non-Conforming**
Off-Street Parking One-Bedroom Unit - 1.8 spaces/unit	1.8*30=54		

Two-Bedroom Unit - 2.0 spaces/unit Total Parking	2.0*90=180 234 spaces	260 spaces	Conforming

ENC = Existing Non-conforming
I = Information Required

Variances Requested:

§PC 54-Res Stds.	**Front Yard Setback - Grouped Parking**
§PC 54-12.3A	**Perimeter Buffer - Principal Building**
§PC 54-12.3A	**Perimeter Buffer - Parking**
§PC 54-12.3B	**Internal Buffer - Principal Building**
§PC 54-12.3B	**Internal Buffer - Vegetated Buffer**
§PC 54-12.3B	**Internal Buffer - Parking and Access Drive**

1) In accordance with §PC 54-Residential Standards, a minimum (15) foot front setback for principal buildings as measured to grouped parking is required. The Applicant is proposing to construct multifamily dwellings which will have a proposed setback of 11.75 feet.

2) In accordance with §PC 54-12.3A(1), a minimum one hundred fifteen (115) foot perimeter setback for principal buildings is required. The Applicant is proposing to construct multifamily dwellings which will have a proposed setback of 54.5 feet measured to the perimeter.

3) In accordance with §PC 54-12.3A(3), no parking is allowed in one hundred (100) foot perimeter buffer area. The Applicant is proposing to construct off-street parking for the multifamily dwellings which will have a proposed setback of 52 feet measured to the perimeter.

4) In accordance with §PC 54-12.3B(2), a minimum sixty (60) foot vegetated buffer must be provided as an internal buffer (buffers around out parcels within the confines of Smithville P.U.D.) measured to principle buildings. The Applicant is providing a 43.69 foot wide vegetated buffer whereas a minimum vegetated buffer of 60 feet is required.

5) In accordance with §PC 54-12.3B(2), a minimum thirty (30) foot vegetated buffer must be provided as an internal buffer (buffers around out parcels within the confines of Smithville P.U.D.) The Applicant is providing a 10 foot wide vegetated buffer whereas a minimum vegetated buffer of 30 feet is required.

6) In accordance with §PC 54-12.3B(3), no parking or access drives are allowed within twenty (20) feet of the property line. The Applicant is proposing to construct the access drive entrance to the development, Raven Lane, with a zero foot setback measured to the side property line.

The Applicant requests that the Board grant deviation from the bulk requirements pursuant to 40:55D-70(c).

Design Waivers Requested:

•	**§PC 54-41**	**Curbs & Gutters**
•	**§PC 54-45**	**Shade Trees**
•	**§PC 54-9(C)(9)**	**Signage**

1) In accordance with §PC 54-41, curbs and/or gutters are required for major subdivisions and planned developments, but may be waived by the Planning Board if the Applicant proposes an acceptable drainage system not requiring curbs and/or gutters. The Applicant has not provided curbing along a portion of the parking areas.

2) In accordance with §PC 54-45B., if the lot or site contains one (1) or more specimen trees {(16) inches caliper}, the siting of the structure(s) shall be such as to preserve the maximum number of specimen trees. This requirement may be waived by the Planning Board in the case of wooded sites. The Applicant is not preserving the specimen trees on the site.

3) In accordance with §PC 54-9C(9), project identification signs for residential developments shall not exceed 24 square feet. The applicant is proposing two signs at 19.5 square feet each for a total of 39 SF.

WHEREAS, the Applicant further provided testimony and legal argument that the Requested Relief could be granted in accordance with N.J S.40:55D-70(c)(1) because the extreme narrowness, irregular shape and topography of the Project creates a hardship if the Requested Relief is not granted and the Requested Relief will not impair the intent and purpose of the zoning plan and will not cause detriment to the public good;

WHEREAS, the Applicant's Representatives indicated that the Requested Relief was to be treated as waivers from the Smithville PUD requirements and not variances, it nevertheless presented facts and legal argument in support of the Requested Relief including that the Requested Relief should be granted by the Board in accordance with New Jersey Statute 40:55D-70(c)(2) because the Requested Relief advanced the purposes set forth in the Municipal Land Use Law, can be granted without substantial detriment to

the public good or impairment to the intent and purpose of the zoning plan and zoning ordinance and the benefits of the Requested Relief substantially outweigh any detriment.

