

**RESOLUTION NO. PB 19-14**

**RESOLUTION OF FINDINGS AND CONCLUSIONS  
GENERAL DEVELOPMENT PLAN**

**PLANNING BOARD  
TOWNSHIP OF MOUNT OLIVE**

**Application No. PB 19-14**

**Applicant: New Jersey Foreign Trade Zone Venture, LLC  
c/o Rockefeller Group ITC East**

**Premises: International Trade Center (ITC) – East Property;  
Block 105, Lot 1; Block 106, Lots 2 & 3; Block 202, Lot 1**

**WHEREAS**, New Jersey Foreign Trade Zone Venture, LLC, c/o Rockefeller Group ITC East (“Applicant”), has applied to the Planning Board of the Township of Mount Olive (“Board”) for approval of a General Development Plan to construct a planned unit residential development on three separate tracts of land consisting of four lots identified as Block 105 Lot 1, Block 106 Lots 2 and 3, and Block 202 Lot 1 on the Official Tax Map of the Township of Mount Olive, which is a portion of property commonly known as the International Trade Center (“ITC”) - East property (hereinafter referred to as the “Property”); and

**WHEREAS**, the Property consists of approximately 123.9 acres, all located in the Foreign Trade Zone Special District-4 (“FTZ-4”); and

**WHEREAS**, public hearings with proper notice under the Municipal Land Use Law (“MLUL”) and the applicable ordinances of the Township of Mt. Olive, as modified for the purposes of conducting the hearings remotely through the Zoom platform wherein members of the public were able to participate by joining the meetings utilizing the invitational link set forth in the notices or by telephone using the invitational telephone number as set forth in the notices, were held on July 16, 2020, September 10, 2020 and November 12, 2020; and

**WHEREAS**, all jurisdictional requirements have been met; and

**WHEREAS**, at the public hearings the Applicant was represented by Michael S. Selvaggi, Esq. and testimony in support of the application was provided by Kenneth Grisewood, P.P. and Landscape Architect of Menlo Engineering Associates, and Paul Phillips, P.P., AICP (Planner) of Phillips Preiss Grygiel Leheny Hughes, LLC, and

**WHEREAS**, the Board, after carefully considering and reviewing the materials submitted and the presentation of the Applicant and its professionals, as well as the reports and opinions of the Board's own professionals, and having visited the Property, hereby makes the following findings of fact and conclusions:

### **FINDINGS OF FACT**

1. Applicant has provided the required written notice to property owners and, where required by law, those utilities that have requested written notice of applications, under the Municipal Land Use Law ("MLUL") and the applicable ordinances of the Township of Mt. Olive, as modified for the purposes of conducting the public hearings on the subject application remotely through the Zoom platform wherein members of the public were able to participate by joining the meetings utilizing the invitational link set forth in the notices or by telephone using the invitational telephone number as set forth in the notices. Proof of payment of taxes has also been presented. The Board, therefore, has jurisdiction to determine this matter.

2. Public hearings were held on July 16, 2020; September 10, 2020; and November 12, 2020, at which time the Applicant was represented by Michael S. Selvaggi, Esq.

3. At the time of the public hearings, the following documents were marked as Exhibits and entered into evidence:

- A-1 ITC East Block 105, Lot 1; Block 106, Lots 2 & 3; Block 202, Lot 1; Overall Plan Exhibit dated March 12, 2020 prepared by Menlo Engineering Associates, consisting of 1 Sheet
- A-2 General Development Plan for ITC East dated May 28, 2019, revised February 26, 2020, prepared by Menlo Engineering Associates, Cover Sheet, Sheet 1 of 9
- A-3 General Land Use Plan for ITC East dated May 28, 2019, revised February 26, 2020, revised August 27, 2020, prepared by Menlo Engineering Associates, Sheet 2 of 9
- A-4 Circulation Plan for ITC East dated May 28, 2019, revised February 26, 2020, prepared by Menlo Engineering Associates, Sheet 3 of 9
- A-5 Open Space Plan for ITC East dated May 28, 2019, revised February 26, 2020, revised August 27, 2020 prepared by Menlo Engineering Associates, Sheet 4 of 9
- A-6 Utility Plan for ITC East dated May 28, 2019, revised February 26, 2020, prepared by Menlo Engineering Associates, Sheet 5 of 9
- A-7 Stormwater Management Plan for ITC East dated May 28, 2019, revised February 26, 2020, prepared by Menlo Engineering Associates, Sheet 6 of 9
- A-8 Community Facility Plan for ITC East dated May 28, 2019, revised February 26, 2020, prepared by Menlo Engineering Associates, Sheet 7 of 9

