

## SURENIAN, EDWARDS, BUZAK & NOLAN LLC

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March 12, 2026

### VIA eCOURTS

**Honorable Daniel R. Lindemann, J.S.C.**

Union County Courthouse  
2 Broad Street, Floor 2 Rotunda  
Elizabeth, New Jersey 07207

**RE: In the Matter of the Application of the Township of Springfield  
Docket No. UNN-L-409-25**

Dear Judge Lindemann:

This office represents the Township of Springfield as Special Affordable Housing Counsel in the above matter. The Township hereby files this letter and attached documentation to meet the March 15, 2026 deadline in the Fair Housing Act (“FHA”), N.J.S.A. 52:27D-304.1(f)(2)(c), and the March 15, 2026 deadlines established in the Consent Order between the Township and Fair Share Housing Center (“FSHC”), which was entered by the Court in this matter on December 15, 2026 (hereinafter “Consent Order”)<sup>1</sup>.

To that end, please see the following documentation that is being submitted on behalf of the Township to the Court for review:

1. **Amended Housing Element and Fair Share Plan**: The Township amended its Fourth Round Housing Element and Fair Share Plan (“Amended Fourth Round Plan”) to address the requirements in Paragraph 12 of the December 5, 2025 Consent Order entered into between the Township and FSHC. As per the Consent Order, the Township provided certain documentation to the FSHC by February 15, 2026 for review. The Amended Fourth Round Plan was adopted by the Planning Board via

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<sup>1</sup> In addition to the documentation being submitted with this letter to meet the March 15, 2026 deadline, the Township also submitted an earlier letter via eCourts to the Program, the Court and FSHC on October 17, 2025, which attached additional compliance documentation.

resolution on March 9, 2026, and was endorsed by the Township Committee via resolution on March 10, 2026. See attached Exhibit A.

2. **Gomes Property and Garden Homes projects:** Copies of required documentation for the Morris & Center, LLC “Gomes Property” (Block 706, Lot 10) and the Rica “Garden Homes Project” (Block 208, Lot 1 and Block 209, Lot 1.01) are attached hereto as Exhibit B.
3. **Bryant Avenue Independent Living Group Home:** The Township is still working on acquiring crediting documentation from the Bryant Avenue Independent Living Group Home. The Township will provide same to FSHC once the documentation is acquired.
4. **EEAP, LLC and Park Place Sites:** As to the required update for the EEAP, LLC and Park Place sites, a prospective developer for the subject properties is in discussion with the Township and its professionals concerning an inclusionary residential redevelopment project that will be further refined and defined during the redevelopment process. See attached Exhibit C.
5. **Extension of Expiring Controls:** Attached as Exhibit D, please find the required list of units eligible for an extension of expiring controls in the Township.
6. **Overlay Zone Ordinance to address the Township’s unmet need:** Attached as Exhibit E is the overlay zone ordinance adopted on March 10, 2026, which addresses the Township’s unmet need requirements.
7. **Spending Plan:** Attached as Exhibit F is the Township’s The Township’s Fourth Round Spending Plan was adopted via resolution during the March 10, 2026 Township Committee meeting.
8. **Affordable Housing Ordinance, Mandatory Set-Aside Ordinance and Development Fee Ordinance:** Attached as Exhibit G is the Township’s combined Affordable Housing Ordinance, Mandatory Set-Aside Ordinance and Development Fee Ordinance, which was adopted by the Township Committee on March 10, 2026.
9. **Affordable Housing Manuals:** Attached as Exhibit H are copies of the Township’s Administrative Agent Manual and Affordability Assistance Manual, which were adopted by the Township Committee via resolution on March 10, 2026. Of note, the Consent Order with FSHC has a requirement that the Township prepare a Market to Affordable Program Manual, which was mistakenly included in the Consent Order. No Market to Affordable Program Manual was prepared because the Township does not have such a program.
10. **Affirmative Marketing Plan:** The Township’s Affirmative Marketing Plan, which was drafted to comply with the new UHAC requirements, was adopted by the Township Committee on March 10, 2026, and is attached hereto as Exhibit I.

To date the Township has worked diligently to meet all of the deadlines required by the FHA, the Program, the Court and the Consent Order with FSHC, and will continue to do so. This has resulted in a multitude of compliance documentation being provided. Should any documentation need to be corrected or amended, the Township will do so timely, in accordance with the instructions of the Court and in collaboration with FSHC.

I thank Your Honor for your time and attention to this matter.

Respectfully submitted,



Erik C. Nolan

ECN/sp

Enclosures

cc: Joelle Paull, Esq. (*via ecourts and email*)  
Mike Mistretta, PP (*via email*)

# EXHIBIT A

**RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF  
SPRINGFIELD ADOPTING AN AMENDED FOURTH ROUND HOUSING  
ELEMENT AND FAIR SHARE PLAN**

**WHEREAS**, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, which amended the New Jersey Fair Housing Act and established the Affordable Housing Dispute Resolution Program (the “Program”); and

**WHEREAS**, in accordance with the Amended Fair Housing Act, the Township timely submitted its Fourth Round Housing Element and Fair Share Plan (“HEFSP”) to the Program for review in June of 2025; and

**WHEREAS**, the Township received a deficiency letter to its Fourth Round Plan from Fair Share Housing Center in August of 2025; and

**WHEREAS**, the Court entered a Case Management Order requiring the Township to provide a response letter and documents to FSHC’s deficiency letter and negotiate a Consent Order with FSHC; and

**WHEREAS**, the Consent Order between the Township and FSHC was entered by the Court on December 5, 2025; and

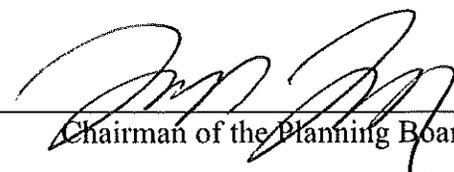
**WHEREAS**, as per the FHA and the Consent Order with FSHC, the Township is required to amend its Fourth Round Plan to include the terms and conditions agreed upon in the Consent Order; and

**WHEREAS**, the Township has prepared an Amended Fourth Round Housing Element and Fair Share Plan (“Amended Fourth Round Plan”), which is attached hereto as Exhibit A; and

**WHEREAS**, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board held a public hearing on the Amended Fourth Round Plan on March 9, 2026; and

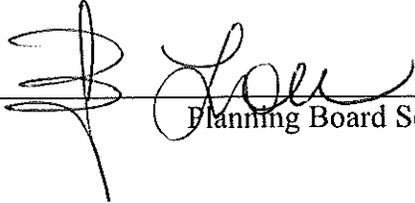
**WHEREAS**, the Planning Board determined that the attached Amended Fourth Round Plan is consistent with the goals and objectives of the Township’s current Master Plan, and that adoption and implementation of the Amended Fourth Round Plan is in the public interest and protects public health and safety and promotes the general welfare.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Township of Springfield, County of Union, State of New Jersey, that the Planning Board hereby adopts the Township’s Amended Fourth Round Housing Element and Fair Share Plan attached hereto as Exhibit A.

  
Chairman of the Planning Board

**CERTIFICATION**

I certify that the foregoing Resolution was duly adopted by the Planning Board of the Township of Springfield at a regular meeting held on the 9<sup>th</sup> day of March 2026.

  
\_\_\_\_\_  
Planning Board Secretary

**Explanation: This resolution of the Township Committee of the Township of Springfield is endorsing an Amended Fourth Round Housing Element and Fair Share Plan.**

**TOWNSHIP OF SPRINGFIELD  
RESOLUTION NO. 2026-94**

**WHEREAS**, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, which amended the New Jersey Fair Housing Act and established the Affordable Housing Dispute Resolution Program (the “Program”); and

**WHEREAS**, in accordance with the Amended Fair Housing Act, the Township timely submitted its Fourth Round Housing Element and Fair Share Plan (“HEFSP”) to the Program for review in June of 2025; and

**WHEREAS**, the Township received a deficiency letter to its Fourth Round Plan from Fair Share Housing Center in August of 2025; and

**WHEREAS**, the Court entered a Case Management Order requiring the Township to provide a response letter and documents to FSHC’s deficiency letter and negotiate a Consent Order with FSHC; and

**WHEREAS**, the Consent Order between the Township and FSHC was entered by the Court on December 5, 2025; and

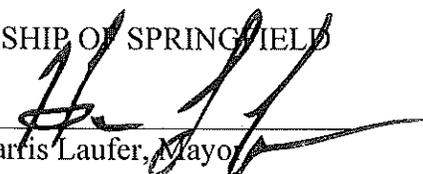
**WHEREAS**, as per the FHA and the Consent Order with FSHC, the Township is required to amend its Fourth Round Plan to include the terms and conditions agreed upon in the Consent Order; and

**WHEREAS**, the Township has prepared an Amended Fourth Round Housing Element and Fair Share Plan (“Amended Fourth Round Plan”), which is attached hereto as Exhibit A; and

**WHEREAS**, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board adopted the Amended Fourth Round Plan after a public hearing was held on March 9, 2026; and

**WHEREAS**, the Township Committee has reviewed the Amended Fourth Round Plan and concurs with the Planning Board’s determination that the Amended Fourth Round Plan is consistent with the Township’s Master Plan, promotes the public health, safety, and general welfare, and is in the best interests of the Township.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Springfield, County of Union, State of New Jersey, that the Township Committee hereby endorses the Township’s Amended Fourth Round Housing Element and Fair Share Plan attached hereto as Exhibit A.

TOWNSHIP OF SPRINGFIELD  
By:   
Harris Laufer, Mayor

Adopted:

March 10, 2026

I hereby certify that this is a true and correct copy.

*Linda M Donnelly*

Linda M. Donnelly, RMC

Township Clerk





**February 10, 2026**

**Amended Fourth Round Housing Element & Fair Share Plan (“HEFSP”)**

The Township of Springfield filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the “Program”) and a declaratory judgment action pursuant to N.J.S.A. 52:27D-301 et. seq. (the “Fair Housing Act”), entitled “In the Matter of the Application of the Township of Springfield,” Docket No. UNN-L-340-25, on January 29, 2025. The Township received one objection to its binding resolution challenging the Department of Community Affairs’ (“DCA”) calculation of the Township’s fair share obligations from the New Jersey Builder’s Association (“NJBA”) on February 27, 2025. The Court held a settlement conference on March 31, 2025, so the parties could negotiate a Fourth-Round affordable housing obligations Mediation Agreement. The Township and Fair Share Housing Center (“FSHC”) entered said Mediation Agreement, which was thereafter filed with the Program and the Court on April 8, 2025. The Court entered an Order on April 14, 2025, setting the Township’s Fourth Round fair share obligations as a Present Need of 53 units and a Prospective Need of 262 units, which no party appealed, and ordering the Township to file a Fourth Round Housing Element and Fair Share Plan (“HEFSP”) by June 30, 2025. The Township filed its Fourth Round HEFSP with the Program on June 20, 2025. On August 26, 2025, FSHC filed a letter pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the Township’s Fourth Round HEFSP seeking additional compliance information and documentation before the HEFSP is approved by the Program and/or the Court. The Township and FSHC agreed to amicably resolve the issues set forth in FSHC’s letter through a Consent Order dated December 5, 2025, which further clarifies the Township’s compliance mechanisms through specific amendments to its Fourth Round HEFSP.

In accordance with the signed Consent Order filed with the Court on December 5, 2025, the Township will revise the Third and Fourth crediting tables to allocate bonus credits and provide the basis for the claimed bonus credits. This amendment consisting of the Third and Fourth Round crediting charts below shall amend and supplement the Fourth Round HEFSP for the Township of Springfield adopted by the Planning Board on June 19, 2025, and endorsed by the Township Council on June 25, 2025, by Resolution No. 2025-197. The statutory requirements for a Housing Element and Fair Share Plan (“HEFSP”) have been satisfied within the HEFSP adopted by the Planning Board on June 19, 2025. This document is to serve as an amendment to the HEFSP adopted by the Planning Board.

**Third Round**

The Township of Springfield’s satisfaction of its Third Round (1987-1999) obligation of 410 units was approved via a Final Judgment of Compliance and Repose (“JOR”) Order granted by the Court on June 23, 2017. The Township prepared a Vacant Land Adjustment (“VLA”) for the Third Round, which determined the Township had a Third Round Realistic Development Potential (“RDP”) of 127. The Third Round RDP was approved by the Court via a Conditional JOR Order entered on December 21, 2016, followed by a Final JOR Order entered on June 23, 2017. As revised and agreed upon through the Consent Order filed with the Court on December 5, 2025 and stipulated through this amended HEFSP, the Township’s Third Round RDP has increased to 142 units due to the provision of additional affordable units

after the Township was granted a final JOR on June 23, 2017. The RDP of 142 is satisfied through 177 units/credits, therefore generating a Third Round Unmet Need obligation of 233 units. The Township satisfies its Third Round obligation as follows:

<b>Amended Fourth Round Housing Element &amp; Fair Share Plan ("HEFSP") dated January 20, 2026 Existing and Proposed Projects and Bonus Credits Addressing the Third Round Prospective Need Obligation Township of Springfield, Union County, NJ</b>				
<b>Third Round Obligation</b>		<b>410</b>		
<b>Third Round RDP</b>		<b>142</b>		
<b>Mechanism</b>	<b>Completed Affordable Units</b>	<b>Proposed Affordable Units</b>	<b>Bonus Credits</b>	<b>TOTAL AFFORDABLE UNITS AND BONUS CREDITS</b>
<b>Inclusionary Projects</b>	<b>78</b>	<b>64</b>	<b>35</b>	<b>177</b>
<b>Springfield Gardens (a)</b> 360 Route 22 West Block 3901, Lot 6	32 (F)(R)	-	32 (RBC) (b)	64
<b>Mountain Avenue Townhomes (Steven Court)</b> 156 Mountain Avenue Block 1201, Lot 36.01	1 (F)(R)	-	-	1
<b>SPDSAIL (Victory Point)</b> 226 Morris Avenue Block 207, Lot 1	4 (F)(R)	-	3 (RBC) (b)	7
<b>Morris and Center LLC (Gomes Property)</b> 265 Morris Avenue Block 706, Lot 10	-	21 (F)(R)	-	21
<b>Rica (Garden Homes Project/Blacks Lane &amp; Church Mall Redevelopment)</b> Blacks Lane and Church Mall Block 208, Lots 6, 7, 8 & 9 Block 209, Lots 1.01 & 6	-	15 (F)(R)	-	15
<b>Saks Property (The Metropolitan)</b> 92 Millburn Avenue, 552 Morris Avenue, 46 Millburn Avenue & 70 Millburn Avenue Block 101, Lots 1, 34, 45 & 46	41 (F)(R)	-	-	41
<b>EEAP, LLC</b> Main Street Block 204, Lots 1 & 2	-	2 (F)(R)	-	2
<b>Park Place (Planned Development-Affordable Housing District (PD/AH))</b> Route 22 Block 4001, Lots 2.316 and 2.317	-	26 (F)(R)	-	26
<b>TOTAL AFFORDABLE UNITS CONTRIBUTING TOWARD RDP</b>	<b>142</b>		<b>-</b>	<b>-</b>
<b>TOTAL BONUS CREDITS CONTRIBUTING TOWARD RDP (max 25% of 142-unit Third Round RDP = 35)</b>		<b>-</b>	<b>35 (RBC)</b>	<b>-</b>

<b>TOTAL UNITS AND CREDITS CONTRIBUTING TOWARD RDP</b>		<b>177</b>		
<b>Third Round Unmet Need</b>		<b>233</b>		
<b>Mechanism</b>	<b>Completed Affordable Housing Units</b>	<b>Proposed Affordable Units</b>	<b>Bonus Credits</b>	<b>TOTAL AFFORDABLE UNITS AND BONUS CREDITS</b>
<b>Affordable Housing Overlay Zone-1 (AHO-1)</b> <i>(+/- 111.17 developable acres zoned for a maximum permitted density of 16-18 du/ac with a required minimum affordable housing set-aside of 20% for for-sale units and 15% for rental units)</i>	-	356	-	<b>356</b>
<b>Mandatory Set-Aside Ordinance</b> <i>(Required min. affordable set-aside of 15% for rental units and 20% for for-sale units for developments proposed at a density of 6 du/ac or more)</i>	-	TBD	-	<b>TBD</b>
<b>TOTAL AFFORDABLE UNITS CONTRIBUTING TOWARD UNMET NEED</b>	<b>356</b>		<b>-</b>	<b>-</b>
<b>TOTAL BONUS CREDITS CONTRIBUTING TOWARD UNMET NEED</b>		<b>-</b>	<b>-</b>	<b>-</b>
<b>TOTAL CREDITS AND UNITS TOWARDS UNMET NEED</b>	<b>356</b>			
<b>TOTAL THIRD ROUND AFFORDABLE UNITS</b>	<b>498</b>		<b>-</b>	<b>-</b>
<b>TOTAL THIRD ROUND BONUS CREDITS</b>	<b>-</b>		<b>35 (RBC)</b>	<b>-</b>
<b>TOTAL THIRD ROUND CREDITS AND UNITS</b>	<b>533</b>			
<p><b>(a) Remaining 6 affordable units from project credited towards the Prior Round obligation</b></p> <p><b>(b) Per N.J.A.C. 5:93-5.15(d)1 of the Prior Round Substantive Rules, "A municipality shall receive two units (2.0) of credit for rental units available to the general public."</b></p> <p><b>(F) = Family (R) = Rental</b></p> <p><b>(RBC) = Rental Bonus Credit</b></p>				

### **Fourth Round**

In a Court Order filed on April 14, 2025, the Court fixed the Township of Springfield's Fourth Round (2025-2035) Prospective Need obligation as 262 affordable units and authorized the Township to prepare a Fourth Round HEFSP. As per the Township's HEFSP adopted by the Planning Board on June 19, 2025, endorsed by the Township Council on June 24, 2025, and filed with the Program and Court on June 25, 2025, the Township has conducted a VLA for the Fourth Round, which concludes that the Township has a Fourth Round RDP of 13. As revised and agreed upon in the Consent Order filed on December 5, 2025, the Township adjusts its Fourth Round RDP to 24 units due to the addition of 11 affordable family units from an inclusionary development to be constructed at the +/- 2.188-acre site located at 673 & 675-679 Morris Avenue (Block 503, Lots 1 & 2) in Affordable Housing Overlay Zone-1, which will be amended to permit a maximum density of 25 du/ac with a required minimum 20% affordable set-aside. The addition of the 11 affordable family units from the 673 & 675-679 Morris Avenue Site, combined with the 5 family rental units from the inclusionary 175 Morris Avenue Redevelopment (Bank of America) Site, will be used to meet the minimum 50% family unit requirement per N.J.S.A. 52:27D-311(l). The amended Fourth Round RDP of 24 units has been satisfied by 27.5 units/credits, therefore generating an amended Fourth Round Unmet Need obligation of 234.5 units. The Township satisfies its Fourth Round obligation as follows:

<b>Amended Fourth Round Housing Element &amp; Fair Share Plan ("HEFSP") dated January 20, 2026</b>				
<b>Existing and Proposed Projects and Bonus Credits Addressing the Fourth Round Prospective Need Obligation</b>				
<b>Township of Springfield, Union County, NJ</b>				
<b>Fourth Round Obligation</b>	<b>262</b>			
<b>Fourth Round RDP</b>	<b>24</b>			
<b>Mechanism</b>	<b>Completed Affordable Units</b>	<b>Proposed Affordable Units</b>	<b>Bonus Credits</b>	<b>TOTAL AFFORDABLE UNITS AND BONUS CREDITS</b>
<b>Inclusionary Projects</b>	-	<b>22</b>	<b>5.5</b>	<b>27.5</b>
<b>597 Morris Ave Redevelopment (Scotty's)</b> <i>Block 505, Lot 1</i>	-	6 (AR)(R)	3 (BC) (α)	<b>9</b>
<b>175 Morris Avenue Redevelopment (Bank of America)</b> <i>Block 810, Lot 10</i>	-	5 (F)(R)	2.5 (BC) (α)	<b>7.5</b>
<b>673 &amp; 675-679 Morris Avenue</b> <i>Block 503, Lots 1 &amp; 2</i> <i>(+/- 2.188-acre site zoned for 25 du/ac with minimum 20% affordable set-aside in amended AHO-1 Zone)</i>	-	11 (F)	-	<b>11</b>
<b>TOTAL AFFORDABLE UNITS CONTRIBUTING TOWARD RDP</b>	<b>22</b>		<b>-</b>	<b>-</b>
<b>TOTAL BONUS CREDITS CONTRIBUTING TOWARD RDP (max 25% of 24-unit Fourth Round RDP = 6)</b>	<b>-</b>		<b>5.5 (BC)</b>	<b>-</b>

TOTAL UNITS AND CREDITS CONTRIBUTING TOWARD RDP		27.5		
Fourth Round Unmet Need		234.5		
Mechanism	Completed Affordable Housing Units	Proposed Affordable Units	Bonus Credits	TOTAL AFFORDABLE UNITS AND BONUS CREDITS
<b>Amended Existing Inclusionary Zoning</b>	-	556 <i>(NET YIELD of 200)</i>	-	200
<b>Amended Affordable Housing Overlay Zone-1 (AHO-1) (b)</b> <i>(+/- 111.17 developable acres zoned for a maximum permitted density of 25 du/ac with a required minimum affordable housing set-aside of 20% for both for-sale and rental units)</i>	-	556 <i>(NET YIELD of 200)</i>	-	200
<b>Additional Mechanisms Addressing Remaining Unmet Need</b>	-	Min. 35	-	Min. 35
<b>PUD Subarea Overlay Zone Block 4001, Lot 2.315 (b)</b> <i>(Zoned for a maximum permitted density of 25 du/ac with a required minimum affordable housing set-aside of 20% for both for-sale and rental units)</i>	-	TBD	-	TBD
<b>Amended Mandatory Set-Aside Ordinance</b> <i>(Required min. affordable set-aside of 20% for both for-sale and rental units for developments of 5 or more units)</i>	-	TBD	-	TBD
<b>Extension of Expiring Affordability Controls</b>	-	TBD	-	TBD
<b>TOTAL AFFORDABLE UNITS CONTRIBUTING TOWARD UNMET NEED</b>	Min. 235		-	-
<b>TOTAL BONUS CREDITS CONTRIBUTING TOWARD UNMET NEED</b>	-		-	-
<b>TOTAL CREDITS AND UNITS TOWARDS UNMET NEED</b>			Min. 235	
<b>TOTAL FOURTH ROUND AFFORDABLE UNITS</b>	Min. 257		-	-



# EXHIBIT B



**Joanne Rajoppi,**  
**Union County Clerk**  
 Union County, New Jersey  
 Recording Data Cover Page  
 Pursuant to N.J.S.A. 46:26A-5



Received & Recorded Deed-1  
 Union County, NJ Inst# **318582**  
 10/29/2019 15:02  
**Joanne Rajoppi** Pgs-15  
**County Clerk** Consider. 1.00  
 Operator RT Fee .00  
 BURKE



<b>DATE OF DOCUMENT</b> JANUARY 3, 2019	<b>TYPE OF DOCUMENT</b> Deed
<b>FIRST PARTY NAME</b> Springfield Center Urban Renewal Corp. (50%) and Sumo Property Management, LLC (50%)	<b>SECOND PARTY NAME</b> Springfield Center Urban Renewal Corp.
<b>ADDITIONAL FIRST PARTIES</b>	<b>ADDITIONAL SECOND PARTIES</b>

THE FOLLOWING SECTION IS REQUIRED FOR DEEDS ONLY	
<b>BLOCK</b> 706	<b>LOT</b> 10, 11, 12, 13, 14, 15, 16 and 17
<b>MUNICIPALITY</b> Springfield	<b>CONSIDERATION</b> \$1.00
<b>MAILING ADDRESS OF GRANTEE</b> 711 Commerce Drive Linden, New Jersey 07036	

THE FOLLOWING SECTION IS FOR ORIGINAL MORTGAGE BOOKING & PAGING INFORMATION FOR ASSIGNMENTS, RELEASES, DISCHARGES & OTHER ORIGINAL MORTGAGE AGREEMENTS ONLY	
<b>ORIGINAL BOOK</b>	<b>ORIGINAL PAGE</b>

**UNION COUNTY, NEW JERSEY RECORDING DATA PAGE**  
 This cover page is for use in Union County, New Jersey only.  
 Please do not detach this page from the original document as it  
 contains important recording information and is part of the  
 permanent record. Forms available at [clerk.ucnj.org](http://clerk.ucnj.org)

DB6345 0668

DEED

Prepared by:

John R. Frieri  
Attorney-at-Law of New Jersey

This Deed is made on January 3, 2019

BETWEEN

SPRINGFIELD CENTER URBAN RENEWAL CORP., a corporation of the State of New Jersey, Fifty (50) percent interest, as tenants in common,

whose address is 711 Commerce Road, Linden, New Jersey 07036 referred to as the Grantee

AND

SUMO PROPERTY MANAGEMENT LLC, a New Jersey Limited Liability Company, Fifty (50) percent interest, as tenants in common,

whose address is 27 Prince Street, Elizabeth, New Jersey 07208 referred to as the Grantor,

AND

SPRINGFIELD CENTER URBAN RENEWAL CORP., a corporation of the State of New Jersey

whose address is 711 Commerce Road, Linden, New Jersey 07036 referred to as the Grantee

The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

**Transfer of Ownership.** The Grantor grants and conveys (transfers ownership of) the property described below to the Grantee. This transfer is made for the sum of **One and 00/100 (\$1.00)** dollars. The Grantor acknowledges receipt of this money.