WHEREAS, the following individuals testified on behalf of Applicant in support and the Requested Relief: Mitchell Davis, Daniel McCauley, Architect, and Kevin J. Dixon, P.E., P.P., P.T.O.E.;

WHEREAS, the Applicant presented the following exhibits at the hearing:

A-1 Landscape Plan
A-2 Unit Elevations
A-3 Clubhouse Elevations
A-4 Unit Floor Plan
A-5 Clubhouse Floor Plan
A-6 Monument Signage
A-7 Buffering Exhibit
A-8 Phasing Plan

WHEREAS, the Board discussed specific aspects of the Project and the Requested Relief, including Mr. Sooy who asked questions relating to garage access and project buffers;

WHEREAS, the Board's Planning and Engineering professional, Craig R. Hurless, P.E., P.P., CME, testified about specific aspects of the Project including its similarity to the Prior Approval, improved variance relief and the Project details as set forth in his report dated April 28, 2016 which is incorporated in this Decision and Resolution by reference;

WHEREAS, there was public comment as follows:

- Mr. Harvey Rosenblat, owner of the shopping center across Route 9 from the Project, spoke in favor of the Project.

WHEREAS, after carefully considering the representations made by Applicant's attorney, Keith A. Davis, Esquire, and after having considered the sworn testimony of the

Applicant's Representatives and the Board's professionals at the public hearing held on May 5, 2016, the Board has made the following factual findings and conclusion of law:

1. Applicant is MRD Galloway, LLC. The site is located at the intersection of Route 9 (New York Road) and Smithville Boulevard and is commonly known as Lot 43.01 in Block 1260.01. The site is located in the Smithville Planned Unit Development. The site is located adjacent to the Smithville Self Storage Facility and contains an existing stormwater management basin within a drainage easement for the development on Lot 43.02 and the existing brick "Smithville" sign. The remainder of the site is vacant and wooded.

2. On July 16, 2015 the Applicant received approval to construct 120 units consisting of 60 one-bedroom and 60 two-bedroom housing units within ten (10) three-story buildings (the "Prior Approval").

3. The Applicant seeks Amended Preliminary and Final Site Plan approval to construct 30 one-bedroom and 90 two-bedroom homes in five buildings (24 units per building) and a clubhouse is now proposed. Other improvements include off-street parking for 260 vehicles (of which 70 are garage spaces), stormwater management facilities, internal sidewalks, landscaping, and signage. The Applicant is proposing to construct an access drive into the site which will utilize the existing traffic signal at Route 9 and Smithville Boulevard. A secondary "emergency exit" access to the storage facility access drive on Lot 43.03 is also proposed. The proposed development will be serviced by public sewer and sanitary sewer. Additional improvements include the extension of the sanitary sewer system along Route 9.

4. Applicant received modification to the approved PUD land use map to permit residential housing in a "C" Commercial Area on July 16, 2015. The Applicant is seeking Amended Preliminary and Final Major Site Plan approval from the Planning Board for the construction of 120 multi-family dwelling units (the "Project").

5. The Applicant has complied with the notice requirements set forth in the applicable statutes and ordinances of the Township of Galloway.

6. The 2015 Prior Approval is hereby amended and revised by the Board granting the Requested Relief as set forth herein.

7. The Board grants the Requested Relief and Amended Preliminary and Final Major Site Plan approval with waivers and variances as set forth herein.

8. The Board grants waivers for application submission requirements of existing contours, plan identifying location of affordable housing units on-site, identification of unit details, and applications regarding off-site units as set forth

in more detail in the Board Engineer's Report dated April 28, 2016 which report is incorporated by reference.

9. The Board grants the Requested Relief in accordance with New Jersey Statute 40:55D-70(c)(1) finding that by reason of exceptional narrowness, shallowness; exceptional topographic conditions; or exceptional circumstances affecting the property strict compliance with zoning regulations would result in exceptional practical difficulties or undue hardship and finding that the Requested Relief can be granted without substantial detriment to the public good or impairment to the intent and purpose of the zoning plan and zoning ordinance.

10. The Board has concluded and grants the Requested Relief in accordance with New Jersey Statute 40:55D-70(c)(2) because the Requested Relief advances the purposes set forth in the Municipal Land Use Law and can be granted without substantial detriment to the public good or impairment to the intent and purpose of the zoning plan and zoning ordinance, and the benefits of granting the Requested Relief outweigh any detriment.

11. The Board grants the Design Waivers requested portion of the Requested Relief and specifically waives the requirement to provide trash enclosure gates on the condition that Applicant shall coordinate and obtain approval of the location, buffering and orientation of the solid waste enclosures from the Board Planner.

12. This approval is subject to the recommendations of the Galloway Township Department of Public Works, the Galloway Township Police Department and the Galloway Township Fire Department.

13. The Applicant will comply with all outstanding conditions and General Review Comments of the Board Consultants set forth in the reports of the Consulting Engineer and the report of the Consulting Planner dated April 28, 2016 which is incorporated by reference or otherwise set forth in the testimony of the Board Consultants, unless modified and will submit any required revised Plans or other documents within one hundred eighty (180) days of the date of this Decision and Resolution for the review and approval of the Board Consultants.