- A-9 Housing Plan for ITC East dated May 28, 2019, revised February 26, 2020, revised September 29, 2020, prepared by Menlo Engineering Associates, Sheet 8 of 9
- A-10 Local Service Plan for ITC East dated May 28, 2019, revised February 26, 2020, prepared by Menlo Engineering Associates, Sheet 9 of 9
- A-11 ITC East Previously Submitted Plan, Concept Plan 2 & 4 Exhibit, prepared by Menlo Engineering Associates, consisting of 1 Sheet
- A-12 Correspondence by Chuck McGroarty, PP/AICP, Mt. Olive Director of Planning/Zoning Officer, to Michael Selvaggi, Esq. dated October 14, 2020.
- A-13 NJFTZ Phasing Plan Matrix titled “NJFTZ GDP Phasing Plan – ITC East” – 1 page, undated.

4. In addition to the marked exhibits, the Applicant also submitted as part of its application, the following which were also considered by the Board:

- a) Report entitled “ITC East General Development Plans Block 105, Lot 1/Block 106, Lots 2 & 3/Block 202, Lot 1-Descriptive Text” prepared by Menlo Engineering, Associates, dated May 28, 2019, revised February 26, 2020, consisting of 4 pages;
- b) Report entitled “Environmental Inventory for Crossroads Project General Development Plan Block 202, Lot 1” prepared by EcolSciences, Inc., dated February 22, 2019;
- c) Reports entitled “Environmental Impact Statement for the Proposed Continental Crossing Development – Canal Site (Block 106, Lots 2 & 3) Ridge Site (Block 105, Lot 1)” prepared by Mary Ann Gilmore, LSRP of Site Civil Engineering, dated June 2019 and September 2020;
- d) Report entitled “Environmental Impact Statement for Block 202, Lot 1 (Tract 3: The Crossroads), Township of Mount Olive, Morris County, New Jersey” prepared by EcolSciences, Inc., dated August 31, 2020;
- e) Reports entitled “Fiscal Impact Analysis for the Planned Unit Residential Development on a Portion of the International Trade Center – East Property in the Township of Mount Olive, New Jersey” prepared by Paul A. Phillips, AICP, PP, dated August 2019 and March 2020;
- f) Memorandum to Twp. of Mt. Olive Planning Board by Paul A. Phillips, AICP, PP, regarding ITC East Fiscal Impact Analysis – Response to Comments at July 16, 2020 Public Hearing, dated August 26, 2020;
- g) Reports entitled “Community Facilities Analysis for the Planned Unit Residential Development on a Portion of the International Trade Center – East Property in the Township of Mount Olive, New Jersey” prepared by Paul A. Phillips, AICP, PP, dated August 2019 and March 2020;

- h) Survey plans prepared by Richard G. Ruchalski, P.I.S. of Chester, Ploussas, Lisowsky Partnership, LLC (Land Title Survey Lot 1 Block 202, dated April 19, 2017; Land Title Survey Lot 1 Block 105, dated January 27, 2015; Land Title Survey Lot 2 Block 106, dated January 19, 2017; Land Title Survey Lot 3 Block 106, dated January 19, 2017);
- i) Correspondence from Michael S. Selvaggi, Esq. to Mary Strain, Mt. Olive Planning Board Secretary, dated May 31, 2019; August 19, 2019; July 13, 2020;
- j) Correspondence from Michael S. Selvaggi, Esq. to Board Planner, Chuck McGroarty, PP/AICP, dated November 2, 2020;
- k) “Water Demand and Sanitary Sewerage Flow Calculations for ITC East”, prepared by Menlo Engineering, Associates, revised February 26, 2020, consisting of 2 pages;
- l) Stormwater calculations, prepared by Menlo Engineering, Associates, undated, unsigned, consisting of 6 pages;
- m) Preliminary Subsurface Investigation and Permeability Testing Report, prepared by Melick-Tully and Associates, P.C., dated January 9, 2007.

The Board also considered the following submittals from its own professionals and consultants:

- a) Reports of the Board Planner, prepared by Chuck McGroarty, PP/AICP, dated January 6, 2020; March 9, 2020; and November 10, 2020;
- b) Report of the Board Engineer, prepared by Michael G. Vreeland, P.E., P.P., C.M.E., dated February 28, 2020;
- c) Report of the Board Traffic Engineer, prepared by Walter M. Lublanecki, P.E., dated September 8, 2020.

