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1. Also NY Bar
2. Also ME Bar
3. Cert. Civil Trial Atty
4. U.S. Supreme Court

September 10, 2020

Township of Warren Planning Board
Attn: Maryellen Vautin, Land Use Coordinator
46 Mountain Boulevard
Warren, NJ 07059

RECEIVED

SEP 11 2020

PLANNING BOARD

PB 20-03

Re: Applicant: K. Hovnanian North Jersey Acquisitions, LLC
Property: Block 208, Lots 4 & 10
Project: Hills at Warren

Dear Members of the Board:

Please be advised that this firm represents K. Hovnanian North Jersey Acquisitions, LLC (hereinafter "Applicant") in connection with the above captioned Planning Board Application for a planned residential and affordable ("COAH") housing development.

Summary

This application seeks preliminary and final site plan approvals necessary to permit a multi-family residential development of 192 "For Sale" dwelling units (hereinafter "Development"), which includes 48 affordable units (@ 25% set-aside) in accordance with the Township's Fair Share obligation pursuant to a Settlement reached in the Mt. Laurel litigation.

The subject property ("Property") is located in the AH-1 Affordable Housing zone district, which is a zone enacted by Ordinance specifically designed for this inclusionary COAH project. This Development has been established with the multi-year input and coordination with the Township Committee and Township's professionals.

The ordinance to rezone the property was adopted on February 28, 2019 by Ordinance No. 19-07 and the Court granted Final Judgment of Compliance and Continued Immunity issued on Sept. 26, 2019 finding that the Township had complied with its obligation to rezone certain properties consistent with actions set forth in the Settlement Agreement to meet fair share housing obligations. This application proposes construction of fifteen (15) buildings in three (3) phases.

A. Existing Conditions and Proposed Site Improvements

The Property is 26.47 Acres and is located in the area of Hillcrest Road (Route 531) to the West, existing residential homes to the East, Emerson Lane to the North, and Route 78 to the South. The existing site is largely vacant land with mowed grass/field and wooded areas.

A few residential structures and outbuildings/barns and an area of wetlands are located on the southern portion of the property adjacent to Route 78. The property generally slopes towards Route 78 and the wetland areas depicted on the existing conditions.

This application proposes market rate townhomes that will consist of 72, two-bedroom homes and 72, three-bedroom homes, with each home having a driveway and garage. Surface parking is included for visitors. The affordable homes include 32 two-bedroom and 16 three-bedroom units. Surface lots will provide the parking for the affordable units.

In addition to the residential buildings, this application also proposes major infrastructure improvements; including, roadways, sidewalks, stormwater management facilities, signage, sanitary sewer, tot lot, pump station, water booster station, extensive buffering, and 129 parking spaces. The applicant intends to utilize private recycling and trash hauling.

Various outside agency application are pending including the Somerset County Planning Board, Somerset-Union Soil Conservation District, and NJ American Water.

B. Variance Relief

Our initial review indicated that variances may be necessitated by this application, as follows:

- i. Encroachments into buffer – pump station, water booster station, decks, and parking
- ii. Signage - maximum area allowed is 25 sf, current version approximately 36 to 40 sf
- iii. Signage - height allowed is 5 feet, current version is over by 4.5 feet due to slope near roadway

C. Fee Calculations

<u>Preliminary Major App. Fee</u>	<u>Escrow</u>
4,800.00 (\$25/192 units)	2,500.00
<u>500.00</u>	4,800.00 (\$25x192 units)
5,300.00	<u>660.00</u> (\$25x26.4 acres)
	7,960.00
5,300+ 7,960 = \$13,260	

<u>Final App. Fee</u>	<u>Escrow</u>
1,920.00 (\$10/192 units)	1,500.00
<u>300.00</u>	
2,220.00	
2,220+ 1,500 = \$3,720	

<u>Bulk Variances</u>	<u>Deposit</u>
1,000.00 (250x4)	1,500.00
1,000 + 1,500 = \$2,500	

Subtotal: \$19,480

Total:

<u>Application Fees:</u>	<u>Escrow:</u>
\$15,000 (No Application Fee Shall Exceed \$15,000)	\$10,960

D. Application Documents and Waiver Requests

Please find enclosed herewith the following documents in support of the application as indexed on **Exhibit A**.

A waiver request is submitted for the escrow deposit for preliminary major site plan approval as the applicant will remit additional escrow deposits upon request as the application proceeds and will agree to pay all escrows as condition of approvals as part of compliance since this is an affordable housing development consistent with the settlement in the Mt. Laurel litigation.

Per preliminary checklist at Item 6, a waiver request is requested for NJDEP submission since the wetlands areas have been confirmed in recent LOI.

SAVO, SCHALK, GILLESPIE, O'GRODNICK & FISHER, P.A.

Per preliminary checklist at Item 23, a waiver request for site plan sheet sizes of 24x36 since we are using a larger 30x42 due to the size of the project for clarity (reduced sized can be filed as part of compliance if needed).

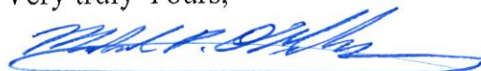
Per preliminary checklist at Item 68, 69, 90, a waiver request for not providing gas, electric and telephone lines since typically those are laid out by the respective utility companies.

E. Conclusion

We thank the Board and Board professionals for your time and consideration for this application. Please feel free to contact me with any additional questions or concerns that you may have regarding this application and we look forward to our public hearing. In the event a Technical Review meeting is desired, kindly contact my office I am will coordinate.

With best regards, I am,

Very truly Yours,



Michael P. O'Grodnick

Via Hand Delivery

cc: Peter Ciliberto, P.E.
Karl Pehnke, P.E.
Art Bernard, P.P.
K. Hovnanian North Jersey Acquisitions, LLC