

**ROBBINSVILLE TOWNSHIP PLANNING BOARD MEETING
ROBBINSVILLE TOWNSHIP, MERCER COUNTY, NJ
WEDNESDAY, DECEMBER 9, 2015 7:00 P.M. – SENIOR CENTER
MINUTES**

Present: Chairman Cettina, Ms. Breyta, Mrs. Goodwine, Mr. Witt, Mr. Schuberth, Mr. Galluccio,

Absent: Ms. Tozzi, Mrs. Van Nest, Mr. Heilman, Mr. Silvestrov, Mr. Kranz

Also Present: Mr. McGough, Township Engineer; Mr. Dasti, Esq., Board Attorney; Mr. Wisner, Planning Consultant; Ms. Post, Board Secretary

ROLL CALL

The meeting was called to order by Chairman Cettina. Roll call for the above members was called.

SUNSHINE STATEMENT

Chairman Cettina read the following statement: “Adequate notice of this meeting has been provided as required under Chapter 231 P.L. 1975 specifying the time and place with such notice as being sent to the *Times of Trenton*, and the *Trentonian* and posted on the Municipal Building Public Notice Meeting Bulletin Board.”

FLAG SALUTE

The Board members present led the public in the salute to the flag.

CORRESPONDENCE

Chairman Cettina noted that the only correspondence was the *The New Jersey Planner*.

Public Comments

Chairman Cettina asked for a motion to open the meeting to public comment. A motion was made by Mr. Schuberth and seconded by Mrs. Goodwine to open the meeting to the public. All in favor. Since no one from the public came forward to address the Board, a motion was made by Mr. Schuberth and seconded by Mrs. Goodwine to close the public portion of the meeting. All in favor.

REPORT OF OFFICERS & COMMITTEES

Ms. Breyta reported that the Master Plan Subcommittee had a meeting on November 11, 2015 and tonight. They reviewed all of the sections of the Master Plan, which resulted in some suggestions and guidance for Mr. Wisner. Tonight they reaffirmed that, passed the meeting minutes and approved a memorandum that will be sent to Mr. Wisner with some direction. Mr. Wisner’s revised proposal will be submitted in January. She mentioned that Mr. Wisner also happened to be present at their meeting tonight because he arrived early for the Planning Board Meeting.

BOARD COMMENTS

There were no Board comments.

BUSINESS TO DISCUSS

1. Resolution PB2015-14 – Sharbell Building Co., LLC – Approval of Preliminary/Final Site plan for Phase I and Preliminary Site Plan for Phase II

Eligible to vote: Ms. Breyta, Mr. Kranz (absent), Mrs. Goodwine, Mr. Schuberth, Ms. Tozzi (absent), Mr. Silvestrov (absent), Mr. Galluccio and Chairman Cettina. Chairman Cettina asked for comments on the minutes. Mrs. Goodwine commented that on page 6, last paragraph, last sentence, it should be corrected to say “fenced in play area” instead of fenced play. Hearing no other comments, Chairman Cettina asked for a motion to adopt the resolution as corrected by Mrs. Goodwine. Mrs. Goodwine made that motion and was seconded by Ms. Breyta.

ROLL CALL:

AYES: Breyta, Goodwine, Schuberth, Galluccio, Cettina

NAYS: None

ABSTAINS: None

There being five (5) aye votes and no nay or abstain votes, the resolution was adopted as amended.

2. RTC14-12-01 – Robbinsville Commons II LLC, Block 1, Lots 12 & 13 – Request by applicant to extend a prior extension granted by Resolution PB2014-12 to December 31, 2016. The applicant received preliminary and final major subdivision and site plan on January 17, 2007 via Resolution PB2006-28.

Chairman Cettina asked for a motion to approve the extension as requested by the applicant. A motion was made by Ms. Breyta and seconded by Mr. Galluccio to approve the extension of prior approvals.

ROLL CALL:

AYES: Galluccio, Breyta, Schuberth, Goodwine, Witt, Cettina

NAYS: None

ABSTAINS: None

There being six (6) aye votes and no nay or abstain votes, the extension of approval was granted.

