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South Brunswick

August 1984

Town of South Brunswick Board of
Adjustment Resolutions granting
variances to Xetec Corporation,
Dayton Center and Eldier Realty Corp.

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ML000965T

Resolution Confirming the Granting of
Use Variance Application of Xebec Corporation (Case 83-30)

WHEREAS, Xebec Corporation (Case 83-30) has applied for a use variance to permit the development of 40 rental apartment units together with office and laundry space on premises known as Block 90, Lots 53 and 54, in the R-1 zone; and

WHEREAS, a public hearing was held on said application by the Board on December 21, 1983; and

WHEREAS, the Board, after carefully considering the evidence presented to it has made the following findings of fact:

1. The proposed use low income housing is inherently a special use.
2. The application qualifies as low income housing as defined by the Zoning Ordinance and as specified in the Mt. Laurel II decision.
3. The use of the premises complies with the intent of the Township Master Plan.

WHEREAS, the Board has made the following findings of fact:

1. That the granting of said variance will not adversely affect the value of adjacent and nearby properties.
2. That the granting of said variance will not alter the essential character of the neighborhood.
3. That the granting of said variance will not be detrimental to the health, safety and welfare.
4. That the granting of said variance will be without substantial detriment to the public good and without substantial impairment of the interest and purpose of the Zone Plan and Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Adjustment this 4th day of January, 1984, that the action of the Board of Adjustment at its December 21, 1983 meeting granting the Use Variance application of Xebec Corporation (Case 83-30) based upon the evidence adduced before it, the aforesaid findings of fact and ultimate findings and conclusions from the provisions of Section 16-62.1 et seq., R-1 Zone of the Zoning Ordinance to permit the development of forty (40) rental apartment units together with office and laundry space on approximately 6.10 acres on Block 90, Lots 53 & 54 is hereby confirmed subject to the following condition.

1. The granting of the variance specified herein shall not be construed to obviate satisfaction of other requirements established elsewhere than in such ordinance.

I hereby certify that the within is a true copy of the Resolution adopted by the South Brunswick Zoning Board of Adjustment at its meeting held on January 4, 1984.



CAROL A. DOSCHER, Secretary
Zoning Board of Adjustment

RESOLUTION GRANTING REVISED PRELIMINARY PRD
AND BULK VARIANCE APPROVAL FOR RIEDER LAND
TECHNOLOGY, INC. (DAYTON CENTER SECTIONS 4,
5 and 11) PRD 1

WHEREAS, application was received from Rieder Land Technology on February 22, 1983 and was deemed to be complete on February 25, 1983; and

WHEREAS, this matter was reviewed by the South Brunswick Planning Board at duly noticed public hearings held on March 8, March 22, April 12, April 26, May 10, May 24, June 14 and June 28, 1983; and

WHEREAS, the Planning Board makes the following findings of fact:

1. Dayton Center PRD received preliminary PRD approval in December of 1975, which consisted of 605 dwelling units constructed on 121 contiguous acres on a site with frontages on Monmouth Junction Road, Kingston Lane and Georges Road, with a gross density of 5 dwelling units per acre. The Dayton Center PRD presents a gross residential density of 5 dwelling units per acre, conforming to the PRD 1 requirements of the South Brunswick Township Municipal Land Use Ordinance.

2. As part of the Dayton Center approval, the applicant is to construct 61 low and moderate income housing units, known as Dayton Center Section 11, and 48 single family homes, known as Sections 4 and 5.

3. The applicant's housing specialist, Peter Abeles, professional planner, testified that the applicant has been unable to construct the 61 low and moderate income housing units because the U. S. Dept. of Housing and Urban Development has denied its subsidy request for this project, because of a lack of funding relative to two separate application efforts. It was further noted by the Planning Board that these application efforts have been documented and copies of the applications are on file with the township Planning Dept.