14. This approval is based upon the full and diligent adherence by the Applicant to all representations made to the Board. Any failure of the Applicant or the Applicant's successors or assigns to fully adhere to all of the provisions of this approval and all representations made by or on behalf of the Applicant, directly or indirectly, in the hearing or in the application documents, may be deemed to be a material breach of this approval. Such a breach will constitute a violation of the Development Ordinance and the Township may remedy such violation by the withholding of building permits, certificates of occupancy, continuing certificates of occupancy, or any other permit, approval or certificate for the property which is the subject of this approval. In addition, the Township may seek the imposition of fines or penalties pursuant to the Land Management Ordinance or may pursue

any other remedy available to it at law or in equity, including an action in the Superior Court to enjoin such violation or to compel performance or compliance.

15. The Applicant shall comply with all federal, state and local laws, rules and regulations and shall obtain any and all other necessary government approvals required for this approval. If as a result of the review by any other governmental agency there is any change in the approval by this Board or any modification of any statement or representation made by or on behalf of the Applicant, the applicant must notify the Board and the Board shall have the right to review that issue as it may relate to or impact this approval and the Board may modify or amend this approval as appropriate. Approvals which may be required include, but are not necessarily limited to, the following:

    a) Atlantic County Planning Board;
    b) Cape Atlantic Soil Conservation District;
    c) Galloway Township Road Opening Permit;
    d) Galloway Township Public Works / Municipal Utilities Division;
    e) Galloway Township Fire Department / Fire Official;
    f) Pinelands Commission;
    g) New Jersey Department of Environmental Protection – CAFRA;
    h) New Jersey Department of Transportation.

16. All references in this Decision and Resolution to the Applicant shall, where appropriate for the context, also mean the Applicant's successors or assigns. If any provision of this Decision and Resolution or the application thereof shall be held to be invalid or unenforceable to any extent, the remainder of this Decision and Resolution shall not be affected thereby and shall remain enforceable to the fullest extent of the law.

17. This approval is conditioned upon payment of all taxes and assessments on the subject property and the payment of all application fees and escrows.

NOW, THEREFORE, BE IT DECIDED AND RESOLVED by the Planning Board of the Township of Galloway that the Amended Preliminary and Final Major Site Plan Variance and Waiver Approvals are hereby granted as set forth above by a vote of six (6) in favor, none (0) opposed, one (1) abstained and four (4) absent.

Kenneth S. Sooy Jr

KENNETH SOOY, CHAIRMAN

Heather Butler
HEATHER BUTLER, SECRETARY

Dated: 6-2-16

RE: MRD Galloway, LLC
Amended Preliminary and Final Major Site Plan Approval
Keith A. Davis, Esquire
Application #05-16

VOTING IN FAVOR:	**Ayers, Bruno, Coppola, Guercioni, Jones, Sooy**
ABSTAINED:	**Cox**
OPPOSED:	**None**
ABSENT:	**Geese, Mannis, Purdy, Wimberg**

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Attorneys for Galloway Township Planning Board
File No. GTPB142-JFC

APPLICATION OF HAL FAMILY PARTNERSHIP, L.P. FOR MODIFICATION OF SMITHVILLE PUD LAND USE MAP, WAIVERS AND PRELIMINARY MAJOR SITE PLAN APPROVAL FOR LOT 43.01 OF BLOCK 1260.01, ROUTE 9 & SMITHVILLE BOULEVARD

TOWNSHIP OF GALLOWAY
PLANNING BOARD

APP. NO. 7-15

DECISION AND RESOLUTION

THIS MATTER having been heard by the Planning Board of the Township of Galloway (hereinafter referred to as the "Board") on July 16, 2015, at a regularly scheduled meeting at the Township Hall of Galloway Township and the Board having reviewed the application and plans as submitted and a quorum being present; and

WHEREAS, the Galloway Township Planning Board has heard the testimony of Planning Board Engineer, Craig R. Hurless, PE, PP, CME, of the firm of Polistina & Associates, LLC and received his report dated July 9, 2015; and