5. The Application is for a General Development Plan to construct a Planned Unit Residential Development (“PURD”) on the Property. The Property is located in the FTZ-4 Zone wherein planned unit residential developments are a permitted principal use. See §550-103G(1)(b)[2] of the Land Development Ordinance of the Township of Mount Olive. The proposed PURD will be developed on the Property which comprises three separate tracts of land consisting of four lots identified as Block 105 Lot 1, Block 106 Lots 2 and 3, and Block 202 Lot 1, totaling 123.9 acres.

6. The general scope of the General Development Plan (“GDP”) application is to determine the probable feasibility of the proposed development through the analysis of the required components thereof set forth in §550-103G(7)(k)[1][a] to [1] of the Land Development Ordinance. There will be subsequently filed one or more detailed site plan application(s).

7. The Applicant's attorney, Michael Selvaggi, Esq., provided an opening statement and introduction for the GDP and associated Planned Unit Residential Development. He confirmed that the Application is limited to the GDP and is not a site-specific plan in that it does not constitute a site plan application, noting that those approvals will be requested at a later date.

8. Applicant offered Kenneth Grisewood, L.L.A., R.L.A., P.P., as a professional landscape architect for Applicant. Mr. Grisewood is a New Jersey licensed landscape architect and planner, and vice president and principal at Menlo Engineering Associates, Inc. He introduced as Exhibit A-1 an Overall Plan Exhibit for the proposed PURD, provided an overview of the site and project, and explained elements of some of the topography of the Property. As aforesaid, the Property consists of three tracts of land -- Block 105 Lot 1; Block 106 Lots 2 and 3; and Block 202 Lot 1 - which measure a total of 123.9 acres. The PURD will be developed thereon and therefore consist of three tracts, and be developed as three sites to be identified as the Ridge (Block 105 Lot 1; 87.1 acres), Canal Block 106 Lots 2 and 3; 23.2 acres) and Crossroads (Block 202 Lot 1; 13.6 Acres) sites, respectively. The three sites will be developed and designed as part of the GDP application comprehensively, but may have different ownership and/or entities developing any portion of the project. Applicant currently intends to have the same entity develop the Ridge and Canal sites, with a separate entity developing the Crossroads site. The three sites will be integrated via walking trails and the sharing of community facilities. There will be a total of 686 residential units, of which 138 units or 20% will be set aside as affordable units.

9. Mr. Grisewood then introduced the General Development Plan set for the PURD ("plan set") starting with the Cover Sheet as Exhibit A-2, and reviewed each of the plans within the set in order to demonstrate compliance with the requirements of §550-103G(7)(k)[1][a] to [i], [k].

10. Mr. Grisewood reviewed the General Land Use Plan, Sheet 2 of the plan set marked Exhibit A-3 which provided a graphic overall representation of the PURD. Color coded areas indicated the planned location of roads, passive open space, active recreation space, stormwater basins, public space, and low, medium and high-density residential buildout. He outlined some of the planned amenities to be included in the development. Specific information about the three sites/communities to be developed was also provided, as follows:

The Ridge Site will be located on Block 105, Lot 1 and consist of 87.1 acres. The site generally contains vacant fields, access drives, abandoned recreation fields and woodlands. There is a large open space at the southern tail of the tract that was previously used as a tree stump burial site. To the north are power lines and the Route 206 connector road; to the east Continental Drive, the Stanhope Union Cemetery, and Love Lane; to the south is an active railroad; and to the west is Interstate Highway 80. The tract will be developed with 427 for-sale housing units, comprised of 104 low rise affordable units, 163 market townhomes, and 160 single family homes. Gross density on the tract will be 4.9 units per acre. There will be two stormwater retention basins and open space.

The Canal Site will be located on Block 106, Lots 2 and 3 and consist of 23.2 acres. The site is generally undeveloped and contains woodlands. It is bounded to the north and east by state lands, powerlines and the Old Morris Canal; to the south by the Stanhope Borough municipal well field; and to the west by Continental Drive. This community will be developed with 93 market

rate townhomes. The site will have a gross density of 4.0 units per acre. A stormwater retention basin will be located in the northwest portion of the tract. There will be open space as well as designated public space.