4. Mr. Abeles further testified that it would take part of approximately four to eight years to process a new 202 subsidized housing application and it was unlikely that a township formed non-profit organization, as the applicant, would have any better success at receiving funding for this project. Finally,

Mr. Abeles indicated that, because of the modest size of this low and moderate housing project, it was too small to apply Mount Laurel II criteria, such as tax abatement or relaxation of site specifications to have any success in subsidizing a low and moderate package. Mr. Abeles explained that, when this PRD was approved in 1975, subsidization was readily available for this type of housing, but, because of cutbacks in federal housing programs, it is unlikely that this project would receive any federal funding commitments.

5. The developer was questioned as to why it waited until 1983 to concentrate on the low and moderate housing component of Dayton Center. It was reported to the Board that the portion of the township occupied by Dayton Center had a sewer moratorium until 1979 and construction of the Dayton Center PRD did not begin officially until 1980. It was further pointed out that the two unsuccessful HUD subsidy applications were made in 1980 and 1981, as soon as construction began in Dayton Center. Finally, it was noted that the PRD preliminary approval resolution required Rieder Land Technology to receive final construction approval for the low and moderate housing at the point that 50% of the homes were constructed in Dayton Center, whereas the applicant has only constructed approximately 30% of Dayton Center at this time.

6. After a lengthy investigation covering two and one-half months, it was determined that Section 11 of Dayton Center, consisting of the 61 low and moderate units, would be ideal for a moderate income senior citizen project. Currently, the township has a subsidized senior citizen rental project, known as Charleston Place, on Route 27. After review of the South Brunswick Community Development Corporation's records, the non-profit corporate operator of the senior citizen project, it was determined that there is a significant waiting list for this type of moderate income housing in the township. A conversion of the 61 low and moderate income component of Dayton Center to moderate income condominium housing would provide the opportunity of home ownership with close proximity to the municipal facilities, which are heavily used by senior citizens in the township.

7. The developer indicated that if it were permitted to construct the condominium moderate income senior citizen units, it could market a senior citizen unit for approximately \$50,000. The Planning Board noted that this subsidy was within the township's moderate income figures, based on a projected township median income of \$34,000. After further investigation, the Planning Board requested that the applicant attempt to reduce the cost of these housing units further to allow for greater affordability by township moderate income seniors.

8. The applicant indicated that it would prefer to construct 64 senior citizen units, rather than the 61 units, due to the architectural configuration of the proposed senior citizen moderate income development. In an effort to further reduce the price of these senior citizen price controlled housing units, it was suggested by the applicant that it be permitted an additional 64 townhouse units in Sections 4 and 5 of Dayton Center and, in return, it would reduce the price of the proposed senior citizen units through internal project subsidization by \$5,000, thereby reducing the price to \$44,999 per unit.

9. The applicant testified that it had an option to purchase a 2.35 acre parcel from David and Millicent Kutliroff and consolidate it with Dayton Center PRD. It was observed by the Planning Board that this purchase was desirable and it would allow the applicant to eliminate major cul-de-sacs initially approved for Dayton Center Sections 4 and 5 and have a better circulation system in the Dayton Center development. In return for this property acquisition and improved circulation system, the applicant requested that it be permitted to construct 6 more townhouse dwelling units.

10. After a lengthy examination by the Planning Board, it was agreed that Dayton Center Sections 4 and 5, originally approved for 48 single family homes, would be modified to permit 118 townhouse units, consisting of the 48 units originally approved, the 64 units attributable to internal subsidization for the moderate income price controlled senior citizen project and 6 additional units associated with the Kutliroff acquisition.

In return for this change of residential use and increased density, the applicant offered to construct an additional pool house and swimming facility in the open space area adjacent to Section V, in order to avoid residents of this portion of Dayton Center traversing the realigned Route 522 to access the existing swim facility on Stanley Avenue. The Township Recreation Director has reviewed this proposal and recommended that the applicant provide for a totlot facility as part of the open space and pool house complex off of Marc Drive in Dayton Center.