WHEREAS, the Board has received and reviewed the following documents and submissions of the Applicant:

a) Galloway Township Planning Board & Zoning Board Application, Land Development Application Checklist and Affidavit dated April 15, 2015;

b) Correspondence and attachments from Keith A. Davis, Esquire, and Timothy D. Michel, PP dated June 2, 2015 and June 26, 2015;

c) Site Plan prepared by Dixon Associates, LLC last revised on June 26 2015;

d) Landscape Plan prepared by Melillo & Bauer Associates last revised on June 26, 2015;

e) Architectural Plans prepared by Studio 200 dated March 31, 2015;

f) Land Use Map - The Towne of Historic Smithville New Jersey prepared by Melillo & Bauer Associates last revised on April 15, 2015;

g) Stormwater Management Report prepared by Dixon Associates, LLC dated March 31 2015;

h) Community Impact Statement (Short Form) prepared by Timothy D. Michel, PP dated April 15, 2015;

i) Traffic Impact Statement (Short Form) prepared by Dixon Associates, LLC dated April 15 2015;

j) Traffic Engineering Assessment Raven's Nest prepared by Shropshire Associates, LLC dated June 24, 2015;

k) Environmental Impact Report prepared by Landsystems, LLC dated April, 2015;

l) Access Easement Agreement, Sanitary Sewer Main Easement Agreement and Deed Imposing Restrictive Covenant Establishing Buffer Area prepared by Nehmad Perillo & Davis, PC;

m) Joint Stormwater Basin Maintenance Agreement and Sanitary Sewer Main Easement Agreement prepared by Keith A. Davis, Esquire;

n) Municipal Fiscal Impact Statement prepared by Timothy D. Michel, PP dated May 13, 2015;

o) Planning Report prepared by Timothy D. Michel, PP dated April 13, 2015; and

p) Certification No. 162-15 prepared by the Cape Atlantic Soil Conservation District dated May 8, 2015;

WHEREAS, the Board has received and reviewed the application, Site Plan, and all supporting documentation, exhibits and evidence submitted by the Applicants; and

WHEREAS, the Board, after carefully considering the representations made by Applicants' attorney, Keith A. Davis, Esquire of the firm of Nehmad Perillo & Davis, PC, and after having considered the sworn testimony of the Applicant, Horace A. Long, Managing Partner of HAL Family Partnership, LP, having an address at 127 High Street, Mount Holly, New Jersey, as well as after having carefully considered the sworn testimony of Applicant's engineer, Kevin J. Dixon, PE, as well as after having considered the sworn testimony of Applicant's planning consultant, Timothy D. Michel, PP, as well as after having carefully considered the sworn testimony of Applicant's architect, Darren R. Vickery, RA, as well as after having carefully considered the sworn testimony of Applicant's traffic engineer, David R. Shropshire, PE, PP, as well as after having carefully considered the sworn testimony of Applicant's landscape architect, Thomas B. Bauer, as well as after having considered the representations of members of the public who were present at the public hearing held on July 16, 2015, has made the following factual findings and conclusion of law:

1. Applicant is HAL Family Partnership, LP, having an address at 127 High Street in the Township of Mount Holly and State of New Jersey. Applicant made application to the Planning Board of the Township of Galloway seeking Modification to the Smithville PUD Land Use Map, Waivers and Preliminary Major Site Plan approval for Block 1260.01, Lot 43.01 located on the Official Tax Map of the Township of Galloway, and located within the Township's CC-2 Community Commercial 2 Zoning District (Smithville Planned Unit Development [PUD] – C Commercial Area).

2. Mr. Horace A. Long, Managing Partner of HAL Family Partnership, LP owns 10% or more of the ownership interest in the Applicant Limited Partnership.

3. Applicants complied with the notice requirements set forth in the applicable statutes and ordinances of the Township of Galloway.

4. All property taxes were paid to date.

5. Applicant's attorney, Keith A. Davis, Esquire, began his presentation by providing background information and history regarding the subject property. Mr. Davis explained that Applicant had attempted to develop the property previously. In 2008 the parcel was approved for commercial use as a Wawa food market, however that development did not proceed beyond approval. Mr. Davis then gave a history of the Smithville Planned Unit Development (hereinafter referred to as "PUD") from the early 1980's to the present. The PUD was designed to provide developers with flexibility and creativity in development while providing zoning protection. The PUD provides for a mix of residential and commercial uses. Mr. Davis explained that in recent years there has been high vacancy rates among the commercial units currently built within the PUD. Accordingly, Applicant is seeking to modify the Smithville PUD Land Use Map to change the subject property from a "C" zone, which is commercial, to a "MD" zone, which allows for medium density residential development. Applicant proposes to construct 60 one-bedroom and 60 two-bedroom housing units within ten (10) three-story buildings. The other improvements include off-street parking for 240 vehicles, stormwater management facilities, internal sidewalks, landscaping, and signage. Applicant is proposing to construct an access drive into the site which will utilize the existing traffic signal at Route 9 and Smithville Boulevard. Secondary "emergency exit" access to the storage facility access drive on Lot 43.03 is also proposed. Some site improvements will be shared with the adjoining Smithville Self Storage facility to the North. The proposed development will be serviced by public sewer and sanitary sewer. Additional improvements include the extension of the sanitary sewer system along Route 9.

