

RESOLUTION TC 23-115
TOWNSHIP COMMITTEE - TOWNSHIP OF HARDING
MORRIS COUNTY, NEW JERSEY
MAY 15, 2023

RESOLUTION FINDING THE PROPOSED REDEVELOPMENT PLANS FOR THE
HURSTMONT ESTATE PROPERTY, 679 MT. KEMBLE AVENUE (BLOCK 27, LOT 2)
TO BE CONSISTENT WITH THE REDEVELOPMENT PLAN AND THE
REDEVELOPMENT AGREEMENT

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.*, as amended and supplemented (the “**Redevelopment Law**”), provides a process for municipalities to participate in the redevelopment and improvement of areas designated by the municipality as being in need of redevelopment; and

WHEREAS, the Township Committee of the Township of Harding (the “**Township**”) in its capacity as the municipal governing body (the “**Governing Body**”) is responsible for implementing redevelopment plans and carrying out redevelopment projects pursuant to the Redevelopment Law; and

WHEREAS, on November 19, 2018, the Governing Body adopted Resolution TC 18-196 directing the Planning Board of the Township of Harding (the “**Planning Board**”) to undertake a preliminary investigation to determine, in part, whether the real property located at 679 Mt. Kemble Avenue and designated as Block 27, Lot 2 on the official tax maps of the Township, also known as the Hurstmont Estate (the “**Property**”), qualified as a “non-condemnation” area in need of redevelopment pursuant to the Redevelopment Law; and

WHEREAS, on February 25, 2019, following the preliminary investigation conducted by the Planning Board, including the public hearing, the Governing Body adopted Resolution TC 73-2019 designating the Property as a non-condemnation area in need of redevelopment in accordance with the Redevelopment Law; and

WHEREAS, on June 24, 2019, the Governing Body adopted Ordinance #12-2019 approving a redevelopment plan for the Property entitled the “*Glen Alpin/Hurstmont Redevelopment Plan*,” dated May 13, 2019 (the “**Initial Redevelopment Plan**”); and

WHEREAS, on September 30, 2019, the Governing Body adopted Ordinance #16-2019 to amend the Initial Redevelopment Plan (“**Amended Redevelopment Plan**”); and

WHEREAS, on September 30, 2019, the Governing Body determined that it was in the best interest of the Township to designate Redeveloper as the redeveloper of the Property and adopted Resolution TC 20-094 approving a redevelopment agreement and authorizing the Mayor to execute on behalf of the Township; and

WHEREAS, on May 11, 2020, the Township and the Redeveloper entered into a Redevelopment Agreement setting forth the rights and obligations of the Parties with respect to the development, financing, and construction of the Property (the “**Redevelopment Agreement**”); and

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WHEREAS, the Redevelopment Agreement provided for the redevelopment of the Property in two separate phases, consisting of a total of 250 units, inclusive of market rate and affordable units, with (i) no more than 85 units designated as “Assisted Living Residences and/or units within a Dementia Care Home, no more than 125 apartment style Independent Living Units, on the northerly portion of the Property and , all as defined in the Redevelopment Plan, (the “**AL/IL Project Phase**”) and (ii) the southerly portion of the Property would be redeveloped with no more than 40 Townhouse, all as defined in the Amended Initial Redevelopment Plan the “**Townhouse Project Phase**, collectively with the AL/IL Project Phase the “**Project**”);

WHEREAS, pursuant to Section 5.2(b) of the Redevelopment Agreement, the Township and the Redeveloper entered into a Financial Agreement setting forth the rights and obligations of the Parties with respect to the taxation of the AL/IL Project Phase (the “**AL/IL Financial Agreement**”) pursuant to the Long Term Tax Exemption Law, *N.J.S.A. 40A:20-1, et seq.*; and

WHEREAS, pursuant to Section 5.2(c) of the Redevelopment Agreement, the Township and the Redeveloper entered into a Financial Agreement setting forth the rights and obligations of the Parties with respect to the taxation of the Townhouse Project Phase (the “**TH Financial Agreement**”) pursuant to the Five Year Exemption and Abatement Law, *N.J.S.A. 40A:21-1, et seq.*; and