**Tax Map Reference.** (N.J.S.A. 46:15-2.1) Municipality of **Township of Springfield**  
Block No. **706** Lot Nos. **10, 11, 12, 13, 14, 15, 16 and 17** Qual: Account No.

No property tax identification number is available on the date of this deed. (Check box if applicable)

**Property.** The property consists of the land and all the buildings and structures on the land in the **Township of Springfield**, County of **Union** and the State of **New Jersey**. The legal descriptions are attached as Schedule "A".

Lot 10 - Being the same premises conveyed to the Grantor herein by deed from Springfield Center Urban Renewal Corp., a corporation of the State of New Jersey, dated March 15, 2018, recorded April 20, 2018 in the Union County Clerk/Register's Office in Deed Book 6258, Page 0037.

FOR INFORMATION ONLY:  
County: Union, Municipality: Township of Springfield  
Tax Block 706 Tax Lot 10  
Address: 19 Caldwell Place, Springfield, New Jersey 07081

Lot 11 - Being the same premises conveyed to the Grantor herein by deed from Springfield Center Urban Renewal Corp., a corporation of the State of New Jersey, dated March 15, 2018, recorded April 20, 2018 in the Union County Clerk/Register's Office in Deed Book 6258, Page 0042.

FOR INFORMATION ONLY:  
County: Union, Municipality: Township of Springfield  
Tax Block 706 Tax Lot 11  
Address: 7-13 Caldwell Place, Springfield, New Jersey 07081

Lots 12, 13 and 15 - Being the same premises conveyed to the Grantor herein by deed from Springfield Center Urban Renewal Corp., a corporation of the State of New Jersey, dated March 15, 2018, recorded April 20, 2018 in the Union County Clerk/Register's Office in Deed Book 6258, Page 0053.

FOR INFORMATION ONLY:  
County: Union, Municipality: Township of Springfield  
Tax Block 706 Tax Lot 12  
Address: 275-279 Morris Avenue, Springfield, New Jersey 07081

RECEIVED AS IS  
UNION COUNTY CLERK

DB6345 0669

Tax Block 706 Tax Lot 13  
Address: 265-273 Morris Avenue, Springfield, New Jersey 07081

Tax Block 706 Tax Lot 15  
Address: 14-20 Center Street, Springfield, New Jersey 07081

Lot 14 - Being the same premises conveyed to the Grantor herein by deed from Springfield Center Urban Renewal Corp., a corporation of the State of New Jersey, dated March 15, 2018, recorded April 20, 2018 in the Union County Clerk/Register's Office in Deed Book 6258, Page 0047.

FOR INFORMATION ONLY:  
County: Union, Municipality: Township of Springfield  
Tax Block 706 Tax Lot 14  
Address: 259-263 Morris Avenue, Springfield, New Jersey 07081

Lot 16 - Being the same premises conveyed to the Grantor herein by deed from Springfield Center Urban Renewal Corp., a corporation of the State of New Jersey, dated March 15, 2018, recorded April 20, 2018 in the Union County Clerk/Register's Office in Deed Book 6258, Page 0060.

FOR INFORMATION ONLY:  
County: Union, Municipality: Township of Springfield  
Tax Block 706 Tax Lot 16  
Address: 22 Center Street, Springfield, New Jersey 07081

Lot 17 - Being the same premises conveyed to the Grantor herein by deed from Springfield Center Urban Renewal Corp., a corporation of the State of New Jersey, dated March 15, 2018, recorded April 20, 2018 in the Union County Clerk/Register's Office in Deed Book 6258, Page 0066.

FOR INFORMATION ONLY:  
County: Union, Municipality: Township of Springfield  
Tax Block 706 Tax Lot 17  
Address: 26 Center Street, Springfield, New Jersey 07081

RECEIVED AS IS  
UNION COUNTY CLERK

DB6345 0670

**TITLE INSURANCE COMMITMENT**  
*Issued by Acres Land Title Agency, Inc.*  
**AGENT FOR CHICAGO TITLE INSURANCE COMPANY**

---

Commitment Number: 312380

**SCHEDULE A**

**LEGAL DESCRIPTION**

All that certain Lot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Township of Springfield in the County of Union, State of NJ:

Tract 1 - Lot 10 - Beginning at an iron pipe found in the southeasterly sideline of Caldwell Place (f/k/a Westfield Avenue) (50' ROW) said point being distant 222.75 feet southwesterly along the same from its intersection with the southerly sideline of Morris Avenue (66' ROW) and from thence running

- (1) Along the southeasterly sideline of Caldwell Place, South 35 degrees 48 minutes west 50.0 feet to a point; thence
- (2) South 59 degrees 47 minutes 24 seconds east, 147.91 feet to a point; thence
- (3) North 39 degrees 01 minute east 49.23 feet to a point; thence
- (4) North 59 degrees 22 minutes west, 150.58 feet to the point and place of beginning.

**RECEIVED AS IS  
UNION COUNTY CLERK**

DB6345 0671

**TITLE INSURANCE COMMITMENT**  
*Issued by Acres Land Title Agency, Inc.*  
**AGENT FOR CHICAGO TITLE INSURANCE COMPANY**

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Commitment Number: 312380

**SCHEDULE A**

**LEGAL DESCRIPTION**

All that certain Lot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Township of Springfield in the County of Union, State of NJ:

Tract 2 - Lot 11 - Beginning at a point in the southwesterly side of Caldwell Place therein distant southwesterly 130.42 feet from the intersection of the same and the northeasterly line of lands now or formerly Carmine Apicella ( Deed Book 3828, page 19); thence

- (1) Along said lands South 59 degrees 22 minutes 110.00 feet; thence
- (2) North 34 degrees 30 minutes east 49.83 feet; thence
- (3) South 54 degrees 04 minutes east 9.33 feet; thence
- (4) North 30 degrees 17 minutes east 34.85 feet; thence
- (5) North 54 degrees 41 minutes west 111.39 feet to the northeasterly side of Caldwell Place and the point or place of beginning.

NJRB 3-08  
Effective 2/15/07

**RECEIVED AS IS**  
**UNION COUNTY CLERK**

DB6345 0672

**TITLE INSURANCE COMMITMENT**  
*Issued by Acres Land Title Agency, Inc.*  
**AGENT FOR CHICAGO TITLE INSURANCE COMPANY**

---

Commitment Number: 312380

**SCHEDULE A**  
**LEGAL DESCRIPTION**

All that certain Lot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Township of Springfield in the County of Union, State of NJ:

Beginning at the point of intersection of the Southeasterly line of Caldwell Place with the Southwesterly line of Morris Avenue and from thence running

(1) Along the Southwesterly line of Morris Avenue on a curve to the left having a radius of 510.35 feet an arc distance of 73.30 feet to a point; thence

(2) Continuing along the Southwesterly line of Morris Avenue South 70 degrees 16 minutes 26 seconds East, 155.38 feet to a point; thence

(3) Still along the Southwesterly line of Morris Avenue South 72 degrees 20 minutes 26 seconds East, 20.96 feet to the point of intersection of the Southwesterly line of Morris Avenue with the Northwesterly line of Center Street; thence

(4) Along the Northwesterly line of Center Street South 29 degrees 35 minutes 15 seconds West, 237.71 feet to a point; thence

(5) North 69 degrees 57 minutes 45 seconds West, 95.89 feet to a point; thence

(6) South 30 degrees 27 minutes 15 seconds West, 10.18 feet to a point; thence

(7) North 59 degrees 22 minutes West, 73.38 feet to a point; thence

(8) North 34 degrees 30 minutes East, 49.83 feet to a point; thence

(9) South 54 degrees 04 minutes East, 9.33 feet to a point; thence

(10) North 30 degrees 17 minutes East, 34.85 feet to a point ; thence

(11) North 54 degrees 41 minutes West, 111.39 feet to a point in the Southeasterly line of Caldwell Place; thence

(12) Along the same North 37 degrees 42 minutes 11 seconds East, 130.42 feet to the point or place of Beginning.

EXCEPTING therefrom the following:

BEGINNING at the intersection of the southerly line of Morris Avenue, 66 feet in width, with the westerly line of Center Street, 50 feet in width and from said point running; thence

1. North 70 degrees 59 minutes 00 seconds West, running in said southerly line of Morris Avenue for a distance of 96.55 feet to a point; thence

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**UNION COUNTY CLERK**

DB6345 0673

SCHEDULE C (continued)  
Legal Description

Commitment No. 312380

2. South 21 degrees 01 minutes 00 seconds West, for a distance of 38.92 feet to a point; thence
3. South 30 degrees 27 minutes 00 seconds West, for a distance of 110.13 feet to a point; thence
4. South 70 degrees 31 minutes 00 seconds East, for a distance of 92.60 feet to a point in the westerly line of Center Street; thence
5. North 29 degrees 29 minutes 00 seconds East, running in said westerly line of Center Street, for a distance of 150.00 feet to the point and place of BEGINNING.

**NOTE FOR INFORMATIONAL PURPOSES ONLY: Being known and designated as Lot 12, 13, 15, Block 706, Qualifier** on the Tax Map in the Township of Springfield in the County of Union, State of NJ

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UNION COUNTY CLERK

086345 0674



March 20, 2018

**Description of 259-263 Morris Avenue  
Block 706, Lot 14  
Township of Springfield, Union County, New Jersey**

All that certain parcel of land, with improvements thereon erected, situated, lying and being in the Township of Springfield, County of Union, State of New Jersey, and described as follows;

**BEGINNING** at the intersection of the southerly line of Morris Avenue, 66 feet in width, with the westerly line of Center Street, 50 feet in width and from said point running thence;

- 1) *North 70 degrees 59 minutes 00 seconds West*, running in said southerly line of Morris Avenue for a distance of *96.55 feet* to a point, thence
- 2) *South 21 degrees 01 minutes 00 seconds West*, for a distance of *38.92 feet* to a point, thence
- 3) *South 30 degrees 27 minutes 00 seconds West*, for a distance of *110.13 feet* to a point, thence
- 4) *South 70 degrees 31 minutes 00 seconds East*, for a distance of *92.60 feet* to a point in the westerly line of Center Street, thence
- 5) *North 29 degrees 29 minutes 00 seconds East*, running in said westerly line of Center Street, for a distance of *150.00 feet* to the point and place of **BEGINNING**.

**Containing 13,590 square feet more or less**

**BEING** known and designated as Block 706, Lot 14 as shown on the Tax maps of the Township of Springfield, County of Union, State of New Jersey.

\_\_\_\_\_  
**Victor E. Vinegra**  
**Professional Engineer and Land Surveyor**  
**New Jersey License No. 34460**

320 North Avenue East, Cranford, NJ 07016 • (908) 276-2715 Voice • (908) 709-1738 Fax

**RECEIVED AS IS  
UNION COUNTY CLERK**

**DB6345 0675**

**TITLE INSURANCE COMMITMENT**  
*Issued by Acres Land Title Agency, Inc.*  
**AGENT FOR CHICAGO TITLE INSURANCE COMPANY**

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Commitment Number: 312380

**SCHEDULE A**

**LEGAL DESCRIPTION**

All that certain Lot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Township of Springfield in the County of Union, State of NJ:

Tract 4 - Lot 16 - BEGINNING at a point on the westerly side of Center Street, distant along the westerly side of Center Street, 243.37 feet southwesterly from the southwesterly line of Morris Avenue, thence running North 72 degrees 18 minutes West 95.91 feet; thence running South 28 degrees 7 minutes West 24.10 feet; thence running South 62 degrees 48 minutes East 94.94 feet to the said westerly line of Center Street; thence along same North 27 degrees 15 minutes East 39.93 feet to the point and place of BEGINNING.

NJRB 3-08  
Effective 2/15/07

**RECEIVED AS IS  
UNION COUNTY CLERK**

**DB6345 0676**

**TITLE INSURANCE COMMITMENT**  
*Issued by Acres Land Title Agency, Inc.*  
**AGENT FOR CHICAGO TITLE INSURANCE COMPANY**

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**SCHEDULE A**

**LEGAL DESCRIPTION**

Tract 5 - Lot 17 - Beginning in the northwesterly sideline of Center Street (50 feet wide) at a point therein distant 283.37 feet southwesterly from the intersection of the southwesterly sideline of Morris Avenue (66 feet wide) with the northwesterly sideline of Center Street, said point also being the intersection of the southwest line of Tax Lot 16, Block 706 with the northwesterly sideline of Center Street; thence

(1) along the northwesterly sideline of Center Street, South 27 degrees 15 minutes 00 seconds west a distance of 38.00 feet to the northeast line of Tax Lot 18; thence

(2) along the said northeast line of Tax Lot 18, North 62 degrees 48 minutes 00 seconds west a distance of 95.52 feet to the southeast line of Tax Lot 26; thence

(3) along the said southeast line of Tax Lot 26, North 28 degrees 07 minutes 00 seconds east a distance of 38.005 feet to the southwest line of Tax Lot 16; thence

(4) along the said southwest line of Tax Lot 16, South 62 degrees 48 minutes 00 seconds east a distance of 94.94 feet to the northwesterly sideline of Center Street and the point and place of beginning.

NJRB 3-08  
Effective 2/15/07

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UNION COUNTY CLERK**

DB6345 0677



State of New Jersey  
**SELLER'S RESIDENCY CERTIFICATION/EXEMPTION**

GIT/REP-3  
 (9-2015)

(Please Print or Type)

**SELLER'S INFORMATION**

Name(s)  
 SUMO PROPERTY MANAGEMENT, LLC by Jacinto Rodrigues, Managng Member  
 Current Street Address  
 27 PRINCE STREET  
 City, Town, Post Office Box State Zip Code  
 ELIZABETH NJ 07208

**PROPERTY INFORMATION**

Block(s) Lot(s) Qualifier  
 706 10, 11, 12, 13, 14, 15, 16 and 17  
 Street Address 19 Caldwell Pl, 7-13 Caldwell Pl, 275-279 Morris Ave, 265-273 Morris Ave, 14-20 Center St, 259-263 Morris Ave, 22 Center St, 26 Center St  
 City, Town, Post Office Box State Zip Code  
 SPRINGFIELD NJ 07081  
 Seller's Percentage of Ownership Total Consideration Owner's Share of Consideration Closing Date  
 50% \$1.00 \$0.50 1/3/2019

**SELLER'S ASSURANCES (Check the Appropriate Box) (Boxes 2 through 14 apply to Residents and Nonresidents)**

1.  Seller is a resident taxpayer (individual, estate, or trust) of the State of New Jersey pursuant to the New Jersey Gross Income Tax Act, will file a resident gross income tax return, and will pay any applicable taxes on any gain or income from the disposition of this property.
2.  The real property sold or transferred is used exclusively as a principal residence as defined in 26 U.S. Code section 121.
3.  Seller is a mortgagor conveying the mortgaged property to a mortgagee in foreclosure or in a transfer in lieu of foreclosure with no additional consideration.
4.  Seller, transferor, or transferee is an agency or authority of the United States of America, an agency or authority of the State of New Jersey, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.
5.  Seller is not an individual, estate, or trust and is not required to make an estimated gross income tax payment.
6.  The total consideration for the property is \$1,000 or less so the seller is not required to make an estimated income tax payment.
7.  The gain from the sale is not recognized for federal income tax purposes under 26 U.S. Code section 721, 1031, or 1033 (CIRCLE THE APPLICABLE SECTION). If the indicated section does not ultimately apply to this transaction, the seller acknowledges the obligation to file a New Jersey income tax return for the year of the sale and report the recognized gain.  
 Seller did not receive non-like kind property.
8.  The real property is being transferred by an executor or administrator of a decedent to a devisee or heir to effect distribution of the decedent's estate in accordance with the provisions of the decedent's will or the intestate laws of this State.
9.  The real property being sold is subject to a short sale instituted by the mortgagee, whereby the seller agreed not to receive any proceeds from the sale and the mortgagee will receive all proceeds paying off an agreed amount of the mortgage.
10.  The deed is dated prior to August 1, 2004, and was not previously recorded.
11.  The real property is being transferred under a relocation company transaction where a trustee of the relocation company buys the property from the seller and then sells the house to a third party buyer for the same price.
12.  The real property is being transferred between spouses or incident to a divorce decree or property settlement agreement under 26 U.S. Code section 1041.
13.  The property transferred is a cemetery plot.
14.  The seller is not receiving net proceeds from the sale. Net proceeds from the sale means the net amount due to the seller on the settlement sheet.

**SELLER'S DECLARATION**

The undersigned understands that this declaration and its contents may be disclosed or provided to the New Jersey Division of Taxation and that any false statement contained herein may be punished by fine, imprisonment, or both. I further declare that I have examined this declaration and, to the best of my knowledge and belief, it is true, correct and complete. By checking this box  I certify that a Power of Attorney to represent the seller(s) has been previously recorded or is being recorded simultaneously with the deed to which this form is attached.

January 3, 2019  
 Date  
 \_\_\_\_\_  
 Date

[Signature]  
 Signature  
 (Seller) Please indicate if Power of Attorney or Attorney in Fact  
 \_\_\_\_\_  
 Signature  
 (Seller) Please indicate if Power of Attorney or Attorney in Fact

RECEIVED AS IS  
 UNION COUNTY CLERK

DB6345 0678



State of New Jersey  
**SELLER'S RESIDENCY CERTIFICATION/EXEMPTION**

GIT/REP-3  
 (9-2015)

(Please Print or Type)

**SELLER'S INFORMATION**

Name(s)  
 SPRINGFIELD CENTER URBAN RENEWAL CORP., by Jose Gomes, President  
 Current Street Address  
 711 COMMERCE ROAD  
 City, Town, Post Office Box State Zip Code  
 LINDEN NJ 07036

**PROPERTY INFORMATION**

Block(s) Lot(s) Qualifier  
 706 10, 11, 12, 13, 14, 15, 16 and 17  
 Street Address 19 Caldwell Pl, 7-13 Caldwell Pl, 275-279 Morris Ave, 265-273 Morris Ave, 14-20 Center St, 259-263 Morris Ave, 22 Center St, 26 Center St  
 City, Town, Post Office Box State Zip Code  
 SPRINGFIELD NJ 07081  
 Seller's Percentage of Ownership Total Consideration Owner's Share of Consideration Closing Date  
 50% \$1.00 \$0.50 1/3/2019

**SELLER'S ASSURANCES (Check the Appropriate Box) (Boxes 2 through 14 apply to Residents and Nonresidents)**

1.  Seller is a resident taxpayer (individual, estate, or trust) of the State of New Jersey pursuant to the New Jersey Gross Income Tax Act, will file a resident gross income tax return, and will pay any applicable taxes on any gain or income from the disposition of this property.
2.  The real property sold or transferred is used exclusively as a principal residence as defined in 26 U.S. Code section 121.
3.  Seller is a mortgagor conveying the mortgaged property to a mortgagee in foreclosure or in a transfer in lieu of foreclosure with no additional consideration.
4.  Seller, transferor, or transferee is an agency or authority of the United States of America, an agency or authority of the State of New Jersey, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.
5.  Seller is not an individual, estate, or trust and is not required to make an estimated gross income tax payment.
6.  The total consideration for the property is \$1,000 or less so the seller is not required to make an estimated income tax payment.
7.  The gain from the sale is not recognized for federal income tax purposes under 26 U.S. Code section 721, 1031, or 1033 (CIRCLE THE APPLICABLE SECTION). If the indicated section does not ultimately apply to this transaction, the seller acknowledges the obligation to file a New Jersey income tax return for the year of the sale and report the recognized gain.  
 Seller did not receive non-like kind property.
8.  The real property is being transferred by an executor or administrator of a decedent to a devisee or heir to effect distribution of the decedent's estate in accordance with the provisions of the decedent's will or the intestate laws of this State.
9.  The real property being sold is subject to a short sale instituted by the mortgagee, whereby the seller agreed not to receive any proceeds from the sale and the mortgagee will receive all proceeds paying off an agreed amount of the mortgage.
10.  The deed is dated prior to August 1, 2004, and was not previously recorded.
11.  The real property is being transferred under a relocation company transaction where a trustee of the relocation company buys the property from the seller and then sells the house to a third party buyer for the same price.
12.  The real property is being transferred between spouses or incident to a divorce decree or property settlement agreement under 26 U.S. Code section 1041.
13.  The property transferred is a cemetery plot.
14.  The seller is not receiving net proceeds from the sale. Net proceeds from the sale means the net amount due to the seller on the settlement sheet.

**SELLER'S DECLARATION**

The undersigned understands that this declaration and its contents may be disclosed or provided to the New Jersey Division of Taxation and that any false statement contained herein may be punished by fine, imprisonment, or both. I furthermore declare that I have examined this declaration and, to the best of my knowledge and belief, it is true, correct and complete. By checking this box  I certify that a Power of Attorney to represent the seller(s) has been previously recorded or is being recorded simultaneously with the deed to which this form is attached.

January 3, 2019  
 Date

Signature  
 (Seller) Please indicate if Power of Attorney or Attorney in Fact

RECEIVED AS IS  
 UNION COUNTY CLERK

DB6345 0679

RTF-1 (Rev. 7/14/10)  
MUST SUBMIT IN DUPLICATE

STATE OF NEW JERSEY  
AFFIDAVIT OF CONSIDERATION FOR USE BY SELLER

(Chapter 49, P.L.1968, as amended through Chapter 33, P.L. 2006) (N.J.S.A. 46:15-5 et seq.)

BEFORE COMPLETING THIS AFFIDAVIT, PLEASE READ THE INSTRUCTIONS ON THE REVERSE SIDE OF THIS FORM.

STATE OF NEW JERSEY

FOR RECORDER'S USE ONLY	
Consideration	\$ 1,000
RTF paid by seller	\$ 57
Date 10/29/19	By [Signature]

COUNTY \_\_\_\_\_ UNION \_\_\_\_\_ } SS. County Municipal Code 2017  
MUNICIPALITY OF PROPERTY LOCATION SPRINGFIELD TOWNSHI

\*Use symbol "C" to indicate that fee is exclusively for county use.

(1) PARTY OR LEGAL REPRESENTATIVE (See Instructions #3 and #4 on reverse side)

Deponent, JACINTO RODRIGUES being duly sworn according to law upon his/her oath, (Name) deposes and says that he/she is the Managing Member in a deed dated January 3, 2019 transferring (Grantor, Legal Representative, Corporate Officer, Officer of Title Company, Lending Institution, etc.)

real property identified as Block number 706 Lot number 10, 11, 12, 13, 14, 15, 16 & 17 located at 19 Caldwell Pl, 7-13 Caldwell Pl, 275-279 Morris Ave, 265-273 Morris Ave, 14-20 Center St, and annexed thereto. 259-263 Morris Ave, 22 Center St, 26 Center St, Springfield, Union County (Street Address, Town)

(2) CONSIDERATION \$ 1.00 (Instructions #1 and #5 on reverse side)  No prior mortgage to which property is subject.

(3) Property transferred is Class 4A 4B 4C (circle one). If property transferred is Class 4A, calculation in Section 3A below is required.

(3A) REQUIRED CALCULATION OF EQUALIZED VALUATION FOR ALL CLASS 4A (COMMERCIAL) PROPERTY TRANSACTIONS:  
(See Instructions #5A and #7 on reverse side)

Total Assessed Valuation + Director's Ratio = Equalized Assessed Valuation

\$ \_\_\_\_\_ + \_\_\_\_\_ % = \$ \_\_\_\_\_

If Director's Ratio is less than 100%, the equalized valuation will be an amount greater than the assessed value. If Director's Ratio is equal to or in excess of 100%, the assessed value will be equal to the equalized valuation.

(4) FULL EXEMPTION FROM FEE (See Instruction #8 on reverse side)

Deponent states that this deed transaction is fully exempt from the Realty Transfer Fee imposed by C. 49, P.L. 1968, as amended through C. 66, P.L. 2004, for the following reason(s). Mere reference to exemption symbol is insufficient. Explain in detail.

(a) For consideration of less than \$100

(5) PARTIAL EXEMPTION FROM FEE (Instruction #9 on reverse side)

NOTE: All boxes below apply to grantor(s) only. ALL BOXES IN APPROPRIATE CATEGORY MUST BE CHECKED. Failure to do so will void claim for partial exemption. Deponent claims that this deed transaction is exempt from State portions of the Basic, Supplemental, and General Purpose Fees, as applicable, imposed by C. 176, P.L. 1975, C. 113, P.L. 2004, and C. 66, P.L. 2004 for the following reason(s):

- A. SENIOR CITIZEN Grantor(s)  62 years of age or over. \* (Instruction #9 on reverse side for A or B)
- B. BLIND PERSON Grantor(s)  legally blind or; \*
- DISABLED PERSON Grantor(s)  permanently and totally disabled  receiving disability payments  not gainfully employed\*

Senior citizens, blind persons, or disabled persons must also meet all of the following criteria:  
 Owned and occupied by grantor(s) at time of sale.  Resident of State of New Jersey.  
 One or two-family residential premises.  Owners as joint tenants must all qualify.

\*IN CASE OF HUSBAND AND WIFE, PARTNERS IN A CIVIL UNION COUPLE, ONLY ONE GRANTOR NEED QUALIFY IF TENANTS BY THE ENTIRETY.

C. LOW AND MODERATE INCOME HOUSING (Instruction #9 on reverse side)

- Affordable according to H.U.D. standards.  Reserved for occupancy.
- Meets income requirements of region.  Subject to resale controls.

(6) NEW CONSTRUCTION (Instructions #2, #10 and #12 on reverse side)

- Entirely new improvement.  Not previously occupied.
- Not previously used for any purpose.  "NEW CONSTRUCTION" printed clearly at top of first page of the deed.

(7) RELATED LEGAL ENTITIES TO LEGAL ENTITIES (Instructions #5, #12, #14 on reverse side)

- No prior mortgage assumed or to which property is subject at time of sale.
- No contributions to capital by either grantor or grantee legal entity.
- No stock or money exchanged by or between grantor or grantee legal entities.