6. Mr. Davis indicated that Applicant will sell the finished residential units at 100% market rate. Mr. Davis indicated that no variances are being requested with the application. The property is not located within the Pinelands area but is located within Coastal Area Facility Review Act (CAFRA) (N.J.S.A. 13:19) and, as such, NJDEP must provide a permit for development.

7. Timothy D. Michel, PP then provided an overview of the original 1980's PUD application, site controls, and similarities of the proposed project with other communities already built within the PUD. He further testified regarding the clustering of development and the criteria for development within the PUD. Mr. Michel indicated that neighborhood residential development is a permitted use within the PUD. PUD requirements replace the local zoning ordinances. Mr. Michel reviewed the approved number of dwelling units within the Smithville PUD over time. The 1980 Decision and Resolution allowed 6000 residential units. The 1988 Decision and Resolution reduced the number of number residential units to 4000 units. A 1996 Decision and Resolution further reduced

the number of residential dwelling units to 3942. Of the 3942 homes, 2887 units have been approved and/or built. Therefore 1055 residential housing units can still be built within the Smithville PUD. Mr. Michel reiterated that Applicant proposes to build 120 residential housing units within the tract known as Block 1260.01, Lot 43.01. The total remaining 1055 housing units are unlikely to be built due to insufficient remaining lots. Mr. Michel testified that the project would most likely be built in two phases.

8. Mr. Michel indicated the PUD provides for a ratio between nonresidential and residential development, where the ratio cannot not exceed 10% commercial. Presently, there is approximately 4% commercial development within the PUD. The success of commercial units within the PUD is reliant on the number residential properties around them.

9. Making reference to the Smithville PUD Land Use map, Mr. Michel indicated that the map has been continually updated since 1986. Specifically, in 2010 the Board granted the last update. The Equestrian Center changed from a commercial use to a residential use in 2006. Applicant is requesting Preliminary Major Site Plan approval contingent upon changes to the PUD Land Use map. Applicant is requesting a change from a Non-Residential Commercial (C) use to a Medium Density (MD) residential use. 10 dwelling units per acre are allowed in the MD zone of the PUD. The proposed project is consistent with the density percentages and maximum number of units. The PUD approvals remain in effect under renewals of the Permit Extension Act.

10. Applicant is also requesting modification of PUD design standards, as they are not variances from the zoning ordinance. Mr. Michel opined that the requested approvals promote the purposes of New Jersey's Municipal Land Use Law (MLUL) and the benefits of the proposed development substantially outweigh any negative criteria. Mr. Michel indicated that Applicant is proposing a Perimeter Buffer for Principal Building Setback of 60 feet, where 115 is required. Applicant proposes a Perimeter Buffer Deed Restricted No Parking area of 30 feet, where 100 feet is required. Applicant is also proposing an Internal Vegetated Buffer area of 20 feet, where 30 feet is required. With regard to Parking and Access Drive Setback, Applicant is requesting a zero (0') foot setback where 20 feet is required. The reduced setback to the self storage facility property is an existing hardship, necessitated by the layout of the proposed structures, access roads and recreational walkways on the tract.

11. The proposed Raven's Nest Site Plan and Architectural Elevations of the proposed exterior and floor plans were approved by the Smithville Architectural Review Committee.

12. Applicant proposes to remove the existing vandalized brick "Welcome to Smithville" sign along the property's frontage with Route 9 (New New York Road).

13. The homeowners of the proposed residential community will join and pay dues to the existing Smithville Community Association.

14. Mr. Michel then made reference to a fiscal impact statement, dated May 12, 2015, where Applicant has calculated that the proposed 120 residential units will increase that population of Smithville by 283 people. Of that amount, Applicant estimates that 20 will be elementary school-age children and 3 will be secondary school-age children. Applicant estimates the average total sale price per unit at $119,000. Applicant estimates that the Township will realize a surplus after tax revenue generation from the new community. Mr. Michel further testified regarding discussions with the local school districts. The local primary school has seen a steady decline of 300 students and has the capacity to accommodate additional children. Absegami High School is currently operating at 400 students under capacity, and enrollment of additional students would realize a decrease in the cost per student for the Township.

15. The Board indicated no issues with the proposed driveway location. The Board questioned the location of nearby outside storage facilities and the phasing of construction. The Board also questioned the adequacy of vegetative buffering between the proposed development and the stormwater basin at the rear of the property.

16. The Board also expressed that Applicant should be required to provide a fee to meet affordable housing obligations under §233-66(D).

17. With regard to the Council On Affordable Housing (COAH) requirements, Applicant agreed to make a monetary contribution in lieu of development of 1% of the equalized assessed value for each new dwelling unit.

