

Borough of Clementon

Planning/Zoning Board

January 12, 2017 Meeting Minutes

The January 12, 2017, meeting of the Clementon Planning/Zoning Board was called to Order by Chairman Feldman. It was announced that the meeting has been properly advertised and posted Pursuant to N.J.S.A. 10:4-6, The Open Public Meetings Act. The meeting was then opened with a salute to the flag and called to order by Chairman Feldman.

Meeting called to Order by Secretary McKelvey.

Roll Call: Absent member were Chairman Feldman, V.C. Kunkel, and Mayor Weaver.

Present: Secretary Mc Kelvey, Member Armbruster, Member Lofland, Member Kuns, Member Saunders, Member Naurath, Solicitor Rhodes, William Fleming Churchill Engineers.

Secretary McKelvey: According to our Solicitor we should go to Item #7, Reorg appointment of Class III Mark Armbruster and appointment of Class IV Member Saunders.

Solicitor Rhodes: the first order of business has to be reorganizing for the New Year. On that basis we should call for nominations for Chairman, V.C.

Member Armbruster was sworn in as Class III and Member Saunders was sworn in for the Class IV position.

Member Armbruster: Made motion to carry over the same people for the same positions as last year.

Member Lofland: Made second Motion.

Roll Call: Secretary McKelvey, Member Armbruster, Member Lofland, Member Kuns, Member Saunders, Member Naurath, all voted yes.

Secretary McKelvey: Ok #5, the approval of December 8, 2016 minutes. May I have a motion?

Member Kuns made first motion to approve December 8, 2016 minutes. Second motion was made by member Lofland.

Roll Call: Secretary McKelvey, Member Lofland, Member Kuns, Member Saunders, Member Naurath all approved. Member Armbruster abstained.

Secretary McKelvey: Item number 6, Old business.

Solicitor Rhodes: For those of you who weren't here at the December meeting, we received a request from the attorney for Mt. Carmel Land. They were previously granted approval would expire at the end of that year. After a discussion last month, they were granted a one month extension asking them to come to the meeting and explain what is going on.

Dino Mantza, Esq, I represent the Mt. Carmel Land Co. LLC. I have not been a part of this meeting beforehand what I have learned within the past month I understand there is a long and tortured history with this project. My understanding this project was approved somewhere around 2005, the resolution has been continued up through around December, 2016, with some changes having been made. My request from Mr. Rhodes is to carry this at least another month or so, allowing us to see what is going on. I want to bring you up to date to let you know what is happening and why it is happening and where it is going from here. Sometime and I don't know when this lawsuit began, the borough was concerned with COAH requirements. Several months ago a general consensus was reached attorney George Botcheos, the Borough and Mr. DiMedio's council were by there were some changes made and that has to now be submitted to the court for approval. The changes basically went from ten three story buildings to six four story buildings. That has to be passed by the court in a fairness hearing and by the fair share housing center. My understanding is that the Borough and the applicant have agreed. We are stuck until we get this decision. We can't get permits, or financing until this has been resolved. I spoke to Rick Hoff who is the Attorney who is handling the COAH claim on behalf of the applicant. He told me once it is submitted to the court it would take another 90 days for it to cause a hearing to be held and for them to decide whether or not they are going to grant it. Without that we are stuck in the mud. Because it has taken so long for this project to take hold a couple of other things have happened. On December 1, 2016, I have put my client under a chapter 11 Bankruptcy proceeding to give us a little breathing room as far as us and the creditors are concerned. I have received no less than 3 LOI's (letters of interest) some financing documents and such, but I can't commit him to it until I know what he has as far as COAH's requirements. I also have to get bankruptcy court approval for that. What is more important is that the properties have value and for me to finance it and complete everything I need in the bankruptcy court. I am seeking an extension of the permits. Because of the changes in the COAH we will have to come back to you with the changes in the plans and have you approve the new plans. The Borough has to update their plans based on what the settlement is before we can do that. There is a lot of work to do. We still have to go to the state and have the permits approved as well. In speaking with Mr. Rhodes this afternoon, I was thinking about a two month extension. After I spoke with the attorney who worked on the COAH case he said there is not anything that can be done and we will need to resubmit the plans. What I am requesting is a one year extension so that we can get all the plans and COAH requirements through the court so that we will be on better footing. Mr. Rhodes raised a point that there are outstanding taxes for \$87,000.00, will be dealt with through the bankruptcy Chapter 11 plan. I am assured by Mr. De Medio that the taxes from here going forward will be paid on time. Anything from here backwards will be handled through the bankruptcy court. I will submit within the next 2 ½ to 3 months max. Then we will know the plan of the payment of the taxes. At this time they are forbidden on making any payment on anything prepetition claims. I understand there have been some changes and zoning changes. I still feel this is a good project for the town. We are getting into a position once we have COAH we will be able to go back to our financiers with all the permits and move forward. Until that time we are stuck. Nobody will lend the money because we are still in litigation. Which has been resolved, but without court approval it is useless. So what we are doing tonight is requesting a one year extension to give us time to complete the requirements for the court. When the court process is done. We will be meeting with engineering we will meet back with you with the plans