WHEREAS, on February 14, 2023, the Governing Body adopted Ordinance #01-2023, to amend the Amended Redevelopment Plan with a redevelopment plan, dated January 13, 2023, entitled “*Glen Alpin/Hurstmont Redevelopment Plan*,” (as may be further amended and supplemented, the “**Redevelopment Plan**”) to, among other things, plan for and promote the redevelopment of the Property as envisioned by the Parties; and

WHEREAS, the Redevelopment Plan provides that prior to the submission of a formal application to the Planning Board for site plan and subdivision approval (including any subsequent and future plan amendments) (the “**Land Use Approvals**”), the Redeveloper shall submit detailed plans of the proposed redevelopment (the “**Proposed Development Plan**”) project to the Governing Body (or upon Governing Body approval, its professionals) for its review; and

WHEREAS, the Governing Body, acting as the Redevelopment Entity, shall review the Proposed Development Plan to determine whether the project is consistent with the Redevelopment Plan and the Redevelopment Agreement, and, if consistent, shall issue a report to the Planning Board providing the consistency evaluation and any recommendations and comments relating to its review; and

WHEREAS, Section 4.7 of the Redevelopment Agreement requires Redeveloper obtain confirmation from the Governing Body that the Proposed Development Plan is consistent with the Redevelopment Plan; and

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WHEREAS, the Redeveloper submitted to the Township the following materials in connection with a request for consistency determination pursuant to the Redevelopment Plan and the Redevelopment Agreement (collectively, the “**Consistency Review Application**”): Preliminary and Final Major Site Plans prepared by Gladstone Design, Inc., dated May 5, 2023; Architectural Plans for the Cottage Models and Carriage Models prepared by Luce Architects, dated May 5, 2023; Architectural Plans for the Multi-family Independent Living, and Assisted Living, Memory Care Building, prepared by Meyer Architect + Interior, dated May 5, 2023; Landscape and Lighting Plans prepared by Bosenberg Landscape Architecture, dated May 5, 2023; Traffic Report, prepared by Dolan & Dean, dated May 5, 2023; Stormwater Management Report, prepared by Gladstone Design, Inc., dated May 5, 2023; Environmental Impact Statement, prepared by EcolSciences, dated May 5, 2023; Executive Summary of the Traffic Report, prepared by Dolan & Dean, dated May 5, 2023; Executive Summary of the Stormwater Management Report, prepared by Gladstone Design, Inc., dated May 5, 2023; and Executive Summary of the Environmental Impact Statement, prepared by EcolSciences, dated May 5, 2023; and

WHEREAS, on May 11, 2023, the Township Planner, M. McKinley Mertz, PP, AICP, LEED Green Associate, of Heyer, Gruel & Associates, issued a report detailing her review for consistency of the Consistency Review Application with the Redevelopment Plan and Redevelopment Agreement (the “**Township Professional’s Review Report**”); and

WHEREAS, the Township and Redeveloper have negotiated amendments to the Redevelopment Agreement (the “**Amended Redevelopment Agreement**”), the AL/IL Financial Agreement (the “**Amended AL/IL Financial Agreement**”), and the TH Financial Agreement (the “**Amended TH Financial Agreement**”) to incorporate, in-part, the Redevelopment Plan; and

WHEREAS, the Governing Body’s review and approval of the Proposed Development Plan is conditioned upon, and subject to, the Redeveloper executing the Amended Redevelopment Agreement, the Amended AL/IL Financial Agreement, and the Amended TH Financial Agreement prior to the conclusion of Redeveloper’s hearing before the Planning Board for the Land Use Approvals; and

WHEREAS, the Governing Body, having reviewed the Township Professional’s Review Report and the Consistency Review Application, finds that the Proposed Development Plan, subject to the conditions listed herein and within the Township Professional’s Review Report, is consistent with the Redevelopment Plan and Redevelopment Agreement.

