

RESOLUTION

**PLAINSBORO TOWNSHIP PLANNING BOARD
Middlesex County, New Jersey**

**P22-03 K. Hovnanian Serenity Walk at Plainsboro Urban Renewal, LLC
Block 1304, Lots 1.02 and 1.03
(52 & 54 Dey Road)**

Dey Road Redevelopment Area

**~ PRELIMINARY/FINAL MAJOR SUBDIVISION AND SITE PLAN APPROVAL
WITH REDEVELOPMENT PLAN DEVIATIONS AND SUBMISSION WAIVERS ~
(Serenity Walk Age-Restricted Single-Family Residential Development)**

WHEREAS, K. Hovnanian Serenity Walk at Plainsboro Urban Renewal, LLC (“applicant”) is the contract purchaser and designated redeveloper of property located at 52 and 54 Dey Road, and designated on the Plainsboro Township tax maps as Block 1304, Lots 1.02 and 1.03 (“site,” “property” or “subject property”); and

WHEREAS, the property is owned by the Township of Plainsboro, which has consented to the within application; and

WHEREAS, the property is located in the Dey Road Redevelopment Area, and development of the property is governed by the requirements of the Dey Road Redevelopment Area Plan prepared by Beacon Planning and Consulting Services, LLC and dated August 2020 (“Redevelopment Plan” or “Plan”); and

WHEREAS, the applicant seeks preliminary and final major subdivision and site plan approval with redevelopment plan deviations and submission waivers to construct a fifty-two-unit age-restricted single-family residential development on the property, together with appurtenant improvements; and

WHEREAS, the details regarding the applicant’s proposal are set forth in the Planning Board Review Memo dated June 30, 2022, attached hereto as Schedule “C” and made a part hereof, as well as in the following materials submitted by the applicant:

- Signed application form, checklists, and submission waiver requests
- Plan set entitled “Preliminary and Final Major Subdivision and Site Plan of Serenity Walk, prepared for K. Hovnanian Serenity Walk at Plainsboro Urban Renewal, LLC, situated on Block 1304, Lots 1.02 & 1.03 (Dey Road Redevelopment Plan Area), Plainsboro Township, Middlesex County, New Jersey,” prepared by Van Note-Harvey Associates, Inc. (Brian R. Perry, NJPE), dated March 28, 2022, last revised June 15, 2022 (thirty-five sheets total)
- Engineering Report prepared by Van Note-Harvey Associates, Inc., dated March 28, 2022, revised June 15, 2022
- Environmental Impact Assessment prepared by Van Note-Harvey Associates, Inc., dated March 28, 2022
- Stormwater Management Measures Maintenance Plan & Field Manuals prepared by Van Note-Harvey Associates, Inc., dated March 28, 2022, revised June 15, 2022
- Traffic Impact Study prepared by Langan Engineering and Environmental Services, Inc., dated March 31, 2022

and

WHEREAS, the Board reviewed the application at a virtual public hearing held via Accession Meeting on July 18, 2022, during which the applicant was represented by Frank Petrino, Esq. (Eckert Seamans Cherin & Mellott, LLC); and

WHEREAS, the application and public hearing were duly noticed in accordance with the requirements of the Municipal Land Use Law and Plainsboro’s development regulations; and

WHEREAS, instructions for how to access the meeting and all associated meeting materials were printed on the Planning Board’s meeting agenda and posted on the Township’s website, including instructions to the public for how to ask questions and make comments on the

application, both in advance of and during the public hearing; and

WHEREAS, during the hearing, the Board reviewed the exhibits set forth in Schedule “A” attached hereto and made a part hereof; and

WHEREAS, during the hearing, the Board heard testimony from the witnesses set forth in Schedule “B” attached hereto and made a part hereof; and

WHEREAS, the Board also considered the Planning Board Review Memo dated June 30, 2022 attached hereto as Schedule C; and

WHEREAS, all of the materials related to the application and referenced herein were posted online and made available for public review and download more than forty-eight hours prior to the public hearing, and remained available to the public during and after the hearing; and

WHEREAS, members of the public and interested parties were provided with the opportunity to ask questions, cross-examine witnesses, and offer comments during the hearing, and were also provided the opportunity to submit written comments and questions in advance of the public hearing; and

WHEREAS, the Board based its review of the application on the plans, reports, and exhibits identified herein and the testimony provided during the hearing, as well as on its own knowledge of and expertise in the subject matter; and

WHEREAS, after due deliberation, the Board makes the following findings:

PREAMBLE

1. The findings set forth in the preamble to this resolution are incorporated herein as if restated at length.

SUBJECT PROPERTY

2. The property consist[s] of an assemblage of two parcels, Block 1304, Lots 1.02 and 1.03, which contain a total of ±20.35 acres. It is situated along the southern side of Dey Road near its intersection with Woodland Drive, in a transitioning portion of the Township with respect to housing types. To the north are large single-family homes. To the west and south is a subdivision consisting of single-family homes on smaller lots and 3-story apartment buildings. To the east is a power substation followed by a garden apartment development. The property presently consists of farmland.