18. Mr. Bauer then provided testimony with regards to the Smithville PUD land-use map and the proposed development. He testified the map has been modified over time and that he was involved in this project as the landscape architect and contributed toward Site Plan design. He described the proposed entry drive and the clustered ten (10) 12-unit buildings with four (4) units per floor. Mr. Bauer explained that the plans call for buildings with lobbies, elevators and stairs in each. The clustered buildings will have patios, balconies, picket fences and decorative trellis work. Mr. Bauer indicated that the project was designed to be a destination community with no through traffic.

19. Smithville is known for pedestrian walkways and the Raven's Nest project is designed with interconnected walkways to promote that recreational activity. Applicant also proposes to build a metal roof gazebo with stone columns, at the midpoint between the two interconnecting walking paths within the community. The property will be landscaped with evergreens and shade trees. Safe and properly spaced downward-facing LED lighting on 14-foot poles are proposed.

Trash enclosures and community mailboxes will be clustered. Applicant proposes unfenced stormwater basins. Applicant provided photos of the basins behind the existing storage facility which have wood guardrail along a few sides. Applicant also proposes a wood guardrail along the basin at the Raven's Lane entrance. Applicant owns the basin at the rear (Eastern edge) of the subject premises and would be willing to add vegetation to that basin.

20. Applicant does not propose to remove the existing steel guardrail along Route 9, on the Western edge of the subject premises. Mr. Bauer indicated Applicant believes that is more aesthetically pleasing to keep the proposed sidewalk, which meanders parallel to Route 9, away from the roadway and tie it into the internal pathways within the development. Applicant indicated that nearby Quail Hill Boulevard has similar black asphalt walkways that meander through that development, with vegetation and stormwater control basins alongside.

21. The Southern portion of the development has existing pine trees that provide a natural buffer to the neighboring houses. Applicant proposes to supplement the natural buffering. Applicant will plant additional evergreen trees along the northern edge of the subject property, adjacent to the self-storage facility property line to improve natural buffering.

22. Applicant's plans include two (2) emergency access points, via locked gated entrances. Access code and/or keys will be provided to Township emergency management services to allow access.

23. Chairman Sooy then asked for the Board Engineer's Report. Mr. Polistina then read his engineering report and review comments for the record. Among his comments, Mr. Polistina indicated that the proposed stormwater basins are quite deep, at places over six (6) feet deep, and indicated that they are in need of fencing. He also requested that Applicant try to keep and restore the "Welcome to Smithville" sign along Route 9. Mr. Polistina requested that Applicant link the sidewalk on the South West corner of the premises to the southern property line.

24. Mr. Dixon testified with specific regards to the stormwater drainage plans. Mr. Dixon indicated that the proposed stormwater basin design will actually lower flow output to the existing stormwater basins serving the self-storage facility at the rear of the properties. He indicated Applicant can obtain a Drainage Easement with the self-storage facility owner for this property. New Jersey American Water will provide water connection to the development and it will be connected to the Township sewer. The sewer line will be extended to the South of the self-storage facility. A maintenance easement will be deeded to Galloway Township. To better meet the demands of the owners of the proposed residential units, Applicant is willing to explore adding one (1) or two (2) additional trash receptacle areas to the site plan.

25. With regard to requested modifications to the perimeter and internal buffer setbacks, Mr. Dixon made reference to shaded areas on his site plan and characterize the encroachments as minor. Some parking will be allowed in southern buffer zone. Mr. Dixon indicated that the green area in his buffer proposal averages out to more than one hundred (100) feet of buffer. Applicant proposes to Deed Restrict the southern perimeter buffer area, with the exception of a passive driveway and gazebo walkways. Applicant has provided 20 feet of landscaping on the perimeter were 30 feet is required.

26. With regard to the proximity of the proposed development to existing homes, Mr. Dixon indicated that only the first and second homes on the northern side of Jersey Woods Road are closes to the project. The proposed development is nearly 300 feet to the nearest home on Eagle Point.

27. Applicant is requesting a waiver from curbs and gutters along Route 9. The proposed sidewalk behind a tree buffer will meander into the development and interconnect with the proposed walking paths in the development.

28. Applicant agrees to fence around all stormbasins with a split-rail type fence with an aluminum wire mesh backing.

29. Mr. Dixon testified that reducing the depth of the stormwater basins to 3 feet will result in more discharge to the existing stormwater basins.

30. Applicant's architect, Darren Vickery, RA, testified that the design process for the project ensured that the aesthetics of the proposed development met and used a similar design vernacular to existing Smithville architecture. Mr. Vickery then showed photographs of design details from throughout historic Smithville as a point of reference for the proposed design. The proposed buildings feature historic and colonial charm. Mr. Vickery then reviewed floor plan exhibits showing inside layouts of the proposed units. Applicant is targeting higher end purchasers. Applicant gave up efficiency for additional charm and pleasing design details. The units are arranged in small clusters and all units are end units. All units feature private laundries, vaulted ceilings and upgraded inner finishes. All units will feature private patios or balconies. In addition to the amenities, Mr. Vickery indicated that he provided for visually interesting side elevations, window bays, sweeping eves and accent roofing. Fewer access points in to the structures provide more a desirable visual environment. He reiterated that all were one (1) or two (2) bedroom units.