BE IT RESOLVED, by the Township Committee of the Township of Harding, County of Morris and the State of New Jersey, as follows:

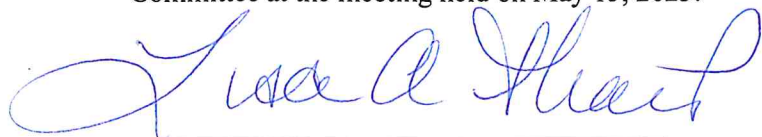
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1. The foregoing recitals are hereby incorporated by reference as if fully repeated herein.
2. The Township Committee hereby finds and determines that the Proposed Development Plan, as submitted by Redeveloper in the Consistency Review Application, is consistent with the Redevelopment Plan and Redevelopment Agreement, and hereby authorizes, subject to the conditions listed herein and within the Township Professional's Review Report, the Redeveloper to file an application with the Planning Board for the Land Use Approvals.
3. The Township Professional's Review Report, a copy of which is attached hereto as Exhibit A, is hereby incorporated herein by reference.
4. A copy of this Resolution shall be provided to the secretary of the Planning Board.

DATED: May 15, 2023

I, Lisa A. Sharp, Municipal Clerk of the Township of Harding, County of Morris, State of New Jersey, do hereby certify the foregoing resolution to be a true and correct copy of a resolution adopted by the Township Committee at the meeting held on May 15, 2023.



Lisa A. Sharp, Municipal Clerk

Vote on Resolution:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. Chipperson	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Lacz	1 st <input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Platt	2 nd <input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Yates	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jones	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Exhibit A

Township Professional's Review Report



Memorandum

TO: Township of Harding, Township Committee as Redevelopment Entity

FROM: M. McKinley Mertz, PP, AICP, LEED Green Associate

RE: Hurstmont Urban Renewal Entity, LLC
679 Mount Kemble Avenue (a/k/a Route 202)
Block 27 Lot 2
Preliminary and Final Major Subdivision and Minor Subdivision

DATE: May 11, 2023

As requested, we have reviewed the following materials in preparation of our report for this application:

- Correspondence from Day Pitney, LLC, dated May 5, 2023;
- Topographic Survey, prepared by James P. Dedy Surveyor, LLC, dated April 25, 2023;
- 27-sheet Preliminary and Final Major Site Plan and Minor Subdivision Plans, prepared by Gladstone Design, Inc., dated May 5, 2023;
- 19-sheet Architectural Plans for the Carriage and Cottages, prepared by Luce Architects, dated May 5, 2023;
- 8-sheet Architectural Plans for the Senior Living Facility, prepared by Meyer Architecture and Interiors, dated January 27, 2023, revised through May 5, 2023;
- 11-sheet set Landscape and Lighting Plans, prepared by Bosenberg Landscape Architecture, dated May 5, 2023;
- Stormwater Management Report, prepared by Gladstone Design, Inc., dated May 5, 2023;
- Environmental Impact Statement, prepared by EcoSciences, Inc., dated May 5, 2023; and
- Traffic Impact Statement, prepared by Dolan&Dean Consulting Engineers, LLC, dated May 1, 2023.

Role of the Harding Redevelopment Entity

Pursuant to the Glen Alpin/Hurstmont Redevelopment Plan, prepared June 29, 2019 and amended through February 14, 2023, prior to the submission of a formal development review by the Planning Board, the redeveloper shall submit detailed plans to the Harding Redevelopment Entity for its review. In this instance, the Township Committee serves as the Redevelopment Entity for the Township of Harding.

The Committee's review of such plans shall be based on whether the plans are consistent with Glen Alpin/Hurstmont Redevelopment Plan, the redeveloper agreement, and the concept plans attached to the Redevelopment Plan. If the Committee or its professionals determine the plans are not consistent, the redeveloper shall be required to revise the plans and resubmit them as many times as necessary.

The Committee shall issue a report to the Planning Board providing its consistency evaluation and any relevant recommendations and comments. The Committee does not have the authority to grant 'c' variances or design exceptions from the standards of the Redevelopment Plan.



Property Description

The subject property is located at 679 Mount Kemble Avenue (State Route 202) on Block 27 Lot 2 of the Township's Tax Maps. The property is within the Senior Living District of the Glen Alpin / Hurstmont Redevelopment Plan. The area was designated as an "area in need of redevelopment" pursuant to the statutory criteria of the Local Redevelopment and Housing Law on February 25, 2019. The 19.6-acre property is commonly referred to as the "Hurstmont Property" and was previously developed with a 17,000-square-foot residence as well as related improvements, including a carriage house, barn, and "playhouse." Many of those improvements, including the principal residence, have already been demolished.

