

Ewing Township Redevelopment Agency (ETRA)
2 Jake Garzio Drive
Ewing, New Jersey 08628
Minutes: July 1, 2015

Submitted by:
Chuck Latini, Executive Director

Public Notice and Attendees

The Meeting of the Ewing Township Redevelopment Agency (ETRA) convened at 7:35 PM.

Attendees: Commissioner(s) Robert Kull, Joseph Mark Mirabella, Heather Kearns Latini, Shirley Carter, Pat Coleman-Boatwright; Terrance Stokes,

Abs: Commissioner Joseph Murphy

Professional Staff: Michael O'Donnell, Esq – Attorney; Charles Latini, PP, AICP Executive Director

Approval of Agenda

Approved with agreement to move New Business forward for the benefit of applicant Mr McCall.

Motion: Commissioner: Commissioner Kearns-Latini

2nd: Commissioner: Commissioner Coleman-Boatwright

Ayes: 6 Nays: 0 Abstain: 0

Approval of Minutes June 3

Held to subsequent meeting

NEW BUSINESS:

1) 1605 Calhoun Street

Mr Latini introduced the project and its associated issues. As the Agency may or may not be aware, the assembly use of the site (as define under the UCC) was a banquet facility in addition to the market style retail activities on site. Subsequent to the site's original approval as a banquet facility, its approval was revoked by the Planning Board when it became a night club with after hours difficulties. Since revocation, Mr McCall, the property's manager has had difficulties getting the property up and fully functioning.

A meeting was held with the applicant by Mr Latini and Mr Erney as to his ability to utilize the property as a Civic/Community Center. Uses such band and troubadour rehearsals, art exhibits, classes/mentoring, exercise classes, etc, all being able to rent the space. While the project appears doable, the Township's position has been that in order for these uses to be permitted, an application to the Planning Board must be made. Seeing as though the property is in significant arrears, it has been a long-standing policy of the

Planning Board to ensure that all taxes have been paid up to date before the Board can hear a project.

Mr Latini reported to the Agency that he thought bringing the project to Agency might shed additional light on the project while driving to some input and/or support that Mr McCall may be able to take forward in his discussions with the Township. While formal action would be limited to the Agency's conceptual support of his proposal, it is important to the project nonetheless.

Mr. Carl Mc Call introduced himself as the applicant and owner broker of S. Hundley Real Estate Agency. He also indicated that his company was not the manager or affiliated with Mr. Lawrence Caulker and Mr. Hong Keng Lin during the period the banquet hall was functioning or the removal of their Use Variance.

Mr McCall spoke about the issues before him, what is going on with the site, and his desire to create a community center use that works with the current retail component of the market. Mr. Mc Call presented to Chairman Kull and all attendees a copy of the Proposed Action Plan for the Community Center. The plan included services that would be provide such as Music Lessons, Modern and Ballet Dance School, Aerobics Exercise Classes, Senior Citizen Exercise, Precision Drill Team Training and Mentoring Program, Arts and Craft Training and also Exhibitions, Computer Training, Youth Crime Prevention Program, Public Meetings and Conferences, Rehearsals.

Mr Stokes questioned the game plan and mission Mr McCall had for the site moving forward. How do all the pieces fit?

Mr McCall stated that the issues of theft, crime, turnover of tenancy, etc., are difficult issues to contend with. For right now Mr McCall is looking for some flexibility in how he administered the site and markets it to future tenants. Mr. Mc Call referred to the submitted Action Plan and the experience of the individuals providing administrative and professional services.

Mr Latini questioned when will the issue of ownership be resolved with Mr Lin all but disappeared?

Mr. Mc Call claimed the foreclosure process is in the court at this present time and he has been approved as the Receiver. He also indicated that he did not know how long the process would take.

Ms Coleman-Boatwright said it seems as though you (Mr McCall) has an idea here, but do you have the structure/management in place to make it happen. Mr Stokes added that conceptually we need to continue to flesh out the opportunity here, but I support the concept for this area.

Mr Kull said that the issue of how this use will flourish is interesting but we are here to judge whether or not the use fits – it does in my opinion. The real issue is Township policy and moving the project forward in light of the ownership and tax issues. *These are not our issues.* While the original Banquet Hall use that the Planning Board approved then revoked stretched the permitted uses in the OARP, I think its safe to say that the Agency supports the use presented this evening.

Ms Carter opined that it is better to have a building occupied then lost in foreclosure.