(8) Deponent makes this Affidavit to induce county clerk or register of deeds to record the deed and accept the fee submitted herewith in accordance with the provisions of Chapter 49, P.L. 1968, as amended through Chapter 33, P.L. 2006.

Subscribed and sworn to before me this 30th day of January, 2019

JOHN R. FRIERI, ESQ.  
AN ATTORNEY AT LAW IN THE STATE OF NEW JERSEY.

	Jacinto Rodrigues, Managing Member
Signature of Deponent	Grantor Name
Sumo Property Management, LLC	Sumo Property Management, LLC
28 Prince Street	28 Prince Street
Elizabeth, New Jersey 07208	Elizabeth, New Jersey 07208
Deponent Address	Grantor Address at Time of Sale
XXX-XXX- 362	John R Frieri, Esquire
Last three digits in Grantor's Social Security Number	Name/Company of Settlement Officer

FOR OFFICIAL USE ONLY	
Instrument Number <u>318582</u>	County <u>Union</u>
Deed Number _____	Book <u>6345</u> Page <u>668</u>
Deed Dated <u>1/3/19</u>	Date Recorded <u>10/29/19</u>

County recording officers shall forward one copy of each RTF-1 form when Section 3A is completed to: STATE OF NEW JERSEY  
PO BOX 251  
TRENTON, NJ 08695-0251  
ATTENTION: REALTY TRANSFER FEE UNIT

The Director of the Division of Taxation in the Department of the Treasury has prescribed this form as required by law, and may not be altered or amended without prior approval of the Director. For information on the Realty Transfer Fee or to print a copy of this Affidavit, visit the Division of Taxation website at: [www.state.nj.us/treasury/taxation/lpt/localtax.htm](http://www.state.nj.us/treasury/taxation/lpt/localtax.htm)

DB6345 0680

RTF-1 (Rev. 7/14/10) MUST SUBMIT IN DUPLICATE

STATE OF NEW JERSEY AFFIDAVIT OF CONSIDERATION FOR USE BY SELLER (Chapter 49, P.L. 1968, as amended through Chapter 33, P.L. 2006) (N.J.S.A. 46:15-5 et seq.) BEFORE COMPLETING THIS AFFIDAVIT, PLEASE READ THE INSTRUCTIONS ON THE REVERSE SIDE OF THIS FORM.

STATE OF NEW JERSEY

COUNTY UNION } SS. County Municipal Code 2017

FOR RECORDER'S USE ONLY Consideration \$ 1.00 RTF paid by seller \$ EX Date 10/29/19 By 80 E

MUNICIPALITY OF PROPERTY LOCATION SPRINGFIELD TOWNSHIP

\*Use symbol "C" to indicate that fee is exclusively for county use.

(1) PARTY OR LEGAL REPRESENTATIVE (See Instructions #3 and #4 on reverse side)

Deponent, JOSE GOMES, being duly sworn according to law upon his/her oath, deposes and says that he/she is the President in a deed dated January 3, 2019 transferring

real property identified as Block number 706 Lot number 10, 11, 12, 13, 14, 15, 16 & 17 located at 19 Caldwell Pl, 7-13 Caldwell Pl, 275-279 Morris Ave, 265-273 Morris Ave, 14-20 Center St, 259-263 Morris Ave, 22 Center St, 26 Center St, Springfield, Union County and annexed thereto.

(2) CONSIDERATION \$ 1.00 (Instructions #1 and #5 on reverse side) [X] no prior mortgage to which property is subject.

(3) Property transferred is Class 4A 4B 4C (circle one). If property transferred is Class 4A, calculation in Section 3A below is required.

(3A) REQUIRED CALCULATION OF EQUALIZED VALUATION FOR ALL CLASS 4A (COMMERCIAL) PROPERTY TRANSACTIONS: (See Instructions #5A and #7 on reverse side)

Total Assessed Valuation ÷ Director's Ratio = Equalized Assessed Valuation

\$ + % = \$

If Director's Ratio is less than 100%, the equalized valuation will be an amount greater than the assessed value. If Director's Ratio is equal to or in excess of 100%, the assessed value will be equal to the equalized valuation.

(4) FULL EXEMPTION FROM FEE (See Instruction #8 on reverse side)

Deponent states that this deed transaction is fully exempt from the Realty Transfer Fee imposed by C. 49, P.L. 1968, as amended through C. 66, P.L. 2004, for the following reason(s). Mere reference to exemption symbol is insufficient. Explain in detail.

(a) For consideration of less than \$100

(5) PARTIAL EXEMPTION FROM FEE (Instruction #9 on reverse side)

NOTE: All boxes below apply to grantor(s) only. ALL BOXES IN APPROPRIATE CATEGORY MUST BE CHECKED. Failure to do so will void claim for partial exemption. Deponent claims that this deed transaction is exempt from State portions of the Basic, Supplemental, and General Purpose Fees, as applicable, imposed by C. 176, P.L. 1975, C. 113, P.L. 2004, and C. 66, P.L. 2004 for the following reason(s):

- A. SENIOR CITIZEN Grantor(s) [ ] 62 years of age or over. \* (Instruction #9 on reverse side for A or B)
B. BLIND PERSON Grantor(s) [ ] legally blind or; \*
DISABLED PERSON Grantor(s) [ ] permanently and totally disabled [ ] receiving disability payments [ ] not gainfully employed\*

Senior citizens, blind persons, or disabled persons must also meet all of the following criteria:

- [ ] Owned and occupied by grantor(s) at time of sale. [ ] Resident of State of New Jersey.
[ ] One or two-family residential premises. [ ] Owners as joint tenants must all qualify.

\*IN CASE OF HUSBAND AND WIFE, PARTNERS IN A CIVIL UNION COUPLE, ONLY ONE GRANTOR NEED QUALIFY IF TENANTS BY THE ENTIRETY.

C. LOW AND MODERATE INCOME HOUSING (Instruction #9 on reverse side)

- [ ] Affordable according to H.U.D. standards. [ ] Reserved for occupancy.
[ ] Meets income requirements of region. [ ] Subject to resale controls.

(6) NEW CONSTRUCTION (Instructions #2, #10 and #12 on reverse side)

- [ ] Entirely new improvement. [ ] Not previously occupied.
[ ] Not previously used for any purpose. [ ] "NEW CONSTRUCTION" printed clearly at top of first page of the deed.

(7) RELATED LEGAL ENTITIES TO LEGAL ENTITIES (Instructions #5, #12, #14 on reverse side)

- [ ] No prior mortgage assumed or to which property is subject at time of sale.
[ ] No contributions to capital by either grantor or grantee legal entity.
[ ] No stock or money exchanged by or between grantor or grantee legal entities.

(8) Deponent makes this Affidavit to induce county clerk or register of deeds to record the deed and accept the fee submitted herewith in accordance with the provisions of Chapter 49, P.L. 1968, as amended through Chapter 33, P.L. 2006.

Subscribed and sworn to before me this 29th day of January, 2019

[Signature]

JOHN R. FRIERI, ESQ. AN ATTORNEY AT LAW IN THE STATE OF NEW JERSEY.

[Signature of Deponent]

Springfield Center Urban Renewal 711 Commerce Road Linden, New Jersey 07036

Deponent Address

XXX-XXX-048

Last three digits in Grantor's Social Security Number

Jose Gomes, president Grantor Name

Springfield Center Urban Renewal 711 Commerce Road Linden, New Jersey 07036

Grantor Address at Time of Sale

John R Frieri, Esquire Name/Company of Settlement Officer

FOR OFFICIAL USE ONLY Instrument Number 318582 County Union Deed Number 6345 Page 668 Deed Dated 1/3/19 Date Recorded 10/29/19

County recording officers shall forward one copy of each RTF-1 form when Section 3A is completed to: STATE OF NEW JERSEY

PO BOX 251 TRENTON, NJ 08695-0251 ATTENTION: REALTY TRANSFER FEE UNIT

The Director of the Division of Taxation in the Department of the Treasury has prescribed this form as required by law, and may not be altered or amended without prior approval of the Director. For information on the Realty Transfer Fee or to print a copy of this Affidavit, visit the Division of Taxation website at:

www.state.nj.us/treasury/taxation/lpt/localtax.htm

RECEIVED AS IS UNION COUNTY CLERK

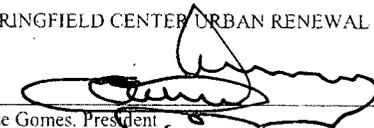
086345 0681

**Promises by Grantor.** The Grantor promises that the Grantor has done no act to encumber the property. This promise is called a "covenant as to grantor's acts" (N.J.S.A. 46:4-6). This promise means that the Grantor has not allowed anyone else to obtain any legal rights which affect the property (such as by making a mortgage or allowing a judgment to be entered against the Grantor).

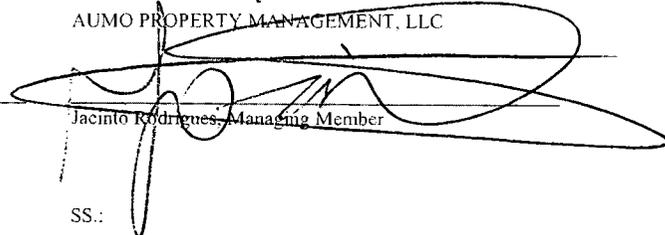
**Signatures.** This Deed is signed and attested to by the Grantor's proper corporate officers as of the date at the top of the first page. Its corporate seal is affixed.

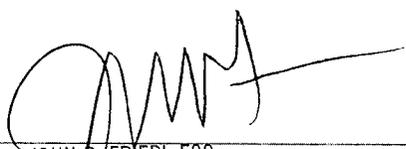
Witness:

SPRINGFIELD CENTER URBAN RENEWAL CORP.:

  
\_\_\_\_\_  
Jose Gomes, President

AUMO PROPERTY MANAGEMENT, LLC

  
\_\_\_\_\_  
Jacinto Rodrigues, Managing Member

  
\_\_\_\_\_  
JOHN R. FRIERI, ESQ.  
AN ATTORNEY AT LAW IN THE STATE  
OF NEW JERSEY.

STATE OF NEW JERSEY, COUNTY OF UNION

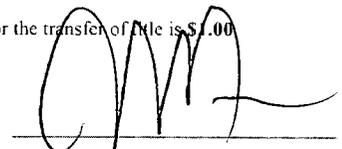
SS.:

I CERTIFY that on ~~August~~ <sup>January 3</sup>, 2019 

**Jose Gomes, President, Springfield Center Urban Renewal Corp.,**

personally came before me and acknowledged under oath, to my satisfaction, that :

- (a) this person is the **President** of **Springfield Center Urban Renewal Corp.** the limited liability company named in this Deed;
- (b) this Deed was signed and delivered by the limited liability company as its voluntary act duly authorized by a proper resolution of its Board of Directors; and
- (c) the full and actual consideration paid or to be paid for the transfer of title is **\$1.00** (Such consideration is defined in N.J.S.A. 46:15-5.)

  
\_\_\_\_\_  
JOHN R. FRIERI, ESQ.  
AN ATTORNEY AT LAW IN THE STATE  
OF NEW JERSEY.

STATE OF NEW JERSEY, COUNTY OF UNION

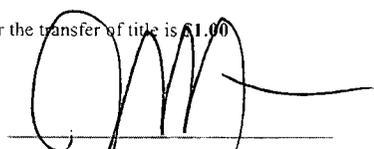
SS.:

I CERTIFY that on ~~August~~ <sup>January 3</sup>, 2019 

**Jacinto Rodrigues, Managing Member of Sumo Property Management, LLC,**

personally came before me and acknowledged under oath, to my satisfaction, that :

- (a) this person is the **Managing Member** of **Sumo Property Management, LLC.** the limited liability company named in this Deed;
- (b) this Deed was signed and delivered by the limited liability company as its voluntary act duly authorized by a proper resolution of its Board of Directors; and
- (c) the full and actual consideration paid or to be paid for the transfer of title is **\$1.00** (Such consideration is defined in N.J.S.A. 46:15-5.)

  
\_\_\_\_\_  
JOHN R. FRIERI, ESQ.  
AN ATTORNEY AT LAW IN THE STATE  
OF NEW JERSEY.

**END OF DOCUMENT**

RECORD & RETURN TO:

JOHN R. FRIERI, ESQUIRE  
FRIERI LAW GROUP, LLC  
777 WALNUT AVENUE  
CRANFORD, NEW JERSEY 07016

FRIERI LAW GROUP LLC  
JOHN R FRIERI ESQ  
777 WALNUT AVENUE  
CRANFORD

Inst.#  
318582

Deed

NJ 07016  
Recording Fee 183.00  
RT Fee .00

086345 0682

**RESOLUTION**  
**Township of Springfield**  
**Planning Board**  
**In the Matter of Morris and Center Avenue LLC**  
**and Springfield Center Urban Renewal Corp.**  
**Application Number 11-2015-S**  
**Decided on April 27, 2020**  
**Memorialized on May 4, 2020**  
**Amended Preliminary and Final Site Plan Approval**

**WHEREAS**, Morris & Central Avenue LLC and Springfield Center Urban Renewal Corp. (hereinafter collectively, the "Applicant") has made application to the Springfield Planning Board for amended preliminary and final site plan approval for a redevelopment project known as Morris & Central, LLC said being located on Block 706, Lots 10, 11, 12, 13, 14, 15, 16 and 17, as shown on the Tax Map of the Township of Springfield, located at 259-279 Morris Avenue, 7-18 Caldwell Place and 14-17 Center Street, in the Downtown Redevelopment Area (hereinafter the "Subject Property") and subject to the "Amended Redevelopment Plan for Block 706, Lots 10-17 prepared for the Township of Springfield," prepared by Phillips Preiss Grygiel LLC, adopted April 15, 2015 (hereinafter the "Redevelopment Plan"); and,

**WHEREAS**, public hearings were held on November 12, 2019, January 2, 2020, March 2, 2020 and April 27, 2020, after the Board determined it had jurisdiction; and,

**WHEREAS**, the Applicant was represented by Elnardo Webster, Esq.

**NOW THEREFORE**, the Planning Board makes the following findings of fact, based on evidence presented at its public hearings, at which a record was made.

The application before the Board is a request for preliminary and final site plan approval for a redevelopment project known as Morris & Central Avenue LLC. Mr. Webster started by indicating the Applicant had previously been granted preliminary major site plan approval by the Board on December 30, 2015 and memorialized on February 3, 2016, to construct a multi-use residential and

retail building within the Downtown Redevelopment Area. This preliminary site plan approval provided for a single four and one-half story building, providing 140 dwelling units on the second, third and fourth floors, as well as 29,904 square feet of retail space on the ground floor. Parking was to be provided both underground and at grade, with vehicular access provided to Caldwell Place and Center Street.

Mr. Webster further explained that the Applicant was now seeking to provide certain amendments as a result of receiving other agency approvals which necessitated them coming in for amendments to the already approved plans. As such, the Applicant now seeks Amended Preliminary and Final Site Plan Approval to construct a four and a half-story mixed-use building consisting of a total of 140 residential units and 30,072 square feet of commercial/retail space, including accessory parking and other related amenities and improvements. As proposed, the development would provide a total of 161 parking spaces, of which 21 spaces are on-street parking, including 13 angled parking spaces along Center Street, and 8 existing parallel parking spaces on Morris Avenue. The remaining 140 off-street parking spaces include 62 spaces in the underground garage, 54 spaces in the interior surface parking lot and 24 spaces below the building along Center Street. In addition to the 161 parking spaces, the Applicant proposes to utilize 45 leased parking spaces at the municipal lot at 280 Morris Avenue (Block 206, Lot 6), as part of a shared parking analysis, which is permitted pursuant to the Redevelopment Plan.

During the course of the hearing, the Applicant provided the following Exhibits:

- A-1 Colored rendering of the entire area.
- A-2 Google Earth photograph of the subject parcel.
- A-3 Colorized version of the lower area of the site plan.
- A-4 A truck circulation exhibit showing movements in and around the site.

- A-5 Morris Avenue Perspective of Downtown Springfield Development  
Morris & Central
- A-6 Materials pallet
- A-7 Morris Avenue and Caldwell Place Perspective for Downtown  
Springfield Development
- A-8 Center Street Perspective
- A-9 Courtyard Perspective Downtown Springfield Development

Testifying at the first hearing held on November 12, 2019 was Victor Vinegra, a licensed professional engineer and planner in the State of New Jersey. Mr. Vinegra indicated that the Applicant had approached the New Jersey Department of Environmental Protection for permission to park vehicles within the existing flood zones. As a result, the layout for parking on site had been modified since no parking would be permitted in these flood zones. This resulted in some shifting of items on the plans. Next, he noted that, under the Proximity Act, there was public utility infrastructure owned by PSE&G in the area and, as a result, the building was required to be moved 10 feet back on the site because of this conflict with PSE&G infrastructure. As a result, the amount of buffer located in the rear of the property had been reduced.

Next, Mr. Vinegra indicated that 140 apartments were still being proposed which required 140 on-site parking spaces in accordance with the Redevelopment Plan. The total parking requirement for the project is 176 parking spaces after adjusting for shared parking in accordance with the Redevelopment Plan. The Applicant stated that since it cannot satisfy the entire parking requirement on site, the Applicant was intending to sublease parking from the Township and is in the process of entering into an agreement which would provide for this parking either in the motor vehicles area or in the adjacent public parking lot. This was currently in the process of being finalized.

Mr. Vinegra continued testifying, stating that they were not showing any street trees at this time and that it was his suggestion that the Board consider allowing for a substitute landscaping plan which would provide for smaller trees, shrubs and the like along the street frontage. He indicated they would be proposing additional landscape plans for this which would be subject to final Board review and approval. In response to questions from the Board, Mr. Vinegra testified that they were able to move firefighting and other emergency equipment around the site and that there were adequate turning radiuses and the like on site. He also noted that relief would be needed due to the fact there was proposed to be a setback violation as pointed out in Item No. 8 of the Board Engineer's Report. It was also noted that under Condition 7 in the Preliminary Site Plan Resolution relief would be needed and that the fence to be placed on the property would need to be approved by the Planning Board prior to any approvals being granted.

He also indicated the Applicant is proposing that Center Street be one-way with angled parking to be provided. He indicated that additional testimony will be provided during the course of the hearing to address this issue, although he recognized that jurisdiction over that issue belonged to the Township Committee, which has not yet authorized the proposed conversion. The Applicant and Board acknowledged that such a decision would impact upon the parking spaces available on Center Street. Nevertheless, in the event the Township Committee refused to authorize the conversion, Mr. Vinegra confirmed the plans would need to be revised accordingly. The Applicant has however proposed islands along Center Street to help break up the anticipated traffic.

Mr. Vinegra then turned to the proposed means of buffering and shielding the adjacent properties. A concrete fence was being proposed, which would provide more mitigation against light and noise impacts than vinyl fencing, and that the cost of its installation cost was about five times that of comparable vinyl fencing.

Mr. Vinegra's testimony continued by reviewing the report from Michael Disko, Township Engineer, dated November 10, 2019, and responded to several topics. Mr. Vinegra discussed the proposed flower boxes and their placement throughout the site, including their relationship with the proposed bollards and bollard line. The flower boxes would help minimize the visual impact compared with the originally proposed bollards, and the relocation of the building ten feet further into the property provided additional flexibility with respect to how the outdoor restaurant seating could be handled. The Board expressed concern that the planter boxes be of sufficient strength and durability to adequately provide for pedestrian safety in lieu of the bollards they are replacing.

Stormwater management was then reviewed. Given the topography and known water conditions, the Applicant was proposing the use of two (2) stormwater pumps, which would be electronically monitored and provide adequate capacity and redundancy in case of mechanical failure. Mr. Vinegra confirmed that the specifications for the pumping system would be provided to Mr. Disko. An updated stormwater report would be provided to Mr. Disko as well.

Afterwards, Mr. Vinegra responded to Mr. Disko's comments and questions concerning sewer capacity, lighting and landscaping. With respect to sewer, Mr. Vinegra confirmed that there was adequate capacity based on a sewer analysis undertaken several months earlier. Mr. Vinegra also explained how the sewer line had been metered about 18 months earlier, and that meter information would be provided to Rahwah Valley, the State DEP, as well as Mr. Disko.

The public hearing on this application resumed on January 2, 2020. With the Applicant's consent, the Board heard from Kenneth Gruskin, who is a downtown property owner and also a representative of the Springfield Business Improvement District. Mr. Gruskin confirmed that the BID supports this application, which it believes will help reenergize and transform the downtown Morris Avenue area. The BID had submitted a comment letter to the Board dated October 26, 2019 (misdated

October 26, 2011). In order to allow for the free exchange of ideas between the BID and the Applicant, the Board attempted to swear in the Applicant's architect and engineer, Noel Musial and Christian Cueto, respectively, so they could respond in real time to any technical issues that would be raised by Mr. Gruskin. However, the Board questioned whether Mr. Cueto could testify objectively as he was associated with Mr. Vinegra's firm, Harbor Consultants, which the Board recognized also served as the Board's own conflict engineer. Mr. Cueto acknowledged that his employer, Harbor, served as the Township's engineer, but that he personally has not performed any work in that regard. The Board determined that Mr. Cueto could not testify on behalf of the Applicant given the conflict, and he was asked to not participate further during the hearing process.

Mr. Gruskin opened by complimenting the design of the proposed building. Explaining that this redevelopment involves one of the longest blocks in the downtown, Mr. Gruskin referred to Exhibit A-5 and appreciated how the articulated design gave the appearance that the building was actually six or seven smaller buildings, rather than one gigantic monolith. Mr. Gruskin expressed his preference for additional pilasters to avoid breaking up the flow of the storefronts. Pointing to Exhibits A-7 and A-8, Mr. Gruskin complimented the Applicant for changing the proposed building fenestrations and other architectural details, windows, plantings (both street level and on tenant balconies), signage (both façade and potential blade signs encouraged by the BID, although that would require a design waiver under the downtown redevelopment standards) together with other details, which helped provide balance, and offered some minor cosmetic suggestions to help improve the building's aesthetics. Mr. Gruskin explained that his comments on behalf of the BID were focused on improving the downtown area to create a retail destination, and the additional customer traffic would benefit all downtown owners and the Township has a whole.

Next, a report from the Board Planner, Keenan Hughes, dated December 23, 2019 was also reviewed by the Applicant and its professionals. After confirming that parking and the unit counts were consistent with the redevelopment plan and did not require any variance or waiver relief, the Applicant and the Board discussed the impact to the plan resulting from the building's redesign, and the variances triggered as a result of that redesign. In order to accommodate concerns regarding the building's appearance along the top floor, the Applicant's architect proposed stepping back the fifth floor by ten feet, as required by the Redevelopment Plan. But relocating the roofline to accommodate that fifth floor step-back triggers a variance because there are certain points along the building façade that are not a full ten feet, in some places measuring less than five feet. This issue reduces to whether and how the building roofline needs to be designed to not only meet the requirement that the fifth floor be stepped back ten feet, but also how satisfying that standard impacts several apartments to be located on the fifth floor. The remainder of the public hearing was spent analyzing the merits underlying proposed reverse angle parking along Center Street, although the consensus of the Board was that more conventional angled parking would be better suited for Center Street.

At the conclusion of the January 2, 2020 hearing, the Board asked the Applicant to study how to best address several issues in consultation with the Board's professionals when the Applicant returned to continue the public hearing. These issues included making additional building modifications based on the BID's comment, reviewing potential solutions to resolve the upper-story step-back issue, and to eliminate the reverse angle parking on Center Street in favor of more conventional angled parking.

The hearing resumed March 2, 2020 at which time Joseph Staigar, a licensed professional engineer and planner, appeared and testified on behalf of the Applicant. Mr. Staigar indicated that he was retained due to the conflict which prevented the Applicant's prior engineer from providing

testimony. After providing the Board with an updated status of the site plans, Mr. Staigar addressed the issues raised in the then-most recent engineering review report prepared by Michael Disko dated February 28, 2020. Mr. Staigar stipulated that the Applicant was willing to make all necessary contributions to the Township Tree Fund as a result of its planned removal of approximately 68 plantings, together with a number of existing trees.

Next, Mr. Staigar testified regarding plan modifications to address the overhead powerlines. In order to provide sufficient separation, Mr. Staigar explained that it was necessary to shift the proposed building five feet closer to the adjacent property, triggering a variance by eliminating the five foot minimum setback as set forth in Section 4.2.3 of the Ordinance. Mr. Staigar stated this was a practical difficulty in developing the site and that the benefits of moving the building back outweighed any detriments given the additional mitigation measures the Applicant was proposing. One such mitigation measure described by Mr. Staigar included the installation of a five foot high solid masonry wall which would be decorative, provide additional buffering to the adjacent property, which in Mr. Staigar's opinion ultimately mitigates any of the negative impacts. It was also noted that the structures in this area had been shown on the original plans and that this change resulted only in the elimination of this small buffer area. Mr. Staigar added that reducing the size of the building would create design problems, and that in his opinion, did not result in any particular benefit to not only this parcel but the surrounding properties. The Board's Planner, Keenan Hughes, explained that this five foot area was originally inserted into the plan to provide for some additional greenspace. Mr. Hughes noted that the proposed wall would be significantly more permanent than a fence.

Next, Mr. Staigar addressed the issue raised by Mr. Disko concerning the channelization island having been reduced in size, and the impacts this modification would have on the maintaining adequate protection for northbound Center Street traffic. Mr. Staigar testified that the plan would be

modified to address the Mr. Disko's specific recommendations. Mr. Staigar then testified that even with this anticipated modification, there would still remain adequate room for fire trucks and other emergency equipment accessing the revised Center Street/Morris Avenue intersection. Mr. Staigar confirmed that a template exhibit will be prepared and submitted to demonstrate the viability of turning movements adjacent to the anticipated redesign barrier island at the southern limit of the one-way reach of Center Street.