North of the subject property along Mount Kemble Avenue are single-family residences within the RR Rural Residential Zone. South of the property at the corner of Mount Kemble Avenue and Tempe Wick Road is the Glen Alpin Property (Block 34 Lot 1), which is within the Glen Alpin Cultural Center District of the Glen Alpin / Hurstmont Redevelopment Plan. The Glen Alpin Property is not a component of this development application.

The majority of the property is undeveloped with its topography sloping up from its frontage on Mount Kemble Avenue toward the rear where the property abuts the Morristown National Historic Park. There are portions of the site where slopes exceed 25%. Pursuant to the submitted Environmental Impact Statement (EIS), there are no wetlands, streams, or waterbodies present on the property. The applicant has submitted an Absence Letter of Interpretation (LOI) to the NJDEP to verify as such. The submitted EIS also confirms there are no Flood Hazard Areas on or within 300 feet of the site.

Previous Approval

Between 2012 and 2013, the property received a series of approvals from the Township's Board of Adjustment, including approvals for a d(5) variance for an increase in density as well as subdivision approval to create four (4) lots. The subdivision was never perfected, and the approvals expired many years prior to the initiation of the redevelopment process.

Historic Designation

The subject property is within the Tempe Wick Road/Washington Corners Historic District, which was placed on the New Jersey Register of Historic Places on June 26, 2000 and on the National Register of Historic Places on August 24, 2000. The property was listed as a "contributing" property to the historic districts; however, the historic home that once existed here has been demolished.

Aerial Map of Subject Property



Project Proposal

The applicant is proposing to develop the subject property with a 4-story senior living facility and a townhouse development. The senior living facility will consist of 210 units that include a mix of independent living units, assisted living units, and memory care units. Of the 210 units, 40 will be affordable units, pursuant to the Township's Court-approved settlement agreement and Housing Element and Fair Share Plan. The senior living facility includes amenities such as fitness centers, beauty salons, a theater, a library, a pool area, café space, dining areas, a bar, a market, pickleball courts, and open courtyards. The proposed project additionally includes the construction of 40 townhouses (28 carriage homes and 12 cottages) for a total of 250 units across the entire site.

The cottage units are defined in the Redevelopment Plan as "stacked flats," with one unit situated above another. They are designed into the grade of the site so that the upper units are accessed via the main boulevard driveway ("Road A"), and the lower units are accessed via an internal roadway ("Road B").

The property will be accessed by the central boulevard driveway, Road A, off Mount Kemble Avenue. A separate driveway entrance will extend off Mount Kemble Avenue providing access to the sewer treatment building.

The site is proposed to be subdivided into two lots, one of which will contain the senior living facility plus the 12 cottages. The second lot will contain the 28 carriage homes plus the sewer treatment building and groundwater recharge beds. Internal roadways provide vehicular access to all townhouse buildings. Hammerheads and other turnaround designs are incorporated into all internal roadways. There are additionally sidewalks that expand throughout the site, providing internal pedestrian connections.

The senior living facility will contain 151 underground parking spaces and 31 surface spaces, while the townhouses will each have a two-car garage and associated driveway. There are various locations for guest parking throughout the townhouse portion of the development. Included in the parking count are 28 "make ready" electric vehicle charging stations.

Given the slopes present on the site, the project will include a series of stepped retaining walls that are located throughout the entire property.

A portion of historic steps and garden walls located toward the southwestern property boundary will be maintained. As required by the Redevelopment Plan, the applicant is proposing a walking trail leading from the southern and southwestern property lines to the Morristown National Historic Park as well as north to Block 27 Lot 3.01, commonly referred to as the "Eggert Property." The trail will also continue to a future trail connection on the Glen Alpin Property. A 1.6-acre piece of land along the property boundary with the National Historic Park will be conveyed to the Township for open space purposes.