31. Mr. Shropshire testified that between 57 and 75 trips would be generated during peak hours compared to previously approved project. The Wawa food market would have generated 300 to 400 trips during peak hours.

32. Applicant testified that the outdoor storage at the rear of self-storage facility is more than 2000 feet back from the property line and not visible from the proposed

development. Applicant indicated that residential use was the highest and best use for the property.

33. The Board expressed concern with regards to the density of the proposed development.

34. Chairman Sooy then opened the meeting for comment from the public.

35. Mr. Stephen French appeared and was sworn. Mr. French testified that he is a regional manager with the self-storage facility. He indicated the company he works for has purchased many properties from Mr. Long. He also indicated that they have a long history of joint ventures with Mr. Long and that they have always been very satisfied with his professionalism and the quality of the resulting developments.

36. A member of the public expressed concern with regards to the timing of the approval by the Smithville Architectural Review Committee.

37. A performance bond will be required, if a developer does not finish the project the bond would cover completion of the project.

38. Applicant also indicated that they would work with the Board Engineer to show that there is adequate vegetation produced buffer area.

39. There were no other comments or questions from the public. Chairman Sooy then closed the public portion of the meeting.

40. Chairman Sooy then asked if there were any other questions from the Board. There were no other questions.

41. The proposed modification to the Smithville PUD Land Use Map proposed by Applicant is permitted.

42. This approval is subject to the recommendations of the Galloway Township Department of Public Works, the Galloway Township Police Department and the Galloway Township Fire Department.

43. The Applicant will comply with all outstanding conditions of the Board Consultants set forth in the reports of the Consulting Engineer and the report of the Consulting Planner or otherwise set forth in the testimony of the Board Consultants, unless modified and will submit any required revised Plans or other documents within one hundred eighty (180) days of the date of this Decision and Resolution for the review and approval of the Board Consultants.

44. This approval is based upon the full and diligent adherence by the Applicant to all representations made to the Board. Any failure of the Applicant or the Applicant's

successors or assigns to fully adhere to all of the provisions of this approval and all representations made by or on behalf of the Applicant, directly or indirectly, in the hearing or in the application documents, may be deemed to be a material breach of this approval. Such a breach will constitute a violation of the Development Ordinance and the Township may remedy such violation by the withholding of building permits, certificates of occupancy, continuing certificates of occupancy, or any other permit, approval or certificate for the property which is the subject of this approval. In addition, the Township may seek the imposition of fines or penalties pursuant to the Land Management Ordinance or may pursue any other remedy available to it at law or in equity, including an action in the Superior Court to enjoin such violation or to compel performance or compliance.

45. The Applicant shall comply with all federal, state and local laws, rules and regulations and shall obtain any and all other necessary government approvals required for this approval. If as a result of the review by any other governmental agency there is any change in the approval by this Board or any modification of any statement or representation made by or on behalf of the Applicant, the applicant must notify the Board and the Board shall have the right to review that issue as it may relate to or impact this approval and the Board may modify or amend this approval as appropriate. Approvals which may be required include, but are not necessarily limited to, the following:

    a. Atlantic County Planning Board;
    b. Cape Atlantic Soil Conservation District;
    c. Galloway Township Road Opening Permit;
    d. Galloway Township Public Works / Municipal Utilities Division; and
    e. Galloway Township Fire Department / Fire Official.

46. All references in this Decision and Resolution to the Applicant shall, where appropriate for the context, also mean the Applicant's successors or assigns. If any provision of this Decision and Resolution or the application thereof shall be held to be invalid or unenforceable to any extent, the remainder of this Decision and Resolution shall not be affected thereby and shall remain enforceable to the fullest extent of the law.

47. This approval is conditioned upon payment of all taxes and assessments on the subject property and the payment of all application fees and escrows.

NOW, THEREFORE, BE IT DECIDED AND RESOLVED by the Planning Board of the Township of Galloway that Modification of the Smithville PUD Land Use Map, requested Waivers and Preliminary Major Site Plan Approval for Lot 43.01 of Block 1260.01 is hereby granted as set forth above by a vote of seven (7) in favor, none (0) opposed, and four (4) absent.