ZONING

3. The property comprises the Dey Road Redevelopment Area (“redevelopment area”), and development of the property is governed by the requirements of the Dey Road Redevelopment Area Plan prepared by Beacon Planning and Consulting Services, LLC and dated August 2020 (“Redevelopment Plan” or “Plan”). The purpose of the redevelopment area is to “provide alternate housing options for the older segment of the population in order to allow this cohort to downsize and still stay within the community.” (See section 3.01 of the Redevelopment Plan).

APPLICANT

4. The applicant is the contract purchaser of the property, which is presently owned by Plainsboro Township. The applicant has been designated as the redeveloper of the property, in accordance with the requirements of section 8.3 of the Redevelopment Plan, and is therefore authorized to proceed with the within application.

OVERVIEW

5. The applicant seeks preliminary and final major subdivision and site plan approval to construct an age-restricted residential community of fifty-two single-family detached homes, plus additional amenities, including a new access point, pedestrian circulation paths, a dog park, a pickleball court, a recreation building, and open space areas. The development, to be known as Serenity Walk, has been designed for an active-adult population, with homes ranging in size from 1,986 to 2,680 square feet, containing 2 or 3 bedrooms, including a master suite on the ground floor. All homes will have two-car garages.
6. The plan will feature interior streets with sidewalks on both sides connecting to a paved walking/jogging pathway that extends around the perimeter of the community. The major recreation focal point will include a recreation center building and outdoor pool, plus a pickleball court. There will be a homeowners’ association formed to manage the common elements of the development, which include all private street right-of-way improvements, including roadways, sidewalks, and signage; recreation amenities,

including clubhouse, pool area, and pickleball court; all improvements in designated open space areas, including perimeter walking paths, dog park, fencing, and landscaping; and all stormwater management facilities.

ADDITIONAL DETAILS REGARDING THE APPLICATION

7. Pedestrian circulation.

- a. The proposed development provides a generous pedestrian pathway system, including five feet wide concrete sidewalks along both sides of the proposed street system, as well as along the site Dey Road frontage, in addition to a six feet wide bituminous walking path that extends from the residential sidewalks around the perimeter of the development, connecting all the homes to the recreational amenities (clubhouse, pool, pickleball court) and dog park. The Board finds that the proposed development complies with the Site Standards for pedestrian circulation in the Redevelopment Plan.

8. Vehicular circulation and traffic.

- a. Traffic into and out of the development will be served by the construction of a new access point to the property from Dey Road, which will lead to three cul-de-sacs. (See applicant's Environmental Impact Statement).
- b. In response to questions raised early on in the process by the Planning Board staff, the applicant's engineer submitted a Traffic Signal Warrant Report that indicates the warrants are not met for the installation of a traffic signal at the intersection of Dey Road, Woodland Drive, and the entry road into the development, and the Planning Board staff has indicated that it takes no exception to the report. However, in order to facilitate pedestrian crossings, the applicant has agreed to provide Rapid Rectangular Flashing Beacons (RRFB) and marked cross walks for the intersection, subject to Middlesex County approval. The applicant also proposes other improvements to Dey Road—again subject to County approval—including roadway widening and provisions for turning movements into and out of the proposed development and the Estates at Plainsboro development located on the north side of Dey Road. All improvements to Dey Road are subject to the review and approval of Middlesex County.

9. Grading, drainage and stormwater management

- a. The applicant's proposed stormwater management measures are set forth on the engineering plan set and described in detail in the applicant's Engineering Report. The proposed improvements conform to all applicable State and local requirements.
- b. The applicant has agreed to provide a Drainage, Conservation, Maintenance and Access Agreement in favor of Plainsboro Township and the County of Middlesex for the stormwater management system, which agreement shall be subject to the review and approval of the Township Attorney and Township Engineer.

- c. The applicant has also provided an operations and maintenance (“O&M”) manual entitled “Stormwater Management Measures Maintenance and Field Manuals.” Both the manual and any future revisions to same shall be recorded upon the deed of record for the property on which the maintenance described in the maintenance plan must be undertaken, the form of which shall be approved by the Township Attorney and Township Engineer prior to recording the same with the Middlesex County Clerk’s Office. A copy of the recorded manual shall also be furnished to the Department of Planning and Zoning and the Planning Board Engineer’s office.

10. Landscaping

- a. The details regarding the proposed landscaping are set forth on sheets L2.0.00 through L2.3.301 of the civil engineering plan set. The Board finds that subject to compliance with the comments in the Technical Appendix in the Planning Board Review Memo, the landscaping plans conform to the requirements of the Redevelopment Plan.

11. Lighting

- a. The details regarding the proposed lighting are set forth on sheets L4.0.00 through L4.1.03 of the civil engineering plan set. The Board finds that subject to compliance with the comments in the Technical Appendix in the Planning Board Review Memo, the lighting plans conform to the requirements of the Redevelopment Plan.