3. TC03-02-01 & TC06-01-06 – King Interests, LLC, Block 1, Lots 14, 15 & 16 – Request by the applicant to extend the prior major subdivision and site plan approvals granted by Resolution PB2004-42 on November 23, 2004 and PB2006-12 on May 17, 2006 for Robbinsville Commons I to December 31, 2016.

Chairman Cettina asked for a motion to approve the extension as requested by the applicant. Mrs. Goodwine asked why they have not done anything and why they are asking for the extension.

Mr. Dasti stated that the economics have been good over the past 6 or 7 years so you haven’t seen any development, which is one of the allowances under the Municipal Land Use Law that you find that there are economic conditions that have slowed down a lot of development.

A motion was made by Mr. Witt and seconded by Mr. Galluccio to approve the extension of prior approvals.

ROLL CALL:

AYES: Galluccio, Breyta, Schuberth, Goodwine, Witt, Cettina

NAYS: None

ABSTAINS: None

There being six (6) aye votes and no nay or abstain votes, the extension of approval was granted.

4. **PB06-12-01 – Washington Woods, LLC, Block 9, Lots 1, 25.01 & 55 – Request by applicant to extend the prior approval granted for preliminary subdivision by Resolution PB2008-05 on May 21, 2008 to December 31, 2016.**

Chairman Cettina asked for a motion to approve the request for the extension of prior approval. A motion was made by Mrs. Goodwine and seconded by Mr. Witt to approve the extension of approval.

ROLL CALL:

AYES: Galluccio, Breyta, Schuberth, Goodwine, Witt, Cettina

NAYS: None

ABSTAINS: None

There being six (6) aye votes and no nay or abstain votes, the extension of approval was granted.

5. **Threshold Redevelopment Analysis of Potential Redevelopment Report for Foxmoor Shopping Center (Robbinsville Portion Only), Block 4.01, Lot 243 – Discussion**

Chairman Cettina noted that everyone has a copy of the analysis, which they should have reviewed. He thanked Mr. Wisner for putting it together. Mr. Wisner did a fantastic job. He asked Mr. Wisner for a brief summary.

Mr. Wisner stated that the document is self-explanatory. They have three buildings; two in Robbinsville and one in Hamilton. They are only dealing with the one in Robbinsville. The large building, which included the former supermarket and that little tail portion is more than half vacant at this time. The town does not keep mercantile records so they don't have a good understanding of the vacancy over time. If this was street frontage with a series of lots and each storefront was its own lot, he doesn't think that it would be a problem at all declaring it to be in need of redevelopment. The problem comes because they are all in one building. The other building, which is the pad building, is 100% occupied although the building itself has been chopped up to a lot of uses. You cannot tell from the outside how the interior has been configured in the building. The parking lot is in fair shape leaning towards poor. They have patched it over a series of time, but it looks like a work in progress and really needs to be redone. Overall the shopping center does not show the traditional blight that one would normally look at as a redevelopment area. The vacancy is very troubling. The incidence of police calls, which would support a designation of blight is trending significantly in the wrong direction. They cannot tell what is causing them, but something is moving it. They are moving in a direction. He thinks there is enough there, if the Board is inclined to proceed with a formal designation and do that process. However, there is no case law that he has found that addresses a situation like this in a single building. They can put together a report that could give the Board sufficient background and sufficient justification to make a recommendation that the area is in need of redevelopment. Mr. Wisner mused is it bullet proof at this point in

time? Is it there a sufficient crack in the door for a challenge? I would say yes it is there. Mr. Beckleman will tell you how significant it is. Mr. Wiser thinks that the property is trending in the wrong direction. His planning opinion is that it is an area in need of redevelopment

Mr. Witt asked Mr. McGough to discuss the letter that was given to Council regarding this.

Mr. McGough stated that McCarter and English were establishing the fact that they represented the owner, the original bank holding the note, and that they needed to be included in any discussion.

Mr. Witt thought that maybe they were challenging the redevelopment.

Mr. McGough responded that he didn't get that from the letter. He thinks that they were trying to say that they needed to be involved in any discussion going forward because they own it.