A Motion of Support for the Project was made:

Moved: Commissioner Mirabella

2nd: Commissioner Stokes

Ayes: 6 Nays: 0 Abstain: 0

2) Ewing Compost Facility – Property Transfer / Approval of Sale

Mr Latini reported that the Township transferred the former land fill to the Agency in order to facilitate its sale to Premier Compost (Central Jersey Waste). The deal, as spelled out in the sale is for \$1.3 million. This deal keeps organic waste within the Township's host benefit regarding tipping fees at the current transfer station. The deal is a good one for the Township as losing the compostable/organic waste is a big number in terms of host benefit fees. Mr Latini informed the Agency that he spoke with Mr McManimon, special redevelopment counsel that this type of transaction between municipality and Agency is by far not unique.

Agency members questioned the sale price and whether or not the Agency would see any of it. Mr Latini informed the Agency that likely yes, but not in lump sum, in support of programs moving forward – such as the façade improvement program, etc.

Moved: Commissioner Mirabella

2nd: Commissioner Stokes

Ayes: 6 Nays: 0 Abstain: 0

DEVELOPMENT UPDATES

1) Planning and Zoning Board Update

a. Town-Center Zone Discussion regarding the Towns-Center zone as it relates to the Parkway Avenue Redevelopment Plan ensued. Mr. Latini reported that the new zone comports with the intent of the Redevelopment Plan while also recognizing the existing businesses and property owners.

Mr Latini stated that the ordinance was adopted by Township Council with Chairman Kull's suggestion that cross access easements with regard to circulation and site design integration language be strengthened. Mr Latini thanked the Board for their time in review and that the Agency's suggestions made for a better ordinance and one that honors the vision of the Redevelopment Plan.

b. Nassimi Realty – Mr Latini reported that he met with Nassimi representatives to discuss plan amendments. The suggestion was made by Nassimi that the plan was too strongly worded in principles that their proposal could not move forward by right and that an Overlay zone be drafted that fit what they wanted to do. Mr Kull viewed what Nassimi is proposing as more of a transitional use. Mr Latini agreed but offered that the Nassimi track could be split in 2 to

reflect both the idea of transition while recognizing that the tie to the Plan's principles could remain in place.

While there was more discussion to be had on the matter moving forward, the Agency was in general agreement that an overlay if to be considered should be carefully thought out.

2) Project Review

a. 1668 North Olden Avenue – Pharmacy

Mr Latini reported that the Agency received escrow to move a pharmacy at the above location through the project pipeline. The site, located directly between the Senior Star Adult Day care and the new Sonic restaurant under construction, is conceived of as more a delivery service than a retail pharmacy. Mr Latini stated that he will be working with the applicant to see if cross access easements through the adjoining properties will work.

b. 338 Hazel Avenue – Construction Storage

This property came before site review in hopes to be accepted as a storage yard with 6' high chain link fence surrounding. Application has yet to be made. Site Review informed JV Construction that an application to ETRA must be made.

c. 48 Arctic Parkway – Residential Addition

This property is looking to expand its existing footprint on site. Mr Erney sought ETRA's advice. Mr Latini reported that the applicant needs to fill out an application and meet FAR, landscape, and height requirements.

LEGAL UPDATE:

1) Michael O'Donnell, Esq.

a. Developer Agreements – Walgreens is moving forward with a draft eminent. The Sonic agreement is awaiting response from their attorney Mr Goldberg.

b. Two Peters Diner – Mr O'Donnell reported that he has been in correspondence with the Township Assessor as well as the Diner's attorney. The appears to have been a mistake in the assessor's evaluation of the property that is being sorted out. Mr Latini informed the Agency that he spoke with Mr Tyrone Garrett to confirm that no Pilot payment outside of perhaps the initial payment has been made. Regardless, it did appear that Tow Peter's did overpay their taxes based on the Assessor's office error, but we are awaiting confirmation at this point. As the facts get sorted out, Mr O'Donnell will report back to the group. Mr Latini was going to follow up with the bank on escrow payments actually mader.

OLD BUSINESS:

NONE

EXECUTIVE SESSION

(If Necessary for matters of Potential Litigation, Negotiation or Personnel Issues).

NONE

PUBLIC PARTICIPATION - NON AGENDA ITEMS

NONE

OTHER REPORTS:

NONE

NEXT SCHEDULED MEETING JULY 15, 2015 – Mr Latini reported that the meeting on the 15th may be necessary pending the submittal of a draft redevelopment agreement with Central Jersey Waste (Premier Compost, LLC)

ADJOURNMENT – 9:12pm

Motion to Adjourn: Commissioner: Commissioner Stokes

2nd: Commissioner: Commissioner Mirabella

Ayes: 6 Nays: 0 Abstain: 0