The Crossroads Site will be located on Block 202, Lot 1 and consist of 13.6 acres. The site is generally undeveloped and contains woodlands. It is bounded to the east by Route 206 connector road and ramp, to the north and west by International Drive, and to the south by Continental Drive. This community will be developed with 166 mid-rise rental apartment units, 34 of which will be affordable units, resulting in a gross density of 12.2 units per acre. There will be recreation areas, open space, and a stormwater basin. Applicant presented three possible concept plans for the Crossroads Site utilizing a concept plan exhibit marked Exhibit A-11. Mr. Grisewood testified that Concept Plan #2 is preferred over the initial plan submitted to the Board as well as Concept Plan #4, because it more evenly balances open space between the interior and exterior portions of the tract, and does not have the longer parking runs and thoroughfares contemplated in Concept #4 that may give rise to concerns about speeding within the community. Concept Plan #2 yields 57.1% of open space, includes a dog run and age-targeted play structure, and is currently incorporated in the subject GDP application. Applicant's counsel however indicated that it is in the Board's discretion to decide which concept plan should ultimately be implemented for the Crossroads Site, and Applicant will defer to the Board in that regard. Concept Plan #3 was not presented as an option for the Board's consideration as Applicant eliminated same as being too similar to Concept Plan #4.

With the PURD having a total of 686 residential units spread across the aforesaid three separate sites and tracts, which comprise a total 123.9 acres, there will be an overall gross density of 5.54 units per acre, whereas a maximum density of 6.0 units per acre is permitted in the FTZ-4 Zone. Total building coverage will be 19.0 acres or 15.3% of the Property's overall land area. Total impervious coverage will be 41.3 acres or 33.3% of overall land area. Total open space will be 57.0 acres or 46% of the Property's overall land area. It is contemplated that the Ridge and Canal communities will have a joint homeowners' association, while the Crossroads community will have its own separate homeowners' association. The three communities will be served by a public water and public sanitary sewer system.

11. Mr. Grisewood then discussed sheet 3 of the Plan Set depicting the Circulation Plan, marked Exhibit A-4. He described the various types of proposed roads, sidewalks and walking paths, and existing sidewalks and paths. He highlighted an extensive interconnecting walking path of approximately 7,840 ft. is planned along much of the perimeters of the Ridge and Canal sites. There will also be "connection points" and sidewalks such that the three sites will be integrated and residents of any given site will have access to any of the three communities within the PURD. From the Crossroads Site, access to the Canal and Ridge sites is anticipated to be gained via an existing elevated pedestrian bridge over highway Route 206 and then via a linking sidewalk. Mr. Grisewood described the roadway and vehicular ingress and egress access points, as well as the direction of traffic movements and pedestrian areas. He indicated that there is the potential for a future sidewalk connection from the Ridge Site to the Netcong Train station.

12. Turning to sheet 4 of the Plan Set marked Exhibit A-5, Mr. Grisewood addressed the Open Space Plan. He testified that a significant portion of the Property will be dedicated to open

space. Active recreation area will comprise 2.9 acres or 2.4% of total land area; passive open space will comprise 49.0 acres or 39.5% of total land area; and public space will comprise 5.1 acres or 4.1% of total land area. In all, open space will account for 57.0 acres throughout the PURD, which constitutes 46.0% of the overall 123.9 acres of land area. The FTZ-4 Zone requires that a minimum 40% of total land area be set aside as open space.

Site specifically, Applicant proposes 36.5 acres (41.9%) of the 87.1-acre Ridge tract will be open space. The 23.2-acre Canal tract will have 12.7 acres (54.6%) of open space. Of the Crossroads tract's 13.6 acres, 7.8 acres (57.1%) is proposed as open space. Mr. Grisewood indicated that residents of any given community will have access to all open spaces throughout the development. Open space areas will be owned, operated and maintained by the homeowners association for the site on which the open space is situated.

13. Referring to Sheet 5 of the Plan Set entitled Utility Plan, marked Exhibit A-6, Mr. Grisewood described the planned water and sanitary sewer facilities. The proposed location of storm sewer lines, a sewer pump station, and stormwater basins was also delineated. The Applicant is coordinating with New Jersey American Water Company to provide utilities to the PURD.

14. Next, Mr. Grisewood discussed Sheet 6 pertaining to Stormwater Management, marked Exhibit A-7, describing the surface detention stormwater management basin system conceptually conceived for the PURD that will consist of four basins across the development. Drainage areas will direct stormwater to the different basins. The system will be designed to meet New Jersey Department of Environmental Protection's (NJDEP) 80% Total Suspended Solids (TSS) water quality standards and stormwater peak storm reductions, with no net loss of groundwater recharge. The stormwater management facilities will be maintained and operated by the three sites' respective homeowner associations.