Mr. Witt asked him to share that letter with Mr. Dasti.

Chairman Cettina asked if there are any benefits in being in need for redevelopment.

Mr. Wiser retorted that in this case he would not imagine that anyone would want to tear down the buildings. The buildings are old, but are in good condition. He was told that the owners did some work on the mechanicals on the pad building and they do respond to complaints. Mr. Wiser spoke with several tenants in the main building. He thinks that there should be some reconfiguring of the parking lot, which a redevelopment plan could allow for. They would want to tighten up the zoning, which a redevelopment plan would do. The biggest two things that the statute would allow for is the specter of eminent domain to keep the owners honest, and the ability for the town to provide for tax abatement, which would help on the economics of the project. Depending on the programs out there, there are public funding for below market financing, grants and other types of financial assistance that are available for areas in need of redevelopment that aren't available otherwise. There are economic incentives out there that are competitive, which the application would have to stand on its own, but you certainly get threshold points that you do not get unless you are designated, and within that you get additional points for curing ills.

Chairman Cettina asked about the redevelopment process.

Mr. Wiser explained that you go through the formal process like they did with Town Center South to designate it. Then they have to write a redevelopment plan, which would be adopted by ordinance. You would think that the interest expressed by the bank that they would at some level have input on the plan. Depending on how the town policy makers wish to approach it, give them the right of first attack in doing something, and if the town is not satisfied with their best efforts, then there is the specter of eminent domain in finding another redeveloper, who may be interested is there.

Mrs. Goodwine asked what the time frame is. Mr. Wiser replied that it is whatever the governing body decides.

Chairman Cettina asked who would be the folks opposing that idea. Mr. McGough answered that the people who would oppose it would be two groups. One person holding the foreclosure

note could oppose and/or an adjacent property owner could also oppose because this property would be getting something that they are not getting.

Mr. Witt read a portion of the letter from the lender regarding their opposition of the redevelopment. It stated: "Please be advised that the Lender disagrees with the conclusions of the report and its determination regarding the condition and the characterization of the property. Indeed, the Lender believes the property has significant value and, through its request for the appointment of the Rent Receiver, ensured a means of preserving and enhancing that value until the foreclosure could be completed. Thus, should the Township decide to proceed with a formal redevelopment assessment of the property, please provide this office and counsel for the Rent Receiver with all notices and reports so that we can take appropriate action to protect the Lender's interests in the property."

Mr. Dasti asked who started the ball rolling on this being a redevelopment. Mr. McGough answered that it originated from Council.

Mr. Wisner said that the Council directed this Board to do a redevelopment investigation, and they then took a step back and did this interim step, which is the report the Board has in front of them now. He thinks that the Board has two options. One is to go back to the governing body and inform them that based on all of this that it is ill advised or premature; or two, which is to go ahead with it.

Mr. McGough stated there is a third option, which is to take a time out.

Mr. Wisner said that at some level you have to respond to the directive from the governing body.

Mr. McGough stated that the Board commissioned Mr. Wisner to do that report, which he did, and now the Board needs to decide if they want Mr. Wisner to go forward with a full-blown redevelopment plan. There is no reason to make that decision tonight. He thinks that part of the issue is that the investors did not like the word blight in connection with their property although the report as he pointed out to the investors says vacancy not blight.

Mr. Witt asked if there is any harm in taking the next step. Mr. Dasti answered assuming that the Board decides to go forward, the next step is to authorize Mr. Wisner to do a more in-depth study and get the Township's Redevelopment Attorney more involved. Mr. Dasti does not know whether they want to resolve that tonight. There are only six members present this evening so perhaps it should wait until more members are present.

Mr. Wisner expressed that the best thing to do would be to have the Council President, Mayor Fried and Mr. McGough have a meeting to discuss what direction the town wants to take.

Mr. Witt said that the mayor doesn't believe that the letter means to stop. They all agree that something has to be done with that shopping center. Mr. McGough agreed with Mr. Witt. Mr. Witt added that he knows what the Council prefers. He has also spoken with Mayor Fried about it. Neither one wants to see the process stop.