12. Signage

- a. The applicant has proposed a monument entrance sign that measures three feet by four feet in compliance with the applicable zoning (sign) regulations. The proposed sign will be illuminated with ground mounted LED fixtures that are black in color, adjustable, and shielded to prevent visible glare.

13. Fencing, sheds and other accessory structures

- a. Sheet CE-3 of the applicant’s plan identifies the location of proposed non-residential lot fences in the project, including:
 - Six feet high white PVC privacy fence along west property line of development site.
 - Four feet high three rail white PVC fence with black vinyl coated wire mesh around the detention basin.
 - Four feet high black metal ornamental fence around the dog park.
 - Ten feet high black vinyl coated chain link fence around the pickleball court.
 - Four feet high black metal ornamental fence around the swimming pool and patio area at the clubhouse.

The applicant originally proposed to install 620 linear feet of six feet high white PVC privacy fence along the western boundary of the site with the Place at Plainsboro development. Given the color and length of this fence, and the tendency of such fences overtime to visibly show algae growth on the fence, staff recommended at the DRC that the applicant consider installing a neutral darker colored fence instead, which could be coordinated with the anticipated color of the exterior of the clubhouse and homes. The applicant agreed with this recommendation, and now proposes to install a Clay or Dark Gray colored vinyl fence instead of the white fence originally proposed.

- b. Section 3.5B.8. (Accessory structures) of the Plan indicates that fences are permitted on residential lots subject to regulations promulgated by the community (HOA), and shall be limited to the rear yard areas and not to exceed five feet in height. The applicant has indicated that no fences are permitted on the individual residential lots. If such fences were to be allowed in the future by the community HOA, staff recommends that they be of a high quality, easily maintained, uniform in appearance, and coordinated in color with other fences in the development. At the DRC meeting, the applicant was asked to clarify whether garden sheds for individual lots were contemplated. While the Plan (Sections 3.4B and 3.5B.8) does not prohibit such structures, the applicant has indicated that garden sheds on residential lots will not be permitted.

14. Solid waste and recycling

- a. The applicant has indicated that solid waste and recyclable materials storage for both the clubhouse and individual homes will be stored using totes that can be stored in the garage (or clubhouse storage room) and wheeled to the street curb for collection by private waste haulers.

15. Utilities

- a. *Sanitary sewers:* The property is served by Veolia North America (formerly Suez-Princeton Meadows). An existing manhole and approximately ninety-six feet of an existing sanitary sewer line will be removed, and a new manhole will be constructed to tie the property into the sanitary sewer service lines. (See applicant's Environmental Impact Statement). A Treatment Works Approval will be required from the NJDEP for this project.
- b. *Potable water and fire protection:* There are no potable wells on the property. Instead, the property will tie into New Jersey American Water's water main located under Dey Road. (See applicant's Environmental Impact Statement). All water mains, services and appurtenances shall be installed and looped subject to the requirements of New Jersey American Water. In addition, the Township Fire Official shall meet with representatives with the Plainsboro Fire District to discuss fire safety issues, including the location of the hydrants, any FDC connections, and fire lanes. These issues will be addressed to the satisfaction of the Township Construction Official based on discussions with the Fire District personnel.

- c. *Hotboxes*: In recent developments, the New Jersey American Water Company (“NJAW”) has been requiring a structure called a “hotbox” near their meter pit for the property, which structure would house the reduced pressure zone device for the site. At this time, it is not known if NJAW will require a hotbox for this development, or its size or location. If a hotbox is required, a detail for the hotbox shall be added to the plans and staff will work with the applicant to develop the plans for the landscape screening of both the hotbox and related meter pit consistent with the design standard for hot boxes in the Redevelopment Plan (see “Site Standards/Utility Structures” in Section 3.7 of the Plan). All hotboxes shall be painted with Sherwin Williams Rock Garden Green Paint (SW6195) or equivalent.
- d. *Gas and electrical service*: Intent to service letters from the respective utility companies shall be provided.
- e. *Generators*: Sheet CE-14 identifies a plan detail for typical utility connections for single-family homes. Given the increased popularity of whole-house generators and given staff’s experience in dealing with this issue in a similar development in town (Cranbury Brook), the applicant is encouraged to identify the location of such generators on individual lots based on applicable code requirements for same. Additionally, per the design standard in the Plan (see Architectural Design Standards/Physical Plant), all generators shall be placed outside the front yard area. Generators in side yard areas shall be allowed only where such equipment is screened by a three foot high decorative fence enclosure. The applicant has amended the plan to show where such generators would be allowed in side yard areas.

16. Electric vehicle (EV) charging stations

- a. Section 7.0 of the Redevelopment Plan requires the applicant to provide “a total of at least two public electric recharge stations for vehicles.” The applicant shall comply with this requirement. In addition, the applicant has agreed to equip each home with an electric vehicle charging station (defined as “Electrical Vehicle Supply/Service Equipment or EVSE in the state model ordinance).

17. Affordable housing

- a. Section 6.0 of the Redevelopment Plan states that “[a]ffordable housing units will not be required in conjunction with the implementation of the Redevelopment Plan.”