15. With regard to the submission of an environmental inventory in compliance with the requirement of §550-103G(7)(k)[1][f], Applicant submitted the following to the Board:

- (1) Report entitled "Environmental Inventory for Crossroads Project General Development Plan Block 202, Lot 1" prepared by EcolSciences, Inc., dated February 22, 2019; and
- (2) Reports entitled "Environmental Impact Statement for the Proposed Continental Crossing Development – Canal Site (Block 106, Lots 2 & 3) Ridge Site (Block 105, Lot 1)" prepared by Mary Ann Gilmore, LSRP of Site Civil Engineering, dated June 2019 and September 2020.

16. Referring to Sheet 7 of the Plan Set entitled Community Facility Plan, marked Exhibit A-8, Mr. Grisewood showed the inventory of municipal resources that will be available to support the proposed PURD, including administrative municipal offices, firehouses, schools, police departments, emergency medical services, libraries, parks, beaches, and golf courses.

17. Mr. Grisewood then presented the Housing Plan, Sheet 8 in the Plan Set marked Exhibit A-9, which also includes thereon a construction phasing plan or timing schedule. Initially dated May 28, 2019, the Housing Plan was revised on February 29, 2020, and again on September

29, 2020, and then supplemented to include a more detailed time projection of development for the Ridge, Canal and Crossroads sites. The submission therefore is made in compliance with §550-103G(7)(k)[1][h] which requires that an application for a general development plan include a “housing plan” outlining the number of housing units to be provided and the extent to which any affordable housing obligation will be fulfilled by the development, as well as with §550-103G(7)(k)[1][k] which requires a “proposed timing schedule” or phasing plan for a planned unit residential development where construction is contemplated over a period of years.

With regard to the Housing Plan, Mr. Grisewood summarized the type and proposed location for the planned 686 residential housing units across the three tracts. There will be 548 market-rate units, and 138 affordable units. The Ridge Site will have a medium New Jersey Residential Site Improvement Standard (“RSIS”) land use intensity with 427 units on the 87.1-acre tract. Unit types thereon will be 104 low rise affordable units, 163 townhomes, and 160 single family dwellings. Provision will be made for 1212 parking spaces. The Canal Site will have a low RSIS land use intensity rating with 93 fee simple townhomes and 292 parking spaces across 23.2 acres. The Crossroads community will have a high RSIS land use intensity rating. The 13.6 acre site will accommodate 166 multi-story mid-rise apartment units, where the maximum number of units per apartment building will be 34. Thirty-four (34) of the apartment units in this tract will be affordable units. There will be 338 parking spaces. A phasing schedule was contained on Exhibit A-9, but has been superseded by the phasing schedule contained in Exhibit A-13 referenced below.

As above-mentioned, Applicant submitted a revised phasing schedule spreadsheet titled “NJFTZ GDP Phasing Plan – ITC East”, which was marked as Exhibit A-13 (which Exhibit supersedes the phasing schedule referenced on Exhibit A-9). Applicant offered its representative and land development financial analyst, Zachary Csik, to describe the updated timing schedule set forth in the supplemental spreadsheet. Mr. Csik confirmed that construction will be undertaken in three phases. The projected schedule is to start infrastructure, roadwork and vertical construction for the Ridge and Canal sites in early 2021, and for the Crossroads site in late 2021 into mid-2022. Construction of the Canal and Crossroads communities is anticipated to be finished in 2025, while construction of the Ridge site will extend into mid-2026. Thus, Applicant expects full construction by 2026.

The Phase I period will extend from 2021 to 2022. For the Ridge site, 48 single family dwellings and 54 three-story townhomes will be constructed. For the Canal site, 36 two-story townhomes will be constructed. For the Crossroads site, 18 three-story apartments will be constructed. Twenty-six (26) affordable units will also be built.

The Phase II period will extend from 2023 to 2024. For the Ridge site, 64 single family dwellings and 72 three-story townhomes will be constructed. For the Canal site, 48 two-story townhomes will be built. For the Crossroads site, 84 three-story apartments will be constructed. One-hundred and eight (108) affordable units will also be built.

The Phase III period will extend from 2025 to 2026. For the Ridge site, 48 single family homes and 37 three-story townhomes will be constructed. For the Canal site, 9 three-story



apartments will be constructed. For the Crossroads site, 30 three-story apartments will be built. Four (4) affordable units will also be built.