11. The total revised preliminary PRD package would increase the total number of units of Dayton Center by 73, attributable to the additional moderate income senior units, the internal subsidization units and the Kutliroff acquisition units. Based on this fact, the originally approved 605 unit project would be increased up to 678 units, subject to final PRD approval. Further, the land area of the project, would increase the project from 121 contiguous acres to 123.358 contiguous acres, due to the Kutliroff acquisition. It was calculated that the gross residential density for Dayton Center, if this revised preliminary was granted, would be 5.5 dwelling units per acre, exceeding the maximum allowable density for the PRD 1 Zone District. It was pointed out that, if the internal subsidization townhouse units were not part of the gross density calculation, the gross density would be 5 dwelling units per acre, in conformance with the township's zone ordinance. The internal subsidization was an essential part of achieving moderate income affordable senior citizen condominium housing in the township. It was observed by the Planning Board that this would not provide a zoning by variance precedent on density, since increase in density was consistent with the guidelines of the Supreme Court's Mount Laurel II decision and an achievable way of creating affordable moderate income condominium senior citizen housing.

12. Several residents residing in single family homes on Margaret Court, known as Brunswick Acres South, were concerned regarding the change of residential use behind their homes, since they initially purchased homes with the understanding that single

family detached housing would be built behind them. The applicant indicated that it would provide for buffering between the single family homes and the townhouses on Hannah Drive and the rear yard setback of the townhouses would be the same as the setback provisions of the R2 Zone District for single family housing. A resident of Margaret Drive, residing on Lot 37, pointed out to the Planning Board that a bike path was approved between his lot and Lot 38, in order to derive access to Dayton Center. The Dayton Center developer is obligated to provide for this bike path easement to Hannah Drive, if this bike path is desirable by Brunswick Acres South residents.

13. The Planning Board noted that portions of three individual lots, not owned by Rieder Land Technology, were in the Route 522 alignment right-of-way from Kingston Lane to Georges Road. The developer agreed to post \$25,000 to be utilized for acquisition and/or condemnation of these three parcels, in order to have an unobstructed Route 22 realignment right-of-way through Dayton Square and Dayton Center.

14. It was further pointed out that the applicant was committed to construct two lanes of Route 522 to township specifications, as part of its 1975 preliminary PRD approval. It was noted that the N.J. Dept. of Transportation is currently engineering the entire Route 522 realignment project to state specifications and the construction of Route 522 two lanes to township specifications is no longer necessary. It was requested of the developer that it provide for an in-kind cash contribution for Route 522, which would represent the cost of constructing that roadway's two lanes to township specifications, as initially agreed upon. This cash contribution, in lieu of the developer's construction commitment, would permit for more desirable construction phasing, since this portion of Route 522 is programmed for construction by the State of New Jersey in 1988.

NOW, THEREFORE, BE IT RESOLVED; By the South Brunswick Planning Board, on this 12th day of July, 1983, that the Board hereby confirms its action of June 28, 1983, in granting revised PRD and bulk variance approval for Rieder Land Technology, Inc. (Dayton Center Sections 4, 5 and 11), prepared by Gregory Ploussas, P.E., License #25518, dated February 8, 1983, subject

to the following conditions:

1. The applicant is required to submit six revised PRD site plans, depicting a landscape buffer between the single family homes located on Margaret Drive in Brunswick Acres South and the townhouse units with frontage on Hannah Drive in Section 5 of Dayton Center. Further, these revised plans must reflect a 10 foot wide conservation easement between the rear yards of the abutting townhouses on Isaac Drive in Dayton Center Section 9 along the common property line with Dayton Square Section 5. Lastly, these revised PRD plans should include a totlot area incorporated in the open space and pool site, located adjacent to Marc Drive in Dayton Center Section 5.

2. The applicant is required to submit final construction plans for the pool facility and totlot when it applies for final PRD approval for Section 5 of Dayton Center.

3. The applicant will post a \$25,000 bond, representing the developer's contribution towards the acquisition of portions of three outparcels in the Route 522 alignment through Dayton Center. The \$25,000 bond must be submitted to the township Planning Dept. prior to the applicant receiving final PRD approval for Sections 4 and 5 of Dayton Center and the bond must be issued by a bonding company accepted by the Township. The applicant must submit a \$25,000 cash contribution upon demand by the township for the right-of-way acquisition, in conjunction with realigned Route 522. At the time that the applicant posts the \$25,000 cash contribution, the surety bond will be released.

4. Within thirty days of the enactment of this resolution, the Township Engineer is required to estimate the cost of installing two lanes of realigned County Route 522 to township specifications. Once the estimate is made by the Township Engineer, the applicant must meet with the South Brunswick Township Committee and establish a schedule of payments regarding its contribution towards Route 522, in lieu of construction, within sixty days of the Township Engineer submitting his cost estimates relative to the developer's obligation.

5. Sales prices of the senior citizen units shall not exceed \$44,999. However, prices may be adjusted to reflect inflation,

pursuant to the Northeast CPI for new construction.

This is to certify that the forgoing is a true copy of a resolution adopted by the South Brunswick Township Planning Board, at its regular meeting held on the 9th day of August, 1983.

Beatrice B. Cicchino
Secretary

RESOLUTION FOR PRELIMINARY AND FINAL
SITE PLAN APPROVAL FOR ELDIER REALTY
CORP. - PBR 357

WHEREAS, application was received from Eldier Realty Corp. on January 10, 1983 and was deemed to be complete on January 25, 1983; and

WHEREAS, the Planning Board has reviewed this matter at duly noticed public hearings held on January 25, February 8, February 22, March 8, March 22, April 12, April 26, May 10, May 24 and June 14, 1983; and

WHEREAS, the Planning Board makes the following findings of fact:

1. The property in question is known as Block 90, Lots 1.19, 4 and part of 1.08, a 108.58 acre parcel, located on the northbound side of U.S. Route 1, between Deans Lane and Black Horse Lane. The property in question is situated in the RM-3 Zone District, while its highway frontage along Route 1 is in the C-3 Highway Commercial District.

2. The applicant has applied for site plan approval to permit the construction of 800 least cost competitive garden apartments, in response to a Township Committee directive, as specified in the governing body's February 2, 1982 resolution, which granted the applicant a use variance to allow the developer to construct non-conforming least cost multiple family housing, subject to Planning Board site plan review. The Township Committee required that the applicant demonstrate to the Planning Board the ability of the subject property to sustain any proposed density in terms of traffic, drainage and other site plan considerations. Further, the Planning Board was directed to utilize the July 7, 1981 Interim Zoning Report, prepared by the South Brunswick Planning Dept., in conjunction with the site plan review of this application.

3. The applicant has testified that it has complied with the South Brunswick Planning Dept.'s Interim Zoning Report, as enumerated:

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a) The applicant has testified that it is capable of providing public sanitary sewer and potable water service to the property in question.

b) The applicant has agreed to construct the Henderson Road extension from Route 1 to Black Horse Lane, where a substantial portion of that roadway is off-tract.

c) The applicant has testified that it is able to reduce the rate of runoff from the property in question by 10% from predevelopment to postdevelopment. In fact, after extensive input by the Planning Board, the applicant was able to reduce the rate of runoff from 17% to 33%, depending on the specific storm water management area that drains off-tract.

d) The applicant's professional hydrologist and engineer, Michael J. Giuliano, Jr., P.E. License #23314, has publicly certified that the construction of this garden apartment development would not adversely impact upstream and downstream property owners.

e) The applicant is required to limit its total site coverage to 30% of the property in question. The developer has been able to demonstrate that it can construct this project at or below a 30% site coverage level. The initial application reflected an 8.7% building coverage, with a 28.5% total site coverage. With the addition of required commercial development, the applicant has agreed to maintain the 30% coverage ceiling.

f) The applicant has been required to reserve 30% of the site as open space, whereby a minimum of 15 usable acres is reserved for recreation and public use. The applicant has fulfilled this obligation through the provision of two totlot areas, a community clubhouse and pool facility, tennis courts, basketball courts, a multi-purpose soccer/football field and a one-half mile jogging path. Further, the applicant has also provided for passive open space in its design of its storm water management areas, thereby allowing the existing tree cover to remain, in addition landscaping treatments. The applicant testified that it will make available to the township the football/soccer field facility for public use.

g) The applicant has testified to the Planning Board that it can effectively buffer the proposed multi-family development from surrounding properties, since the garden apartment buildings will be two stories in height, similar in elevation to single family detached homes and there is ample provision of landscaped areas and the maintenance of existing vegetation to obscure the development from nearby single family residents along Deans Lane and Black Horse Lane. Further, the single family homes situated on the surrounding Lanes are located on extremely deep lots where single family homes are 500 to 600 feet from the common property line of the apartment project.

4. The property in question is substantially located in a wet soils area, since it is covered by Fallsington soils and is designated as frequently ponded by the South Brunswick Township Critical Areas maps. Due to the high seasonal water table, the Soil Conservation Service report specifies that the development limitations of this property cannot be overcome without exceptional, complex, or costly measures. Consistent with the sensitive nature of the property, the Planning Board retained an independent hydrologist, Alfred R. Pagan, P.E., to investigate the developability of the property, relative to the development proposal offered by the developer, in conjunction with the storm water management report, prepared by Michael J. Giuliano, Jr., P.E. Mr. Pagan noted that the applicant proposed to install a recharge area in storm water management basin #3, consistent with an on-site hydrological investigation, which determined that recharge can be obtained if a subsurface clay layer is breached allowing storm water to reach a granular sand and gravel subsoil. Mr. Pagan requested that the applicant increase its recharge program by 4,000 square feet. To this end, the applicant's engineering firm conducted test borings and transmissivity tests in April 1983 in an effort to determine suitable locations for additional recharge pits. Based on these on-site tests, the

applicant was able to increase on-site recharge areas to 7,000 square feet. The applicant also complied with Mr. Pagan's report by constructing the storm water management perimeter berms in such a manner that would allow for access of maintenance equipment, while increasing the available freeboard at the 100 year flood frequency. Lastly, it was reported by Mr. Pagan and the South Brunswick Township Engineer that the applicant has complied with the storm water management provisions of the South Brunswick Municipal Land Use Ordinance. Mr. Pagan also stated that the applicant has complied with the township's Critical Areas Ordinance, since it has applied reasonable engineering practices and technology to provide solutions to the problems created by the construction of this project, as specified by the hydrologist's May 8, 1983 letter to the Township Planning Director. The applicant will place approved select clean fill at all construction areas to insure proper bearing capacity of the soil.

5. As well as drainage, the Planning Board expressed significant concern whether the proposed apartment complex could sustain itself on the basis of traffic impacts, so as not to overburden local roadways and key intersections within the area. Based on extensive discussions between the applicant's traffic engineer, represented by Andre Gruenhoff, P.E., an associate of Abington Ney Associates of Freehold, the Board required the applicant to provide off-tract road improvements, in order to mitigate unnecessary local traffic impacts, while fulfilling the intent and purpose of the current South Brunswick Master Plan. The following is an enumeration of the required off-tract improvements, which have been agreed to by the developer:

a) The applicant will widen the westerly side of Henderson Road, where it intersects Route 1, by adding an additional lane to facilitate a separate lane for left hand turning movements, which will not interfere with right hand turns or through traffic. The applicant has agreed to improve the off-site Henderson Road area, as well as the on-site jughandle, prior to the first residential certificate of occupancy.

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b) The Board required that the applicant improve the jughandle at Route 1 and Black Horse Lane to facilitate south-bound Route 1's traffic seeking access into the project by Henderson Road extension, via Black Horse Lane. The applicant will widen the Black Horse Lane jughandle, in order to accommodate two lanes within the jughandle over its entire length. The Planning Board determined that there was sufficient right-of-way within the D.O.T. jurisdiction to accommodate this improvement. Any additional right-of-way, if necessary, will be purchased at the applicant's expense.

The applicant is further required to begin the construction of the jughandle prior to the issuance of the 212th building permit and must complete said improvement by the 400th C.O.

c) In conjunction with the Black Horse Lane jughandle improvement at Route 1, the applicant is also required to extend Henderson Road to Black Horse Lane, providing a 66 foot right-of-way and a 30 foot cartway, in compliance with the road specifications, as enumerated by the South Brunswick Municipal Land Use Ordinance for secondary collector roads. The Henderson Road extension must begin at the 170th building permit and must be complete by the issuance of the 210th certificate of occupancy.

d) The applicant is required to improve the intersection of Deans Lane and Black Horse Lane, due to that intersection's poor visibility and design configuration and the fact that the development will add additional traffic to that intersection. The township is required to arrange for the movement of all utilities and obtain all necessary approvals from the utility companies and Middlesex County. The applicant has agreed to proceed with the improvement of this intersection prior to the issuance of the 200th building permit, when the township gets all necessary approvals. This intersection improvement must be completed prior to the issuance of the 275th certificate of occupancy.

6. The Planning Board found that the required off-tract improvements were consistent with the township's road Master Plan, since the reliance on the Henderson Road extension and the routing of traffic on Black Horse Lane will substantially

deemphasize eastbound traffic from using the residentially developed portion of Deans Lane and will obviate any need of the apartment complex's residents traversing Deans Lane from Black Horse Lane and Route 1. The Planning Board instructed the township professional staff, once this application is approved, to proceed with an application and petition to the County and N.J.D.O.T. to have the speed limit of Deans Lane lowered and to make Deans Lane a stop street at the Black Horse and Deans Lane intersection, in order to deter through traffic from using the residentially developed portion of Deans Lane. The applicant will apply to N.J.D.O.T. for resigning along Route 1 where Deans Lane bound traffic will be directed to Black Horse Lane.

7. Several Planning Board members inquired whether the proposed garden apartments were least cost, in keeping with the intent of the February 2, 1982 resolution of variance approval set forth by the Township Committee. Mr. Stanley Rieder, the representative of Eldier Realty Corp., testified that the proposed multi-family units would be competitively priced rental housing of a least cost variety. Mr. Rieder testified that there would be 70% one bedroom units, with the remaining units consisting of a two bedroom format. Mr. Rieder projected that the proposed rents would be from \$440 to \$490 for a one bedroom unit and from \$540 to \$590 for a two bedroom unit. The Board observed that these rentals were in the reach of moderate income families currently residing in South Brunswick Township, thus reflecting consistency with the least cost housing objective of this project.

8. The Planning Board noted that it intended to maintain the spirit of the Planning Director's Interim Zoning Report and further maintain the integrity of the South Brunswick Township Master Plan and Land Use Ordinance, whereby the development could not exceed the maximum allowable density in the township of 7 units per acre. To this end, the applicant was requested to reduce the density of its development, in order to maintain continuity with the township zone plan and guidelines set forth

by the Township Committee of South Brunswick. The Planning Board further noted that, due to the size and intensity of this development and the surrounding residential development occupying adjacent areas along Deans Lane and Black Horse Lane, including the Brookside Mobile Home Park, the developer should provide for an on-site junior commercial center to support the facility's and area residents, in order to decrease the number of trips generated on the township's local roads and decrease additional high intensity commercial pressures on Deans Village, which is already inundated by area traffic.

9. Coupling the objective of obtaining a 7 unit per acre gross density for the tract and providing for suitable on-site support commercial, the Planning Board requested that the applicant remove the units adjacent to Bonnie Court, reducing the total unit count of 736, a reduction of 64 units, representing an aggregate gross density of 6.8 units per acre

10. The applicant agreed to construct a junior commercial shopping center and to provide for ample and satisfactory buffer between the residents of Diana Court and the proposed future commercial. The applicant further agreed that it would begin construction of the commercial facility prior to the issuance of the 550th certificate of occupancy, which represents approximately 75% of the units in this development. As part of the site plan review by the Planning Board, the Board shall evaluate the proposed uses for this commercial center to insure that all proposed uses are in direct relationship to supporting the area residents. In designing the commercial facility, no dumpsters and loading and unloading areas shall be visible from the multi-family units adjacent to Diana Court, nor shall the commercial lighting emit glare off the property line.

11. The Planning Board also requested that the applicant provide for a satisfactory and effective buffer area between the residents adjacent to Diana Court and the commercial facility. To this end, the applicant has agreed to provide for a 150 foot wide buffer area between the proposed commercial and the residents in Diana Court, to be landscaped as part of the residential building program of this project, rather than waiting for the

commercial construction. Prior to the issuance of any certificate of occupancy for any units abutting the commercial buffer area, the applicant must install an approved landscape and grading plan. Prior to the construction of the commercial center, this buffer area will screen the residents of Diana Court from U.S. Route 1. Lastly, an interim landscaping and grading plan must be implemented in the area which will house the future commercial, in order to avoid the appearance of an ill maintained rodent infested vacant lot at the front of the development. The applicant will attempt to retain all large caliper trees, 5" or over, in the commercial buffer area.

12. Consistent with the South Brunswick Master Plan and the requirements necessitated, in part, by this development, the applicant has agreed to respond to the request of the Planning Board in providing a site suitable for a future fire house or first aid squad. The applicant agreed to provide a portion of its property with frontage on the northerly side of Henderson Road near the Route 1 intersection, in order that the township may provide for a proposed fire house or first aid facility, as shown in concept by the intersection layout plan, prepared by the applicant's engineer, Michael J. Guiliano, Jr. The Board found that this location was desirable, since it will provide for immediate access to Route 1 and also direct access to Henderson Road.

13. On February 1, 1983 the professional staff prepared a report entitled Land Development Review Committee Minutes, pertaining to the Eldier Realty Corp. proposal, also known as Royal Oaks. The applicant revised its site plan to reflect all provisions of this 35 point professional review, in order to comply with all regulations set forth by the township Municipal Land Use Ordinance and the design criteria set forth by the township professional staff. Further, the applicant retained the services of Sullivan ARFAA Assoc. of Philadelphia, landscape architects, to prepare a composite landscaping plan for the Royal Oaks development. This landscaping plan was developed in conjunction with the township Planning Dept., in order to provide a pleasing environment for the residents of this development, preserve as

many of the existing trees on site as possible and fulfill the requirements of the township shade tree ordinance and to buffer this development from surrounding single family residences and from U.S. Route 1. The applicant's landscape architect also provided revised plans reflecting the required buffer between the residential portion of this development and the future commercial area towards the front of this project.

14. Several area residents objected to this development on the basis of traffic and drainage impacts. The Planning Board noted that the residents along Deans Lane are upstream from this property, thus the runoff from this tract would not interfere with the use and enjoyment of their homes, nor negatively impact them on the basis of drainage. Further, the Planning Board observed that the implementation of the off-site intersection and road improvement program, relative to this development, would, in fact, reduce the number of vehicles currently using Deans Lane, from Route 1 to the Black Horse Lane intersection.

15. The applicant, complying with the request of the Planning Board, has submitted a construction staging program, which fulfills the provision of the Planning Board that all storm water detention be in place prior to the construction of the impervious surfaces in any given building area. The Township Engineer has reviewed said staging program and has determined that all necessary drainage infrastructure will be in place to support the proposed phasing program of this development.

16. The applicant's off-tract road improvement program will be done in such a manner that the applicant's traffic generation will cause no less than a C level of service at any of the intersections discussed above.

17. The applicant has received soil erosion and sediment control approval by the Township Engineer. Further, since the drainage areas of this project total less than 150 acres, the Township Engineer has reviewed and approved all proposed stream encroachment on this property.

18. The Middlesex County Planning Board has reviewed this matter and has waived site plan, since this project does not abut a county road, as set forth in Bruce J. Rydel's April 6, 1983 correspondence. Also, the storm water management system for

Eldier has been reviewed by the Mdx. Co. Mosquito Commission, as set forth in George O'Carroll's March 22, 1983 letter.

NOW, THEREFORE, BE IT RESOLVED, By the South Brunswick Township Planning Board, on this 12th day of July, 1983, that the Board hereby confirms its action of June 28, 1983, in granting preliminary and final site plan approval for Royal Oaks Village, as depicted and represented in the following plans and reports: Royal Oaks Site Plan, prepared by Michael J. Guiliano, Jr., P.E., License #23314, composite landscaping plan, prepared by Sullivan AARFA, dated January 10, 1983, revised through June 27, 1983 and proposed off-tract improvements dated July 13, 1982, revised through June 23, 1983, subject to the following conditions:

1. Prior to the issuance of a building permit the applicant is required to received jurisdictional approval from the New Jersey Dept. of Transportation and New Jersey Dept. of Environmental Protection.

2. Prior to the issuance of a building permit, the applicant must post a performance bond for the Henderson Road extension and pay all applicable inspection fees. The applicant is permitted to pay inspection fees and bonds in phases, as approved by the Township Engineer.

3. The applicant is required to enter into a tri-partite maintenance agreement between the township, county and the developer, which will require the developer, and/or successors in title, to maintain the storm water management areas in perpetuity. This drainage agreement will be filed in the form of a deed restriction, to insure continued complaince.

4. The applicant is required to fulfill the off-tract improvement program for intersections and streets, as specified by the findings of facts set forth in this resolution.

5. The applicant is required to construct a junior commercial center on a portion of the site towards Route 1, prior to the issuance of the 550th C.O. for this development. The Planning Board, at the time of site plan review for the commercial facility, should evaluate the commercial proposal, in order to insure that the commercial use is in direct support of the area residents. Further, the commercial area must be architecturally compatible

with the remainder of the development and the overall site coverage shall not increase the overall development coverage by more than 30%, as set forth in the body of this resolution.

6. Prior to the signing of the approved revised site plan by the Planning Board Chairman, the applicant's hydrologist and engineer must provide written and sealed certification that this project will not negatively impact upstream and downstream owners, as set forth at the public hearing and enumerated in the zoning report.

7. The applicant is required to provide for a three year performance guarantee for all on-site landscaping, since this is an environmentally sensitive piece of property and the alteration of on-site drainage may require extensive followup to maintain the integrity of the approved landscaping plan. Prior to the release of any performance bonds for this development, the Planning Dept. must review and approve the on-site landscaping.

8. The applicant must receive design approval for the swimming pool from the Township Board of Health, in compliance with the 1970 New Jersey Swimming Pool Act.

9. The applicant is required to stage its development in conjunction with the approved staging plan set forth on sheet 3 of 37, so that all drainage infrastructure is in place to support each development staging area.

10. The applicant is required to construct its recreational amenities in the following order:

- a) the soccer/football field
- b) swimming pool
- c) basketball/tennis court area
- d) jogging trail.

All recreational amenities will be provided by the issuance of the 550th certificate of occupancy, representing 75% of the c.o.'s for this development.

11. The base rentals for the apartments shall be between \$440 and \$490 for the one bedroom units and between \$540 and \$590 for the two bedroom units, based upon construction costs as of July 1983. However, these projected unit rental levels may be adjusted in the future as units are constructed to reflect directly any change in unit construction, related site costs

and interest rates, as may have occurred, ^{subsequent} to July, 1983. Related site costs shall include paving, drainage and off-site right-of-way acquisition and improvements.

12. All project court names shall reflect the approved Planning Board street name list. These names may be obtained from the township Planning Department and said courts must have assigned names prior to the issuance of a building permit.

This is to certify that the foregoing is a true copy of a resolution adopted by the South Brunswick Township Planning Board, at its regular meeting held on the 12th day of July, 1983.

Bettina B. Cicchino
Secretary