18. Miscellaneous

- a. The applicant has prepared a detailed environment impact assessment pursuant to §20-10 of the Township Code. Based on the various environmental factors considered in this assessment, the report concludes that the project will have negligible adverse impact to the environment and the surrounding community and is well suited for the development site.

- b. The proposed subdivision requires the establishment of a homeowners' association (HOA) to own and/or maintain all private street right-of-way improvements, including roadways, sidewalks, and signage; recreation amenities, including clubhouse, pool area, and pickleball court; all improvements in designated open space areas (Lot 53, Block 1304), including perimeter walking paths, dog park, fencing, and landscaping; and all stormwater management facilities, including the proposed bioretention basin and the other proposed bioretention systems. All stormwater management facilities located on individual residential unit lots shall be placed within an easement to ensure access and maintenance of the facilities by the HOA. The HOA documents shall include landscape maintenance and stormwater management facilities maintenance manuals, which shall be reviewed and approved by the Planning Board Engineer's office.
- i. All proposed HOA documents shall be reviewed and approved by the Planning Board Attorney prior to filing with the New Jersey Department of Community Affairs (DCA).

A "plain language disclosure statement" shall be prepared by the applicant to the satisfaction of the Planning Board Attorney, and shall at a minimum contain the following:

- Information on the prior use of the site for farming activities, as well as information on existing conditions/uses in the vicinity of the proposed subdivision, including the PSE&G overhead power lines easement located along the southern portion of the subject property, and the PSE&G substation facility and high voltage power lines located on land immediately to the east of the subject property.
- Information on the proposed development, including:
 - Prominent notification of mandatory membership in a homeowners' association (HOA) exclusively serving this development and the HOA's perpetual responsibility to maintain all required stormwater management facilities (including those that exist within easements on individual residential unit lots), and all common area open space landscaping within Lot 53, Block 1304 of the proposed subdivision;
 - Prominent notification that failure on the part of the HOA to maintain the required stormwater management facilities and common area open space and related landscaping may result in the Township entering the affected properties and performing the maintenance in accordance with the procedures set forth at N.J.S.A. 40:55D-43b and charging the costs of such maintenance pro rata against each of the residential lots in the development pursuant to N.J.S.A. 40:55D-43c.
- Information on the presence of easements (stormwater management related) on some of the single-family lots and that such easements

will limit the types, location, and extent of improvements allowed on such lots, and may in some instances have the effect of prohibiting some types of improvements.

- Information on the developer’s responsibility to install and thereafter maintain for a period of two (2) years from the date of such installation all required landscaping in the development, including tree plantings on individual single-family lots; and that the homeowners shall be aware that a representative for the developer may need to enter their property to satisfy this requirement, including replacing dead or dying trees as required by the Township, and that presumptive permission to do so has been granted by each of the homeowners in order to allow the developer to fulfill this requirement.
 - Information not referenced above, but otherwise required for adequate disclosure notification by state law, including any requirements of the New Jersey DCA and common law, as applicable.
- ii. A copy of the approved “plain language disclosure statement” shall be provided to and signed-off and dated by contract purchasers prior to closing. A copy of same shall be provided to Township staff when applying for the certificate of occupancy for the property involved, as evidence of having satisfied this requirement.
- iii. The deed of conveyance for each of the newly created lots shall contain a deed restriction setting forth the same information required to be contained in the disclosure statement, outlined in subsection a. above.
- iv. Until the final lot is sold, the developer will be solely responsible for maintaining and repairing all stormwater management related facilities.
- c. The applicant has proposed a temporary sales facility that includes a model home, a sales office trailer, temporary parking, and sales related signage. According to the applicant, the temporary sales facility will be installed when the stabilized base course of paving for the entrance road is completed up to where the facility is proposed to be located. After the model home is completed and receives an occupancy permit, the sales operation will be moved into the garage of the model unit. The anticipated hours of operation for the sales facility will be 10:00 AM to 6:00 PM.

The temporary sales trailer and all associated improvements are subject to Township review and approval including all permits necessary for utility hookups and connections.

CONFORMANCE TO REDEVELOPMENT PLAN REQUIREMENTS AND RSIS REQUIREMENTS.

19. Use and bulk requirements:

- a. Section 3.2 of the Redevelopment Plan states that “[u]nless otherwise specified herein, the standards contained within the Dey Road Redevelopment Area Plan shall regulate the land use, bulk requirements, sign regulations and design standards for the designated properties, and shall apply to any redevelopment project designed to implement the Plan. Where regulations of the Redevelopment Plan conflict with the zoning regulations of the Township { Township Code, Chapter 101), this Plan shall control. . . . In the case where a particular land use or site standard is not specifically addressed in this redevelopment plan, compliance with the Township zoning regulations and/or other applicable Township regulations shall be required.
- b. The proposed development substantially complies with the use and bulk requirements set forth in the Redevelopment Plan. The applicant has, however, requested certain deviations from the Redevelopment Plan’s requirements, all of which are equivalent to C-Type residential bulk variances under the NJ Municipal Land Use Law (MLUL).