The affordable housing units within Applicant's project must be phased in along with the market rate units based on the percentage of market rate units constructed and ready for occupancy, in accordance with §550-86D(1) of the Land Development Ordinance. The timing schedule as shown in Applicant's "NJFTZ GDP Phasing Plan – ITC East" spreadsheet, Exhibit A-13, complies with this requirement, as all 138 affordable units will be available by the time 90% of the market units (493) are available.

18. Finally, Mr. Grisewood presented the Local Service Plan, Sheet 9 in the plan set marked Exhibit A-10, that reflects water and sanitary sewer lines, storm sewers, proposed sidewalks, interior and exterior roads, public spaces, proposed walking paths and existing sidewalks/paths in the development. These improvements will be maintained by the various appropriate utility authorities and/or homeowners' associations for each community.

19. Applicant offered Paul Phillips, P.P., AICP, to review the March 2020 Report he prepared on the fiscal impact analysis of the project on the community. Mr. Phillips testified he evaluated the fiscal and demographic impacts on the Township's budgetary finances and public-school district. He advised generally that, utilizing multipliers derived from US Census 2014-2018 American Community Survey Public Use Microdata Sample ("PUMS"): (1) the proposed development will add approximately \$227.4 million to the Township's current ratable base (projected assessed value of development at full build-out minus the existing assessed value of land). This will increase the total municipal tax base by approximately 7.2%; (2) the proposed development is estimated to generate 1,872 new residents, including 258 public school children; (3) the Township will receive approximately \$1.6 million in annual tax revenues and expend \$1.1 million annually to support new residents, resulting in \$546,788 in annual surplus revenues; (4) the school district will receive approximately \$5.5 million and expend \$3.9 million to support the new public school students on an annual basis, resulting in \$1.6 million in annual surplus revenues; (5) the project is projected to produce a total net annual fiscal benefit for both municipal and local school district purposes of approximately \$2.1 million; (6) compared to the existing conditions, the proposed improvements will bring \$1.5 million more in property tax revenues to the municipality and \$5.2 million more in property tax revenues to the school district. Even accounting for the increase in service costs, the development proposed by the Applicant would result in increases in net surplus fiscal impacts of \$442,373 to the municipality and \$1.2 million to the school district. In short, Mr. Phillips opined that the revenues generated by the project will far outweigh the costs of serving the new population, resulting in a substantial net annual fiscal benefit to both the Township and the school district.

Planning board members questioned the methodology Mr. Phillips used for projecting the fiscal and demographic impacts of the project, specifically why PUMS data was relied upon over data published in the 2018 *Who Lives in New Jersey Housing?* Report by the Center for Urban Policy Research at Rutgers University ("Rutgers data"). The Board expressed concern that the use of PUMS data rather than Rutgers data for multipliers resulted in inflated estimates. The Applicant subsequently offered Mr. Phillips to review the supplemental August 26, 2020 Memorandum he prepared on the fiscal impact analysis of the project. He advised that in response to the concerns

raised by the Board, he conducted an alternative fiscal analysis using Rutgers data multipliers. He testified that utilizing the Rutgers multipliers, Applicant's project is expected to generate 1,983 new residents, including 342 new public-school children, and result in annual net fiscal benefits of \$484,295 to the municipality and \$327,880 to the public-school district. Therefore, he concluded that while using Rutgers multipliers results in more conservative estimates, the proposed development is nevertheless expected to generate positive fiscal impacts for local jurisdictions.

20. With regard to compliance with the requirement of §550-103G(7)(k)[1][I] that a written agreement between the developer and the Township relating to the proposed planned unit residential development be entered into, the Applicant requested a waiver of same for purposes of this GDP application. Applicant's counsel represented that Applicant will, at a future date, enter into such an agreement with Mount. Olive Township. The Board accordingly hereby grants the waiver request.