Mr. Staigar next testified that the Applicant will provide adequate mitigation for the increased sanitary sewer resulting from this development. Mr. Staigar confirmed that the Applicant would continue to work with the public works director and Mr. Disko to ensure adequate maintenance of the sewer line takes place, which would include preparation of a sanitary sewer system analysis for Mr. Disko's review and approval.

With respect to parking, Mr. Disko questioned the Applicant concerning the provision of up to 45 off-site parking spaces to accommodate the development phasing. Although Mr. Staigar was confident that the development would not require all 45 spaces, Mr. Staigar stipulated that off-site parking would be provided on an as needed basis as various residential units are occupied and that this will be a progressive/incremental approach to ensure adequate parking exists for the development.

Mr. Staigar then addressed the Applicant's proposed approach for the maintenance and protection of traffic during construction, particularly with respect to the existing in-street wood construction barrier, as well as with proposed fence relocation and sidewalks. Mr. Staigar testified that existing foundations along Caldwell Place make it difficult and significantly limit the amount of sidewalk that can be provided along this roadway. Public questions focused on pedestrian and vehicular safety in this area, as well as the potential need to provide some enhanced system to safeguard children and the general public in walking in this area. Both Mr. Staigar and Mr. Disko

were in agreement that removing these existing foundations would result in undermining of the sidewalk, which would create a public safety issue.

Given the impact on the public sidewalk and roadways, various methodologies for establishing a construction timeline were discussed. The Applicant indicated that it was desirous of beginning the removal of debris from the site which would constitute approximately 1,500 truckloads, inclusive of the demolition and removal of two (2) existing residential structures located on the Center Street side of the property. Considerable discussion took place as to how to insure a high level of safety and protection for children walking in this area during the anticipated debris removal activities. The Applicant proposed to remove the existing foundations, resulting in closure of the public sidewalk for a limited period of time, but anticipated that it could have the sidewalk usable again within several months after new footings were installed along with building the wall of the first story. It was suggested that scaffolding could be placed over the sidewalk that would protect the public and enable this area of the site to be used. This matter was then carried to the next hearing date to allow John Cook, Chief of Police, and Board Engineer Michael Disko the opportunity to investigate the best means to move forward in a way that would be safe for the public. It was also suggested that the existing wood fence should be opened up so that people could see inside the site and insure there is no trespassing by children and others. Ultimately, based upon Applicant's additional testimony it was concluded that the parcel, sidewalk and the like should be usable in a safe and appropriate manner by no later than January 1, 2021.

Subsequently, at the April 27, 2020 virtual hearing, the Board met, public notice having been appropriately provided as directed by the State of New Jersey, and a final hearing took place. Mr. Webster indicated he had been in contact with Michael Disko, the Board Engineer, along with various

professionals to review revised engineering site plans and architectural plans. Those conversations addressed issues raised at the end of February and still remained as open for the Board to determine.

Both Mr. Disko and Mr. Webster indicated that as a result of the revised building alignment there was a violation of the minimum southerly fence and landscaping buffer setback requirements which mandated a 5 foot setback pursuant to Section 4.2.3, but did not show a 6 foot high masonry wall at the southerly property line. Applicant's engineer had offered a decorative wall at an earlier meeting in November and one which Mr. Disko found to be more durable than a wood stockade fence. In order to determine whether this was appropriate, additional measurements were performed at the adjacent residential properties which found one (1) driveway opening to be 10 feet wide and the other 9 feet wide. Although various attempts were made to interact with the property owners, these were unsuccessful and, therefore, a determination was reached by the professionals that the wall should be located on the property boundary and that adequate justifications existed under 40:55D-70(c)(2) to allow for this variance.

Next, it was indicated that the proposed project would increase sanitary sewer flow to the RVSA resulting in increased treatment costs. Mr. Disko pointed out that the Applicant should be required to comply with any local sewer connection requirements and in response they submitted a sanitary sewer capacity analysis dated March 12, 2020. Mr. Disko noted that NJDEP guidelines require new sewers to be designated for four (4) times the average sewer flow and that the proposed sewer capacity was calculated at 79 percent (79%). He specifically recommended the Applicant provide mitigation for the projected sanitary sewer flow in accordance with recommendations to be made by his office and that upstream inflow and infiltration improvements such as manhole inserts, manhole frame and cone regrouting along with manhole wall waterproof coatings be installed. The Applicant agreed to these specific recommendations.

Finally, Mr. Disko indicated that the existing in-street wood construction barrier was discussed and that a Memorandum of Understanding prepared in March to safeguard the public in this area of the site. He also noted that Jersey barriers and a protected lane of pedestrian access would be provided on the west side of Caldwell Place subject to any additional construction operations.

The mayor Chris Capodice appeared as a member of the Public. There were no additional members of the were no additional members of the public present expressing an interest in this application of this meeting.

**NOW THEREFORE**, the Planning Board makes the following conclusions of law, based on the foregoing findings of fact.

The application before the Board is a request for amended preliminary and final major site plan approval. The Board first notes that this application is subject to the “Amended Redevelopment Plan for Block 706, Lots 10-17 prepared for the Township of Springfield,” prepared by Phillips Preiss Grygiel LLC, adopted April 15, 2015. As such, the Redevelopment Plan criteria when applied constitute the land uses and restrictions applicable to the Property.

The Board has been careful to ensure that the plans proposed by this Applicant for this site are almost completely consistent with the Redevelopment Plan and other applicable Land Use regulations but are also consistent with the numerous representations made by the Applicant during the entire development process. That is the reason, for example, detailed architectural plans, material boards and the like were examined carefully during the hearing process so as to ensure that the specific details are consistent with all of the perspective view exhibits and represent what the Planning Board and governing body intended. It is incumbent upon the Applicant to ensure that it meets all of these requirements and any deviation of any kind whatsoever will result in stop work orders being issued until the deviations are specifically approved by the Planning Board.

The Board finds the Applicant's site plan requires variance relief given its inability to provide the minimum southerly fence and landscape buffer setback of five feet per Section 4.2.3 of the Redevelopment Plan. The Municipal Land Use Law, at N.J.S.A. 40:55D-70c provides Boards with the power to grant variances from strict bulk and other non-use related issues when the applicant satisfies certain specific proofs which are enunciated in the Statute. Specifically, the applicant may be entitled to relief if the specific parcel is limited by exceptional narrowness, shallowness or shape. An applicant may show that exceptional topographic conditions or physical features exist which uniquely affect a specific piece of property. Further, the applicant may also supply evidence that exceptional or extraordinary circumstances exist which uniquely affect a specific piece of property or any structure lawfully existing thereon and the strict application of any regulation contained in the redevelopment plan or zoning ordinance would result in a peculiar and exceptional practical difficulty or exceptional and undue hardship upon the developer of that property. Additionally, under the c(2) criteria, the applicant has the option of showing that in a particular instance relating to a specific piece of property, the purpose of the Act would be advanced by allowing a deviation from the redevelopment plan or zoning ordinance requirements and the benefits of any deviation will substantially outweigh any detriment. In those instances, a variance may be granted to allow departure from the applicable regulations. Those categories specifically enumerated above constitute the affirmative proofs necessary in order to obtain "bulk" or (c) variance relief.

Finally, an applicant must also show that the proposed variance relief sought will not have a substantial detriment to the public good and, further, will not substantially impair the intent and purpose of the zone plan and zoning ordinance. It is only in those instances when the applicant has satisfied both these tests, that a Board, acting pursuant to the Statute and case law, can grant relief. The burden of proof is upon the applicant to establish these criteria.

The Applicant's revised building alignment results in violation of the minimum southerly fence and landscape buffer setback of five feet per Section 4.2.3. The Applicant instead proposes a six foot high masonry wall at the southern property line, which the Board finds to be consistent with the Redevelopment Plan's suggestion that a decorative board on board fence with landscaping shall provide the intended buffer. The Board finds that the proposed wall is a more durable option than a wood stockade fence. The Board further finds that the location of the building as originally approved by way of preliminary site plan approval necessitated utility pole relocations around the perimeter of the proposed structure. Relocation of Morris Avenue above-grade utility facilities posed much greater difficulty than originally anticipated, and the Applicant has sought to shift its building to the south by approximately four feet to mitigate this unforeseen property condition.

The Board therefore finds this decorative wall approach is an acceptable approach towards replicating the buffer goals provided in the redevelopment plan to protect these adjacent properties. The Board therefore finds the Applicant has satisfied the positive criteria with regard to its request for variance relief from providing the minimum buffer space required adjacent to Lot 9 along Caldwell Place and Lot 18 along Center Street. The Board, therefore, concludes that the goals of planning, as enumerated in N.J.S.A. 40:55D-2 have been promoted.

The Board also finds that the Applicant has satisfied the negative criteria with respect to providing a decorative wall in lieu of providing the minimum separation distance to these adjacent properties. The Board therefore concludes that there is no substantial detriment to the zone plan or zoning ordinance given the mitigative effect provided by the alternatively proposed installation of a decorative wall.

With the above qualifications, the Board finds that the Applicant may be granted variance relief to the minimum setback requirement on the Subject Property along adjacent Lot 9 (on Caldwell Place) and adjacent Lot 18 (on Center Street) pursuant to N.J.S.A. 40:55D-70c(1).

Further, as a result of having to move the building by 5 feet, it became necessary to relocate fencing and grant a variance for a 5 foot rear yard setback which the Board believes is appropriate given the fact that the movement of the building creates additional light, air and open space and there will not be any negative impact since this encroachment will be inside a masonry wall.

Upon consideration of the plans, testimony and application, the Board finds that it has sufficient information to make an informed decision in this matter. The Board further finds that the Applicant has satisfied the minimum requirements of the Municipal Land Use Law, Case Law and Township Ordinances to a sufficient degree so as to enable the Board to grant the relief requested. For the reasons expressed during the hearings as memorialized in this Resolution, the Board finds the Applicant has complied with all requirements of the Redevelopment Plan and all other applicable regulations and ordinances. Amended preliminary and final site plan approval pursuant to N.J.S.A. 40:55D-46 and 50 are, therefore, appropriate.

The Board notes that there were still several outstanding issues as reflected in the findings of fact as of the April 27, 2020 hearing but based upon the representations made by Mr. Disko and the agreement by the Applicant through counsel, the Board concludes that the application is now satisfactory and can be granted the approvals sought.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board that the application of Morris & Central Avenue LLC and Springfield Center Urban Renewal Corp. for Block 706, Lots 10, 11, 12, 13, 14, 15, 16 and 17, as shown on the Tax Map of the Township of Springfield, located at 259-279 Morris Avenue, 7-18 Caldwell Place and 14-17 Center Avenue, in the Downtown

Redevelopment Area, requesting amended preliminary and final site plan approval is granted pursuant to N.J.S.A. 40:55D-46 and N.J.S.A. 40:55D-50, and bulk variance relief is granted pursuant to N.J.S.A. 40:55D-70c(1) subject to the following terms and conditions:

1. The development/redevelopment of this parcel shall be implemented in accordance with the plans submitted and approved as contained in this Resolution. The only changes which shall be permitted are those specifically enumerated in the ensuing conditions section of this Resolution subject to final review and approval by the Board Engineer and the Board Planner. This approval is specifically for the construction of a five (5) story mixed use building containing one hundred and forty (140) residential units on the upper floors (103 one-bedroom units, 34 two-bedroom units and 3 three-bedroom units), 30,072 square feet of Retail Space on the ground floor, together with associated site and public improvements.
2. The approved site plan shall provide a total of 161 parking spaces, of which 21 spaces are on-street parking, including 13 angled parking spaces along Center Street, and 8 existing parallel parking spaces on Morris Avenue. The remaining 140 off-street parking spaces include 62 spaces in the underground garage, 54 spaces in the interior surface parking lot and 24 spaces below the building along Center Street.
3. In addition to the approved site plan parking, Applicant shall be required to lease 45 parking spaces off-site in areas determined to be suitable and appropriate by the governing body. Evidence of said lease to be provided and be a prior condition of approval.

4. The Applicant shall submit a revised/updated stormwater report, Center Street channelization drawings and fire truck movement plans subject to the review and approval of the Board Engineer.
5. All requirements and plan changes called for in the reports of the Board Engineer dated December 27, 2019, February 28, 2020 and April 24, 2020 and on the hearing record shall be incorporated in the Site Plans prior to signing. Said reports are incorporated into this Resolution by reference.
6. All requirements and plan changes called for in the report of the Board Planner dated December 23, 2019 and on the hearing record shall be incorporated in the Site Plans prior to signing. Said report is incorporated into this Resolution by reference.
7. In the event Center Street becomes one-way, Applicant shall address locations for additional off-site parking, engineering for the traffic islands, along with circulation plan, ingress and egress to the DWV lot subject to the review and approval of the Board Engineer.
8. The Applicant will have 45 days to install the appropriate fence along the Caldwell Place side of the parcel subject to additional time being granted, if deemed necessary, by the Board Engineer.
9. The Applicant shall provide additional evidence concerning the sanitary sewer flows to the Board Engineer subject to his final review and approval. The Applicant shall be responsible for any and all improvements which are deemed necessary at its sole cost and expense.
10. The Applicant shall maintain both sides of the fence located in the rear yard with appropriate vegetation subject to reviews by the Construction Department.

11. The Applicant shall be bound to comply with the representations made before this Board by the Applicant at the public hearing and the same are incorporated herein and are representations upon which this Board has relied in granting the approval set forth herein and shall be enforceable as if those representations were made conditions of this approval.
12. All terms and conditions set forth by the Planning Board shall be shown on revised Amended Preliminary and Final Major Site Plans within 45 days of the adoption date of this Resolution. Any changes requested by outside agencies shall be incorporated into the plans prior to a pre-construction meeting that shall be held with the Board Engineer.
13. The Applicant shall implement a construction sequence which allows for foundations to be removed, sidewalks safeguarded, building wall to the first story constructed and then scaffolding put overhead in order to protect the public.
14. The fence in the rear portion of the property may be built as indicated on the plans, however, if the Applicant learns that the neighbor does not wish to have a masonry type wall constructed, it may be changed to a different material subject to final review and approval of the Board Engineer. Further, the existing fence running along the road frontage shall be opened up subject to final review and approval of the Board Engineer.
15. The Applicant, its owners, successors and assigns shall be responsible for maintaining any fencing on the property and this requirement shall be reflected in any Developer's Agreement entered into subject to final review and approval of the Board Engineer and Board Attorney.

16. The Applicant shall supply parking signage plans subject to review and approval of the Board Planner and Board Engineer.
17. The Applicant shall be responsible for satisfying prior approval Condition No. 19 of the Planning Board Resolution dated December 30, 2015 and memorialized on February 3, 2016, which provides that the Applicant shall comply with the affordable housing obligation set forth in the Township Housing Plan dated September 19, 2016, which states that this development will yield no less than twenty-one (21) affordable rental units, which is consistent with the Township's Settlement Agreement with the Fair Share Housing Center dated June 24, 2016.
18. All affordable housing units shall satisfy the affordability controls (income distribution, bedroom distribution, marketing and so forth, in accordance with the Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.1 et seq.).
19. All affordable housing units shall be deed restricted for a period of thirty years and distributed throughout the project.
20. The Applicant will design its streetscape to be consistent with the streetscape design that will ultimately be adopted for the Business Improvement District.
21. All exterior building colors, finishes and materials shall be consistent with those stipulated by the Applicant before the Board and as presented through testimony and exhibits, including with the materials pallet marked into evidence as Exhibit A-6.
22. All residential unit leases shall contain specific restrictions requiring that only those names contained on an individual lease shall be permitted to occupy any unit therein limiting the number of inhabitants in any individual unit and ensuring against the creation of additional bedrooms.

23. At no time now or in the future shall any of the dwelling units change with respect to the number of bedrooms depicted on the approved architectural floor plans without first returning to the Planning Board for an amended Site Plan approval.
24. Nothing shall be permitted to be attached to the exterior of the building, other than what has been specifically approved by this Resolution. By way of example, no individual satellite dish shall be placed, stored upon, or affixed to, any balcony, rooftop or building façade. All residential tenant and retail tenant leases shall prohibit such installations by these tenants in their lease agreements with the Applicant or its successor or assigns.
25. No barbecue stove of any type shall be permitted on any residential balcony. Such prohibition shall be contained in all residential lease agreements.
26. Any lot consolidation deed shall refer specifically to this Resolution and shall be subject to the review and approval of the Board Engineer and Board Attorney.
27. Future retail signage shall be as part of a comprehensive signage plan in order to maintain design consistency and shall conform with Section 4.4.5 of the Redevelopment Plan, with the comprehensive signage plan subject to TRC review and approval and issuance of sign permits in the ordinary course.
28. A “Pedestrian/Vehicular Safety and Staging Plan and Traffic Control Plan” shall be prepared and approved by the Township Engineer prior to a pre-construction meeting.
29. Except where specifically modified by the terms of this Resolution, the Applicant shall comply with the Redevelopment Plan and all recommendations contained in the reports of the Board's professionals.

30. The Applicant shall provide a complete Solid Waste and Recycling Plan for the site indicating how Solid Waste and Recycling will be managed on site and properly disposed of, subject to review and approval of the Board Engineer.
31. The Applicant shall maintain separate trash storage for its residential and commercial tenants. Comingling of these separate trash streams shall be prohibited.
32. The Applicant shall provide for the recycling of all materials mandated for recycling by the Township during construction and for occupancy.
33. The Applicant shall grant Title 39 jurisdiction to the municipality for parking enforcement within any outdoor/surface parking areas, driveways and drive aisles to allow for the effective enforcement of traffic regulations.
34. The Applicant shall enter into a Developer's Agreement for the construction of all public improvements with the municipality which shall be subject to final review and approval by the Board Engineer and Board Attorney unless such matters are addressed separately in the Applicant's Redevelopment Agreement with the Township.
35. In the event the existing sanitary sewer line located outside the existing Morris Avenue Right-of-Way needs to be rebuilt and/or relocated in order to accommodate the proposed building footings/foundations, this improvement shall be at the sole expense of the Applicant and subject to the review and approval of the Board Engineer.
36. Furthermore, mitigation of any increased sanitary sewer flow shall be the sole responsibility of the Applicant subject to review and approval of the Board Engineer.
37. The Applicant shall enter into an agreement with the Township in the Development and/or the Redevelopment Agreement, as appropriate, or otherwise provide for the allocation of sufficient sewerage collection and conveyance capacity as required for

this redevelopment, along with the payment of any required usage and connection fees subject to review and approval of the Board Engineer and Board Attorney.

38. The Applicant shall obtain approval from the Rahway Valley Sewerage Authority (“RVSA”) regarding allocation of sufficient sewerage treatment capacity as required for this redevelopment.
39. The Applicant and/or its successors or assigns shall be responsible for maintaining the site in perpetuity. Maintenance shall include but not be limited to litter control, sweeping, snow removal, upkeep of trees & landscaping replacement of damaged sidewalks, pavers, outdoor furniture (if any) & planters (if any) and all other features. The maintenance requirements shall be included in the Developer’s Agreement and/or Redevelopment Agreement.
40. Twenty-four (24) hour per day surveillance cameras, motion detectors and the like shall be installed to adequately cover public spaces, alleys, the parking garage and other areas deemed appropriate by the Police Department and the Board Engineer in keeping with public health and safety subject to final review and approval by the Board Engineer and Police Department.
41. All exterior lighting for the street frontage and interior lighting of the parking garage shall conform with the submitted and approved lighting plans.
42. The Applicant shall install appropriate bike racks accessible to the retail tenants, customers and invitees, as well as residential tenants residing in the five (5) story mixed-use building, subject to the review and approval of the Board Engineer.
43. The Applicant shall provide its residential tenants with key fob access or other means of electronic access for vehicular entry to the parking garage.

44. Fire flow/pressure tests shall be done on the nearest hydrant and calculations prepared to prove that adequate fire pressure and flow exists to serve the project, in accordance with ISO standards. A report of the calculations and conclusions shall be submitted to the Board Engineer for review and approval.
45. The Applicant shall provide a construction fence around the entire site prior to any work beginning on site, subject to the review and approval of the Township Engineer.
46. Work hours for site improvements and exterior building improvements shall be limited to 7 a.m. to 6 p.m., Monday through Friday and 8 a.m. to 6 p.m. on Saturday. No site work shall take place on Sundays or major holidays or any holidays when the Township is closed for business, except on an emergency basis.
47. The Applicant shall maintain personnel on site to whom incidents of noise disturbance shall be reported and said personnel shall be authorized to take measures to minimize said disturbances.
48. The Applicant shall regulate for the safe and proper transfer and transport of fuel on site and shall meet all Fire Code requirements for on-site fuel storage.
49. Adequate provisions for safe control of employee parking, including employees of the contractors and subcontractors, shall be required during construction in accordance with provisions to be stipulated in a Developer's Agreement with the Township.
50. The Applicant shall maintain and provide a "Call List" of individuals the Township may contact if there is any issue arising on the site.
51. Violations of any of these construction mitigation measures shall result in a stop work order, which order shall remain in full force and effect until the condition is remedied to the satisfaction of the Board Engineer.

52. The landscape plan shall be subject to a two (2) year landscaper's guarantee which shall ensure the replacement of any diseased or dead landscaping material within two (2) years of the date of planting.
53. Site work cut sheets for the construction of roadways, curbing, drainage and sanitary sewer shall be provided to the Board Engineer's office directly prior to construction.
54. As-Built drawings of the completed site showing all site features including building footprint, curbing, drainage system with inverts, sidewalks, etc., shall be provided within four (4) weeks of the issuance of the first C.O.
55. Site improvements, excluding landscaping if between November 1 and March 30th, shall be installed prior to the issuance of the first certificate of occupancy where practical and subject to review and approval by the Township Engineer.
56. Any Construction Office/Trailer and/or Sales Office Trailer shall be in a location approved by the Board Engineer.
57. No construction shall commence unless and until the Developer furnishes a Performance Guarantee in favor of the Township of Springfield pursuant to the provisions and requirements of N.J.S.A. 40:55D-53 et. seq. The Performance Guarantee to the extent required shall be posted prior to the preconstruction meeting required above.
58. The Developer shall post Performance and Maintenance Bonds pursuant to the provisions and requirements of N.J.S.A. 40:55D-53 et. seq.
59. Payment of all fees, costs, escrows due or to become due. Any monies are to be paid within thirty (30) days of receipt of said request by the Board's Secretary.
60. Certificate that taxes are paid to date of approval.

61. Prior to the issuance of any construction permit or the start of any site work, the Applicant's Attorney shall file with the Board Engineer an affidavit verifying that the Applicant is in receipt of all necessary agency approvals, other than the municipal agency, having land use jurisdiction over the development and shall supply a copy of any approvals received.
62. The Board and Construction Official shall be provided an affidavit verifying that the Applicant is in receipt of all necessary agency approvals, other than the municipal agency, having land use jurisdiction over the application and supply a copy of any approvals received, including, but not limited to:
  - A. PLANNING  
Union County Planning Board Approval
  - B. SEWER  
Springfield Governing Body Resolution Endorsing NJDEP Treatment Works Approval Application  
RVSA Resolution Endorsing NJDEP Treatment Works Approval Application  
NJDEP Treatment Works Approval  
RVSA Sewer Gallonage Approval
  - C. WATER  
New Jersey American Water Company Approval of Water Reservation  
NJDEP Water Main Certification
  - D. SOIL EROSION  
Somerset – Union Soil Conservation District Soil Conservation Plan Certification

63. The terms and conditions of the previous Resolutions in this matter shall remain in full force and effect unless explicitly superseded and replaced by this Resolution.
64. All other applicable rules, regulations, ordinances and statutes of the Township of Springfield, County of Union, State of New Jersey, or any other jurisdiction.

The undersigned Chairman certifies the within resolution was adopted by this Board on

April 27, 2020, and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on May 4, 2020.



FOR: 9

AGAINST: 0

ABSTAIN: 0

Board Member(s) Eligible to Vote: 9

1715026\_2 SPRNPB-031E Morris & Central LLC Resolution

**VOTE FOR MOTION**

<b>ROLL CALL</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
CHAIRMAN JEFF TIGER	✓			
VICE CHAIRWOMAN SHARON KESSEL	✓			
ANDREW SCHWARTZ	✓			
ARON LAUFER	✓			
COMMITTEEMAN RICH HUBER	✓			
DAVID BARNETT ①	✓			
BRIAN BRENDELL	✓			
SILVIENE GRZYBOWSKI ②	✓			
JERRY FERNANDEZ	✓			
MARISSA RUGGIERO, ALT I				
SCOTT WISHNA, ALT II				

**VOTE FOR MEMORIALIZATION**

<b>ROLL CALL</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
CHAIRMAN JEFF TIGER	✓			
VICE CHAIRWOMAN SHARON KESSEL	✓			
ANDREW SCHWARTZ	✓			
ARON LAUFER	✓			
COMMITTEEMAN RICH HUBER	✓			
DAVID BARNETT (1)	✓			
BRIAN BRENDELL	✓			
SILVIENE GRZYBOWSKI (2)	✓			
JERRY FERNANDEZ				
MARISSA RUGGIERO, ALT I				
SCOTT WISHNA, ALT II				

**RESOLUTION**  
**Township of Springfield**  
**Planning Board**  
**In the Matter of Morris and Center Avenue LLC/**  
**Springfield Center Urban Renewal Corp.**  
**Application Number 11-2015-S**  
**Decided on December 30, 2015**  
**Memorialized on February 3, 2016**  
**Preliminary Major Site Plan Approval**

**WHEREAS**, Morris and Center Avenue LLC/Springfield Center Urban Renewal Corp. (hereinafter the "Applicant") has made application to the Springfield Planning Board for preliminary site plan approval with deviations for property known as Block 706, Lots 10, 11, 12, 13, 14, 15, 16 & 17, as shown on the Tax Map of the Township of Springfield, located at 259 to 279 Morris Avenue, 7 to 9 Caldwell Place and 14 to 26 Center Street (hereinafter the "Subject Property"), within the Downtown Springfield Redevelopment Area and, in particular, within the Plan Area of the "Amended Redevelopment Plan for Block 706, Lots 10 – 17," prepared by Phillips Preiss Grygiel LLC and dated April 2015 (hereinafter, the "Redevelopment Plan"); and,

**WHEREAS**, public hearings were held on December 16, 2015 and December 30, 2015, after the Board determined it had jurisdiction; and

**WHEREAS**, the Applicant was represented by Elnardo J. Webster, II, Esq.

**NOW THEREFORE**, the Planning Board makes the following findings of fact, based on evidence presented at its public hearings, at which a record was made.