Unit Type	Number of Standard Units	Number of Affordable Units	Total Number of Units
Independent Living Units	98	31	129
Assisted Living Units	42	6 units (8 credits total) *	48
Memory Care Units	32	1	33
Townhouses	40	N/A	40
Totals	212	38 (40 credits)	250

*There are 6 total assisted living units reserved for Medicaid tenants. Two of these units contain 2 bedrooms each, each to be occupied by an individual unrelated tenant. Because the bedrooms are separated, each bedroom counts as a unit toward the Township's affordable housing obligation. Therefore, the assisted living Medicaid units count as 8 total credits.

Affordable Housing Requirement

On June 17, 2020 the Township of Harding received a Final Judgement of Compliance and Repose declaring the Township in compliance with its Constitutional obligation to provide realistic opportunities for the development of housing affordable to low- and moderate-income households. A component of the approval was the development of an inclusionary development at the Hurstmont Property that would include a senior living facility with 40 affordable units.

The Redevelopment Plan stipulates that after the applicant meets its Medicaid requirements, the remainder of the affordable units shall be met through the independent living units. The applicant is proposing 9 Medicaid beds and the remainder within the independent living units.

Pursuant to the Uniform Housing Affordability Controls ("UHAC"; N.J.A.C. 5:80-26.1 et seq.) age-restricted affordable units are not beholden to the standard bedroom breakdown that non-age-restricted affordable units are required to meet. Age-restricted units may utilize a modified bedroom distribution by creating all one-bedroom units or by creating a two-bedroom unit for each efficiency unit.

The applicant is consistent with the affordable housing requirements. As part of their licensing requirement, the applicant will have to secure approvals from outside agencies regarding the Medicaid units.

Zoning

The subject property is within the Senior Living District of the Glen Alpin / Hurstmont Redevelopment Plan where townhouses, independent living units, assisted living, and dementia care units are all permitted.

Bulk Standards for the Senior Living District		
	Required	Proposed
GENERAL SITE REQUIREMENTS:		
Minimum Tract Size	19 acres	19.73 acres
Maximum Building Coverage	25%	18.7%
Maximum Impervious Coverage	45%	41.55%
Minimum Setback from District Line*	100 feet	100.3 feet
TOWNHOUSE BUILDINGS:		
Minimum Setback from Mt. Kemble Ave	150 feet	150.6 feet
Minimum Setback from Adjacent Structures	30 feet	30 feet
Minimum Setback from Internal Roadways	15 feet	19.6 feet

Minimum Setback from District's Southwest Property Line	50 feet	53 feet
Minimum Setback from Rear Property Line (i.e. property line abutting the Morristown National Historic Park)	100 feet	100.4 feet
Maximum Building Height**	2.5 stories / 50 feet	2.5 stories / 48.3 feet
Maximum Unit Footprint	2,200 sf	2,199 sf (cottages) 2,035 sf (carriages)
SENIOR LIVING FACILITY:		
Minimum Setback from Mt. Kemble Ave	300 feet	303.7 feet
Minimum Setback from Rear Property Line (i.e. property line abutting the Morristown National Historic Park)	100 feet	105.3 feet
Maximum Building Height	4 stories / 65 feet	4 stories / 63.6 feet

*The components of subsurface wastewater treatment and disposal systems may be located within the setbacks.

**A walkout basement shall not be considered a story, so long as more than 50% of its volume is at or below grade.

Parking Standards for the Senior Living District				
Use	Number of Units	Parking Factor	Parking Required	Proposed
SENIOR LIVING FACILITY:				
Independent Living Units	129	1 space per unit	129 spaces	151 in garage and 31 surface spaces
Assisted Living	48	0.5 spaces per unit	24 spaces	
Memory Care	33	0.5 spaces per unit	17 spaces	
Total:			170 spaces	182 spaces
TOWNHOUSES:				
Carriages (3- to 4-bedroom units)	28	2.4 spaces per unit (RSIS requirement)	67 spaces	80 in garages; 40 in driveways; 23 surface spaces
Cottages (2-bedroom units)	12	2.3 spaces per unit (RSIS requirement)	28 spaces	
Total:			95 spaces	143 spaces
Garage Requirement	40	Provide a one- or two- car garage per unit	40 garages	40 garages
ELECTRIC VEHICLE REQUIREMENT:				
For multifamily construction	-	15% of the parking requirement of 170	26 spaces	28 spaces

We note that pursuant to the Residential Site Improvement Standards (RSIS) townhouse units shall provide for guest parking at a ratio of 0.5 spaces per unit, resulting in a guest parking requirement of 20 spaces. The applicant is proposing 23 surface spaces, which fulfills this requirement.