### **CONCLUSIONS**

21. The Board specifically finds that the proposed GDP conforms in all respects with the Township's Land Development Ordinance §550-103G(7)(k)[1][a] to [I], "General Development Plan - Contents". Planned unit residential developments are a permitted principal use in the FTZ-4 Zone. Furthermore, the Board determines that:

- a) There are no significant departures from the Township's zoning regulations otherwise applicable to the subject property;
- b) The proposal for the dedication of the common open space showing the proposed land area and location of land areas to be set aside for conservation, open space and recreational purposes and a general description of improvements proposed to be made therein, including a general plan for the operation and maintenance of such lands are adequate and will be further considered during site plan review;
- c) The 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 and will be further considered during site plan review;
- d) The proposed planned development will not have an unreasonably adverse impact upon the area in which it is proposed to be established; and
- e) The terms and conditions concerning the contemplated construction over a period of years and which are 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 were generally discussed and adequate. These will be further considered during site plan review.
- f) Safe connectivity for pedestrians and bicyclists between all three tracts is essential, and therefore Applicant shall design into the project sidewalks, walking paths, bike lanes, traffic calming devices, crosswalks, etc. as is necessary to ensure safe connectivity. Any proposal that includes the bridge crossing over Route 206 from the Crossroads site to the

NJDEP owned property to the south adjacent to the Canal site will require that the ownership and structural integrity of the bridge be established. The proposal to develop connectivity between the Ridge, Canal and Crossroads sites, including sidewalks, walking paths, and biking paths, whereby the Applicant and future homeowners associations for the site(s)/owners as applicable will be responsible for any maintenance, repair, replacement, snow and ice removal, etc. of all internal and interconnecting features within the three sites and the walking path bridge across Route 206 will be further considered during site plan review.

22. The proofs provided by the Applicant in both testimony and by way of exhibits and as contained in the application and supporting materials are found by the Board to meet N.J.S.A. 40:55D-45 and the requirements of §550-103G(7)(j) and §550-103G(7)(k)[1][a] to [l] of the Township's Land Development Ordinance.

23. In consideration of all of the plans, reports, maps, exhibits and other documentation submitted in support of the GDP application, the marked exhibits, the testimony of the Applicant's professionals and other witnesses, the reports and comments of the Board's professionals, the comments of the public, and all other persons, agencies, or entities that participated in these proceedings, the Board will grant approval of the GDP application as proposed by Applicant.

24. It is expressly understood that GDP approval by the Board does not constitute site plan, subdivision, or variance approval with respect to any aspect of the project. The Applicant shall be required to submit applications to the Board and all other outside governmental agencies, for any and all site plan and subdivision approvals, permits, and other approvals necessary to undertake the improvements on a phase by phase basis as presented to the Board throughout these proceedings.

25. In that the proceedings in this matter were voice recorded or audiotaped, the recital of facts in this Resolution is not intended to be all inclusive, but merely a summary and highlight of the complete record made before the Planning Board.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Township of Mount Olive on this \_\_\_\_\_ day of December, 2020 that said Board hereby grants GDP approval in connection with the Property known as Block 105 Lot 1; Block 106 Lots 2 and 3; and Block 202 Lot 1 on the official Tax Map of the Township of Mount Olive for the ultimate construction of a planned unit residential development as set forth in the General Development Plan for ITC East consisting of 9 sheets identified in Exhibits A-2 to A-10 above containing 123.9 acres and 686 residential units, consisting of 548 market rate units and 138 affordable housing units.

**BE IT FURTHER RESOLVED** that the Application of ITC East, for GDP approval is hereby approved, subject to the following conditions:

1) Applicant shall obtain approvals from all applicable state, county, regional, or municipal governmental body or agency having jurisdiction over this development with respect to the actual development of each individual phase or section of the Property.