Section 3.6.I of the Redevelopment Plan expressly authorizes the Planning Board to grant deviations from the bulk standards contained in the Redevelopment Plan,” where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, preexisting structures or physical conditions uniquely affecting a specific piece of property, the strict application of any area, yard, bulk or design standard or regulation adopted pursuant to the Redevelopment Plan, would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the development of such property.” The Redevelopment Plan authorizes the Board to “grant such relief in an application relating to a specific piece of property where the purposes of this Redevelopment Plan would be advanced by a deviation from the strict application of the bulk standards of this Plan, and the benefits of the deviation would substantially outweigh any detriments.” No relief can be granted, however, “unless such deviation or relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the Dey Road Redevelopment Area.”

Section 3.1 of the Redevelopment Plan states that “[t]he planning approach outlined in this redevelopment plan is to create an enhanced opportunity for an age-restricted residential district that advances the goals of the Master Plan and the vision of the community.” It also states that “[t]he flexibility of land uses within the zone district is essential to achieve the best design possible to integrate the Dey Road

Redevelopment Area with neighboring properties and to create a sustainable residential district. The Township development plan review process will be administered by the Township Planning Board to ensure that the goals and objectives of the Redevelopment Plan are met.”

The deviations requested here are as follows:

- i. Section 3.5.A.iv (PSE&G Buffer): This deviation pertains to the minimum width of the buffer required from the proposed residential lots to the existing PSE&G right-of-way, which is best characterized as a 100 feet wide open area where two PSE&G lattice towers and overhead wires currently exist. The Plan requires a minimum buffer (width) of 30 feet. The applicant proposes a 22 feet wide buffer measured from the edge of the PSE&G right-of-way to the rear of the closest residential lots. The applicant explains that while the buffer proposed is 22 feet wide, if you include the required 20 foot rear yard setbacks of the adjoining lots, the buffer is 42 feet, or nearly 50 feet if you measure it to the rear of the proposed homes.
- ii. Section 3.5.A.vii (Recreation Facilities): This deviation pertains to the minimum floor area required for a clubhouse serving the proposed development. The Plan requires a clubhouse that has a minimum floor area of 2,500 square feet. The applicant proposes a clubhouse that contains 2,019 square feet. The applicant explains that while the clubhouse is smaller than the minimum required by the Plan, the Plan permits a residential density that is more than twice what the applicant is proposing (112 units permitted, 52 proposed); hence the proposed clubhouse will be more than adequate to serve the recreational needs of the proposed homes.
- iii. Section 3.5.D.3. (General Standards – Split Entrance Boulevard): Section 3.5D.3 of the Plan indicates that access to the community shall be by way of an entrance drive off Dey Road that shall be a “split” boulevard configuration consisting of two 15 feet wide lanes and an 8 feet island between the lanes. The applicant’s plan deviates from this standard in that the plan shows a sixty feet long teardrop shaped median starting at the point where the entrance drive meets Dey Road. Beyond the median, the entrance drive becomes a two-way undivided 28 feet wide roadway. The applicant explains that, while the Plan does specify a “split boulevard” entrance drive off Dey Road, the Plan does not indicate a particular length for this split boulevard condition. The proposed entrance drive is otherwise fully consistent with the internal roadway circulation provisions contained in the Plan. The applicant explains further that the median configuration proposed is similar to that which has been approved and constructed elsewhere in the township, including the nearby intersection of Dey Road and Wyndhurst Drive serving the Princeton Crossing development.

- iv. Sections 3.5.D.4. & 3.5.D.5. (General Standards – Cartway Width/Sidewalks and Guest Parking). The applicant’s Site Layout Plan provides roadways that are 28 feet wide with on-street guest parking on one side, and 5-foot wide sidewalks on both sides. Section 3.5D.4 of the Plan, however, calls for roadway widths of 24 feet with a 5-foot wide sidewalk on one side, and no on-street guest parking; but instead requires peripheral “guest parking bays” throughout the community and at the clubhouse. The applicant explains that the issue of providing on-street guest parking versus the off-street guest parking per the Plan was previously discussed during the preliminary planning stage of this project and it was determined that such off-street guest parking requirement was meant for multifamily residential and not single-family residential as is currently proposed. Also, the proposed on-street parking, as well as the width of the roadways, and the placement of sidewalks on both sides of the roads fully comply with the New Jersey Residential Site Improvement Standards (RSIS).

The Planning Board Review Memo indicates that the DRC and staff support the deviations referenced above involving sections 3.5.A.iv, 3.5.A.vii, 3.5.D.3, 3.5.D4, and 3.5.D.5 of the Plan as being substantially consistent with the purpose and intent of the Plan, and will not result in any adverse conditions to the adjoining properties or the proposed development. The Board agrees, and finds that the requested deviations can appropriately be granted.

20. Design requirements:

- a. Section 3.7 of the Redevelopment Plan (Site Standards, Architectural Design Standards, and Landscaping Design Guidelines) provides that all site and building improvements within the Redevelopment Area shall comply with the “Design Standards” set forth in said section. Prior to the release of the final site plan, the applicant shall document compliance with each such standard by providing a detailed annotated response to each of the Design Standards in the Plan, supplemented by plan details as appropriate, subject to the review and acceptance by Planning Board staff.
- b. The Architectural Design Standards in the Plan articulate the specific design treatments for all exterior building walls, roofs, windows, exterior building materials and colors, residential and site lighting, and prohibited materials in the development. Unless a design exception is requested from specific standards in the Plan pursuant to the standards for granting such exceptions set forth in the Plan, it is expected that all such standards, as applicable, shall be satisfied by the applicant’s detailed architectural design plans.

- c. The applicant has proposed three distinct house models (Stanwyk, Poitier, and Kerr), with three variants of each model available (Colonial, Craftsman, and Farmhouse). As has been done in other residential developments in Plainsboro, and in order to ensure a degree of architectural diversity among the homes built in the development, staff recommends that no variant of a specific model shall be permitted along the same street frontage next to that same model variant (i.e., Stanwyk Colonial next door to a Stanwyk Colonial). The applicant has agreed to comply with this requirement.

21. Residential Site Improvement Standards:

- a. The applicant has provided a table on the plan demonstrating compliance with applicable Residential Site Improvement Standards (RSIS). No exceptions are being requested.

SUBMISSION WAIVERS.

22. The applicant has submitted the required preliminary and final subdivision checklists (Forms 12 and 13), as well as the required site plan review checklist (Form 14). A total of eleven subdivision checklist waivers have been requested (ten preliminary and one final subdivision), along with ten site plan review checklist waivers, with a brief description and justification provided for each. Based on the recommendations of the DRC and Planning Board staff, the Board finds that the waivers are reasonable and can be granted.

NOW, THEREFORE, BE IT RESOLVED by the Plainsboro Township Planning Board on this 18th day of July, 2022, that the application by K. Hovnanian Serenity Walk at Plainsboro Urban Renewal, LLC for preliminary and final major subdivision and site plan approval with redevelopment plan deviations and submission waivers be and is hereby granted, subject to the following conditions (to which the applicant has agreed):

1. The privacy fence to be installed along the western boundary of the site shall be a Clay or Dark Gray colored vinyl fence instead of the white fence originally proposed. Any fences to be installed on the individual residential lots shall be of a high quality, easily maintained, uniform in appearance, and coordinated in color with other fences in the development.
2. The applicant will provide Rapid Rectangular Flashing Beacons (RRFB) and marked cross walks at the intersection of Dey Road, Woodland Drive and the access road into the development, subject to Middlesex County approval.

3. All improvements to Dey Road are subject to the review and approval of Middlesex County.
4. The applicant's stormwater operations and maintenance ("O&M") manual entitled "Stormwater Management Measures Maintenance and Field Manuals," including any future revisions thereto, shall be recorded upon the deed of record for the property on which the maintenance described in the maintenance plan must be undertaken. The form of manual shall be approved by the Township Attorney and Township Engineer prior to recording the same with the Middlesex County Clerk's Office, and a copy of the recorded manual shall be furnished to the Department of Planning and Zoning and the Planning Board Engineer's office.
5. If a hotbox is required, a detail for the hotbox shall be added to the plans and staff will work with the applicant to develop the plans for the landscape screening of both the hotbox and related meter pit consistent with the design standard for hot boxes in the Redevelopment Plan (see "Site Standards/Utility Structures" in Section 3.7 of the Plan). All hotboxes shall be painted with Sherwin Williams Rock Garden Green Paint (SW6195) or equivalent.
6. Gas and electrical service: Intent to service letters from the respective utility companies shall be provided.
7. Generators: Sheet CE-14 identifies a plan detail for typical utility connections for single-family homes. Given the increased popularity of whole-house generators and given staff's experience in dealing with this issue in a similar development in town (Cranbury Brook), the applicant is encouraged to identify the location of such generators on individual lots based on applicable code requirements for same. Additionally, per the design standard in the Plan (see Architectural Design Standards/Physical Plant), all generators shall be placed outside the front yard area. Generators in side yard areas shall be allowed only where such equipment is screened by a three foot high decorative fence enclosure. (The Board notes that the applicant has amended the plan to show where such generators would be allowed in side yard areas).
8. Electric vehicles: Section 7.0 of the Redevelopment Plan requires the applicant to provide "a total of at least two public electric recharge stations for vehicles." The applicant shall comply with this requirement. In addition, the applicant has agreed to equip each home with an electric vehicle charging station (defined as "Electrical Vehicle Supply/Service Equipment or EVSE in the state model ordinance).
9. The applicant shall establish a homeowners' association (HOA) to own and/or maintain all private street right-of-way improvements, including roadways, sidewalks, and signage; recreation amenities, including clubhouse, pool area, and pickleball court; all

improvements in designated open space areas (Lot 53, Block 1304), including perimeter walking paths, dog park, fencing, and landscaping; and all stormwater management facilities, including the proposed bioretention basin and the other proposed bioretention systems.

- a. All stormwater management facilities located on individual residential unit lots shall be placed within an easement to ensure access and maintenance of the facilities by the HOA.
- b. The HOA documents shall include landscape maintenance and stormwater management facilities maintenance manuals, which shall be reviewed and approved by the Planning Board Engineer's office.
- c. All proposed HOA documents shall be reviewed and approved by the Planning Board Attorney prior to filing with the New Jersey Department of Community Affairs (DCA).
- d. A "plain language disclosure statement" shall be prepared by the applicant to the satisfaction of the Planning Board Attorney, and shall at a minimum contain the following:
 - i. Information on the prior use of the site for farming activities, as well as information on existing conditions/uses in the vicinity of the proposed subdivision, including the PSE&G overhead power lines easement located along the southern portion of the subject property, and the PSE&G substation facility and high voltage power lines located on land immediately to the east of the subject property.
 - ii. Information on the proposed development, including:
 - iii. Prominent notification of mandatory membership in a homeowners' association (HOA) exclusively serving this development and the HOA's perpetual responsibility to maintain all required stormwater management facilities (including those that exist within easements on individual residential unit lots), and all common area open space landscaping within Lot 53, Block 1304 of the proposed subdivision;
 - iv. Prominent notification that failure on the part of the HOA to maintain the required stormwater management facilities and common area open space and related landscaping may result in the Township entering the affected properties and performing the maintenance in accordance with the procedures set forth at N.J.S.A. 40:55D-43b and charging the costs of such maintenance pro rata against each of the residential lots in the development pursuant to N.J.S.A. 40:55D-43c.

- v. Information on the presence of easements (stormwater management related) on some of the single-family lots and that such easements will limit the types, location, and extent of improvements allowed on such lots, and may in some instances have the effect of prohibiting some types of improvements.
 - vi. Information on the developer's responsibility to install and thereafter maintain for a period of two (2) years from the date of such installation all required landscaping in the development, including tree plantings on individual single-family lots; and that the homeowners shall be aware that a representative for the developer may need to enter their property to satisfy this requirement, including replacing dead or dying trees as required by the Township, and that presumptive permission to do so has been granted by each of the homeowners in order to allow the developer to fulfill this requirement.
 - vii. Information not referenced above, but otherwise required for adequate disclosure notification by state law, including any requirements of the New Jersey DCA and common law, as applicable.
- e. A copy of the approved "plain language disclosure statement" shall be provided to and signed-off and dated by contract purchasers prior to closing. A copy of same shall be provided to Township staff when applying for the certificate of occupancy for the property involved, as evidence of having satisfied this requirement.
 - f. The deed of conveyance for each of the newly created lots shall contain a deed restriction setting forth the same information required to be contained in the disclosure statement, outlined in subsection a. above.
 - g. Until the final lot is sold, the developer will be solely responsible for maintaining and repairing all stormwater management related facilities.
10. The applicant's proposed temporary sales trailer and all associated improvements shall be subject to Township review and approval including all permits necessary for utility hookups and connections.
11. The barrier-free accessibility requirements, both for the temporary sales trailer facility and the future clubhouse, shall be as determined by the Township Construction Official.
12. Fire lanes and striping are subject to the approval of the Fire Subcode Official. In addition, a Fire Apparatus Access Plan for the site shall be provided and is subject to the review and approval of the Plainsboro Fire Official.

13. All structures, EV charging station electrical improvements, pool improvements, and chemical storage are subject to review by the Township Construction Official.
14. All water mains, services and appurtenances shall be installed and looped subject to the requirements of New Jersey American Water. In addition, the Township Fire Official shall meet with representatives with the Plainsboro Fire District to discuss fire safety issues, including the location of the hydrants, any FDC connections, and fire lanes. These issues will be addressed to the satisfaction of the Township Construction Official based on discussions with the Fire District personnel. All structures, footings and foundations are subject to review and approval of the Township Construction Official.
15. Unless expressly modified herein, the applicant will comply with all unfulfilled conditions and requirements, if any, set forth in the Planning Board Review Memo attached hereto as Schedule C (including the Technical Appendix to thereto), even if omitted from this resolution.
16. The applicant shall comply with all representations made and conditions agreed to on the record, even if omitted from this resolution.
17. The applicant will obtain the approval of and/or waivers, exemptions, or letters of no interest from the following outside agencies as applicable:
 - a. NJDEP (TWA approval)
 - b. Middlesex County Planning Board
 - c. Middlesex County Health Department (pool and kitchen facilities, if any)
 - d. Freehold Soil Conservation District
 - e. Veolia North America (formerly Suez-Princeton Meadows)
 - f. New Jersey American Water
 - g. Any other agencies having jurisdiction over the applicant's proposal
18. The applicant shall submit revised plans as called for in the foregoing conditions.
19. The applicant shall pay all outstanding real estate taxes, if any, within thirty days of the date of this approval.
20. The applicant shall post such engineering inspection fees, performance guarantees, temporary certificate of occupancy guarantees, maintenance guarantees, and other guarantees as may be required, consistent with the provisions of S-3233 (P.L. 2017, c. 312), and shall provide cost estimates to the Planning Board Engineer from which to calculate all such guarantees and inspections fees.