KENNETH SOOY, CHAIRMAN

HEATHER BUTLER, SECRETARY

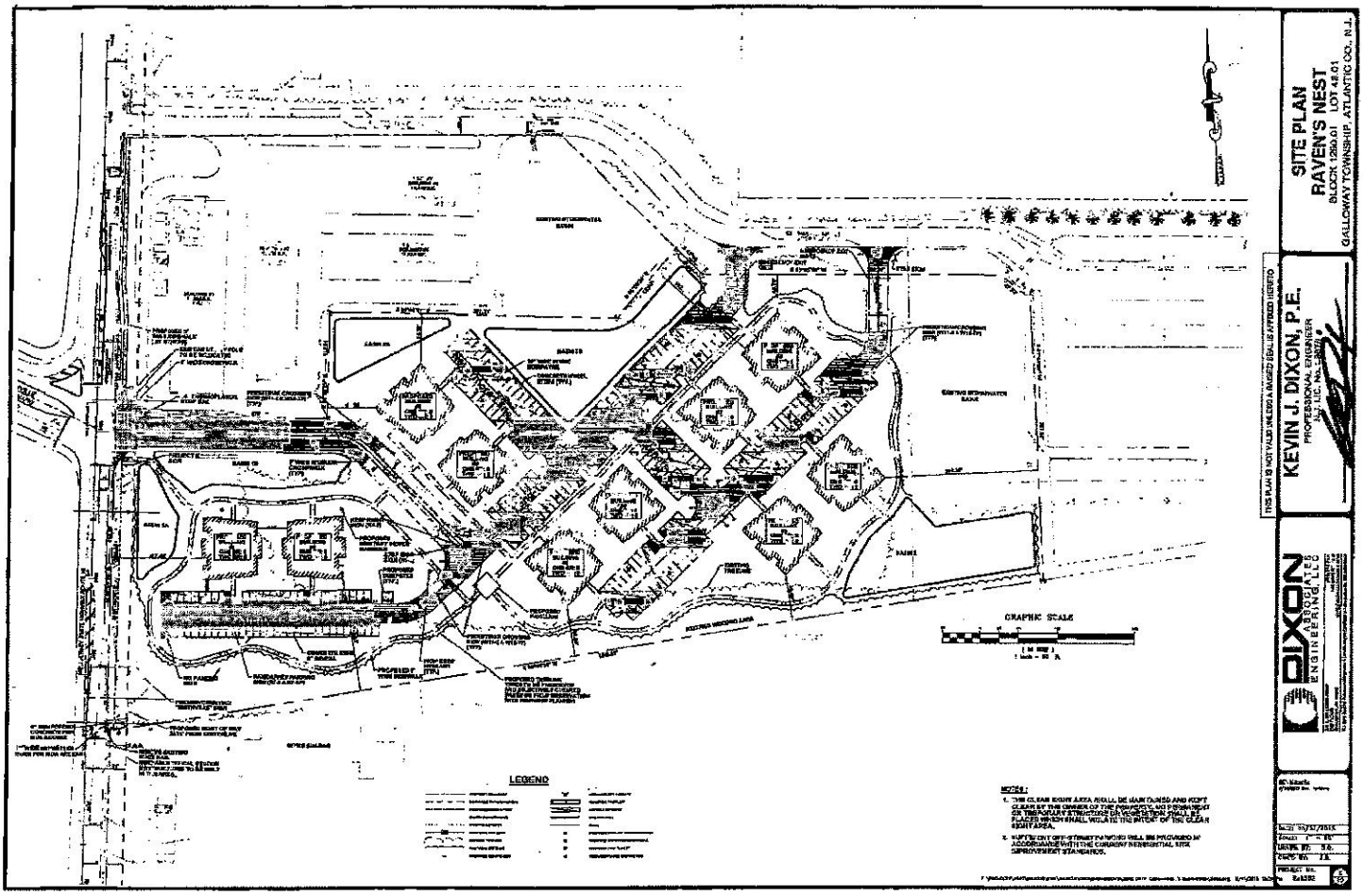
Dated: 8/6/15

RE: HAL Family Partnership, LP (Raven's Nest)
Modification of the Smithville PUD Land Use Map
Waivers and Preliminary Major Site Plan Approval
for Lot 43.01 of Block 1260.01
Keith A. Davis, Esquire
#7-15

VOTING IN FAVOR: Anthony Coppola, Matthew Geese, Tom Guercioni, Dan Jones, Don Purdy, Ken Sooy and Charles Wimberg

OPPOSED: None

ABSENT: Robert Bruno, Jim Cox, Matt Ayers and Betty Mannis


SITE PLAN
RAVEN'S NEST
BLOCK 1200.01 LOT 42.01
GALLOWAY TOWNSHIP, ATLANTIC CO., N.J.
KEVIN J. DIXON, P.E.
PROFESSIONAL ENGINEER
DIXON
ENGINEERING ASSOCIATES
GRAPHIC SCALE
LEGEND
NOTES: