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November 30, 2004

Ronald C. Morgan, Esquire
PARKER, McCAY & CRISCUOLO
PO Box 974
Marlton, NJ 08053



Carter H. Strickland, Jr., Esquire
RUTGERS ENVIRONMENTAL LAW CLINIC
123 Washington Street
Newark, NJ 08102-3094

Re: Millville 1350, LLC - General Development Plan
Approval Resolution

Dear Carter and Ron:

Please find enclosed a certified copy of Resolution 42-04 of the Millville Planning Board adopted on November 29, 2004 in regard to the above referenced matter for your respective files.

Thank you.

Very truly yours,

A handwritten signature in dark ink, appearing to be 'RHD', is written above the typed name.

RICHARD H. DANIELS

RHD:blp

Enclosure

cc: Elizabeth A. Anderson, Planning Board Secretary

PLANNING BOARD

CITY OF MILLVILLE

RESOLUTION NO. 42-04

MILLVILLE 1350, LLC

GENERAL DEVELOPMENT PLAN APPLICATION APPROVAL

WHEREAS, MILLVILLE 1350, LLC of Freehold, New Jersey has applied to the Millville Planning Board for General Development Plan (GDP) approval pursuant to N.J.S.A. 40:55D-45.3 for a project to be known as "The Preserve at Holly Ridge" being located on Block 582, Lots 1, 1.01 and 10 on the current Tax Map of the City of Millville with a street address of State Highway 49, Millville, New Jersey; and

WHEREAS, the Planning Board deemed the application complete at its meeting on August 4, 2004 (see Exhibit A attached hereto and incorporated herein for the list of items submitted and reviewed by the Planning Board); and

WHEREAS, the Planning Board held a public hearing on the said application at its meeting on August 16, 2004 and September 15, 2004; and

WHEREAS, various parties appeared to object to the application or portions thereof, support the application or raise questions regarding the said application; and

WHEREAS, the Board accepted into evidence various Exhibits from the applicant and from the parties in opposition to the application (see Exhibit D and Exhibit E attached hereto and made a part hereof for the specific list of the Exhibits presented); and

WHEREAS, the Board has received and reviewed the final written Planning Board review dated August 16, 2004 and updated on August 18, 2004 from the City Planner and Municipal Engineer for this application which report is designated as Exhibit F and is attached hereto and made a part hereof, as well as the reports by third party experts retained by the Planning Board for review of this application, to wit: Brian Slaugh, Planner and Antoinette Sapio, Environmental Scientist; and

WHEREAS, the Planning Board has received and reviewed the specific requirements as set forth in the New Jersey Municipal Land Use Law for Planned Development (N.J.S.A. 40:55D-45) and the specific requirements of the Millville Development Regulations Ordinance for Plan Development (Section 30-70) which requirements are more fully set forth in Exhibit B and Exhibit C respectively attached hereto and made a part hereof; and

WHEREAS, the Planning Board has received and reviewed along with those items as set forth in Exhibit A the General Development Plan prepared by Maser Consulting, Inc., Engineers and Planners for the applicant including the Land Use and Community Facility Plan, Circulation Plan, Open Space Plan, Utility and Local Services Plan, Storm Water Management Plan and Environmental Inventory Plan, which General Development Plan is incorporated into this Resolution by reference as if specifically set forth here at length; and

WHEREAS, the Planning Board has reviewed and paid particular attention to the Environmental Impact Statement prepared by Maser Consulting for the applicant dated June 2003 and revised

July 2004 and Herpetological Associates, Inc. Habitat Evaluation Report dated March 13, 2003 and the supplemental report of Herpetological Associates, Inc. dated July 13, 2004; and

WHEREAS, each member of the Board voting on this Resolution has attended each and every meeting of the Planning Board involving this application and each member has heard all of the testimony presented herein; and

WHEREAS, the Millville Planning Board has given the matter due and careful consideration and has made the following factual findings, determinations and conclusions:

1. The property in question known as Block 582, Lots 1, 1.01 and 10 on the City Tax Map is located in a Land Conservation Zone. The property is approximately 1339.8 acres in size. The LC Zone allows for the type of clustered age-restricted inclusionary development proposed as a Planned Development (see Section 30-65, et seq. and Section 30-221, et seq. of the Land Use and Development Ordinance).

2. The applicant proposes to construct an age-restricted inclusionary residential development of approximately 950 single family homes. The residential development would be on 238.9 acres of land more or less of the total of the property. In addition to the housing, an 18 hole golf course is proposed on approximately 170 acres of land more or less. The existing Brian Parent Center would be renovated and expanded as the clubhouse. The remaining 930 acres more or less would be undeveloped open space and will be permanently preserved. The conservation area will probably include an arboretum to be

developed in conjunction with the Holly Society of America. The entire conservation area will be deed restricted from future development.

3. The project is intended to be constructed over 10 years, and the applicant is seeking a 20 year General Development Plan vestiture period approval.

4. Portions of the lot frontage had been subdivided in the past for single family dwellings in four separate locations. The peak demand electric generating station owned and operated by Conectiv was also previously subdivided from the larger parcel. On the north side of Route 49, similar housing interspersed with wooded land is present as well as the state-owned Peaslee Wildlife Management Area. To the east is vacant wooded land extending to Cumberland County Road 646 where portions of the frontage of that road have been subdivided for single family housing. To the south are sand and gravel operations although the ones adjacent to the site are not active at this time. To the west is the Menantico Ponds Wildlife Management Area owned by the state.

5. The majority of the site is undeveloped oak-pine forest. Portions of the site had previously been sand mined, and the former Holly Farm/Brian Parent Conference Center were developed on site. The remainder of the site is wooded. There is also a significant amount of wetlands throughout the site with 300 foot buffers proposed by the applicant around said wetlands. There is a pond of water at the south end of the site resulting from a former sand mining and dredging operation that is

classified as state open waters with no transition buffer required. The site is between the Menantico Creek and the Manumuskin River. Development will be located outside of the Wild and Scenic Rivers Management Area boundary. The property in question is not in the Pinelands Area. The site includes a railway right-of-way which bisects the property and a powerline right-of-way which parallels State Route 49 and extends into the northeastern portion of the property.

6. The applicant proposes a payment to the City in lieu of construction of affordable housing units. The payment is proposed to be \$25,000.00 per unit for 47 units for a total of \$1,175,000.00.

7. Municipal sewer and water will be provided to the site by the applicant at applicant's sole expense, including the residential areas and the golf course clubhouse.

8. A Homeowners Association will be created and, the Association will maintain the right-of-ways, provide trash collection, snow removal and maintain the detention/retention ponds, and common area landscaping.

9. A new, updated, Wetlands Letter of Interpretation will be needed for the property in question from the appropriate State agency. The existing Wetlands Letter of Interpretation expired in October 1985.

10. A Habitat Conservation Plan will be prepared for the site and the Plan will be followed in order to minimize impacts on wildlife and vegetation in the proposed developed portion of the property in question. The applicant shall seek out a

conservation group to manage the conservation area. The City does not want the ownership of the conservation area.

11. The applicant will provide a Turf Management Plan for the golf course, and other appropriate areas of the development, which plan at a minimum, will operate in accordance with the requirements of the New Jersey Pesticide Control Code (N.J.A.C. 70:30-1, et seq.).

12. A Habitat Evaluation of the property in question, although not required by the City Ordinance, has been submitted and updated. The site has been extensively studied by Herpetological Associates and others over the past decade. For the purpose of the application, the study involved performing a habitat evaluation to determine the presence or absence of suitable or critical habitat and threatened or endangered species. The study provided land use and design recommendations based upon the protection and conservation of all critical plant and wildlife species habitat. It was recommended that a long term habitat conservation plan be prepared by the applicant. During the field surveys, the following state listed threatened and endangered species were confirmed as resting, feeding, breeding, or nesting on parts of the subject property:

- A. Northern Pine Snake
- B. Corn Snake
- C. Pine Barrens Treefrog
- D. Barred Owl
- E. Red-headed Woodpecker
- F. Cooper's Hawk

The exact locations where these wildlife species were found are shown in the March 2003 report. In May-July 2004, the Habitat Evaluation was updated through additional field surveys

done by Herpetological Associates. It was noted that species found were in the same areas as previously sited, and that all places where species were found were within the areas proposed for permanent preservation. No new wetland locations were found being used by species and no foraging, roosting or critical nesting bird, snake or frog habitat will be lost as a result of the proposed project. No additional threatened or endangered species were found. These wildlife species were found by the use of several standard survey methods in a wide array of habitat types throughout the site. The most important aspect for the conservation of these species is the preservation of their critical breeding, nesting feeding, resting, and overwintering habitat. Herpetological Associates' proposed conservation plans can achieve this goal. No important or critical wildlife habitat will be lost or adversely impacted as a result of this proposed clustered active adult housing project and 18 hole golf course. Environmentally sensitive planning will help protect the six endangered and/or threatened wildlife species, and their critical habitats.

13. A review of the proposed project was sought by the applicant from the Nature Conservancy. The Nature Conservancy owns and maintains a large tract of protected land in Maurice River Township near the property in question in this application. A memorandum was received from the then Vice President of the Nature Conservancy, which memorandum was provided to the Planning Board staff. The memorandum was a summary of design recommendations made by the Vice President of the Nature

Conservancy to the developer. These design suggestions were made after reviewing a conceptual plan that had a significantly smaller number of dwelling units proposed (approximately 700 rather than the now proposed 950). Nearly all of the recommendations were accepted by the applicant and resulted in changes to the original General Development Plan design. These changes resulted in greater protection of environmentally sensitive areas. The developer, however, did subsequently increase the number of proposed dwelling units for the developed area, but the number is still substantially below that allowed by the Ordinance. The Nature Conservancy neither approves or opposes this application. Due to the controversial nature of the species and habitat information and impacts, the staff and the Board has sought a qualified expert to independently review the Habitat Evaluation, and comment on the proposed recommendations. The reports were favorably reviewed by Ms. Antoinnette Sapio, an Environmental Scientist with JCA Associates, Inc. The JCA Associates, Inc. report authored by Ms. Sapio was received and reviewed by the Planning Board and Ms. Sapio presented testimony and answered questions for the Board at the public hearing held in this matter.

14. An Open Space Plan should be prepared in conjunction with the Habitat Conservation Plan and with the help and input of the conservation group that will ultimately manage the conservation area. The applicant should also indicate in the Open Space Plan the rights of the general public and the residents of the development for use of the conservation area

and the golf course. The golf course property is to be deed restricted, prohibiting conversion to any other use in the future.

15. A full traffic impact study will be initiated after a pre-application meeting with the New Jersey Department of Transportation, and the applicant will work within the Shore Connection Committee recommendations.

16. The applicant estimates the total buildout of the project will take 10 years, with 112-160 house built during each phase. The residential clubhouse, utilities and golf course would be built in Phase One. The balance of the golf course would be constructed in Phase Two. The applicant will indicate in which phase the residential recreation components would be completed and when the golf clubhouse would be constructed.

17. New Jersey Statute 40:55D-65c authorizes municipalities to provide by ordinance for planned development districts and outlines the development standards to be contained in such an ordinance. Where a municipality adopts a planned development ordinance it may also, pursuant to New Jersey Statute 40:55D-45.1 through 40:55D-45.8, adopt an ordinance allowing developers of projects greater than 100 acres in size to create a General Development Plan with regard to their projects and to submit this plan for approval to the Planning Board. The City of Millville has adopted such an ordinance. The purpose of the legislation providing for General Development Plans was generally to provide the increased flexibility desirable to promote mutual agreement between the applicant and the Planning Board on the

basic scheme of a planned development. New Jersey Statute 40:55D-45.2 specifies those matters that must be considered by the Planning Board in acting upon an application for general development plan approval, such matters are to be considered in a general way from the standpoint of probable feasibility, with the more detailed presentation being left until the more specific application for preliminary site plan and subdivision approval is sought.

18. The Board has heard the extensive testimony of the applicant's representatives; applicant's environmental experts; traffic engineer; design engineer; planning consultant and fiscal consultant. The Board has also heard the testimony from various parties for and against the application including but not limited to Jane Morten Galetto for Citizens United; Emile D. DeVito, Ph.D; Dr. Joanna Burger, Rutgers University; Clay Sutton, Environmental Consultant; Gary Moore, Ph.D; Jane Nogaki; Tony Ficcaglia; Fred Ackers; Faith Zerbe; Delaware River Keepers Network; and others, all in opposition to the application, and Assemblyman Jeff Van Drew; Freeholder Jane Christy; James Hertig; Dale Gravett, Housing Authority; Dr. G. Larry Miller; Jeff DuBois, Economic Development Board Chairman; Dr. Edward Salmon; and Brendan Kavanagh, Esquire, all in support of the application.

19. The Board also received and reviewed a memo from Carter H. Strickland, Jr., Esquire of the Rutgers Environmental Law Clinic in opposition to the application.

20. Pursuant to N.J.S.A. 40:55D-45 and Section 30-70 of the Millville Development Regulations Ordinance, the Board

specifically finds and determines as follows:

(a) The proposed development is allowed in the zone, and the applicant has not requested any variances nor any waivers for the proposed project, thus the project is not a departure from the Zone Plan of the area and will conform to the standards of the Zone Plan.

(b) The proposed common areas and open space are more than adequate and the maintenance of same shall be done by the property owners association in accordance with the developer's agreement and the owners association rules.

(c) The physical design of the proposed development, as presented, for public services, vehicular and pedestrian traffic control and recreation, visual enjoyment of the site and light and air are adequate.

(d) The proposed development will not have an unreasonably adverse impact upon the area in which it is proposed, the developer has taken great effort to protect the environmentally sensitive and important areas.

(e) The development is proposed to be built over several years, the developer having provided a construction time table to the Board. The terms and conditions intended to protect the interest of the public, the residents, occupants and owners of the proposed development are adequate as presented by the applicant.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF MILLVILLE PLANNING BOARD that the application of Millville 1350, LLC for approval of a General Development Plan for property known as

Block 582, Lots 1, 1.01 and 10 as shown on the current Tax Map of the City of Millville for the project to be known as "The Preserve at Holly Ridge" which Plan is more fully set forth in the General Development Plan prepared by Maser Consulting, Inc. dated June 13, 2003 and revised July 26, 2004 which Plan is incorporated into this Resolution, is approved with the following conditions:

1. The term of the approval is twenty (20) years from the date of this Resolution pursuant to N.J.S.A. 40:55D-45.1(b).
2. The buffering along East Main Street (State Highway 49) shall be to a depth of 75 feet.
3. The lot size for each residence in the developed area shall average 6,000 square feet.
4. The applicant shall submit site plan applications and subdivision applications for each phase of the project to the Planning Board.
5. The applicant shall comply with all conditions set forth in the City Planning and Engineer's Report dated August 16, 2004 and updated August 18, 2004 (see Exhibit F).
6. Preparation of a Habitat Conservation Plan for the property in question and submission of same to the Planning Board and an Open Space Plan setting out who will be responsible for management of the conservation area and what rights the general public will have on the site.
7. Preparation of a Turf Management Plan for the proposed golf course and submission of same to the Planning Board to be prepared before Final Site Plan Approval is granted for this

component of the project.

8. Payment of \$1,175,000.00 to the City in lieu of providing affordable housing.

9. Approval and execution of the Developers Agreement by the City and the applicant after same has been modified, if necessary, to comply with the terms and conditions of this Resolution.

10. Public water and public sewer services to be provided to the property in question by the applicant at applicant's expense.

11. Updated Wetlands Letter of Interpretation for property in question.

12. Permanent protection of the designated Preservation Area containing of approximately 930 acres more or less by means approved by the City and any third party environmental organization chosen to manage the preserved area.

ROLL CALL VOTE: October 4, 2004

THOSE IN FAVOR: 8

THOSE OPPOSED: 0

THOSE ABSTAINING: 0

C E R T I F I C A T I O N

The foregoing is a true copy of a Resolution adopted by the City of Millville Planning Board on *NOVEMBER 29*, 2004 memorializing an action taken by the Board at a meeting of the Planning Board held on October 4, 2004 at 6:00 p.m.


ELIZABETH A. ANDERSON, Secretary

MPB-8/4/2004

MILLVILLE 1350, LLC APPLICATION

GENERAL DEVELOPMENT PLAN CHECKLIST**Section 30-66 General Development Plan and Contents**

Component	Submitted	Comments
1. Land Use Plan	X	Sheet 2 ³
2. Circulation Plan	X	Sheet 3 and Traffic Impact Assessment Narrative
3. Community Facilities Plan	X	Sheet 7 and Narrative Community Impact Statement
4. Environmental Inventory	X	Narrative and Sheet 7 Habitat Eval. Report and Update Submitted, not required; letters from Nature Conservancy submitted
5. Fiscal Report	X	Narrative
6. Housing Plan	X	Sheet 2
7. Local Service Plan	X	Sheet 5
8. Open Space Plan	X	Sheet 4
9. Stormwater Management	X	Sheet 6 and Narrative
10. Utility Plan	X	Sheet 5
11. Timing Schedule	X	Sheet 2 and Narrative
12. Development Agreement	X	Revised and resubmitted

EXHIBIT "A"

Additional Items Submitted:

- Habitat Evaluation and Update
- Narrative Summary of all Plan Elements
- Property owners lists
- Disclosure Statement
- Letters:
 - Nature Conservancy Memorandum and response
 - Verizon telecommunications
 - Comcast
 - SJ Gas
 - NJDEP Sewer Service Area
 - Water Capacity
 - Sewer Capacity

EXHIBIT "A" CONTINUED

MILLVILLE 1350, LLC APPLICATION -- EXHIBIT "B"

NJ MUNICIPAL LAND USE LAW

40:55D-45 FINDINGS FOR PLANNED DEVELOPMENTS

(Page 35)

Every ordinance pursuant to this article that provides for planned developments shall require that prior to approval of such planned developments the planning board shall find the following facts and conclusions:

- a. That departures by the proposed development from zoning regulations otherwise applicable to the subject property conform to the zoning ordinance standards pursuant to subsection 52 c. (C.40:55D-65c) of this act;
- b. That the proposals for maintenance and conservation of the common open space are reliable, and the amount, location and purpose of the common open space are adequate
- c. That provisions through the physical design of the proposed development for public services, control over vehicular and pedestrian traffic, and the amenities of light and air, recreation and visual enjoyment are adequate;
- d. That the proposed planned development will not have an unreasonable adverse impact upon the area in which it is proposed to be established;
- e. In the case of a proposed development which contemplates construction over a period of years, that the terms and conditions intended to protect the interests of the public and of the residents, occupants and owners of the proposed development in the total completion of the development area adequate.

CITY OF MILLVILLE LAND USE AND DEVELOPMENT REGULATIONS
EXHIBIT "C"

§ 30-70. Findings for planned developments.

Prior to the approval of a planned development, the Planning Board shall find the following facts and conclusions which shall be incorporated in the resolution approving the planned development:

- A. That departures by the proposed development from zoning regulations otherwise applicable to the subject property conform to the Zoning Ordinance standards pursuant to N.J.S.A. 40:55D-65.
- B. That the proposals for maintenance and conservation of the common open space are reliable and the amount, location and purpose of the common open space are adequate.
- C. That provision through the physical design of the proposed development for public services, control over vehicular and pedestrian traffic and the amenities of light and air, recreation and visual enjoyment are adequate.
- D. That the proposed planned development will not have an unreasonably adverse impact upon the area in which it is proposed to be established.
- E. In the case of a proposed development which contemplates construction over a period of years, that the terms and conditions intended to protect the interests of the public and of the residents, occupants and owners of the proposed development in the total completion of the development are adequate.

MILLVILLE PLANNING BOARD -- MILLVILLE 1350, LLC APPLICATION

EXHIBIT "D"

EXHIBIT LIST -- APPLICANT

Exhibits A-1 through A-17:

- A-1 Resume of Robert T. Zappalorti
- A-2 Aerial Map of site
- A-3 Conceptual Plan for site
- A-4 Map--Corn snake movements
- A-5 Map--Pine snake movements
- A-6 Conceptual Plan for Preserve at Holly Ridge
- A-7 Resume of Raymond Walker, Ph.d PWS
- A-8 Resume of Mark E. Zelina, PE, PP
- A-9 Resume of S. Maurice Rached, PE, PTOE
- A-10 Resume of Creigh Rohenkamp, AICP, NJPP
- A-11 Map showing previously approved residential subdivisions
- A-12 Package of minutes of prior Millville Planning Board meetings
- A-13 Package of letters from various entities supporting application
- A-14 Master Consultants - minutes of meeting dated 9/14/04
- A-15 Herpetological Associates, Inc. - letter to K. Warker dated 9/13/04
- A-16 Herpetological Associates, Inc. - letter to K. Warker dated 9/15/04
- A-17 Master Consultants - letter to K. Warker dated 9/15/04

MILLVILLE PLANNING BOARD -- MILLVILLE 1350, LLC APPLICATION

EXHIBIT "E"

EXHIBIT LIST -- OPPONENTS

Exhibits 0-1 through 0-10:

- 0-1 Testimony -- Jane Galetto - Citizens United
- 0-2 Letter dated 8/1/03 to N.J.D.E.P.
- 0-3 Map of protected lands
- 0-4 Memo dated 4/6/87 from D.E.P.
- 0-5 Letter dated 9/16/87 to S. Kehs
- 0-6 Testimony of Jane Nogaki
- 0-7 Package of articles regarding golf courses
- 0-8 Statement of impact to water resources
- 0-9 Testimony of Clay Sutton
- 0-10 Testimony of Gerry Moore, Ph.d

MILLVILLE PLANNING BOARD PROFESSIONAL STAFF REPORT & EXHIBIT "T"**FINAL
PLANNING BOARD REVIEW**

DATE: August 16, 2004
August 18, 2004 updated

PROJECT: The Preserve at Holly Ridge
General Development Plan Submission
Block 582 Lots 1, 1.01 (portion), and 10
State Highway Rt. 49

APPLICANT: Millville 1350, LLC
Freehold, NJ

ZONE: Land Conservation Zone

ACTION REQUESTED: Approval of General Development Plan

PREVIOUS ACTION: Application declared complete 8-04-04

1. PROJECT DESCRIPTION:

On a tract of 1,339.8 acres the applicant proposes to construct an age-restricted development of 950 single-family residences. Residential development is to be clustered on 238.9 acres on the westerly side of the Brian Parent Center and east of the Menantico Ponds Wildlife Management Area. The main access to the residential development would be through a new boulevard to be constructed from Route 49. In addition to the housing, an 18 hole golf course on 184 acres is proposed along with a golf clubhouse of approximately 10,000 sf. The Brian Parent Center will be renovated and expanded to be the golf clubhouse. The existing entryway to the Parent Center would be used for access to the golf course. A new street paralleling route 49 would be also be constructed linking the golf course access and the boulevard access. The remaining 911 acres will be undeveloped open space or conservation area that will be permanently preserved. The conservation area will also include a arboretum to be developed in conjunction with the Holly Society of America. The entire conservation area will be deed restricted from future development. The entire project would be constructed over 10 years. The applicant has proposed a payment-in-lieu of construction of affordable units on site. This payment is proposed as \$25,000 per unit for 47 units for a total of \$1,175,000.

2. SURROUNDING LAND USE/PHYSICAL FEATURES:

Surrounding Land Use:

The site front on Route 49 and portions of the lot frontage had been subdivided in the past for single family dwellings in four separate locations. The peak demand generating station-owned and operated by Conective was also subdivided from the larger parcel. On the north side of Route 49, similar housing interspersed with wooded land is present as well as the state-owned Peaslee Wildlife Management Area. To the east is vacant wooded land until County Road 646 where portions of the frontage have been subdivided for single family detached housing. To the south are sand and gravel operations, although the ones adjacent to the site are not active. To the west is the Meantico Ponds Wildlife Management Area, owned by the state. The access to the ponds is through the applicant's property.

Physical Features:

The majority of the site is undeveloped oak-pine forest. In general the topography of the site is relatively flat with a high elevation of approximately 85 feet close to the generating station and about 18 feet at the dredging pool. Portions of the site had previously been mined, and the former Holly Farm/Brian Parent Conference Center were developed on site. The remainder of the site is wooded. There are also a significant amount of wetlands throughout the site with 300 foot buffers proposed. There is a pond of water at the south end of the site resulting from a former sand mining and dredging operation that is classified as state open waters with no transition buffer required.

The site lies between the Menantico Creek and Manumuskin River within the Maurice River Watershed. All development will be located outside of the Wild and Scenic Rivers Management Area boundary.

The site includes a railway right-of-way which bisects the property and a power line right-of-way which parallels Route 49 and extends into the northeastern portion of the property.

3. SUBMISSION REQUIREMENTS:

All of the elements required for submission of a General Development Plan are found in the ordinance in Section 30-66, with the Planned Adult Community requirement found in Section 30-227. At a meeting held August 4, 2004 the Planning Board deemed the application complete. As will be noted in this report, the staff is requesting some additional information from the applicant. The applicant has also submitted supplemental information that is not specifically requested by our ordinance, particularly in regard to habitat and species.

4. LAND USE/DESIGN COMMENTS

The project includes the following breakdown by land use type:

Residential	244.7 acres
Housing	238.9
Clubhouse	5.8
Golf Course/Clubhouse	184.0
Golf Course	156.8
Easement	27.2
Conservation	911.1
TOTAL	1,339.8

- The overall density of the project is .71 units/acre (950 dwelling units over 1,339.8 acres). The effective density of the clustered residential area is 4 units per acre (950 dwelling units over 238.9 acres). The average lot sizes proposed is 5,460, although the application states that lot sizes will vary with the housing products. The Board may want to request a larger lot size, closer to 6,000 sf based on typical lot sizes for an adult community. This would also help integrate the homes with the natural environmental features and amenities of the site, helping to build them into the residential design. There is some question about whether the total number of units shown for each residential pod could actually be constructed based upon the general information available from the plans. The applicant should discuss if a slightly larger lot size could work.
- The homes are designed with 20' setbacks from the street – the applicant should consider a setback of 25' to provide more space for cars in the driveways, so if two cars are stacked in the driveway, one will not be in the sidewalk. *Applicant has suggested split setbacks of 25' from front of garage; 20' from front of house to street – staff prefers front setback of 25' so cars don't extend into sidewalk*
- The city prefers trees be planted between the sidewalk and the street to grow into a street canopy. *Applicant agrees*
- Will the area to be developed for the residential portion of the property be clear cut? *Site will be cut for each phase, not all at once*
- The residential pods should have sidewalks on both sides of the street *Sidewalks will be constructed on both sides of the street*
- Affordable Housing Contribution: The applicant has based the proposed affordable housing contribution on the overall density of the project (.71 acres). According to Section 30: 99, the Affordable Housing Standards, this density requires an affordable housing set aside of 5% or 47 units. The per unit fee proposed is \$25,000. New COAH rules have recently been proposed that may raise the per unit fee. We would prefer the set

fee per unit be consistent with the fee that is eventually adopted when the COAH rules, which will be published on 8/16/04, become official.

This may result in an increase in the proposed per unit fee. If the applicant prefers a contribution-in-lieu of construction, then it should be based upon 47 units at the standard set by the new COAH rules. *Applicant agrees to \$35,000 or whatever figure is tied to the new COAH regulations.*

- g) A Circulation Plan is shown on Sheet 3 of 7. The road system is proposed with a boulevard entrance road with an 80 foot right-of-way. There is a connection from this right-of-way to the entryway to the golf course via a road paralleling Rt. 49. This connection road also has residential clustering. The main boulevard has been designed with intermediate turnarounds every 1/4 miles, which allow motorists to reverse direction. The Boulevard consists of two 20' cartways with a 5' landscaped island. The internal roadway sections are shown as 28'-30' cartways looping off of the main boulevard. All streets are shown with vertical curbing and sidewalks on both sides. The roads will be maintained by the Homeowner's Association.

The Circulation plan shows only the main roadways, which create large blocks, some as long as 1400'. Are additional cul-de-sac streets and loop roads being considered for the residential pods? no. Does the applicant propose any measures to calm the traffic on the boulevard and reduce the speeds in these residential neighborhoods? Will the residential lots front on the Boulevard which serves as the major collector? *NO*. If so, it appears as if it may be difficult to situate the lots given the Circulation Plan shown.

The applicant should indicate where the access road to Menantico Ponds will be relocated. *Final location will be determined after wetlands delineation and preliminary engineering. Access will be provided at westerly boundary of an existing access road.*

- h) The residential portion of the site will have a 15,000 sf clubhouse with added amenities including a pool, tennis courts, bocce, a library, business center, gym and hobby rooms. An arboretum will also be developed and possibly an environmental center for the study of wildlife. The applicant should indicate where these facilities will be located on the plan.
- i) It appears a 50' buffer is proposed between the houses and Route 49. In this area the city would like to request a 200' buffer to maintain a wooded frontage along Route 49. *Applicant has indicated they would prefer to create a 75' landscaped buffer along the Route 49 frontage for visual and sound buffer.* staff agrees.

Questions/Comments:

- Can lot size be increased to 6,000 sf? Yes, will avg. 6,000; 3 different lot sizes in all, min. 5,460
- Affordable housing payment should be consistent with fees

- Established by COAH when new rules are adopted agreed
- Road system layout for residential pods requested
- Entry boulevard requested to be moved closer to preserved area
- 25' rather than 20' house setback from street Agreed
- Trees to be planted between sidewalk and street Agreed
- Will residential area be clearcut? No, will be one phase at a time
- Location of arboretum and environmental center in golf area
- Location of Menantico Ponds access road to be determined
- 200' buffer along Route 49 Alternate of 75' landscaped berm proposed

5. COMMUNITY IMPACT STATEMENT

The project has the following municipal impacts:

Population: increase of 1,634 at full build-out (10 yrs)

Sewer demand: 191,500 gpd: Capacity exists in system

Water demand: 187,400 gpd: Capacity exists in system

School: 0 students

\$2.69 million school taxes \$2,605,000

Municipal taxes: \$3.029 million property taxes \$3,214,000

\$8.660 million total tax collections

Police/Fire/Rescue: slight increase in service demand

Additional 197 rescue trips; additional 4 police officers; additional 53-58 fire calls (6.7% increase);

Projected total municipal costs to service development: \$491,198.06

The comparison of costs to the municipality vs. municipal project revenue yields a net surplus to the city of \$2,537,570.60. \$2.6 million or an increase in ratables of 30%; 25% of household income will be expended within 10 miles

Note: The report should be revised utilizing 2004 tax rate and equalization rates which are:

2004 Tax rate: \$4.257/\$100

2004 equalization ratio: 69.43%

The report utilized 2003 tax and equalizations rates of \$4.106 and 71.71% respectively.

It is expected that the figures will still show a significant positive impact for the City and the Board of Education budgets, as the value of the housing is well above the current residential valuation.

Questions/comments:

- Recalculate fiscal impacts utilizing 2004 tax rate and equalization rate. Applicant has revised the report utilizing the appropriate tax rate and equalization rate

Municipal Utilities and local service:

The site, with the exception of the golf clubhouse, will be serviced by municipal water and sewer with the infrastructure extended by the applicant. The clubhouse is proposed to be serviced by a separate well and septic system while the golf course would be irrigated by a well. Under the city ordinance, the general criteria for eligibility to qualify for residential clustering requires the project to be served by Municipal water and sewer. If the clubhouse is not going to be served by municipal utilities, it would require a waiver from this requirement. The city would prefer that the golf clubhouse be serviced by municipal water and sewer. It is possible to extend the infrastructure to this area utilizing the proposed road that runs parallel to Rt. 49.

The Developer's Agreement is clear in stating that the "Developer shall, at its sole cost and expense, construct and install all of the improvements shown on the GDP, required as part of the approval of the application." Under Section 1, Item G Utilities and Access the Developer further commits to extending sewer and water conveyance facilities along Route 49 to the subject property and establishing a looped system within the development. It should be made clear whether the Developer is prepared to provide for any off tract improvements required as a result of the impact of this project. For example, if a larger sewer main or a pump station upgrade is needed to handle the impacts of this development, will the developer pay the cost of these needed improvements? Yes. If an additional storage tank, main upgrade or a booster pump is needed for the water system as a result of this development, is the applicant prepared to pay the costs related to these improvements? Yes. If so this should be stated clearly in the Developer's agreement, and any analysis of these specific impacts can be completed during the preliminary approval stage.

~~If this is not the case, the applicant should provide a hydraulic analysis of the City's water and sewer system to determine the impacts of this development on each system. If there are impacts, the "fair share" contribution should be stated in the Developer's Agreement and the hydraulic analysis should be completed prior to GDP approval.~~

According to the narrative, the interior roads would be privately constructed and maintained by the Homeowner's Association. Similarly the Homeowner's Association would be responsible for contracting for snow plowing as well as trash collection. In accordance with the state statute, the developer can

request reimbursement from the city for the provision of these services. The detention/retention ponds and sewer pump station would also be owned and maintained by the Homeowner's Association. The applicant should clarify that the homeowner's association will be responsible for the maintenance of the central boulevard and the roundabout landscaping. The maintenance and operation of the residential clubhouse and recreational sites should also be clearly explained with language to that effect placed in the Developer's Agreement.

Questions/Comments:

- *Municipal Water/sewer to the golf clubhouse or waiver yes*
- *Maintenance of access boulevard by Homeowners Assoc. yes*
- *Maintenance of residential clubhouse, recreation sites yes*
- *Payment for off tract municipal water/sewer impacts yes*

6. ENVIRONMENTAL IMPACT AND HABITAT EVALUATION:

Environmental Impact Statement:

As noted in the report, on page 5, a new Wetlands Letter of Interpretation will need to be obtained for the preliminary approval phase- the existing LOI expired 10/85.

A Habitat Conservation Plan is proposed and will be prepared for the site in order to minimize impacts to wildlife in the developed portions of the site. Is there any plan to partner with a conservation group in preparing this plan or in managing the conserved areas? The City of Millville does not want the responsibility of owning and maintaining these lands and feels a conservation group would be best suited to manage the lands. The applicant should clarify how it will proceed to work with a conservation organization on management. At what point in the review process will the Habitat Conservation Plan be prepared and submitted? *Preliminary approval*

Has a response been received from the NJ State Museum regarding any significant archaeological resources on site?

The project design will conserve a cultural resource in the Holly Orchard. The developer has already begun working with the Holly Society of American to develop an arboretum showcasing native species of Holly."

A Turf Management Plan should be submitted during preliminary approval which would detail pesticide and fertilizer applications and protective runoff measures, particularly regarding nitrates and the impact to ground and surface waters. The applicant should examine methods of creating a low impact design for the golf course and limitations on lawn cover in the development

Applicant should agree to operate the proposed development in accordance with the New Jersey Pesticide Control Code N.J.A.C.

7:30 -1 et seq.agreed

Questions/Comments:

- *When will Habitat Conservation Plan be completed and submitted?preliminary approval*
- *Response from NJ State Museum on archeological resources?*
- *When will Turf Management Plan be completed and submitted?preliminary approval*
- *Plan for operation/management of conserved areas conservation organ.*
- ***Plan to operate in accordance with NJ Pesticide Control Code agreed***

Habitat Evaluation:

A Habitat Evaluation is not required by our ordinance but has been submitted by the applicant. The original submission completed in 3/03 has been supplemented by an update completed 7/04. The Habitat Conservation Plan will build upon the information submitted.

The site has been extensively studied by Herpetological Associates and others over the past decade. For the purposes of the application the study involved performing a habitat evaluation to determine the presence or absence of suitable or critical habitat and threatened or endangered species. The study provided land use and design recommendations based upon the protection and conservation of all critical plant and wildlife species habitat. It was recommended that a long term habitat conservation plan be prepared.

During the field surveys the following state listed threatened and endangered species were confirmed as resting, feeding, breeding, or nesting on parts of the subject property:

1. Northern pine snake
2. Corn snake
3. Pine Barrens treefrog
4. Barred owl
5. Red-headed Woodpecker
6. Cooper's Hawk

The exact locations where these wildlife species were found are shown in Figures 12 to 16, 19, 21, and 22 of the March 2003 report.

In May-July 2004 the Habitat Evaluation was updated through additional field surveys. It was noted that species found were in the same areas as previously sited, and that all places where species were found were within the areas proposed for permanent preservation. No new wetland locations were found being used by species and not foraging, roosting, or critical nesting bird habitat.

will be lost as result of the proposed project. No additional threatened or endangered species were found.

The Executive Summary of the supplemental information contains the following statements that indicate this project can be developed without negatively impacting species or habitat:

Page 6: These wildlife species were found by the use of several standard survey methods in a wide array of habitat types throughout the site. The most important aspect for the conservation of these species is the preservation of their critical breeding, nesting, feeding, resting, and over-wintering habitat. HA's proposed conservation plans can achieve this goal.

Page 6-7: No important or critical wildlife habitat will be lost or adversely impacted as a result of this proposed clustered active adult housing project and 18 hole golf course.

Page 7: Environmentally sensitive planning for this golf course and active adult residential development (as proposed in HA's March 13, 2003 document and repeated here in this report) will help protect the six endangered and/or threatened wildlife species, and their critical habitats.

Nature Conservancy Memorandum-Michael Catania

This memorandum was a summary of design recommendations made by the then Vice President of the Nature Conservancy to the developer. These design suggestions were made after reviewing a conceptual plan that had a significantly smaller number of dwelling units proposed (approx. 700). Mr. Catania had made those written comments in preparation for a conference call with the developers who had requested comments and design assistance from the Nature Conservancy. Nearly all of the recommendations were accepted and resulted in changes to the original GDP design. These changes resulted in greater protection of environmentally sensitive area. The developer, however, did subsequently increase the number of proposed dwelling units in the developed area. Presently, the Nature Conservancy neither approves or opposes this application.

There is one very noteworthy comment in this memorandum:

Page 2 (3): *Given all of the above, this site presents a unique opportunity to work together to demonstrate how development might proceed in a way which addresses all of the appropriate ecological issues while also addressing the local community's concerns and needs and providing a reasonable economic return for the landowner. This essentially means that the design*

for the proposed development should proceed hand in hand with the preparation of a habitat conservation plan, based upon the data which we have shared with you, as well as the recent studies which have been conducted by Herpetological Associates at your (developer's) expense.

We cite the letter from Mr. Catania's letter as it demonstrates to the staff that there is an ability to have a balance of development and conservation on this site — that is — to design some level of development on this site while still respecting the environmental sensitivity of the parcel. This has clearly been the most controversial element of the proposed project and this memorandum demonstrates there is a middle ground possible in terms of conservation rather than a zero sum position of no development at all. This is an absolutely critical consideration for this project.

Question/Comment:

Due to the controversial nature of the species and habitat information and impacts, the staff has sought a qualified expert to independently review the Habitat Evaluation, and comment on the proposed recommendations. The reports are being reviewed by Ms. Antoinette Sapio, an Environmental Scientist with JCA Associates, Inc. Ms. Sapio's report has been received and will be distributed to Board members at the meeting. Ms. Sapio will be present at the meeting.

7. DEVELOPER'S AGREEMENT

The following changes are requested in the Developers Agreement:

- New Section One to be added that specifically describes the project and references the GDP Plan prepared by Mazur Engineering and approved by the Planning Board on the appropriate date. A copy of the general plan should be attached as new Exhibit B
- Attach a tax map of the subject property as Exhibit C
- Existing Section on Improvements becomes Section Two, with Paragraph one listing the specific on-site and off-site improvements for which the developer will be responsible, i.e.: construction of interior roads, improvements off-site to existing roadways and intersections, extension of water and sewer infrastructure, construction of sewer pump station, residential clubhouse, provision of alternate access to Menantico Ponds, internal bicycle and walking trails, golf course, and detention ponds.
- Add to existing Section 1, paragraph #9, an Exhibit D which lists all of the local, state, and federal permits which will be required and a statement this Exhibit could alternatively be placed in Section III, paragraph 24.
- Section II – Affordable Housing Contribution – change all references to \$25,000 per unit to \$35,000 per unit, with the calculations of payments changing accordingly throughout this section.

- Add a section on the proposed ownership, maintenance and management of the conservation area, including any proposed conservation easements, deed restrictions, partnership agreements, etc.

Revisions agreed upon

8. OPEN SPACE

The open space plan should disclose exactly who will be responsible for managing the conservation area. The city would encourage a conservation group or non-profit organization to have a partnership with the developer in managing this space, particularly in light of the ownership by nonprofit organizations of other open space in the city, and close to this site. The city does not want to assume ownership or the associated maintenance/liability concerns.

The applicant should indicate the anticipated rights of the public and residents to use the golf course. It is noted that a deed restriction will be placed on the golf course prohibiting future conversion to other uses.

In the previous application the developer indicated some type of permanent endowment would be established to maintain the open space. Is this still anticipated?

Questions/Comments:

- *What are the open space management arrangements? will be managed by a conservation organization*
- *What are public rights to use of the golf course?*
- *Is a permanent endowment going to be established?*

9. STORMWATER

The stormwater system has been designed based upon the new NJDEP regulations and the Residential Site Improvement Standards. Detention basins are located throughout the planned community. The city would like additional information on the basins – particularly information on whether as proposed the basins will actually be wet or dry basins- and what the overall drainage scheme (conceptually) is for the site (other than just a system of basins). Is there actually enough land with the number of units proposed for the basins shown on the plan? *The applicant should provide site specific groundwater and surface water analyses to establish baseline or current conditions. Agreed. What anti-degradation strategies are being considered to protect surface waters?*

Questions/Comments:

- *Applicant should provide some testimony about the basin system proposed and the land requirements for same*
- *Establish a current baseline of current conditions*

10. CIRCULATION/TRAFFIC IMPACTS

The applicant has submitted a Traffic Impact Assessment prepared by Maser Consulting which provides estimates of the trips to be generated by the development. The assessment indicates that the development will be classified by the NJDOT as a "Major with Planning" for two reasons: 1) the expected two-way daily traffic volume resulting from the development exceeds 500 vehicle trips directly accessing a state highway (3,670 vehicles per day are projected, not including the golf course) and 2) the expected peak hour volume resulting from the development exceeds 200 trips accessing a state-highway (249 are projected in pm peak, not including golf course).

This is a difficult component of the plan as in some sense it is a chicken and egg question- that is, the NJDOT will dictate what improvements will be required of the developer, and therefore the developer does not have much ability to propose offsite improvements at this stage. The developer has indicated that they will comply with all requirements of the NJDOT. However, traffic impacts are a specific concern of the public and there will be impacts to county and city streets in the surrounding neighborhood and in the adjacent roadway network. The developer should clearly state in the Developer's Agreement that they are prepared to pay the full cost to abate any impacts they will have on the level of service to Route 49 and the adjacent roadway network. A detailed Traffic Impact Analysis would then be required for preliminary approval. Absent those commitments, the impact analysis should be conducted prior to GDP approval so future fiscal impacts to the city could be determined.

The Traffic Impact Assessment includes a page illustrating the distribution of site generated traffic and also NJDOT provided traffic volume data for this corridor. The Impact Study should include an analysis of seasonal peaks, since there is a large fluctuation in traffic along this corridor during the summer months (shore traffic). The turning distribution chart presented should be weighted since more traffic coming and going to and from Holly Ridge will from Millville, Route 55 and points West. The second entrance for the Golf Course and Club House is not mentioned in the report. The additional traffic generated by these facilities obviously need to be incorporated in the analysis.

The assessment by Maser includes information on improvements proposed by the "Shore Connection Committee," which includes a double left lane from Route 55 onto East Rt. 49 continuing to a merge at Burns Road as well as a new traffic signal at Rt. 49 and Court Blvd. and an extended left turn lane on Rt 49 westbound turning south onto Wade Blvd. Depending on the timing by

NJDOT for these improvements, the applicant may have to include or pay for a fair share portion of these improvements.

In addition to the intersections listed for study in the report, the Holly Heights driveway should also be analyzed for morning and afternoon peak traffic.

Questions/Comments:

- *What are anticipated traffic impacts and improvements off-site (along Route 49 and affected intersections)?*
- *Is developer willing to pay for NJDOT required improvements?*
- *Tie improvements proposed to Shore Connection Committee*

11. PHASING SCHEDULE

The project estimates the total buildout of the project to take 10 years, with 112-160 houses built during each phase. The residential clubhouse, utilities and golf course would be built in phase 1. The balance of the golf course would be constructed in Phase 2.

The applicant should indicate in which phase the residential recreation components would be completed and when the golf clubhouse would be constructed.

Questions/Comments:

- *In which phase will residential recreation components and golf clubhouse be constructed?*

*Comments from Ms. Toni Sapio, JCA Associates
Review of Habitat Evaluation Report*

1. Applicant should indicate the number of hours spent surveying at the site during dusk, dawn, and night time hours.
2. The Applicant's habitat evaluation professional indicated that over 16 years of data exists for studies performed at the adjacent preserve. We recommend that the applicant indicate whether this additional data would be relevant to this site and whether it has been incorporated into the reporting for the subject site.
3. The Applicant's habitat evaluation professional surveyed the site using several field methods. The drift fence collection method was especially productive and collected several species. We recommend that the professional indicate the rationale for the placement (location) of the fences and indicate whether a fence should have been placed proximate to the proposed residential area and the adjacent preserve at the western

**KEY CONCERNS FROM THE PLANNING/ENGINEERING REVIEW
MILLVILLE 1350 LLC GENERAL DEVELOPMENT PLAN APPLIC.**

- a) # of units and lot size: # of units to be determined once engineering work begins; developer has suggested 6,000 sf avg. lot size, min. of 5,460, and a max. above 6,000- will depend on the actual housing units selected based on market research
- b) dollar amount of affordable housing contribution- agreed to provide a per unit figure pegged to the COAH regulations- probably \$35,000 per unit
- c) interior street design: will be looped system tying into main boulevard; no homes will front on the main boulevard- all on interior streets; final design to be presented at preliminary site plan/subdivision approval
- d) alternate access to Menantico Ponds: an alternate access will be provided and either be located on the property just west of the existing access or it will utilize the existing access
- e) buffer along Rt. 49 frontage: have proposed a 75' landscaped berm along the frontage - staff will agree with this
- f) municipal water/sewer to golf clubhouse: applicant will provide municipal water/sewer to clubhouse
- g) off site infrastructure improvements - direct impact of project: applicant agrees to pay pro-rata share of offsite project impacts, including traffic as determined by NJDOT and utilities as determined by City Engineer
- h) preparation of Habitat Conservation Plan and Turf Management Plan at preliminary approval: applicant agrees
- i) Additional clarifications to the Developers Agreement: applicant agrees to recommendations for Developers Agreement
- j) Management of Open Space: If city does not want ownership, will find a conservation group to own and/or manage the 941 acres

- k) Stormwater system – clarification: Basin system proposed; closed system in golf course
- l) Off site Traffic impacts: Full blown traffic impact study will be initiated after pre-application meeting with NJDOT; several intersections proposed for upgrade and will work in conjunction with recommendations of Shore Connection Committee; looking at impacts from Wade Blvd to Union Rd.; exact impacts and mitigations will be presented at preliminary approval