The application before the Board is a request for a preliminary site plan approval, pursuant to N.J.S.A. 40: 55D-46 for the Subject Property, in order to permit the construction of a four story mixed-use building including 32,326 square feet of first floor retail space and 140 residential units on floors 2 through 4 as more particularly depicted on the revised drawings. The Subject Property has frontage along Morris Avenue, Caldwell Place and Center Street. The Applicant also proposes

to provide 140 parking spaces on site, as required by the Redevelopment Plan. In addition to the 140 on-site parking spaces, the Applicant also proposes to provide 45 additional parking spaces via a shared parking arrangement with the municipal parking lot located on Block 206, Lot 6, 280 Morris Avenue.

As part of the application, the following items were submitted at the time of the hearings and made a part of the record:

- A-1 Aerial Photo, colorized version of Architect's Drawing A001, 10 of 23
- A-2 Architect's drawing A102, 13 of 23 "First Living Level" (colorized)
- A-3 Architects drawing A103, 14 of 23 "Second Living Level" (colorized)
- A-4 Architect's drawing A104, 15 of 23 "Third Living Level" (colorized)
- A-5 Architect's drawing A105, 16 of 23 "Fourth Living Level" (colorized)
- A-6 Architect's drawing A100R, "Garage Level Plan" (colorized)
- A-7 Architect's drawing A101P, "Ground Floor" (colorized)
- A-8 Color rendition of "Morris and Center Avenue Downtown Springfield Development" (daytime)
- A-9 Pallet of brick samples
- A-10 Color rendition of "Morris and Center Avenue Downtown Springfield Development" (nighttime)
- A-11 Seven materials samples
- A-12 Color Site Exhibit dated 10/2/2015
- A-13 Truck Turning Template
- A-14 Sheet 3/23
- A-15 Sheet 4/23

A-16 Sheet 7/23

A-17 Cut sheet

The Board first heard testimony from the Applicant's Architect and Planner, Noel Musial, AIA, PP. Mr. Musial testified that the 140 dwelling units in the mixed-use project will consist of 82 single-floor one-bedroom units, 22 duplex (two-floor) one-bedroom units, 12 single-floor two-bedroom units and 24 duplex two-bedroom units. He explained on-site parking would be located within a parking garage beneath the building and a surface lot at street level behind the building. He further stated that the municipal parking lot in which up to 45 spaces may be designated for use by the residents and retail tenants within this redevelopment project, i.e. Block 206, Lot 6 at 280 Morris Avenue (a/k/a "Lot 2" or "Duffy's Corner"), as specifically permitted by Section 3.7 of the Redevelopment Plan, is located within 100 feet of the Subject Property. He explained that on-street parking is also available immediately adjacent to the Subject Property on Morris Avenue (6 spaces) and Center Street (14 spaces). Mr. Musial testified that the garage level of the proposed building will contain storage areas for the use of the retail tenants in the mixed-use project, as well as a parking area for bicycles. He also explained that a security system for the garage will operate by scanning license plates of approaching vehicles before automatically opening the garage door to allow access. Pursuant to the latest revised plans, the ground floor of the proposed building will have approximately 15,163.27 square feet of retail uses along Morris Avenue and 17,163 square feet of commercial/office space along Caldwell Place and Center Street, as well as approximately 2,400 square foot "community room" for use by the residents. A 12 foot x 30 foot loading area will be provided for the retail users.

Mr. Musial also testified that based upon the FEMA map, there is a flood zone that runs through the southeast corner of the Subject Property. He stated that the proposed garage floor will

be approximately three (3) feet higher than the southeast corner as shown on the FEMA map. The Board expressed concern over the possibility of flooding in the garage. The Applicant's attorney stated that, in the event the flood zone does actually encroach within the proposed garage, the Applicant will elevate the entrance of the garage further in order to ensure it is clear of the flood zone. The Board also raised concerns about the fact that the stairwell in the emergency exit by Center Street may also be located within the flood zone. The Applicant's engineer, Christian Cueto, P.E., asserted that if the building must be raised in order to be above the flood zone, the building can and will be raised sufficiently.

Mr. Musial also described the internal layouts of each of the residential floors. He stated that the fourth, or uppermost, living level will incorporate a substantial rooftop balcony area for residents. A 42-inch parapet will provide both safety and privacy for the rooftop balcony areas. He testified that proposed signage and awnings will comply with the Redevelopment Plan. Further, he explained that fenestration of all of the residential portions of the proposed building will comply with the requirements of the Redevelopment Plan.

The Board received testimony next from the Applicant's Engineer, Mr. Cueto. Mr. Cueto testified that the proposed redevelopment will require the removal of seven existing one- and two-story buildings on the Subject Property. He stated that vehicular access to the site will be from Caldwell Place and Center Street via 24-foot wide access drives. He also testified that the area of the Subject Property is 75,326 square feet or 1.729 acres. The lot is 276.2 feet wide and 315.7 feet deep. All setbacks will comply with the requirements of the Redevelopment Plan. Front yard setbacks will be as follows: Morris Avenue – 2 ft.; Center Street – 0.3 ft.; Caldwell Place – 0.1 ft. The rear yard setback from the southerly border will be 47.8 ft. Further, the proposed height of the building will comply at four and a half stories and less than 60 ft. Mr. Cueto testified that the

proposed redevelopment will only increase the amount of impervious coverage on the Subject Property by a total of 7,232 sq. ft. The Board's Planner, Robert Michaels, P.P., subsequently testified his calculations indicated an increase of 9,000 sq. ft. of impervious coverage.

Mr. Cueto testified that, although the Applicant is not required to address water quality, the construction of a detention basin is proposed to discharge run-off from the majority of the site to a storm sewer line along Morris Avenue. The remainder of the site will discharge to the storm sewer system that will be in Center Street. With regard to concerns over the existence of some flood zone area on the Subject Property, Mr. Cueto testified that the Applicant must obtain DEP approval and will be subject to the concerns and recommendations of DEP with regard to flood hazard areas. Further upon questioning by the Board, the Applicant's attorney confirmed that the Applicant will address in its application for final site plan approval the concerns of the Board and its Engineer regarding the possibility of flooding in the area of the proposed garage that is located within a flood hazard zone on the FEMA Map.

In response to questions from the Board, Mr. Cueto testified that, with the construction of the proposed detention basin, the total amount of storm water run-off from the site will be reduced in the post-development condition despite the addition of over 7,000 sq. ft. of impervious surface. The Board's Engineer stated that the Applicant is following typical DEP protocol and that he had no concerns regarding the storm water management issues.

Mr. Cueto testified that the Applicant is proposing 6 lighting fixtures along the rear of the Subject Property which will meet the 0.5 foot candle lighting that is required for the site. Referring to Section B.5 in the December 10, 2015 report of Arthur Elias, P.E., the Board's Engineer, Mr. Cueto testified that Exhibit A-13, dated 10/2/2015 shows the proposed board-on-board fence along the rear of the property. Further, the site plan was revised on 12/18/15 to show the required 6 ft.

board-on-board fence along the southern property line. Mr. Cueto testified that the Applicant will comply with all of the recommendations in Section E of Mr. Elias' 12/10/15 report but noted that comment number 9 is not applicable since the Applicant will be adding less than a quarter of an acre of impervious coverage to the Subject Property. Speaking on behalf of the Applicant, Applicant's counsel asserted that the Applicant will be working with the Board's professionals to provide a landscaping plan that is necessary and appropriate for the Subject Property to be submitted for final site plan approval.

At the request of the Board Chairman, Mr. Cueto agreed that the Applicant will add bollards around proposed outdoor seating areas for safety purposes and will work with the Board's Engineer to identify the specific areas where outdoor seating for retail uses will be proposed. Upon questions from the Board, Mr. Cueto testified that, at its narrowest point, the sidewalk that will run along Morris Avenue will be 14 ft. wide. Mr. Cueto testified that based upon his use of the Fire Department's truck-turning template for its largest truck, there will be no problem with any emergency vehicle or garbage truck being able to circulate on the site, but agreed to increase the radius at the Caldwell Place access drive to 15 feet, as recommended by the Board's Engineer.

In response to concerns voiced by several Board members regarding the effect of the increase in the number of residential units in the area on the existing sanitary sewer system, Mr. Cueto testified that the Applicant will be required to receive DEP approval and will be required to submit to DEP for its approval, as well as to any other sewerage authority that may have jurisdiction, an analysis of the predevelopment conditions versus the post-development conditions with regard to the effect on the sanitary sewer system. The Board requested that the Applicant prepare a downstream study to show the effects of the proposed redevelopment on the sanitary sewer system and provide a copy of the study to the Board.

The Board next heard testimony from the Applicant's Traffic Engineer, Craig Peregoy, P.E. of Staigar & Peregoy, LLC. Mr. Peregoy testified that the proposed development is estimated to produce 98 trips during weekday morning peak hour, 159 trips during weekday evening peak hour and 175 trips during the Saturday midday peak hour. Using the trip generation analysis he prepared, along with other factors, he then performed a capacity analysis to ensure that the access points to the site will function adequately. According to his analysis the proposed driveways on Center Street and Caldwell Place would both operate at level of service B. Mr. Peregoy opined that he did not believe there would be any conflict between the access points to the Subject Property and traffic from residential driveways or traffic from the school driveway which is over 100 ft. away from the access point to the Subject Property. Nonetheless, the Applicant was instructed by the Board to consider restricting a left turn onto Caldwell Place in the morning peak hour due to school-related traffic and requiring traffic to go to Center Street to make a left-hand turn to travel southbound. Mr. Peregoy testified that the existing volume of traffic on Center Street is very low compared with surrounding streets, so he believes that the proposed conversion of Center Street to a one-way street would not be detrimental.

Although initially the Applicant proposed only 125 on-site parking spaces and sought a deviation from the requirements of the Redevelopment Plan, which requires a minimum of one on-site parking space for every multi-family dwelling unit on the property, the Applicant revised its plan on 12/18/15 in response to the comments of the Board's professionals to provide 140 on-site parking spaces in compliance with the Redevelopment Plan requirement. Mr. Peregoy testified, however, that if the requirements of the Redevelopment Plan are applied strictly with regard to parking for all of the uses within the proposed development, a total of 239 parking spaces would be required for the mixed-use project. He stated that shared parking demands between the retail use

and residential uses, however, would result in an actual parking need substantially lower than 239 spaces, since peak retail and peak residential uses generally occur at different times in any 24-hour period. He stressed that the Redevelopment Plan specifically allows a redeveloper to share up to 40 percent of the number of residential parking spaces with the retail uses. Of the 140 on-site parking spaces, 87 spaces will be contained within the garage level of the proposed building and 53 parking spaces will be surface parking on-site behind the proposed building at street level. Mr. Peregoy testified that his shared parking analysis indicated that, at most, 183 parking spaces would be required for the mixed uses. He testified, further, that, when the available on-street spaces and the proposed 45 designated parking spaces in Lot 2 are taken into consideration, the amount of parking available to the proposed project would exceed that need.

Board members expressed concern over the types of retail to be incorporated into the mixed-use project in terms of the shared parking arrangement with the residents; e.g., restaurant uses may create conflict with residential tenants during evening hours. Mr. Peregoy testified that such conflicts were taken into consideration in the shared parking analysis. The Chairman suggested that the Board may consider determining an “optimal” mix of types of retail uses for the project to avoid shared parking problems. Mr. Peregoy agreed with the Board Chairman that determining shared parking needs ultimately will depend on what specific retail uses will become tenants on the site, since restaurant uses would require parking spaces at significantly different times than some other retail uses, such as a children’s clothing store or travel agency. The Board recommended the Applicant request that the Township Governing Body take action to remove the restriction that prohibits overnight parking on-street in the area of the Subject Property so that on-street spaces would be available for use by residential tenants. After hearing the results of the Applicant’s peak-hour parking count at both Lot 2 and the municipal lot located in front of the DMV building taken

on Saturday 12/19/15, and considering all of the testimony about the proposed parking scheme, the Board found the Applicant's proposed shared parking plan will work for the redevelopment. Further with regard specifically to the use of Lot 2, concerns were raised by several Board members regarding the responsibility for plowing the lot in order for the 45 spaces designated for the Applicant to be available, especially to residential tenants. Applicant's counsel, speaking on behalf of the Applicant, stated that the Applicant agrees to be responsible for snowplowing of municipal Lot 2.

A concern was also raised by the Board regarding the location of the proposed on-site handicapped parking spaces, which are required under the ADA to be within a certain specified distance from the entrance to a retail establishment. Mr. Musial testified that all of the retail spaces, except one, are designed with "exits" into the parking lot behind the building which could serve as entrances, if needed. The Board requested that all of the retail spaces be provided with a public entrance/exit to the parking lot. Mr. Musial agreed the Applicant will make revisions to the plan prior to application for final site plan approval in order to ensure that the handicapped parking issue is appropriately addressed and the requirements of the ADA are satisfied.

Mr. Peregoy then testified about on-site circulation. He stated that in response to comments in the reports of the Board's professionals, the Applicant revised its plan to provide full 2-way circulation through the site. In addition, he stated the relocation of the trash enclosure as recommended by the Board's professionals results in a much better layout of the site in terms of circulation. In addressing concerns raised by the Board's Traffic Safety Officer, Sergeant Rachel of the Springfield Police Department, in his safety report dated 12/15/2015, Mr. Peregoy testified that the proposed redevelopment will add very little traffic onto Center Street. He stated that 18 vehicles during the morning peak hour, 19 during the evening peak hour and 23 during Saturday peak hour

will be added to the volume of traffic on Center Street from the proposed redevelopment site. Also, by changing Center Street to a one-way southbound roadway, the volume of existing northbound traffic will be eliminated from that roadway, resulting in a net volume of traffic that will be nearly the same, with all vehicles traveling southbound rather than in both directions. He reiterated that the municipal lot that will be used for the shared parking arrangements with the proposed development will be the "Duffy's Corner" lot and not the Center Street lot. Finally, he reasserted that the Applicant ensured the ability for the Township's largest fire truck to access and circulate the site and, therefore, he is certain that no other vehicle, e.g. garbage trucks, UPS delivery vans, etc., will have any difficulty accessing or circulating the site. Upon request of the Board, Mr. Peregoy agreed that, on behalf of the Applicant, he would meet with the Board's Engineer and Sergeant Rachel to ensure that the Police Department is comfortable with the revisions and accommodations that have been made to the proposed site plan to address the safety concerns.

Finally, the Board heard additional testimony on behalf of the Applicant regarding on-site parking from Joseph Staigar, P.E., P.P. of Staigar & Peregoy, LLC. Mr. Staigar testified that the Redevelopment Plan requires a minimum of 140 parking spaces on-site, with which the Applicant complies. He further stated that if parking need under the Redevelopment Plan were calculated based upon the variety of uses on-site, the total number of parking spaces would be 158. He reiterated, however, that irrespective of that calculation, the Redevelopment Plan provides that a minimum of 1 parking space per multi-family unit within the mixed-use development will satisfy the minimum parking requirements. Consequently, Mr. Staigar testified that the Applicant requires no deviation from the Redevelopment Plan with regard to proposed on-site parking.

Reports from the Board Engineer, Arthur Elias, P.E., December 10 and December 22, 2015, and the Board Planner, Robert Michaels, P.P., also dated December 10 and December 22, 2015,

were all reviewed at the time of the hearing. Neither professional had any issues with the granting of the relief being sought.

The hearing was then opened to the public for questions and comments regarding this application. Mike Scalera, Chairman of the Township's Business Improvement District, testified that the Committee has completed its streetscape design for the business improvement district in Springfield but that design has not yet been formally adopted. Upon questioning by the Board, the Applicant's counsel confirmed that the Applicant will design its streetscape to be consistent with the streetscape design that will ultimately be adopted for the Business Improvement District.

The Board also heard comments from David Walsh, Sandy Weinger and Diana Perez. In addition, Bob Bruce expressed his concern about the distance between the location of his business and available municipal parking lot claiming that he will be put out of business. He also stated the parking lot has flooded several times during the past ten (10) years. The Board also heard comments from Jim Chi who owns a nearby Chinese restaurant and believes the residential parking will be detrimental for business owners using the Duff's Corner lot.

**NOW THEREFORE**, the Planning Board makes the following conclusions of law, based on the foregoing findings of fact.

The application before the Board is a request for a preliminary site plan approval, pursuant to N.J.S.A. 40: 55D-46, in order to permit the construction of a four and one-half story mixed-use building on the Subject Property, including approximately 32,326 square feet of first floor retail/commercial space and 140 residential units on floors 2 through 4 as more particularly shown on the drawings. The Subject Property has frontage along Morris Avenue, Caldwell Place and Center Street. The Applicant also proposes to provide 140 parking spaces on site as required by the Redevelopment Plan. In addition to the 140 on-site parking spaces, the Applicant also proposes to

provide 45 additional parking spaces via a shared parking arrangement with the municipal parking lot located on Block 206, Lot 6 (“Lot 2”).

Section 7.3 of the Redevelopment Plan authorizes the Board to grant deviations from the requirements of the Redevelopment Plan upon satisfaction of the same positive and negative criteria as required pursuant to the Municipal Land Use Law for the granting of a bulk variance under N.J.S.A. 40:55D-70c. The Municipal Land Use Law, at N.J.S.A. 40:55D-70c provides Boards with the power to grant variances from strict bulk and other non-use related issues when the applicant satisfies certain specific proofs which are enunciated in the Statute. Specifically, the applicant may be entitled to relief if the specific parcel is limited by exceptional narrowness, shallowness or shape. An applicant may show that exceptional topographic conditions or physical features exist which uniquely affect a specific piece of property. Further, the applicant may also supply evidence that exceptional or extraordinary circumstances exist which uniquely affect a specific piece of property or any structure lawfully existing thereon and the strict application of any regulation contained in the Zoning Ordinance would result in a peculiar and exceptional practical difficulty or exceptional and undue hardship upon the developer of that property. Additionally, under the c(2) criteria, the applicant has the option of showing that in a particular instance relating to a specific piece of property, the purpose of the act would be advanced by allowing a deviation from the Zoning Ordinance requirements and the benefits of any deviation will substantially outweigh any detriment. In those instances, a variance may be granted to allow departure from regulations adopted, pursuant to the Zoning Ordinance.

Those categories specifically enumerated above constitute the affirmative proofs necessary in order to obtain “bulk” or (c) variance relief. Finally, an applicant must also show that the proposed variance relief sought will not have a substantial detriment to the public good and, further,

will not substantially impair the intent and purpose of the zone plan and Zoning Ordinance. It is only in those instances when the applicant has satisfied both these tests, that a Board, acting pursuant to the Statute and case law, can grant relief. The burden of proof is upon the applicant to establish these criteria.

With regard to the number of parking spaces provided, the Board concludes the applicant has complied with the requirements of the Redevelopment Plan. The Board specifically determines that the Applicant has met all parking requirements under the Redevelopment Plan but in this instance also concludes that due to its proximity to other public modes of transportation that this site may have less parking than is required under the RSIS standards.

In reviewing the application, plans and testimony, the Board concludes the Applicants have met the minimum requirements of the Municipal Land Use Law, Case Law and Township Ordinances to a sufficient degree so as to enable the Board to grant the relief requested. The Board believes the Applicant's proposal advances the purposes of the Municipal Land Use Law inasmuch as it represents good planning and civic design, will promote a desirable visual environment and will promote the establishment of appropriate population densities and concentrations in the Downtown Springfield Redevelopment Area. The Board concludes, further, that the benefits clearly outweigh any detriments and, therefore, the proposal satisfies the positive criteria sufficiently to warrant the granting of the requested relief.

With regards to the negative criteria, the Board concludes the requested relief will not negatively impact the public good or the zone plan or zone scheme of the area, being de minimis in nature, and because the proposed redevelopment reflects the intent and stated objectives of the Township's Redevelopment Plan. Further, the proposed redevelopment will act as the catalyst for the redevelopment of the Downtown area and will result in the public benefit of a net reduction of

stormwater runoff from the Subject Property. The Board concludes, therefore, that the negative criteria have also been satisfied and that this relief can and should be granted.

With respect to the request for preliminary site plan approval, the Board concludes the Applicant has met the minimum requirements of the Municipal Land Use Law, Case Law and Township Ordinances to a sufficient degree so as to enable the Board to grant preliminary site plan approval at this time.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board that the application of Morris and Center Avenue LLC/Springfield Center Urban Renewal Corp. for Block 706, Lots 10 thru 17, as shown on the Tax Map of the Township of Springfield, located at 259 to 279 Morris Avenue, 7 to 9 Caldwell Place and 14 to 27 Center Avenue, in the Downtown Springfield Redevelopment Area, requesting preliminary site plan approval pursuant to N.J.S.A. 40:55D-46, be and are hereby granted, subject to the following terms and conditions:

1. The development of this parcel shall be implemented in accordance with the plans submitted and approved.
2. Prior to the issuance of any construction permit, the Applicant shall file with the Board and Construction Official an affidavit verifying that the Applicant is in receipt of all necessary agency approvals other than the municipal agency having land use jurisdiction over the application and supply a copy of any approvals received.
3. The Applicant must schedule a pre-construction meeting prior to the issuance of any permits or certifications by the Township between the Applicant, the Applicant's construction manager, the Planning Board Engineer, and any other Township officials with jurisdiction over any aspect of this matter.

4. Except as otherwise expressly modified herein or at the time of the hearings, Applicant shall comply with all recommendations contained within the reports of the Board Engineer, Arthur Elias, P.E., dated December 10, 2015 and December 22, 2015, and of the Board Planner, Robert Michaels, P.P., dated December 10, 2015 and December 22, 2015.
5. Subject to the Applicant receiving the appropriate relief from the Township Governing Body to permit the use of 45 spaces in the municipal lot located at Block 206, Lot 6 ("Lot 2").
6. Applicant shall work in coordination with the Board's professionals to design an appropriate landscaping plan for the Subject Property in compliance with the Redevelopment Plan.
7. A landscaped buffer at least 5 feet in width shall be planted along the southern boundary of the Subject Property along with the installation of the required 6-foot decorative board-on-board fence.
8. Applicant shall submit a revised plan correctly showing its compliance with the requirements of the Americans with Disabilities Act with regard to the number, size and locations of handicapped-accessible parking spaces on-site and the requisite accesses to retail spaces from the parking lot.
9. Existing Lots 10, 11, 12, 13, 14, 15, 16 & 17 in Block 706 shall be consolidated by the Applicant and a copy of the recorded deed shall be submitted to the Board Secretary.
10. Applicant shall be responsible for snow removal from municipal Lot 2 (Block 206, Lot 6).

11. Applicant shall meet with the Board's Engineer and Traffic Safety Officer to receive their approval of the manner in which the safety concerns raised in the Springfield Police Department's 12/15/2015 report have been addressed by the Applicant.
12. Applicant shall submit a revised plan to specify areas of outdoor seating for retail purposes, to design the installation of bollards in said areas for safety purposes and to show the radius at the Caldwell Place drive increased to 15feet, all for review and approval by the Board's Engineer.
13. Applicant shall together with the Township, contact the appropriate utility companies to take all reasonable steps to explore the possibility of relocating existing above ground utilities facilities to underground locations.
14. Access to the doors in the rear of the retail uses on the first floor shall remain open and available to the public.
15. Applicant shall perform a downstream analysis of the sanitary sewer flow and provide copy of any report to the Board's Engineer.
16. Any changes to the building footprint as a result of DEP modifications shall require amended preliminary site plan approval.
17. Plans for the construction of the storm sewer shall be reviewed and approved prior to construction by the Township Engineer.
18. The Applicant shall ensure there will be no net increase in stormwater runoff.
19. Applicant shall comply with the affordable housing obligation set forth in the Township Housing Plan.
20. The Applicant shall work with the Township to change the timing of the traffic signal.

21. Parking spaces in the garage on each side of the ramp and the end spaces at both wings will be labeled “for compact cars only.”
22. Applicant shall grant Title 39 jurisdiction to the municipality.
23. A “Pedestrian/Vehicular Safety and Staging Plan and Traffic Control Plan” shall be prepared and approved by the Board Engineer prior to a pre-construction meeting.  
The Plan shall address:
  - A. Security and construction fencing;
  - B. “On or About” Construction signs for the job and also for the closing of the parking Lots (a minimum of 2 weeks prior to closing the parking lots);
  - C. Traffic Control (per MUTCD) including Pedestrian Traffic;
  - D. Method of maintaining access to all existing buildings within the pedestrian plaza area and other existing rear building accesses.
24. Applicant shall enter into a Developer’s Agreement for the construction of any public improvements with the municipality which shall be subject to final review and approval by the Township Engineer, Board Attorney and governing body.
25. Applicant shall provide a complete Solid Waste and Recycling Plan for the site indicating how Solid Waste and Recycling will be managed on site and properly disposed of, subject to review and approval of the Township Engineer and the Township Recycling Coordinator.
26. All building materials for all exterior facades shall be as detailed on the latest architectural elevation views submitted to the Board at the last hearing.
27. Certificates of Compliance issued for the dwelling units as depicted on said the revised, approved and signed Floor Plans shall be only for the dwelling sizes

indicated, including the number of bedrooms, with den areas not recognized nor allowed as bedrooms for sleeping purposes. At no time now or in the future shall any of the dwelling units change with respect to the number of bedrooms depicted on the revised approved and signed Floor Plans (including any required changes as a result of affordable housing obligations) without first returning to the Planning Board for an amended Site Plan approval.

28. All business signage and awnings shall be thematically linked and be similar in materials, color and method of lighting, and shall comply with the Redevelopment Plan requirements subject to final review and approval of the Board's Planner.
29. Fire flow/pressure tests shall be done on the nearest hydrant and calculations prepared to prove that adequate fire pressure and flow exists to serve the project, in accordance with ISO standards. A report of the calculations and conclusions shall be submitted to the Municipal Engineer for review and approval.
30. Work hours for site improvements and exterior building improvements shall be limited from 7 a.m. to 6 p.m., Monday through Friday. No site work shall take place on Saturdays, Sundays or holidays except on an emergency basis. The holidays which shall be observed for purposes of this condition shall be New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving and Christmas. The applicant shall maintain personnel on site to whom incidents of noise disturbance shall be reported and said personnel shall be authorized to take measures to minimize said disturbances.
31. The applicant shall regulate for the safe and proper transfer and transport of fuel on site and shall meet all Fire Code requirements for on-site fuel storage.

32. Adequate provisions for safe control of employee parking, including employees of the contractors and subcontractors, shall be required during construction in accordance with provisions to be stipulated in a Developer's Agreement with the Governing Body.
33. All terms and conditions set forth by the Planning Board shall be shown on Revised Preliminary and Final Major Site Plans within 60 days final site plan approval. Any changes requested by outside agencies shall be incorporated into the plans prior to a preconstruction meeting that shall be held with the Township Engineer.
34. Violations of any of these construction mitigation measures shall result in a stop work order, which order shall remain in full force and effect until the condition is remedied to the satisfaction of the Township Engineer.
35. Prior to the issuance of any construction permit or the start of any site work, the Applicant's Attorney shall file with the Township Engineer an affidavit verifying that the applicant is in receipt of all necessary agency approvals other than the municipal agency having land use jurisdiction over the development and shall supply a copy of any approvals received.
36. The landscape plan, shall be subject to a two (2) year landscaper's guarantee which shall insure the replacement of any diseased or dead landscaping material within two (2) years of the date of planting.
37. Site work cut sheets for the construction of roadways, curbing, drainage and sanitary sewer shall be provided to the Township Engineer's office directly prior to construction.

38. All site improvements shall be installed prior to the issuance of the first certificate of occupancy, excluding landscaping if between November 1 and March 30th.
39. Any Construction Office/Trailer and/or Sales Office Trailer shall be in a location approved by the Township Engineer.
40. The Applicant shall be bound to comply with the representations made before this Board by the Applicant at the public hearing and the same are incorporated herein and are representations upon which this Board has relied in granting the approval set forth herein and shall be enforceable as if those representations were made conditions of this approval.
41. Subject to the Applicant providing for the recycling of all materials mandated for recycling by the Township during construction and for occupancy.
42. Payment of all fees, costs, escrows due or to become due. Any monies are to be paid within twenty (20) days of said request by the Board's Secretary.
43. Certificate that taxes are paid to date of approval.
44. Union County Planning Board approval, if necessary.
45. Subject to all other applicable rules, regulations, ordinances and statutes of the Township of Springfield, County of Union, State of New Jersey, or any other jurisdiction.

The undersigned Chairman certifies the within resolution was adopted by this Board on December 30, 2015, and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on February 3, 2016.

  
\_\_\_\_\_  
PAUL R. SCHWEIER

FOR: 2

AGAINST: 0

ABSTAIN: 6

Board Member(s) Eligible to Vote: 2

1023613\_2

## VOTE FOR MOTION

ROLL CALL	YES	NO	ABSTAIN	ABSENT
ANDREW SCHWARTZ	✓			
DAVID AMLEN	✓			
JEFFREY TIGER, CHAIRMAN	✓			
SHARON KESSEL, VICE CHAIR				✓
JOSEPH DeJOHN (2)	✓			
DAVID BARNETT, MAYOR (1)	✓			
PAUL SCHNEIER				✓
CHRIS CAPODICE	✓			
RICHARD HUBER, COMMITTEEMAN	✓			
MICHAEL DISKO, ALT I	✓			
RAJ SAADEH, ALT II	✓			

## VOTE FOR MEMORIALIZATION

ROLL CALL	YES	NO	ABSTAIN	ABSENT
ANDREW SCHWARTZ				✓
MICHAEL GONZALEZ				✓
JEFFREY TIGER, <del>CHAIRMAN</del> ①	✓			
SHARON KESSEL, <del>VICE CHAIR</del>				✓
JERRY FERNANDEZ, MAYOR			✓	
DEPUTY MAYOR ZIAD SHEHADY			✓	
PAUL SCHNEIER			✓	
CHRIS CAPODICE ②	✓			
VICTORIA SARRACINO			✓	
VACANT, ALT I				
DAVID LACHS, ALT II			✓	

**Explanation:** This resolution of the Township of Springfield, County of Union, New Jersey, is designating Block 208, Lot 7, Block 209, Lots 1, 4 and 5, the Academy Green Right-of-Way and a portion of the Blacks Lane Right-of-Way (Such Portion Commencing at Academy Green and Ending Coterminous With the Southern Property Line of Block 209, Lot 6) within the Township as a Non-Condensation Area in need of Redevelopment under the Local Redevelopment and Housing Law.

**TOWNSHIP OF SPRINGFIELD  
RESOLUTION 2021-88**

**WHEREAS**, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*, (the “Redevelopment Law”) authorizes municipalities to determine whether certain parcels of land within the municipality constitute an “area in need of redevelopment”, as defined in the Redevelopment Law; and

**WHEREAS**, on November 10, 2020, the Township Committee (the “Township Committee”) of the Township of Springfield, in the County of Union, New Jersey (the “Township”), adopted Resolution No. 2020-284, directing the Township Planning Board (the “Planning Board”) to examine whether properties identified as Block 208, Lot 7; Block 209, Lot 1 and Block 209, Lot 5 on the Township Tax Maps (the “Initial Study Area”), meets the criteria set forth in the Redevelopment Law for redevelopment area designation and to make a recommendation as to whether such Initial Study Area should be designated as a non-condemnation area in need of redevelopment; and

**WHEREAS**, subsequently, on December 22, 2020, the Township Committee adopted Resolution No. 2020-320 amending Resolution No. 2020-284 to amend the Initial Study Area to include Block 209, Lot 4, the Academy Green right-of-way and a portion of the Blacks Lane right-of-way (such portion commencing at Academy Green and ending coterminous with the southern property line of Block 209, Lot 6) (the “Additional Study Area” and, together with the Initial Study Area, the “Study Area”); and

**WHEREAS**, Harbor Consultants (the “Planning Consultant”) conducted a preliminary investigation of the Study Area to determine whether the Study Area should be designated an area in need of redevelopment, and prepared a preliminary investigation report of the above-referenced Study Area in accordance with the Redevelopment Law, entitled “Preliminary Investigation Report for the Blacks Lane and Church Mall Redevelopment Study Area” dated February 20, 2021 (the “Study”); and

**WHEREAS**, the Study sets forth the basis for the investigation of the Study Area and a map depicting the Study Area, and concludes that the Study Area qualifies as an area in need of redevelopment pursuant to the Redevelopment Law, for the reasons set forth in the Study; and

**WHEREAS**, the Redevelopment Law requires the Planning Board to conduct a public hearing prior to making its determination whether the Study Area should be designated as an area in need of redevelopment, at which hearing the Planning Board shall hear all persons who

are interested in or would be affected by a determination that the Study Area is an area in need of redevelopment; and

**WHEREAS**, on March 8, 2021, the Planning Board reviewed the Study, heard testimony from representatives of the Planning Consultant, conducted a public hearing during which members of the general public were given an opportunity to present their own evidence and/or to cross-examine the Planning Consultant, and to address questions to the Planning Board and its representatives, concerning the potential designation of the Study Area as an area in need of redevelopment; and

**WHEREAS**, the Planning Consultant concluded in the Study and testified to the Planning Board on March 8, 2021 that the Study Area satisfies the criterion for redevelopment area designation set forth in the Redevelopment Law; and

**WHEREAS**, after the conclusion of the public hearing described above, the Planning Board adopted a resolution recommending that the Township Committee designate the Study Area as a non-condemnation area in need of redevelopment pursuant to the Redevelopment Law; and

**WHEREAS**, the Township Committee agrees with the conclusion of the Planning Board that the Study Area satisfies the criterion for non-condemnation redevelopment area designation set forth in the Redevelopment Law and finds that such conclusion is supported by substantial evidence as set forth in the Study; and

**WHEREAS**, the Township Committee now desires to designate the Study Area as a non-condemnation area in need of redevelopment, pursuant to *N.J.S.A. 40A:12A-6*.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Springfield, in the County of Union, New Jersey, as follows:

**Section 1.** The aforementioned recitals are incorporated herein as though fully set forth at length.

**Section 2.** The Study Area satisfies the criterion for redevelopment area designation set forth in *N.J.S.A. 40A:12A-3*, and such Study Area is hereby designated as an area in need of redevelopment.

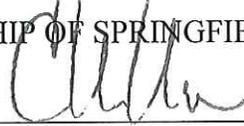
**Section 3.** The Study Area is further hereby designated as a "Non-Condensation Redevelopment Area" as referenced in the Redevelopment Law.

**Section 4.** The Township Committee hereby authorizes and directs the Planning Consultant to prepare a redevelopment plan for the Study Area pursuant to the requirements of *N.J.S.A. 40A:12A-7* (the "Redevelopment Plan") for presentation to the Township Committee prior to referral of such Redevelopment Plan to the Planning Board pursuant to *N.J.S.A. 40A:12A-7(e)*.

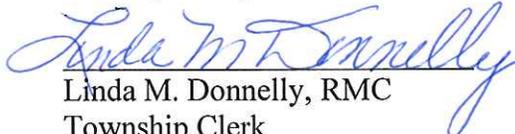
**Section 5.** The Township Committee hereby directs the Township Clerk to transmit a certified copy of this resolution forthwith to the Commissioner of the Department of Community Affairs for review. The Township Committee hereby further directs the Township Clerk to transmit a certified copy of this resolution within 10 days of the adoption of this resolution to the property owners of the Study Area.

**Section 6.** This resolution shall take effect in accordance with applicable law.

TOWNSHIP OF SPRINGFIELD

By:   
Chris Weber, Mayor

Adopted:  
March 9, 2019  
I hereby certify that this is a true and correct copy.

  
Linda M. Donnelly, RMC  
Township Clerk

**RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF SPRINGFIELD, IN THE COUNTY OF UNION, NEW JERSEY RECOMMENDING THE ADOPTION OF THE REDEVELOPMENT PLAN FOR BLOCK 208, LOTS 6 THROUGH 9, BLOCK 209, LOT 1 (PORTION THEREOF) AND LOTS 4 THOROUGH 6, THE ACADEMY GREEN RIGHT-OF-WAY AND A PORTION OF THE BLACKS LANE RIGHT-OF-WAY PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW**

**WHEREAS**, in accordance with the provisions of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “**Redevelopment Law**”), the Township Committee of the Township of Springfield (the “**Township Committee**”) designated properties identified as Block 208, Lots 6 through 9, Block 209, Lot 1 (portion thereof) and Lots 4 through 6, the Academy Green Right-of-Way and a portion of the Blacks Lane Right-of-Way on the Township Tax Maps, along with all streets and rights of way appurtenant thereto as a non-condemnation area in need of redevelopment, pursuant to the Redevelopment Law (the “**Redevelopment Area Properties**”); and

**WHEREAS**, the Township Committee adopted Resolution 2021-268, on November 9, 2021, directing the Planning Board of the Township of Springfield (the “**Planning Board**”) to review the hereinafter defined Redevelopment Plan for the Redevelopment Area Properties and to advise the Township Committee of its findings in connection therewith in accordance with N.J.S.A. 40A:12A-7(e); and

**WHEREAS**, in accordance with the Redevelopment Law, a redevelopment plan has been prepared by Harbor Consultants (Michael Mistretta, PP, LLA) for the redevelopment of the Redevelopment Area Properties entitled “Blacks Lane and Church Mall Redevelopment Plan”, dated October 2021 (attached hereto as Exhibit A, the “**Redevelopment Plan**”); and

**WHEREAS**, after due consideration of the Redevelopment Plan at a duly noticed and constituted public meeting held on November 15, 2021, the Planning Board determined the Redevelopment Plan is consistent with the Township’s Master Plan and wishes to recommend the Township Committee enact the Redevelopment Plan.

**NOW THEREFORE BE IT RESOLVED**, by the Planning Board of the Township of Springfield, in the County of Union, New Jersey, as follows:

**Section 1.** The aforementioned recitals are incorporated herein as though fully set forth at length.

**Section 2.** The Planning Board hereby finds and determines the Redevelopment Plan, attached hereto as Exhibit A, is consistent with the Township’s Master Plan. The Planning Board hereby makes the additional recommendations with respect to the Redevelopment Plan as set forth in Exhibit B, attached hereto and incorporated herein. The Planning Board hereby recommends to the Township Committee that the Redevelopment Plan be adopted.

**Section 3.** The Planning Board Secretary is hereby directed to transmit a copy of this Resolution to the Township Committee. This Resolution shall serve as the report to the governing body pursuant to N.J.S.A. 40A:12A-7(e) of the Redevelopment Law.

**Section 4.** This resolution shall take effect in accordance with applicable law.

**Exhibit A**

**Blacks Lane and Church Mall Redevelopment Plan**

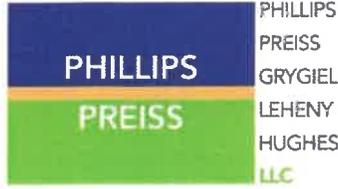
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**Exhibit B**

**Additional Recommendations**

[None]

[Insert Additional Recommendations made by Planning Board on November 15, 2021.]



Planning & Real Estate Consultants

November 10, 2021

Planning Board  
Township of Springfield  
100 Mountain Avenue  
Springfield, NJ 07081

**RE: Blacks Lane and Church Mall Redevelopment Plan**

Dear Chairman Tiger and Members of the Board:

We have reviewed the Blacks Lane and Church Mall Redevelopment Plan, which was referred to the Planning Board by the Township Committee on November 9, 2021.

The Planning Board's review authority is set forth in the Local Redevelopment and Housing Law [N.J.S.A. 40A:12A-7(e)]:

Prior to the adoption of a redevelopment plan, or revision or amendment thereto, the planning board shall transmit to the governing body, within 45 days after referral, a report containing its recommendation concerning the redevelopment plan. This report shall include an identification of any provisions in the proposed redevelopment plan which are inconsistent with the master plan and recommendations concerning these inconsistencies and any other matters as the board deems appropriate.

The following sets forth our comments regarding the Redevelopment Plan's consistency with the Township Master Plan along with other pertinent issues.

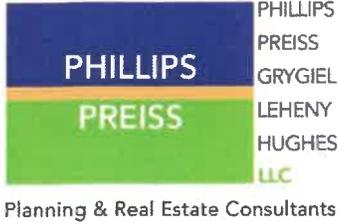
**Master Plan Consistency**

A discussion of the goals and objectives of the Master Plan is provided in Section 2.4 of the Redevelopment Plan. The Church Mall and Blacks Lane area has been targeted for a redevelopment initiative since at least 1997. Inclusionary residential development was identified as an appropriate land use for the area in the most recent Master Plan Reexamination Report (2017). It is our opinion that the Redevelopment Plan is substantially consistent with the Township Master Plan.

**Other Matters**

1. If the Township Committee adopts the Redevelopment Plan, the Planning Board may wish to retain a traffic engineer to review the traffic study required as part of any site plan application (see Section 3.4.A of the Redevelopment Plan). The Board's review should particularly focus on pedestrian and vehicular circulation

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Third Floor, Suite D  
Hoboken, NJ 07030  
201.420.6262  
[www.phillipspreiss.com](http://www.phillipspreiss.com)



within the area, as well as the capacity of the Church Mall/Morris Avenue intersection.

2. The number of required electric vehicle parking spaces must conform to the recent State legislation, which supersedes municipal ordinances (see S-3223 P.L. 2021, CHAPTER 171, approved July 9, 2021). The Redevelopment Plan should be revised to reflect State law.<sup>1</sup>
3. The Planning Board should consider whether some allowance for banked parking should be included in the Redevelopment Plan. In the interest of avoiding unnecessary impervious coverage (95% is allowed for Lot A), this could be an appropriate tool for some of the surface parking spaces envisioned for the area.
4. We note that the Plan requires two pick-up/drop-off spots for daily deliveries, which is sensible given the recent increased delivery activity at multifamily residential buildings.
5. Appropriate provisions regarding access and maintenance of the cemetery are set forth in Section 3.4.G. of the Redevelopment Plan.

The Board should bear in mind that many details of the potential redevelopment project will be considered in the context of its site plan review.

We trust that the above information is responsive to your needs.

Respectfully submitted,

Keenan Hughes, PP, AICP

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<sup>1</sup> See: [https://www.njleg.state.nj.us/2020/Bills/AL21/171\\_.PDF](https://www.njleg.state.nj.us/2020/Bills/AL21/171_.PDF)

# M. DISKO ASSOCIATES ENGINEERING CONSULTANTS

**MAILING ADDRESS**  
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CIVIL ENGINEERING  
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MUNICIPAL ENGINEERING  
RECREATION FACILITIES  
SCHOOL FACILITIES

## MEMORANDUM

To: Springfield Planning Board  
Board Attorney Kienz  
Board Planner Hughes

From: Michael Disko, PE, PP, CFM, Board Engineer

Applicant: Garden Homes

Subject: Engineering Review of Blacks Lane and Church Mall Redevelopment Plan, Block 208 Lots 6, 7, 8 & 9; Block 209 Lots 1.01, 4, 5 & 6

Zone District: Redevelopment Plan Area

Date: November 14, 2021

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## SUMMARY OF REDEVELOPMENT PLAN

The Blacks Lane and Church Mall Redevelopment Plan (BLACMRP) has been referred to the Planning Board by the Township Committee. The Planning Board has review authority as discussed in Keenan Hughes' November 10, 2021, Planning letter. A preliminary version of the Plan was presented to the Ordinance Subcommittee, for comment. The Ordinance Subcommittee had a few site-plan related recommendations, outlined below:

1. Include a traffic study to assess impacts to the existing traffic signal at the intersection of Church Mall and Morris Avenue. *The BLACMRP Section 3.4.A1 includes the following language to address the Board's concern "As part of the site plan application, the Redeveloper shall prepare a traffic study acceptable to the Township Engineer and the Township 's Traffic Engineer and the Redeveloper shall be solely responsible for any off-site traffic improvements determined to be necessary, if any, to provide acceptable levels of service for the development. The Traffic Study shall take into consideration the surrounding development projects that have been approved and/or are under construction. The Traffic Study shall specifically evaluate and provide recommendations for pedestrian and vehicular improvements along the entire length of Blacks Lane and improvements to the intersection of Church Mall and Morris Avenue, including but not limited to, the addition of a second lane on Church Mall and the modification of the timing of the traffic light signals."*
2. Banked parking should be considered for the realigned Academy Green. *The BLACMRP Section 3.4.A15 includes the following language "Parallel parking spaces along Academy Green or Church Mall shall conform to Residential Site Improvement Standards and shall not be used for resident parking." Further Section 3.4.A7 states "The layout and circulation of the surface parking and the realignment of public rights-of-ways and private driveways shall be subject to Township Fire Official and Planning Board approval." Thus, the Planning Board, during the site plan review process can review parking testimony and determine if banked parking along the Academy Green is beneficial to site circulation. Refer to the Concept Site Plan, prepared by Casey and Keller, Inc.*

3. Widening of Black's Lane should be considered. *The existing Blacks Lane Right-of-Way (ROW) has a variable width. The public ROW will be truncated as part of the Redevelopment Plan. Blacks Lane currently acts as a one-way street commencing at Morris Avenue and continuing to Academy Green. The land adjacent to Blacks Lane between Morris Avenue and the Redevelopment Plan site is privately owned. The existing cartway width of Blacks Lane is approximately 18 feet, which suffices for one-way travel. An additional 6-8 feet of pavement width would need to be obtained to allow for safe two-direction passage. Township of Springfield Tax Map sheet 2, depicts a variable width right-of-way along Blacks Lane, measuring 30' or less at its narrowest location. Additional right-of-way may need to be acquired to effectuate a possible cartway expansion. This is problematic due to existing topographic conditions adjacent to the CVS store. Realistically, even if Blacks Lane could be converted to a two-direction roadway, left turns from Blacks Lane onto Morris Avenue would be problematic.*

Further engineering issues such as Cemetery access, Sanitary Sewer Flow mitigation, and utility relocations will be further evaluated during the site plan review process.

MDD/md

**RESOLUTION**  
**Township of Springfield**  
**Planning Board**  
**In the Matter of Patriots Way Urban Renewal, LLC**  
**Application Number 2-2022-S**  
**Decided on April 18, 2022**  
**Memorialized on May 2, 2022**  
**Preliminary and Final Site Plan Approval and Subdivision Approval**

**WHEREAS**, Patriots Way Urban Renewal, LLC (hereinafter the "Applicant") has made application to the Springfield Planning Board for preliminary and final site plan approval and subdivision approval for property known as Block 208, Lots 6, 7, 8 and 9 and Block 209, Lots 1.01, 1.02, 4, 5 and 6, as shown on the Tax Map of the Township of Springfield, located at 18 Academy Green, 18, 24, 30 and 40 Church Mall and 20 and 32 Blacks Lane, in the Blacks Lane and Church Mall Redevelopment Plans (hereinafter the "Subject Property"); and,

**WHEREAS**, a public hearing was held on April 18, 2022, after the Board determined it had jurisdiction; and,

**WHEREAS**, the Applicant was represented by Danielle Novak Kinback, Esq.

**NOW THEREFORE**, the Planning Board makes the following findings of fact, based on evidence presented at its public hearing, at which a record was made.

The application before the Board is a request for preliminary and final site plan approval and subdivision approval to permit construction of a multi-family housing development within the Blacks Lane and Church Mall Redevelopment Plan (BLACMP) Redevelopment Area. As submitted the Applicant proposed a single 4-story building consisting of 100 dwelling units on the first through fourth floors. Parking is shown to be located under the residential units and also in a service parking lot. As submitted on the application, the units will consist of 28 one-bedroom apartments, 69 two-bedroom apartments and 3 three-bedroom apartments along with the necessary supporting infrastructure and accessory uses. Of the total, 15 percent (15%) of the apartments will

be affordable with three (3) one-bedroom, nine (9) two-bedroom and three (3) three-bedroom units constituting the 15 percent (15%) required under the Redevelopment Plan.

Appearing and testifying on behalf of the Applicant were the following: Avelino Martinez, RA, a licensed professional architect, Anthony Facchino, P.E., a licensed professional engineer and planner, Brian Conway, P.P., a licensed landscape architect and Gary Dean, P.E., a licensed professional engineer and traffic expert.

As part of the application, the following specific Exhibits were marked at the time of the hearing:

- A-1 Photo rendering of proposed development;
- A-2 Rendering of proposed development;
- A-3 Rendering of proposed improvements to Spring Mill Manor Building;
- A-4 Architectural material sample board;
- A-5 Colorized rendering of Landscaping Plan;

Mr. Martinez testified that the plans were consistent with the redevelopment requirements for the area. 174 parking spaces were being proposed with 27 tandem spaces being underneath the building. Trash rooms will be located on each of the floors with separations in those areas for garbage and recycling. Chutes will take the material to the basement where it will be wheeled out of the garage for pickup and disposal.

He went on to discuss materials to be used on the building and indicated that they would be of brick, cast stone and fiber cement siding/panels. All sides of the building will continue a unified architectural scheme. Virtually all equipment will be located on the roof of the structure.

Mr. Martinez further testified that the existing building will have facade changes made so that it generally matches the new structure being erected. He noted that all parking in the garage

will be 9 x 18 and that at the present time there will be 36 electric charging stations located on site and phased per State regulations. He agreed that if additional stations were needed they would be provided and also would be fully detailed on final site plans submitted.

Next, Brian Conway testified that they also have two (2) additional parking spaces over what is required under the Ordinance and RSIS. Next, he went on to note that the Applicant is installing a new metal picket fence that would demarcate this property from the existing cemetery.

As a result of questions from the Board, it was agreed that the fencing will be extended so as to provide a more delineated path between the new building and the swimming pool. Mr. Conway further testified that all signs will be replaced in the same general locations where they are located. He also noted that it is the Applicant's intent to relocate various rights-of-way in accordance with the plans as submitted and emphasized that Academy Green will be a two-way thoroughfare. Next, Mr. Conway testified that there will be a roof amenity deck of 12,100 square feet which will all be open to residents of the development. Further, he testified 19 spaces will be located in the surface parking area along with two (2) drop-off areas on Church Mall for the occupants and they did not use the parking in the Church Mall as part of their total parking count. It was also stated the Applicant was making a monetary contribution to the Township Board of Education for construction and improvements at the grammar school in the playground area and open space attached to the school, to supplement improvements not being made on site. Additional testimony indicated that they were providing for a 14,000 square foot of improved recreation area which included fire pits, lawn area and a pool. It was the Applicant's witnesses conclusions that the plans as submitted complied with the requirements of the Redevelopment Plan.

As part of the application, a request for major subdivision was submitted. As submitted, the Applicant proposed the following: the entire lot prior to subdivision consists of 192,179 square feet

or 4.412 acres with a subdivision to follow existing rights-of-way which are being vacated: proposed Lot 1.01 in Block 209 to contain 82,468 square feet or 1.89 acres; proposed Lot 3 in Block 209 to contain 103,254 square feet or 2.37 acres; proposed Lot 6 in Block 208 containing 12,474 square feet or 0.29 acres totaling 4.55 acres.

Testimony indicated that a number of existing lot lines were being removed and a better overall circulation plan provided as part of the redevelopment and reconfiguration of the various parcels. The witnesses also noted that transformer and generator locations had been shown on the plans and are subject to final approval by PSE&G.

Following the testimony of each of the witnesses, the reports issued by Township professionals were reviewed. The first was the report issued by Michael Disko, Engineer for the Board, dated April 15, 2022. The witnesses agreed to all of the items contained in Mr. Disko's report. He specifically noted that the parking scheme for the site conforms to RSIS standards where 271 parking spaces are required and 275 parking spaces proposed as well as the striping on Church Mall for eight (8) additional on-street parking spaces. Mr. Disko also noted that such things as streetscape improvements, screening of exterior mechanical and utility equipment, site lighting, building and architectural design standards, installation of grass pavers and a willingness to conform to the Redevelopment Plan requirement that underground installation of utility lines be provided. They also acknowledged that in the event the cemetery is not maintained by the Church, as a requirement under the Redevelopment Plan, it would be the developer's responsibility. The Applicant also testified they would provide new granite block curbing and bituminous pavement for the Spring Mill Manor parking lot and confirm the number of parking spaces located under the Spring Mill Manor building. Mr. Disko also noted a number of other engineering items would need

to be submitted which are set forth as conditions of this approval in order for the application to move forward.

Next, a report by Keenan Hughes, dated April 14, 2022, was reviewed and agreed to by the Applicant. Mr. Hughes in particular noted that on proposed Block 209, Lot 3 the existing Spring Mill Manor development is to remain, however, to the north of the building, the Applicant proposes to construct a new recreation area as noted above with playground, pool, open lawn above a stormwater basin and patios. This area will also have a dog run to the rear of the building. He stated that 44 total spaces will be constructed to the front of the building with access from the newly proposed Academy Green right-of-way along with new walkways and associated amenities such as lighting and benching to be provided. In undertaking his zoning analysis, Mr. Hughes stated a sign package had not been submitted as of this date as part of the site plan application which the Applicant agreed would be provided. He also raised a number of planning comments which the Applicant specifically provided testimony to including sound/acoustic attenuation materials and/or devices to be used so as to reduce the impact of noise from Route 78; the reconstruction and providing of streetscape improvements along the Redevelopment Area right-of-way of Church Mall and Academy Green, as shown on the plans; and the use of green building technologies. In response to that question, the witnesses indicated low flow plumbing was to be used along with LED lighting, soundproofing and other improvements to the structure. Mr. Hughes also reported a number of discrepancies on the site plan which required correction as set forth in the conditions of this Board action.

Next, a report from Brightview Engineering dated April 13, 2022 was reviewed and Richard Calbi, P.E. appeared and testified. In that report, additional items were specifically recommended including by way of example sight lines to confirm that landscaping within the sight triangles is

either lower than 30 inches or limited to 7 feet in height; making the intersection of Blacks Lane, Academy Green and the site access all a one-way Stop condition and the provision of large vehicle turning plans so as to confirm that the circulation is appropriately set forth and functional. It was also agreed at this time that the Township would undertake the necessary studies so as to be able to have an application filed with the New Jersey Department of Transportation to change the timing on the existing traffic light which, they believed, was not appropriate for the number of units being constructed.

Following these reviews, the meeting was opened to the public at which time Scott Silverstein, President of the Springfield Board of Education, appeared and testified that because of the size of this development and the need which it triggers, it was his understanding the Applicant offered a contribution to the Board providing funds for additional outdoor improvements at the elementary school which could include open space, playgrounds and the like. This was agreed to and noted that it was part of the Redevelopment Plan and the needs for additional off site improvements in the area.

There were no other members of the public present expressing an interest in this application.

**NOW THEREFORE,** the Planning Board makes the following conclusions of law, based on the foregoing findings of fact.

The application before the Board is a request for approval of a redevelopment project filed by Garden Homes doing business as Patriots Way Urban Renewal, LLC, the designated redeveloper for property located within the Blacks Lane and Church Mall Redevelopment Area seeking major subdivision and site plan approval in order to reconfigure lot lines and right-of-way of the property so as to be able to construct a 15 percent (15%) inclusionary multi-family development consisting of 100 units of which 15 are to be affordable.

First, as regards the request for subdivision approval, the Board concludes the Applicant met the minimum requirements of the Municipal Land Use Law, Case Law, Redevelopment Plan and all other appropriate requirements as to be able to grant preliminary and final major subdivision approval. The Applicant shall be required to adhere to specific conditions outlined below including an accounting clearly showing the total land area prior to subdivision and after subdivision approval. Subdivision is a critical part of the application in that by creating these lots improvements on site consistent with the Blacks Lane and Church Mall Redevelopment Area may be installed.

Following the subdivision, the Board next turns its attention to the proposed site plan. First, it should be noted that a great amount of time and effort was expended on this Redevelopment Area which spanned a number of months and numerous meetings between the Applicant and Township officials and professionals. The Board concludes that the plan now before the Board is clearly beneficial to Springfield in that it takes a property that is currently being underutilized, reconfigures it, and provides 15 affordable residential units and 85 market units on a site strategically located in the Township. The Board believes this to be an excellent example of the redevelopment process working to not only benefit a developer but more importantly an area in the municipality. At the same time, the Board notes that safeguards have been created which protect the existing historic cemetery located in the area. Further, the Board concludes the Applicant understood and was willing to make a donation to the Springfield Board of Education which will enable the Board to provide additional recreation amenities to the children which will be generated by this redevelopment and those already living in Springfield. The Board finds this also an excellent example of the benefits of undertaking redevelopment in order to enhance not only a given site but the municipality.

As regards the request for preliminary and final site plan approval, the Board concludes that the plans are adequate and address many of the issues which have been discussed over the past months between the Applicant and municipal officials and professionals. The Board specifically concludes the Applicant has met the vast majority of not only Site Plan Ordinance requirements but the Redevelopment Plan to a sufficient degree so as to enable preliminary and final approval to be granted at this time. That being said there are numerous conditions which are imposed; but on a development of this size, all of these requirements can be met by the Applicant and as specifically agreed to at the time of the hearing. They are enumerated in the conditions of this approval and are detailed in the reports of the Board's professionals attached as appendices to this Resolution.

Next, the Board notes the Applicant is providing 15 percent (15%) of its residential units as affordable to help meet the requirements of Springfield's fair housing share. The benefits in this instance are that they will be built on site and be made available to Springfield residents. The Board firmly believes that without this Redevelopment Plan being in place development might not have taken place on the property and concludes that ultimately the benefits of this clearly are significant and will become an important part of the Township's future. Therefore, the Board concludes the Applicant may be granted preliminary and final site plan approval at this time.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board that the application of Patriots Way Urban Renewal, LLC for Block 208, Lots 6, 7, 8 and 9 and Block 209, Lots 1.01, 1.02, 4, 5 and 6, as shown on the Tax Map of the Township of Springfield, located at 18 Academy Green, 18, 24, 30 and 40 Church Mall and 20 and 32 Blacks Lane, in the Blacks Lane and Church Mall Redevelopment Plans, requesting preliminary and final subdivision and site plan approval be and are hereby granted pursuant to N.J.S.A. 40:55D-48, N.J.S.A. 40:55D-46, N.J.S.A. 40:55D-50, subject to the following terms and conditions:

1. The development of this parcel shall be implemented in accordance with the plans submitted and approved and entitled “Major Subdivision and Preliminary and Final Site Plans for Academy Greens, Black’s Lane, Academy Green & Church Mall, Tax Lots 6, 7, 8 & 9, Block 208 & Tax Lots 1.01, 1.02, 2, 3, 4, 5 & 6, Block 209, Township of Springfield, Union County, New Jersey”, prepared by Casey & Keller Incorporated, consisting of 17 sheets having a last revision date of 4/6/22 and architectural plans entitled “Proposed Multifamily Development, Academy Greens, Church Mall & Academy Green, Township of Springfield, Union County, New Jersey”, prepared by Blackbird Group Architects LLC, consisting of ten (10) sheets with the last revision date of 3/28/2022.
2. Prior to the issuance of any construction permit, the Applicant shall file with the Township Clerk and the Board Engineer an affidavit verifying that the Applicants are in receipt of all necessary agency approvals other than the municipal agency having land use jurisdiction over the development and shall supply a copy of any approvals received.
3. Prior to construction, including site work activity, a preconstruction meeting shall be required to include the Township’s representatives, the Applicant and its engineers and contractors. Prior to said meeting, the Applicant shall have posted inspections fees in the amount of five (5) percent of the estimated cost of improvements, as prepared by the Developer’s Engineer and approved by the Board Engineer and in accordance with N.J.S.A. 40:55D-53.4.
4. All terms and conditions set forth by the Planning Board shall be shown on the Preliminary and Final Major Site Plans within 120 days of the adoption date of this

Resolution. Any changes requested by outside agencies shall be incorporated into the plans prior to the preconstruction meeting that shall be held with the Board Engineer.

5. Work hours for site improvements and exterior building improvements shall be limited to 7 a.m. to 6 p.m., Monday through Saturday. No work shall take place on Sundays or holidays except on an emergency basis. The holidays which shall be observed for purposes of this condition shall be New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving and Christmas. The Applicant shall maintain personnel on site to whom incidents of noise disturbance shall be reported and said personnel shall be authorized to take measures to minimize said disturbances.
6. The Applicant shall regulate for the safe and proper transfer and transport of fuel on site.
7. Adequate provisions for safe control of employee parking, including employees of the contractors and subcontractors, shall be required on site during construction.
8. Violations of any of these construction mitigation measures shall result in a stop work order, which order shall remain in full force and effect until the condition is remedied to the satisfaction of the Board Engineer.
9. Should blasting be required on site, the Applicant shall, in addition to any State permits that may be required, notify all owners within 200 feet of the property line two (2) weeks prior to the date of said blasting and shall conduct a meeting with the property owners at least one (1) week prior to blasting. The purpose of the meeting

shall be to inform the residents and to advise them of such mitigation measures as may be appropriate.

10. All non-disturbed areas on site shall be demarcated by snow/silt fence during construction and the snow/silt fence shall be installed on site prior to any construction activity including site work. A violation of the non-disturbed areas will result in a stop-work order for that area affected by the violation, as determined by the Board Engineer; and said stop-work order shall remain in full force and effect until the violation is corrected and any damage created by the violation is restored to the original state.
11. The landscape plan, including shade trees shall be subject to a two (2) year landscaper's guarantee which shall insure the replacement of any diseased or dead landscaping material within two (2) years of the date of planting.
12. Site work cut sheets for the construction of parking areas, curbing, drainage and sanitary sewer shall be provided to the Board Engineer's office directly prior to construction.
13. As-built drawings of all public improvements shall be provided to the Board Engineer prior to the issuance of the final certificates of occupancy. As built drawings shall include the plan and elevation of all public improvements, including, but not limited to water lines and appurtenances; sanitary sewer lines, manholes (including rim and invert elevations), cleanouts and connections; storm sewer lines, inlets (including grate and invert elevations), and manholes (including rim and invert elevations). The as-built drawing shall be prepared, signed and sealed by a Land Surveyor licensed in the State of New Jersey.

14. All site improvements, excluding landscaping if between November 1 and March 30th, shall be installed prior to the issuance of the final certificate of occupancy.
15. Any Construction Office/Trailer and/or Sales Office Trailer shall be located off the public right of way on the site, and in a location approved by the Board Engineer.
16. The Developer shall furnish a Performance Guarantee in favor of the Township of Springfield in an amount equal to 120% of the cost of the installation of public improvements including streets, grading, pavement, gutters, curbs, sidewalks, street trees, surveyor's monuments, watermains, culverts, storm sewers, sanitary sewers, drainage structures, erosion control and sedimentation control devices in accordance with N.J.S.A. 40:55D-53(a)(1)(a). The cost estimate shall be determined and approved by the Board Engineer based on an estimate provided by the Applicant which shall include a quantity take-off of the items. The Performance Guarantee shall be posted prior to the preconstruction meeting required above.
17. The Developer shall post a Maintenance Bond in an amount equal to fifteen (15) percent of the estimated cost of improvements for a period of two (2) years upon acceptance by the Township of Springfield of the public improvements.
18. The Developer shall complete the installation of all public improvements no later than two (2) years from the date of this Resolution. The time for completion of the public improvements may be extended by the Mayor and Township Committee by resolution for just cause shown by the Developer.
19. Subject to the Applicant providing for the recycling of all materials mandated for recycling by the Township during construction and for occupancy.

20. The subdivision will be filed by Plat pursuant to N.J.S.A. 40:55D-54 shall specifically refer to this Resolution and shall be subject to the review and approval of the Board Engineer and Board Attorney.
21. The Applicant shall address all comments contained in the April 15, 2022 report prepared by Michael Disko, attached as Exhibit 1, except as otherwise addressed during the public hearing.
22. Applicant shall supply a complete sign package including advanced way-finding signage and cemetery directional signage which meets Section 3.3B of the Redevelopment Plan subject to final review and approval of the Board Engineer. In the event he believes signs do not comply, the matter shall be referred to the Board.
23. All garage parking shall be a minimum of 9 feet x 18 feet.
24. Applicant shall supply circulation plans for emergency vehicles and templates for oversized vehicles for Resolution compliance which shall be subject to final review and approval of the Board Engineer.
25. Details of the on-site playground shall be provided.
26. Applicant shall, in lieu of making more extensive on-site improvements, provide funds to the Springfield Board of Education in the amount of \$80,000.00 to be used for improvements at the grammar school. Said fees shall be paid within a reasonable time period after the closing on the Sara Bailey Center.
27. All exterior mechanical and utility equipment shall be screened from view from municipal roads.
28. All materials used on the buildings shall be as depicted on the plans and materials board submitted with the application. Any deviation from this shall be subject to a

- review and approval by the Board Engineer and, if he deems it necessary, any questions regarding materials shall be referred to the Board for its consideration.
29. Underground installation of all utility lines shall be provided subject to final review of the Board Engineer.
  30. Applicant shall submit Deed restrictions of Spring Mill Manor's units to the Board Engineer and Attorney subsequent to filing with the Union County Clerk Office pursuant to Section 3.4F of the Redevelopment Plan.
  31. In the event there is a failure to maintain the cemetery by the Community United Methodist Church of Kenilworth, the Developer shall be responsible for maintaining the cemetery. Documentation confirming this agreement shall be submitted to the Township subject to the review and approval of the Board Attorney.
  32. Developer shall bank striped on-street parking spaces along the relocated Academy Green cartway for future consideration, if necessary, subject to review and approval by the Technical Review Committee.
  33. Developer shall install new granite block curbing and bituminous pavement for the Spring Mill Manor parking lot subject to the review and approval of the Board Engineer. This shall also include accessible spaces being identified.
  34. Applicant's engineer shall provide sewer capacity calculations and comply with any local sewer connection requirements subject to the review and approval of the Board Engineer. Further, the Applicant shall undertake mitigation of increased sanitary sewer flows where possible said work to be coordinated with the Township's Engineering Department. This may include the installation of 30 manhole inserts to

offset project flow increase and will be subject to the review and approval of the Board Engineer.

35. Vertical roof drain piping shall incorporate exterior cleanouts as requested by the Springfield Township Plumbing Subcode Official.
36. Applicant shall provide appropriate funds so that a study can be undertaken by the municipality working with the County to analyze signalization timing which shall include a possible request to NJDOT to permit signal timing adjustment so as to increase the green light time assigned to Church Mall to more than 9 seconds which shall be spearheaded by the Township Engineer.
37. Applicant shall comply with all specific requirements outlined in the April 14, 2022 report of the Board Planner, Keenan Hughes, and specifically attached as Exhibit 2, except as otherwise addressed during the public hearing.
38. Applicant shall construct all exterior upgrades to Spring Mill Manor consistent with the architectural rendering submitted for review and approval by the Township. As required by Section 3.4.f.2 of the Redevelopment Plan “The Redeveloper shall construct all exterior upgrades to Spring Mill Manor as illustrated on the Exhibits within this Plan and as further determined at the time of the Site Plan Application before the Planning Board prior to the issuance of any certificates of occupancy for the proposed market rate inclusionary residential development.”
39. Applicant shall install a minimum of 18 bike rack/spaces in the garage level floor plan.
40. Applicant shall reconstruct and provide streetscape improvements along the Redevelopment Area right-of-way of Church Mall and Academy Green including

streetlights, street trees, sidewalks, crosswalks and other streetscape features as shown on the plans and subject to final review and approval by the Board Planner.

41. Applicant shall correct the site plans to eliminate the following discrepancies: on the major site plan Existing Block 208, Lots 6 through 8 are incorrectly labeled as within Block 209; on Sheet 2, Table 3.B proposed subdivided Lot B is indicated as Proposed Lot 1.02 whereas the area in question should be proposed Lot 3 in accordance with the major subdivision plat; on Sheet 2, Table 3.D the proposed subdivision Lot D does not have a corresponding proposed Lot number. However, based upon the description, this actually refers to Block 209, Lot 1.02 which contains the cemetery that will remain unchanged.
42. Applicant shall specifically adhere to all comments and suggestions contained in the report prepared by Brightview Engineering dated April 13, 2022 attached as Exhibit 3, except as otherwise addressed during the public hearing.
43. Sight lines shall be added to the landscaping plan confirming that any landscaping within the sight triangles is either lower than 30 inches or limited to above 7 feet.
44. Applicant shall confirm that stop bars are located a minimum of 4 feet from crosswalks consistent with MUTCD requirements.
45. Plans shall clearly indicate No Parking within 25 feet of a crosswalk or 50 feet of a Stop Sign or as otherwise regulated under N.J.S.A. 39:4-138.6-Municipal authority to set permissible parking distances. Any parking space currently within 50 feet of the stop sign on Academy Green shall be relocated upon review and approval of the Board's Traffic Engineer.

46. If necessary, Applicant shall install additional grass pavers next to the cemetery subject to review and approval of the Board Engineer.
47. Based upon information from the traffic expert, the signal at Morris Avenue & Mountain Avenue/Church Mall is programmed to operate in a semi-actuated mode with detection on Mountain Avenue and Church Mall approaches. In order to determine this, the signal timing directive as approved by NJDOT shall be provided to the Board's Traffic Engineer. Applicant shall provide appropriate funds so that an updated analysis shall be provided subject to review and approval of the Board's Traffic Engineer.
48. Revised plans for the electric charging stations shall be submitted subject to the review and approval of the Board Engineer and Building Department.
49. All landscaping shall be installed as shown on the plans subject to review and approval of the Board Engineer.
50. The transformers and generators shall be installed as shown on the plans. In the event they are required to be moved, it shall be subject to the review and approval of the Board Engineer.
51. The Applicant shall extend the fence in the rear of the development and running along the cemetery as discussed at the hearing and subject to final review of the Board Engineer.
52. Raritan Valley Sewage Authority approval.
53. Breakaway gate, signage or any other control shall be considered in the grass pave area subject to final determination by the Board Engineer.
54. The Applicant shall install a crosswalk in the area near Academy Green.

55. Construction vehicles shall only use Church Mall and at no time shall any construction vehicles be permitted on Blacks Lane.
56. The Redeveloper shall comply with all requirements of the Blacks Lane and Church Mall Redevelopment Plan as amended November 19, 2021 except as amended through representations made during the public hearing.
57. NJDEP approval as required.
58. Subject to the Applicant providing for the recycling of all materials mandated for recycling by the Township during construction and for occupancy.
59. Payment of all fees, costs, escrows due or to become due. Any monies are to be paid within twenty (20) days of said request by the Board's Secretary.
60. Certificate that taxes are paid to date of approval.
61. Union County Planning Board approval.
62. Subject to all other applicable rules, regulations, ordinances and statutes of the Township of Springfield, County of Union, State of New Jersey, or any other jurisdiction.

The undersigned Chairman certifies the within resolution was adopted by this Board on April 18, 2022, and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on May 2, 2022.



**VOTE FOR MOTION**

<b>ROLL CALL</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
CHAIRMAN JEFF TIGER	✓			
VICE CHAIRWOMAN SHARON KESSEL	② ✓			
MAYOR ALEXANDER KEISER	✓			
COMMITTEEMAN RICH HUBER	✓			
DAVID BARNETT	① ✓			
ANDREW SCHWARTZ	✓			
BRIAN BRENDELL	✓			
MARISSA RUGGIERO	✓			
ARON LAUFER	✓			
THOMAS LOPES				
SCOTT WISHNA				

**VOTE FOR MEMORIALIZATION**

<b>ROLL CALL</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
CHAIRMAN JEFF TIGER	✓			
VICE CHAIRWOMAN SHARON KESSEL	✓			
MAYOR ALEXANDER KEISER	✓			
COMMITTEEMAN RICH HUBER	✓			
DAVID BARNETT	✓			
ANDREW SCHWARTZ	✓			
BRIAN BRENDELL	✓			
MARISSA RUGGIERO	✓			
ARON LAUFER	✓			
THOMAS LOPES				
SCOTT WISHNA				

# EXHIBIT C

## Wyatt Grant

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**From:** Michael Mistretta <michaelm@hcicg.net>  
**Sent:** Wednesday, March 4, 2026 10:27 AM  
**To:** Wyatt Grant; Gabriela Duncan  
**Subject:** FW: Springfield (Union County)

Please save this email

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**From:** Brett Tanzman <BrettT@wilf-law.com>  
**Sent:** Tuesday, March 3, 2026 2:12 PM  
**To:** joellepaull@fairsharehousing.org; 'lauradenker@fairsharehousing.org' <lauradenker@fairsharehousing.org>  
**Cc:** Michael Mistretta <michaelm@hcicg.net>  
**Subject:** Springfield (Union County)

Hi Joelle and Laura – Hope you both are doing well. I wanted to check in with you regarding our proposed redevelopment at Park Place in Springfield. By way of update, we are working cooperatively with the Township Professionals on the redevelopment process and a redevelopment for an inclusionary development. Please let me know if you have any questions.

Sincerely,

Brett

### Disclaimer

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# EXHIBIT D

SPRINGFIELD TOWNSHIP FOURTH ROUND ELIGIBLE EXTENSIONS OF CONTROLS

3/11/2028

Development	Block	Lot	Address	Affordable Units	C/O Date	Expiration	Length of Controls	Deed (Book and Page)	Controls Stated in Deed?	Controls Expired Prior to 4th Round?	Administrative Agent	Comments	Units Expiring
ARC- Balfours Way	505	20	43 Balfours Way	4 Group Home bedrooms	2/25/2000	2/25/2020	20 years (per Unit Monitoring Report)	Book 4944 Page 115	No	Yes	ARC of Union County, 70 Diamond Road, Springfield, New Jersey 07081, (973) 315-0000, <a href="https://arcunion.org/">https://arcunion.org/</a>		4
Spring Mill Manor (Blacks Lane)	208, 209	208, 6, 8, and 9 and 209, 6	18 Academy Green, 24 Church Mill, 18 Church Mill, and 20 Blacks Lane	8 (Age Restricted)	2/1/2005	2/1/2035	30 years (per Unit Monitoring Report)	Book 6577 Page 239	No	No	Pizza and Associates, Inc., 216 Rockingham Row, Princeton, NJ 08540, (609) 786-1100,		8
Lakeside at Briant Park	506	7	Briant Park Dr	28	8/1/2003	8/1/2033	30 years (per Unit Monitoring Report)	Book 5078 Page 211	No	No	Pizza and Associates, Inc., 216 Rockingham Row, Princeton, NJ 08540, (609) 786-1100		28
Columbia Court	402	26	Maple Ave	14	5/9/1997	5/9/2027	30 years (per Unit Monitoring Report)	Book 4644 Page 326	No	No	Stirling Properties, 50 E Mt Pleasant Avenue, Livingston, New Jersey 07039, (973) 535-4888, <a href="http://www.stirlingproperties.com/">http://www.stirlingproperties.com/</a>		14

Key

Expires during the Fourth Round
Unit expired prior to Fourth Round
Expires after Fourth Round

Total Units Expiring	54
Rental Units	50
For Sale Units	0
Group Homes Expiring Before 2025	4
Group Homes Expiring During 4th Round	0
Total Group Home Units	4

# EXHIBIT E

**Explanation: This ordinance amends Section 35-17 (“OVERLAY ZONES AND MANDATORY SET-ASIDE ORDINANCE”) of Article V (“District Regulations”) of Chapter 35 (“Land Use”) of the Code of The Township of Springfield , Chapter XXXV, Land Use Regulations, to effectuate the Fourth Round Housing Element and Fair Share Plan of the Township of Springfield, as amended and enacted pursuant to Court Order, by the Township Committee of the Township of Springfield, County of Union, State of New Jersey.**

**TOWNSHIP OF SPRINGFIELD  
ORDINANCE 2026-04**

**WHEREAS**, the Township of Springfield (the “Township” or “Springfield”) having filed a resolution of participation in the Affordable Housing Dispute Program (the “Program”) and a declaratory judgment action pursuant to N.J.S.A. 52:27D-301 et. Seq. (the “Fair Housing Act”) on January 29, 2025; and

**WHEREAS**, the Court having entered an order on April 14, 2025, setting the Township’s Fourth Round (2025-2035) fair share obligations as a Present Need of 53 units and a Prospective Need of 262 units, and ordering the Township to file a Fourth Round HEFSP (“HEFSP”) by June 30, 2025; and

**WHEREAS**, the Springfield Planning Board has adopted a Fourth Round HEFSP, dated June 2025, on June 19, 2025, pursuant to the Municipal Land Use Law at N.J.S.A. 40:550-1, et seq.; and

**WHEREAS**, the Fourth Round HEFSP has been endorsed by the Township Committee by Resolution No. 2025-197 on June 24, 2025; and

**WHEREAS**, the Township having filed its Fourth Round HEFSP on June 20, 2025; and

**WHEREAS**, FSHC having filed a challenge pursuant to N.J.S.A. 52: 27D-304.1(f)(2)(b) regarding the Township’s Fourth Round HEFSP on August 26, 2025; and

**WHEREAS**, the Township and FSHC having agreed to amicably resolve the issues set forth in the challenges through a Consent Order dated December 5, 2025 (“Consent Order”), which further clarifies the Township’s compliance mechanisms through specific amendments to its Fourth Round HEFSP; and

**WHEREAS**, the Consent Order has been approved by the Court on December 5, 2025, and

therefore results in a compliance certification for the Township for the Fourth Round;

**WHEREAS**, the amendments to the Township’s Fourth Round HEFSP have been adopted by the Township Planning Board and endorsed by the Township Committee by March 15, 2026. and

**WHEREAS**, this Ordinance implements and incorporates the adopted and endorsed Amended Fourth Round Housing Element and Fair Share Plan, which provides that the Township’s Fourth Round Unmet Need is to be addressed through 1) increased density within the Affordable Housing Overlay Zone – 1 (AHO-1), which shall permit a maximum residential density of 25 dwelling units per acre with a required minimum 20% affordable housing set-aside, 2) zoning for the property in the PUD Zone identified as Block 4001, Lot 2.315 to require a minimum 20% affordable housing set-aside for both rental and for-sale units, and 3) amending the existing mandatory set-aside ordinance to require an affordable set-aside of 20% for both rental and for-sale units in developments of 5 or more units, including any Redevelopment Plans adopted after July 1, 2025; and

**WHEREAS**, the Township intends to amend Section 35-17, “OVERLAY ZONES AND MANDATORY SET-ASIDE ORDINANCE,” of Article V, “District Regulations,” of Chapter 35, “Land Use,” of the Code of The Township of Springfield to implement that aforementioned zoning mechanisms;

**NOW THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Springfield, in the County of Union, New Jersey, that Section 35-17, “OVERLAY ZONES AND MANDATORY SET-ASIDE ORDINANCE,” of Article V, “District Regulations,” of Chapter 35, “Land Use,” of the Code of The Township of Springfield be amended and enacted as follows (where deleted text is ~~stricken through~~ and new text is **bolded and underlined**):

**SECTION I**

**§ 35-17. OVERLAY ZONES AND MANDATORY SET-ASIDE.**

- a. Affordable Housing Overlay Zone - 1. Developers have the option of developing lands located in the Affordable Housing Overlay Zone -1 (AHO-1) pursuant to the following criteria:
  - 1. ~~The site must be a minimum of three acres.~~
  - 2. ~~The maximum density permitted is 16 units per acre, unless the total size of the property is five acres or more, in which case the maximum density permitted shall be 18 units per acre.~~ **1. The maximum density permitted is twenty-five (25) units per acre.**
  - 3. ~~2.~~ **2.** No property shall be developed unless it shall have access to a public street other than or in addition to U.S. Highway Route 22.
  - 4. ~~3.~~ **3.** The minimum percentage of low- and moderate-income units to be set aside is **twenty**

percent (20%) for both sales units and 45% for rental units.

5. ~~A minimum of 50% of the affordable units in any development shall be low-income units. Thirteen percent of the affordable units shall be available to very low income households, which shall be counted as part of the low-income housing units.~~ 4. Affordable units provided shall be constructed, administered, and monitored in conformance with the requirements of the amended Fair Housing Act (N.J.S.A. 52:27D-301 et seq.), UHAC (N.J.A.C. 5:80-26.1 et seq.), N.J.A.C. 5:99, and the Township's affordable housing regulations per Section 35-17 ("OVERLAY ZONES AND MANDATORY SET-ASIDE ORDINANCE") and Section 35-34 ("AFFORDABLE HOUSING") of Article V ("District Regulations") of Chapter 35 ("Land Use") of the Code of The Township of Springfield and Section 35-86 ("DEVELOPMENT FEE REGULATIONS") of Article VI ("General Provisions and Design Requirements") of Chapter 35 ("Land Use") of the Code of The Township of Springfield.
6. ~~Development standards and regulations for projects developed at a density of 16 units per acre shall be pursuant to § 35-15.7j as in the AH-16 Zone. Development standards and regulations for projects developed at a density of 18 units per acre shall be pursuant to § 35-15.7g as in the AH-18 Zone, with the exception that there is no option for a contribution to the Township's Housing Trust Fund.~~ 5. Permitted Uses.

- a) Principal Permitted Uses:
  - 1) Multifamily residential uses provided at a maximum density of 25 units per acre, where a minimum twenty percent (20%) affordable housing set-aside shall be required in accordance with applicable Township ordinances.
  - 2) Existing principal permitted uses of the underlying zone(s) are not modified or affected by this overlay zone.
  - 3) Development is permitted for a principal permitted use authorized pursuant to the underlying zone(s) or a principal permitted use in the overlay zone, or both.
- b) Prohibited Uses: All prohibited uses in the underlying zone(s) zone shall continue to be prohibited.
- c) Conditional Uses: All conditional uses permitted in the underlying zone(s) shall continue to be conditional uses.
- d) Permitted accessory structures, buildings and uses:
  - 1) All accessory uses permitted in the underlying zone(s).
  - 2) Private residential garages and off-street parking. Standalone structured parking decks are prohibited.
  - 3) Structured parking decks enclosed with the same architectural design and use of building materials as the

principal permitted use.

- 4) Loading areas.
- 5) Leasing office.
- 6) Streetscape improvements.
- 7) Gardens, hardscape patio areas, landscape features.
- 8) Fences in accordance with the applicable Township ordinances.
- 9) Signage shall be subject to the requirements of the applicable Township ordinances.
- 10) Green building techniques and green roofs.
- 11) Solar canopy array or roof mounted systems.
- 12) Stormwater management/flood storage systems.
- 13) EV Car Charging Stations & associated infrastructure.
- 14) Generators.
- 15) Other customary accessory uses and structures such as, but not limited to, a club room, fitness/recreation areas, dog parks, and swimming pools for the private use and enjoyment of residents and their guests.
- 16) Any use deemed incidental to a permitted principal use, subject to Planning Board approval.

6. Area, Bulk, and Development Criteria for Affordable Housing Overlay Zone – 1 (AHO-1).

- a) Density. The density of housing in this overlay zone shall not exceed 25 units per acre.
- b) Maximum Height. No principal building shall exceed 40 feet in height and three stories.
- c) Minimum Front Yard Setback shall equal the average of all existing buildings in the underlying zone within 200 feet of the site.
- d) Minimum Side Yard Setback shall be 30 feet.
- e) Minimum Rear Yard Setback shall be 30 feet.
- f) Maximum Building Coverage shall be 25%.
- g) Maximum Lot Coverage shall be 50%.
- h) Unless otherwise regulated in this section, the provisions of Subsection 35-15.2 shall apply.

7. Parking and Loading.

- a) New Jersey Residential Site Improvement Standards (RSIS), N.J.A.C. 5:21-1 et seq., shall be referenced to determine the number of required parking spaces, size of parking spaces, and construction details concerning project streets and drives, sidewalks, water supply and

sanitary sewers. The number of parking spaces specified in Table 4.4 to N.J.A.C. 5:21-4.14 shall be the presumptive number of parking spaces required. Barrier-free parking spaces shall be provided and signed in accordance with the standards of the New Jersey Barrier Free Code.

- b) Structured parking decks enclosed with the same architectural design and use of building materials are permitted. The number of parking stories shall be counted towards the number of stories permitted.
- c) Electric vehicle parking and infrastructure is required per the State's Electric Vehicle requirements per N.J.S.A. 40:55D-66.20.
- d) The width of streets and driveways shall be no less than 24 feet unless otherwise provided by the New Jersey Residential Site Improvement Standards (N.J.A.C. 5:21-1 et seq.)

8. An indoor trash and recycling area for the collection and storage of generated trash and recyclable materials shall be provided within the principal building.

#### 9. Infrastructure.

- a) All new electric, telephone, television, cable, gas, and other utility service lines servicing the buildings shall be installed underground, to the extent such underground service is commercially reasonable, available and permitted by the applicable utility companies, and in all events, shall be installed in accordance with the prevailing standards and practices of the respective utility or other companies providing such services.
- b) The Township has not prepared utility, roadway or traffic studies on the existing conditions, capacity, or reports on upgrades required to support the proposed development. As directed by the Township Engineer and/or Board Engineer, the Developer shall provide utility, roadway and traffic studies evaluating the existing conditions, capacity and details of any necessary upgrades required to support the proposed development. The Developer shall be responsible for contributing towards any infrastructure upgrades in accordance with the Municipal Land Use Law (MLUL).

#### 10. Green Building Standards.

- a) All development within the overlay zone shall incorporate green building design practices consistent with the New Jersey Green Building Manual or equivalent national standards.
- b) Site and building design shall promote energy efficiency, water conservation, indoor environmental quality, and sustainable material use through:
  - 1) Energy-efficient lighting and HVAC systems;

- 2) Use of renewable energy sources, including solar photovoltaic or solar thermal systems;
- 3) Low-impact development strategies such as pervious paving and rain gardens;
- 4) Water-efficient landscaping utilizing native and drought-tolerant species; and
- 5) Recycling and reuse of construction materials when able.
- c) Green roofs or rooftop vegetation are encouraged for stormwater management.
- d) Developers shall include Green Building plans outlining compliance measures as part of the site plan application.

#### 11. Climate Resiliency.

- a) Development shall incorporate climate adaptation and resiliency strategies consistent with N.J.A.C. 7:8 (Stormwater Management).
- b) Projects shall evaluate vulnerabilities to flooding, extreme heat, and severe weather events and incorporate mitigation measures such as:
  - 1) Risen floor elevations above FEMA base flood elevations where applicable;
  - 2) On-site stormwater detention and infiltration features;
  - 3) Use of flood-tolerant landscaping and tree canopy for cooling and shade;
  - 4) Backup power and grid-ready infrastructure to maintain systems during outages.
- c) All development applications shall include a brief Climate Resiliency Assessment demonstrating how the proposed development addressed projected climate impacts and enhances resilience.

#### 12. Landscaping.

- a) Landscaping shall be provided as part of all development applications and is to be integrated into building arrangements, topography, parking, buffering and other site features. Landscaping shall include trees, shrubs, ground cover, berms, flowers, and similar materials, and shall be designed to provide aesthetic, buffering, climatological, environmental, ornamental, and other similar functions. All landscaping plans shall be prepared by a New Jersey licensed landscape architect, or other individual deemed
- b) suitably qualified by the Board. The plan shall include detailed construction drawings for all site landscaping, common areas, recreation areas and all street frontage improvements including but not limited to street trees, ornamental lighting and brick paver walkways.

- c) A minimum planted buffer of not less than 15 feet shall be established and maintained around the perimeter of a site developed pursuant to this section. This perimeter buffer shall be planted with a dense grouping of landscape materials which may include fencing, decorative walls and berms. Site driveways, with or without sidewalk(s) connecting the public street to the site, are permitted to pierce this required buffer, as are underground utility and drainage connections.
  - d) All portions of the property not utilized by buildings or paved surfaces shall be landscaped utilizing a variety of landscape material, including but not limited to landscaped fencing, shrubbery, lawn area, ground cover, and trees. The use of coniferous and/or deciduous trees native to the area shall be used to lessen the visual impact for the structures and paved areas.
  - e) All plant material shall consist of native landscape plantings.
  - f) Landscaping shall be designed to create a complete integration of the various elements of site design.
- b. Affordable Housing Overlay Zone - 2. Developers have the option of developing lands located in the Affordable Housing Overlay Zone - 2 (AHO-2) pursuant to the following criteria:
- 1. The maximum density permitted is 18 units per acre.
  - 2. The minimum percentage of low- and moderate-income units to be set aside is 20% for sales units and 15% for rental units.
  - 3. A minimum of 50% of the affordable units in any development shall be low-income units. Thirteen percent of the affordable units shall be available to very-low-income households, which shall be counted as part of the low-income housing units.
  - 4. Development standards and regulations for projects developed pursuant to this option shall be pursuant to § 35-15.7g as in the AH-18 Zone, with the exception that there is no option for a contribution to the Township's Housing Trust Fund.
- c. PUD Subarea Overlay Zone. Developers have the option of developing lands located in the PUD Subarea Overlay Zone, which shall consist of Block 4001, Lot 2.315 per the Township tax maps, pursuant to the following criteria:
- 1. The maximum density permitted is twenty-five (25) units per acre.
  - 2. The minimum percentage of low- and moderate-income units to be set aside is twenty percent (20%) for both sales units and rental units.
  - 3. Affordable units provided shall be constructed, administered, and monitored in conformance with the requirements of the amended Fair Housing Act (N.J.S.A. 52:27D-301 et seq.), UHAC (N.J.A.C. 5:80-26.1 et seq.), N.J.A.C. 5:99,

and the Township's affordable housing regulations per Section 35-17 ("OVERLAY ZONES AND MANDATORY SET-ASIDE ORDINANCE") and Section 35-34 ("AFFORDABLE HOUSING") of Article V ("District Regulations") of Chapter 35 ("Land Use") of the Code of The Township of Springfield and Section 35-86 ("DEVELOPMENT FEE REGULATIONS") of Article VI ("General Provisions and Design Requirements") of Chapter 35 ("Land Use") of the Code of The Township of Springfield.

4. No property shall be developed unless it shall have access to a public street other than or in addition to U.S. Highway Route 22.

5. Permitted Uses.

- a) Principal Permitted Uses:
  - 1) Multifamily residential uses provided at a maximum density of 25 units per acre, where a minimum twenty percent (20%) affordable housing set-aside shall be required in accordance with applicable Township ordinances.
  - 2) Existing principal permitted uses of the underlying zone(s) are not modified or affected by this overlay zone.
  - 3) Development is permitted for a principal permitted use authorized pursuant to the underlying zone(s) or a principal permitted use in the overlay zone, or both.
- b) Prohibited Uses: All prohibited uses in the underlying zone(s) zone shall continue to be prohibited.
- c) Conditional Uses: All conditional uses permitted in the underlying zone(s) shall continue to be conditional uses.
- d) Permitted accessory structures, buildings and uses:
  - 1) All accessory uses permitted in the underlying zone(s).
  - 2) Private residential garages and off-street parking. Standalone structured parking decks are prohibited.
  - 3) Structured parking decks enclosed with the same architectural design and use of building materials as the principal permitted use.
  - 4) Loading areas.
  - 5) Leasing office.
  - 6) Streetscape improvements.
  - 7) Gardens, hardscape patio areas, landscape features.
  - 8) Fences in accordance with the applicable Township ordinances.
  - 9) Signage shall be subject to the requirements of the applicable Township ordinances.

- 10) Green building techniques and green roofs.
- 11) Solar canopy array or roof mounted systems.
- 12) Stormwater management/flood storage systems.
- 13) EV Car Charging Stations & associated infrastructure.
- 14) Generators.
- 15) Other customary accessory uses and structures such as, but not limited to, a club room, fitness/recreation areas, dog parks, and swimming pools for the private use and enjoyment of residents and their guests.
- 16) Any use deemed incidental to a permitted principal use, subject to Planning Board approval.

#### 6. Area, Bulk, and Development Criteria for PUD Subarea Overlay Zone.

- a) Density. The density of housing in this overlay zone shall not exceed 25 units per acre.
- b) Maximum Height. No principal building shall exceed 40 feet in height and three stories.
- c) Minimum Front Yard Setback shall be 30 feet.
- d) Minimum Rear Yard setback shall be 50 feet.
- e) Minimum Side Yard setback shall be 30 feet.
- f) Minimum distance between buildings shall be 30 feet.
- g) Maximum Building Coverage shall be 30%.
- h) Maximum Lot Coverage shall be 65%.
- i) Unless otherwise regulated in this section, the provisions of Subsection 35-15.3A shall apply.

#### 7. Parking and Loading.

- a) New Jersey Residential Site Improvement Standards (RSIS), N.J.A.C. 5:21-1 et seq., shall be referenced to determine the number of required parking spaces, size of parking spaces, and construction details concerning project streets and drives, sidewalks, water supply and sanitary sewers. The number of parking spaces specified in Table 4.4 to N.J.A.C. 5:21-4.14 shall be the presumptive number of parking spaces required. Barrier-free parking spaces shall be provided and signed in accordance with the standards of the New Jersey Barrier Free Code.
- b) Structured parking decks enclosed with the same architectural design and use of building materials are permitted. The number of parking stories shall be counted towards the number of stories permitted.
- c) Electric vehicle parking and infrastructure is required per the State's Electric Vehicle requirements per N.J.S.A. 40:55D-66.20.
- d) The width of streets and driveways shall be no less than 24 feet unless otherwise provided by the New Jersey Residential Site Improvement

Standards (N.J.A.C. 5:21-1 et seq.)

8. An indoor trash and recycling area for the collection and storage of generated trash and recyclable materials shall be provided within the principal building.

9. Infrastructure.

- a) All new electric, telephone, television, cable, gas, and other utility service lines servicing the buildings shall be installed underground, to the extent such underground service is commercially reasonable, available and permitted by the applicable utility companies, and in all events, shall be installed in accordance with the prevailing standards and practices of the respective utility or other companies providing such services.
- b) The Township has not prepared utility, roadway or traffic studies on the existing conditions, capacity, or reports on upgrades required to support the proposed development. As directed by the Township Engineer and/or Board Engineer, the Developer shall provide utility, roadway and traffic studies evaluating the existing conditions, capacity and details of any necessary upgrades required to support the proposed development. The Developer shall be responsible for contributing towards any infrastructure upgrades in accordance with the Municipal Land Use Law (MLUL).

10. Green Building Standards.

- a) All development within the overlay zone shall incorporate green building design practices consistent with the New Jersey Green Building Manual or equivalent national standards.
- b) Site and building design shall promote energy efficiency, water conservation, indoor environmental quality, and sustainable material use through:
  - 1) Energy-efficient lighting and HVAC systems;
  - 2) Use of renewable energy sources, including solar photovoltaic or solar thermal systems;
  - 3) Low-impact development strategies such as pervious paving and rain gardens;
  - 4) Water-efficient landscaping utilizing native and drought-tolerant species; and
  - 5) Recycling and reuse of construction materials when able.
- c) Green roofs or rooftop vegetation are encouraged for stormwater management.
- d) Developers shall include Green Building plans outlining compliance measures as part of the site plan application.

11. Climate Resiliency.

- a) Development shall incorporate climate adaptation and resiliency strategies consistent with N.J.A.C. 7:8 (Stormwater Management).
- b) Projects shall evaluate vulnerabilities to flooding, extreme heat, and severe weather events and incorporate mitigation measures such as:
  - 1) Risen floor elevations above FEMA base flood elevations where applicable;
  - 2) On-site stormwater detention and infiltration features;
  - 3) Use of flood-tolerant landscaping and tree canopy for cooling and shade;
  - 4) Backup power and grid-ready infrastructure to maintain systems during outages.
- c) All development applications shall include a brief Climate Resiliency Assessment demonstrating how the proposed development addressed projected climate impacts and enhances resilience.

## 12. Landscaping.

- a) Landscaping shall be provided as part of all development applications and is to be integrated into building arrangements, topography, parking, buffering and other site features. Landscaping shall include trees, shrubs, ground cover, berms, flowers, and similar materials, and shall be designed to provide aesthetic, buffering, climatological, environmental, ornamental, and other similar functions. All landscaping plans shall be prepared by a New Jersey licensed landscape architect, or other individual deemed suitably qualified by the Board. The plan shall include detailed construction drawings for all site landscaping, common areas, recreation areas and all street frontage improvements including but not limited to street trees, ornamental lighting and brick paver walkways.
- b) A minimum planted buffer of not less than 15 feet shall be established and maintained around the perimeter of a site developed pursuant to this section. This perimeter buffer shall be planted with a dense grouping of landscape materials which may include fencing, decorative walls and berms. Site driveways, with or without sidewalk(s) connecting the public street to the site, are permitted to pierce this required buffer, as are underground utility and drainage connections.
- c) All portions of the property not utilized by buildings or paved surfaces shall be landscaped utilizing a variety of landscape material, including but not limited to landscaped fencing, shrubbery, lawn area, ground cover, and trees. The use of coniferous and/or deciduous trees native to the area shall be used to lessen the visual impact for the structures and paved areas.

- d) All plant material shall consist of native landscape plantings.
  - e) Landscaping shall be designed to create a complete integration of the various elements of site design.
- e. d. Mandatory set-aside. Any residential development, in any zone within the Township, proposed at a density of six units per acre or greater shall include a mandatory set-aside of 20% of the units to be affordable to low- and moderate-income households if they are offered for sale and 15% of the units to be affordable to low- and moderate-income households if they are offered for rent. A minimum of 50% of the affordable units in any development shall be low-income units. Thirteen percent of the affordable units shall be available to very low-income households, which shall be counted as part of the low-income housing units. These include any new development proposed through rezoning, use variance, subdivision or site plan applications. This does not give any developer the right to such rezoning, variance or other relief, or establish any obligation on the part of Springfield, its Planning Board or Zoning Board of Adjustment to grant such rezoning, variance or other relief. **If the Township or Township Land Use Board permits the construction of multi-family or single-family attached residential development, the Township or the Township's Land Use Board shall require that an appropriate percentage of the residential units be set aside for low- and moderate-income households. This requirement shall apply beginning with the effective date of this section to any multi-family or single-family attached residential development, including the residential portion of a mixed-use project, which consists of five (5) or more new residential units, whether permitted by a zoning amendment, a variance granted by the Township's Land Use Board, or adoption of a Redevelopment Plan or amended Redevelopment Plan in areas in need of redevelopment or rehabilitation. For any such development for which the Township's land use ordinances (e.g. zoning or an adopted Redevelopment Plan) already permitted residential development as of the effective date of this section, this requirement shall only apply if the Township permits an increase in gross residential density. Nothing in this paragraph precludes the Township or the Township's Land Use Board from imposing an affordable housing set-aside in a development not required to have a set-aside pursuant to this paragraph consistent with N.J.S.A. 52:27D-311(h) and other applicable law. For inclusionary projects in which the low and moderate units are to be offered a for-sale or rental, the required minimum affordable set-aside percentage is 20%. This requirement does not create any entitlement for a property owner or applicant for a zoning amendment, variance, or adoption of a Redevelopment Plan or amended Redevelopment Plan in areas in need of redevelopment or rehabilitation, or for approval of any particular proposed project. This requirement does not apply to any sites or specific zones otherwise identified in**

the Township's Fourth Round Housing Element and Fair Share Plan, approved by the Planning Board on June 19, 2025 and endorsed by the Township Committee on June 24, 2025, and the approved Consent Order dated December 5, 2025, for which density and set-aside standards shall be governed by the specific standards set forth therein. Furthermore, this section shall not apply to developments containing four (4) or less dwelling units. All subdivision and site plan approvals of qualifying residential developments shall be conditioned upon compliance with the provisions of this section. Where a developer demolishes existing dwelling units, and builds new dwelling units on the same site, or expands an existing building, the provisions of this section shall apply only if the net number of dwelling units is five (5) or more.

**SECTION II - RATIFICATION**

Except as expressly modified herein, all other provisions and terms of the Code of the Township of Springfield shall remain in full force and effect.

**SECTION III - SEVERABILITY**

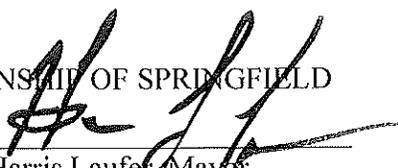
In case any section, subsection, paragraph, subdivision, clause or provision of this ordinance shall be judged invalid by a court of competent jurisdiction, such order or judgment shall not effect or invalidate the remainder of any section, paragraph, subdivision, clause or provision of this ordinance, and to this end, the provisions of each section, paragraph, subdivision, clause or provision of this ordinance are hereby declared to be severable.

**SECTION IV - REPEAL**

Any ordinance or portion of any ordinance which is inconsistent with the modifications of this ordinance is repealed to the extent of its inconsistency.

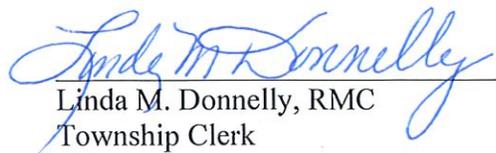
**SECTION V – EFFECTIVE DATE**

This ordinance shall take effect immediately upon passage and publication according to law.

TOWNSHIP OF SPRINGFIELD  
By:   
Harris Laufen, Mayor

Passed and Approved: March 10, 2026

I hereby certify that this is a true and correct copy.

  
Linda M. Donnelly, RMC  
Township Clerk



# EXHIBIT F