Additional Requirements for the Senior Living District		
	Required	Proposed
Minimum Tree Conservation Area along the Morristown National Historic Park Property Line	25 feet	25 feet
Minimum Tree Conservation Area along all other property lines	50 feet	50 feet
Maximum street width for streets providing access to the townhouses	22 feet	22 feet
Maximum street width for streets providing primary access to the senior living facility	24 feet	24 feet
Sidewalks	Provided on all internal roadways, but only required on one side of the road	Conforms

Variances Required

After our preliminary review of this application, we did not identify any necessary variance relief.

Design Waivers Required

At this time, we do not identify any required design waivers. However, after a preliminary review of the proposed lighting plan, we note the applicant may require waiver relief for illumination levels. A lighting analysis will be completed as part of site plan review.

De Minimis Exceptions from RSIS (Residential Site Improvement Standards)

1. RSIS requires sidewalks to be constructed on both sides of the street for a "medium intensity" development, where the applicant is proposing sidewalks on one side of the street. We note that the applicant's proposal is in conformance with the standards of the Redevelopment Plan. We take no exception to the granting of such de minimis exception.
2. RSIS requires a total of 284 parking spaces for the senior living facility, where the applicant is proposing 182. We note that the applicant's parking proposal is in conformance with the standards of the Redevelopment Plan. We take no exception to the granting of such de minimis exception.

General Planning Comments

1. The applicant shall provide a general discussion at the Township Committee meeting regarding the ways in which the proposed development meets the plan principles and goals outlined on pages 11 through 13 of the Redevelopment Plan.
2. The applicant shall provide information at the Township Committee meeting regarding the intended architectural aesthetic of both the senior living facility and the townhouse structures.

Discussion should focus on how the proposal is consistent with the principles and standards of the Redevelopment Plan but also with the surrounding area and Harding as a whole.

3. The applicant shall speak to the proposed materials for the townhouse buildings. While renderings have been provided, the materials have not been identified. The applicant shall confirm these are consistent with the permitted materials for the Senior Living District, which were chosen to reflect the historic and rural character of the community.
4. The applicant shall confirm that there are no imitative veneers, such as vinyl siding or Garden State Brickface, or manufactured products, such as cultured stone, used throughout the development. Otherwise, waivers from these design standards will be required.
5. The applicant shall confirm the number of electric vehicle parking spaces as the bulk chart identifies 28 but only 27 are shown on the plans (17 in surface parking and 10 in the garage). We note that only 26 electric vehicle spaces are required.
6. The applicant shall confirm compliance with the Township's Exterior Lighting "Dark Sky" ordinance (Chapter 223).
7. The applicant shall provide information regarding the intended phasing of development.
8. The applicant shall provide further information regarding the retaining walls around the site and confirm they meet the standards found on pages 26 and 32 of the Redevelopment Plan.
9. The applicant shall provide information regarding any intended sustainable building and design measures that will be implemented.
10. At the time of site plan review, the applicant shall be prepared to speak to the operations of the site, including interactions between the townhouses and the senior living facility, security measures, deliveries, emergency access, accessibility, etc.
11. Site plan issues regarding lighting, landscaping, refuse/recycling, signage, loading areas, traffic, etc. will be addressed during site plan review at the Planning Board.
 - a. The applicant shall be prepared with details regarding the proposed monument sign in terms of measurements (height, square-footage, length/size, illumination, materials) by the time of Planning Board review.
12. It is our opinion that the submitted site plans are generally consistent with the concept plan provided in the Redevelopment Plan that was most recently adopted on February 14, 2023.

Should you have any questions regarding the above memo, please do not hesitate to contact our office.