- 2) Applicant shall comply with or obtain variances or other authorized relief from all applicable township, county, state and federal ordinances, laws, regulations and directives.
- 3) Pursuant to §550-103G(7)(k)[2] of the Land Use Ordinance, the term of the effect of this GDP approval shall be for a period of ten (10) years from the date upon which the developer receives final site plan and subdivision approval for the first section, i.e., phase, of the project.
- 4) Notwithstanding any provisions to the contrary, after the effective date of the GDP approval, the Property shall be developed in accordance with the GDP as approved by the Board.
- 5) Upon completion of each section, i.e. phase, of the development as set forth in the GDP, the Applicant or the developer of a particular section, i.e. phase, shall notify the Township's administrative officer, by certified mail, as evidence that the Applicant is fulfilling its obligations under the approved GDP. For the purpose of this paragraph "completion" of any section of the development shall mean that the Applicant, or developer of that particular section or parcel, has acquired a certificate of occupancy for every residential unit or every residential structure, as set forth in the approved GDP and pursuant to Section 15 of the State Uniform Construction Code Statute (C.52:57D-133). If the Township does not receive such notification at the completion of each section of the development, the Township shall notify the Applicant and the developer of that particular section in writing, by certified mail, in order to determine whether or not the terms of the approved GDP and plans are being complied with.
- 6) If the Applicant or developer of a particular section does not complete any section of the project within eight months of the date provided for in the approved GDP or, if any time, the municipality has cause to believe that the Applicant or developer of a particular section is not fulfilling its obligations pursuant to the approved GDP, the Township shall notify the developer by certified mail, that the developer shall have thirty (30) days within which to provide evidence that it is fulfilling its obligations pursuant to the approved GDP. The Township thereafter shall conduct a hearing to determine whether or not the developer is in violation of the approved GDP. If, after such hearing, the Township finds good cause to terminate the approval, it shall provide written notice of same to the developer and the approval shall be terminated thirty (30) days thereafter.
- 7) In the event that the developer of a particular section within the Property does not apply for preliminary site plan or subdivision approval for a portion of the planned development which is the subject of the GDP approval within five (5) years of the date upon which the GDP has been approved by the Planning Board, the Township shall have cause to terminate the approval. To the extent that the developer seeks approval in the future to modify or otherwise amend the GDP approval, it shall seek amended approval in accordance with applicable Ordinance provisions.
- 8) The Applicant shall be bound to comply with all of the representations made before this Board by the Applicant and the Applicant's witnesses and professionals at all public hearings and the same are incorporated herein and are representations upon which this Board has relief in granting the approvals set forth herein and shall be enforceable against the Applicant and any developer of a particular section or parcel or tract as if those representations were made conditions of this approval.

- 9) In accordance with the GDP, Applicant shall cause to be created the proposed 57 acres of open space.
- 10) The Applicant shall submit an application for preliminary major subdivision and/or for preliminary major site plan approval for the first section of the GDP within ninety (90) days of the date of this Resolution.
- 11) Construction of the affordable residential units shall be phased in during the construction of the market-rate units in accordance with the phasing plan and timing schedule submitted with the GDP application. The Applicant shall be required to provide a phasing schedule for the construction of the affordable units to the Planning Board at such time as it seeks subdivision and/or site plan approval for the project.
- 12) The Applicant shall establish a homeowners association(s) for the Ridge, Canal and Crossroads communities within which the residents of the sites shall be members. The homeowners association(s) shall have exclusive jurisdiction to maintain the facilities used by the various sites, including but not limited to storm water management, internal roadways, sidewalks whether they be onsite, offsite or off-tract, walking paths, utilities, and other similar common areas.
- 13) The Applicant or developer of each section or site shall provide the Board with transcripts of each subsequent hearing for subdivision and site plan applications.
- 14) The requirements for a Developer's Agreement and an Operation and Maintenance manual for Open Space are deferred for consideration during site plan review.
- 15) The Applicant shall provide the Board with "will serve" letters from water, sewer and electrical utilities that will serve the PURD simultaneously with the submission of the first application for subdivision and/or site plan approval.
- 16) The planned unit residential development shall be developed in accordance with the general development plan approved by the Planning Board notwithstanding any provision of N.J.S.A. 40:55D-1 et seq., or of any ordinance or regulation adopted pursuant thereto after the effective date of the approval. The general terms and conditions upon which the general development plan was granted, including but not limited to on-site or off-site requirements, shall not be changed, unless application for modification is made by the developer and approved by the Planning Board pursuant to the requirements of this section.

**BE IT FURTHER RESOLVED** that:

1. Notwithstanding that any provision of this Resolution is, for any reason, held to be invalid or unconstitutional by a Court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this Resolution, which shall continue to be in full force and effect. The provisions of this Resolution shall be cumulative with, and not in substitution for, all other applicable zoning, planning and land use regulations.
2. This Resolution shall take effect immediately.

MOUNT OLIVE TOWNSHIP PLANNING BOARD

By: \_\_\_\_\_  
Howie Weiss, Chairman

**MEMBERS ELIGIBLE TO VOTE:**

Chairman Howie Weiss  
Dan Nelsen  
John Batsch  
Joseph Ouimet  
Brian Schaechter  
Catherine Natafalusy  
John Mania  
Paul Ottavinia  
David Scapicchio

**CERTIFICATION**

I hereby certify that this Resolution was adopted by the Mount Olive Planning Board at an emergency public meeting held on December 30, 2020 by a vote of \_\_\_\_\_ for and \_\_\_\_\_ against.

\_\_\_\_\_  
Mary Strain, Board Secretary  
Mount Olive Township Planning Board