21. Unless otherwise specifically set forth herein and subject to the modification in the note below, all conditions of approval must be satisfied prior to the signing of the final plans and issuance of any construction or other permits.

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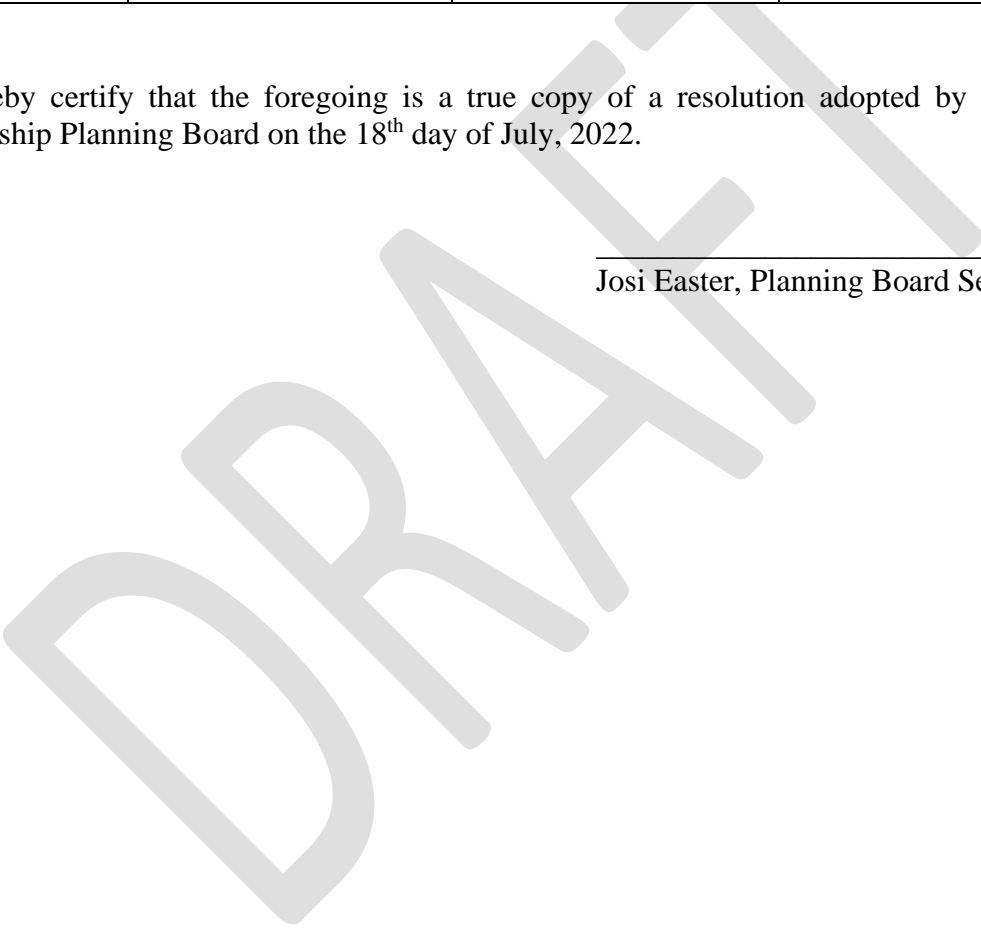
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ROLL CALL ON THE APPLICATION AND RESOLUTION, July 18, 2022

Yes: No: Absent: Abstain/Not Voting:

I hereby certify that the foregoing is a true copy of a resolution adopted by the Plainsboro Township Planning Board on the 18th day of July, 2022.

Josi Easter, Planning Board Secretary



SCHEDULE A

APPLICANT'S EXHIBITS

<u>A-1</u>	Aerial View of Project Site
<u>A-2</u>	Rendered Overall Landscape Plan
<u>A-3</u>	Model Elevations
<u>A-4</u>	Recreational Center Images (3 slides)

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SCHEDULE B

WITNESSES

Applicant's Witnesses:

- Brian Perry, PE/CME/LEED APBD+C, Van Note-Harvey Associates, Inc. (civil engineer)
- David B. Fisher, PP/AICP (K. Hovnanian Vice-President for Gov. Affairs)
- Karl Pehnke, PE, Langan Engineering and Env. Services, Inc. (traffic engineer)
- Thomas Stearns, AICP/PP/CLA/LEED AP, Stearns Associates, LLC (landscape architect)

Planning Board Staff and Consultants:

- Lester Varga, AICP/PP, Director of Planning and Zoning
- Ronald Yake, AICP/PP, Township Planner and Zoning Officer
- Lou Ploskonka, PE, CME Associates (Board Engineer)
- Trishka Waterbury Cecil, Esq., Mason, Griffin & Pierson (Board Attorney)

SCHEDULE C

[insert June 30, 2022 PB Review Memo]

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