Mr. Dasti stated that the fact that you received a letter from the lender's attorney means that if you go forward with a redevelopment plan, it is going to be a somewhat long involved process because the lenders and/or owners of the property will have to be at the table.

Ms. Breyta asked if the owner of the property or the bank received a copy of the report. Mr. McGough responded that the people who came to the meeting from Colliers and their attorney have a copy of the report.

Mr. Dasti advised that all people with interest in the property should be involved in the redevelopment process if they are going to go forward.

Mr. McGough explained that the owner of the property, Pettinaro, must have indicated to the bank that they are going to default on the loan. When that occurred, the bank appointed Colliers to try and market the property. He believes that you have the original lender, who is being told that the owner is going to default on the loan, and they are trying to convert it in some way. The presumption is that it is going to be foreclosure, which takes four months or so for that process. Pettinaro is agreeable to the process and is not going to fight it because of certain clauses in the contract.

Mr. Dasti said that the other interested parties (lender, property owner and bankruptcy trustee) should be thinking about what to do with the property. If they decide to go forward, he believes that it will be a longer process than they originally thought.

Mr. Witt commented that they are being informed by their best professional's experience that this complex meets the criteria. If that is the case, then this is something the town would like to pursue.

Mr. McGough said that where he expected them to go a month ago, he thought that it was a good process to go down because the potential owner would see that there is benefit to the redevelopment process. It has been conveyed to the new people involved about a week ago, but they have not heard back. The town has given them all the information that they have. The town has also conveyed to them that they want to be their partners and work with them. Mr. McGough believes that they should move forward.

Chairman Cettina stated that the only thing on the table is to spend the money to move forward on the redevelopment investigation so that they could better support what they have in this initial document. Mr. McGough recommended that the Board do that and tell them tonight you want to go that way because there is money in the budget for this fiscal year to get that work started.

Mr. Wiser expressed that he would want to bring in an economic consultant to really bolster this whole vacancy rate argument. What he heard tonight about the foreclosure process makes this case even stronger. Once he brings in the economic consultant, they may be able to help with the marketing process on the solicitation side. He would like to give the process some more thought and get a proposal together as to what it would take to bring it into fruition including this consultancy.

Mr. McGough said that he wasn't suggesting that Mr. Wiser complete it by December 31st. He was saying that there are finances available for him to continue to do studies to keep it moving. He thinks that the Board should meet with this new partner and Mr. Wiser and approach this as a collaborative effort for what best fits the town. The foreclosure was new information to them.

Mr. Wisner recommended that this report be shared with Mr. Beckleman and get his view on it. Mr. Wisner said he will speak with the economic firm that they use and get their sense of some things and put a proposal together based on that.

Chairman Cettina summarized if they do nothing, you have a group of individuals fighting over this property with no one doing anything for a long time. If they don't move forward, nothing will happen.

Mr. McGough informed that the Rent Receiver is already doing things to improve the property such as landscaping revisions to make the property more visible. The owner, Pettinaro, had stated that they would participate with them all the way. The clauses in the lending agreement state if they reach this type of impasse and they do things that don't allow the lender to rectify the situation in a way that is favorable to the lender, they can hit them with all kinds of penalties. His sense is that they will transfer this property either to the foreclosure entity or they will market it to someone else.

Mrs. Goodwine asked if there are interested parties in that property. Mr. McGough responded that he does not know.

Ms. Breyta asked if the economic consultant would have some insight on whether the property would be viable. Mr. Wisner replied that is one of the things that he will ask the economic consultant.

Mrs. Goodwine asked if there has been a recent appraisal on the property. Mr. McGough answered that they have not seen one, but that was going to be their next step.

Mr. Wisner said to Mr. Witt that he is not suggesting about slowing things down. He is asking to take the next couple of weeks to see if he can get better information for the Board. Mr. Witt said that the better information is going to come as a result of the in-depth redevelopment analysis. What is the harm in continuing this process now? Something needs to be done. If it does not hurt the process by continuing to move forward, he does not see a downside to doing that.

Chairman Cettina commented that they have already started the process. So the question is do they want to stop the process? What is the next step to the process? There are a number of people who have an interest in this and want to get involved. They need to know which side of the fence these people are. Chairman Cettina noted that Mr. Wisner said earlier that the whole point here as part of doing this is to improve that area, which in turn helps the town. That is the purpose so they all have a common goal. Chairman Cettina thinks that it is important that they get the same input from them and that they understand that this is their goal and whether they will participate in it. He thinks that Mr. Wisner should put together the next step and get it to the Board. The next step is to take the existing document Mr. Wisner prepared and share that with Mr. Beckelman and get his input on what he thinks, what area they should work on and to improve this as to where should they focus so it is stronger than it currently is. The next step is to reach out to all parties involved and have them come in to a meeting in January to discuss what is being done here. If everyone is on the same page, then the process will move forward without a problem and they will know right away as to who is on what side of the fence.

Mr. Wisner suggested authorizing him to put a proposal together on how to move forward. The Board can get it funded and they can proceed.

Chairman Cettina said Mr. Wisner can reach out to Mr. Beckleman to get some direction on where they should improve and focus going forward so they can strengthen it. The other thing is to relay to any interested parties that any report that they read is going to be negative otherwise it wouldn't be in need of redevelopment. Mr. Witt agreed. Chairman Cettina said do they want to offer an opportunity for the bank and current owners to come in and share the proposal and the direction that they are pursuing.

Mr. Dasti suggested that the other interested parties should be part of it and hope that they are in accordance with the plan that they want to recommend back to the town. Once they determine that it is in need of redevelopment, include all of the interested parties in and discuss it with them. He asked Mr. Wisner should his proposal include the estimation of what it would cost in developing a plan.

Mr. Wisner said not in this particular case because they do not know what the plan is going to look like or how the interested parties are going to respond.

Mr. Schuberth commented that he thought Mr. Wisner's report was very thorough. He enjoyed reading it. He agreed with moving forward. What concerned him in the report, specifically is the alarming rate of what the vacancy rate would be because other parts of the town may have the same argument. He challenged Mr. Wisner to flush that out with the consultant to help bolster his argument.

Chairman Cettina asked for a motion to authorize Mr. Wisner to continue putting together a proposal for the continuation of the investigation of the area in need of redevelopment, and included in that would be to reach out to Mr. Beckelman to obtain his professional opinion on where they can bolster up the current information so that can also be included in the plan. At the first meeting in January they can take a look at that and take the next step forward. Then, Council will be able to fund it and we will be able to keep moving in the right direction. A motion was made by Mr. Witt and seconded by Ms. Breyta.

ROLL CALL:

AYES: Galluccio, Breyta, Schuberth, Goodwine, Witt, Cettina

NAYS: None

ABSTAINS: None

There being six (6) aye votes and no nay or abstain votes, the motion passed.

6. Review of Requests for Proposals (RFP) for Professional Consultant Services to the Planning Board for the year 2016.

Chairman Cettina stated that none of the RFPs submitted have changed from the previous year. He asked if anyone had any issues with the legal services provided by Mr. Dasti, planning and engineering services provided by Remington, Vernick & Arango, traffic services provided by McMahon Associates and architectural services provided by Mr. Wilson. Since no comments were made, a motion was made by Mr. Witt and seconded by Ms. Breyta to continue those mentioned services for 2016.

ROLL CALL:

AYES: Galluccio, Breyta, Schuberth, Goodwine, Witt, Cettina

NAYS: None

ABSTAINS: None

There being six (6) aye votes and no nay or abstain votes, the motion passed.

7. Other Business

Chairman Cettina announced that the reorganization meeting will take place on January 13, 2016 at 7:00 p.m. in the Senior Center. Also the December 16th meeting is canceled due to having no matters for the agenda.

ADJOURNMENT

With no other business to discuss, a motion was made by Mr. Witt and seconded by Mr. Schuberth to adjourn the meeting. All in favor. Meeting adjourned at 8:00 p.m.

Respectfully submitted,

Elide M. Post
Planning Board Secretary

Transcribed by: Jewel Timberlake-Morgan

ADOPTED: FEBRUARY 17, 2016