to amend based upon the COAH requirements and bring everything up to date. I have Mr. DE Medio here who is a management member of Mt. Carmel Land Company, LLC to answer any questions you may have.

Solicitor Rhodes clarifies what is required for Chapter 11 and how that impacts the past due taxes owed the Borough, all the debt will be paid in full over a period of time. In addition they have to stay current with all of their post taxes have to be paid on time. Some questions with the board are the changes with the propose and agreement with the Municipality is 6 four story buildings

Member Armbruster: What are you asking for an extension of?

Mr. Mantza, Esq: Right now we are asking for an extension of the original approvals to allow us to come up with the amended plan. Extension of the final site plan we are extending the original ones until we have the time prepare a new plan. We do not know what the court will approve.

Mr. De Medio: The original approval which is ongoing had a certain footprint ten footprints, ten building foot print. What we are purposing is instead of ten building with 3 stories, which is very common today and very viable, is six buildings with four stories. Every building does have an elevator. The project has always been on the borderline of liability because of the approvals. The approvals were age restricted. We've tried to come back many times but were unsuccessful. So what we did was we went to the Clementon Housing Authority Bill Harris. We tried to turn it into a senior age restricted rental project. The waiting list with the housing Authority is large. Rent was determined by HUD. The project would be viable if it was market rate rentals. Since las December we have been discussing this. It takes Council approval to of Clementon Housing Authority to cooperate with this project. That we haven't obtained. I have approached the Mayor and have sent Mark copies of letters of what we were doing. During that time the ongoing COAH suit put everybody in my opinion in a freeze position. The COAH situation hadn't been resolved. In July, Mr. Botcheos and Mr. Hoff got together they came to a general agreement that the six building would be great there would be more open space. It is more into what is being built all over South Jersey. It will make the project from borderline viable to viable, meaning the financial aspect of the project. I have had a heck of a time this past year getting lenders on board with what I am trying to do. Where is your approval for the six buildings? Where is your authorization from Council to Clementon Housing Authority? The agreement between Bill Harris and I was that our offices would have the ability to debt the waiting list. But they would do all the processing to help the Housing Authority. This has been frozen. I never got a response from anyone.

Solicitor Rhodes: What it comes down to is that your existing approvals and what you plan to do are different.

Mr. De Medio: In my opinion the footprint will be the same. We would only use Six of the ten foot prints. Roads would not change, utility lines would not change, and retention basin would not change.

Member Armbruster: My understanding is that there were certain permits that were extended by the Governors act that extended all the permits. But that did expire so now you need to get state approvals at that point.

Mr. DeMedio: That is true as of June 30, 2016.

Mr. Mantza Esq: He has to go back and apply for those.

Mr. De Medio: As far as the specification of all the retention basins, the originals were much larger. These in their specifications are much smaller. Of course your engineer is going to have the opportunity to look at that. Because of the time frame that has past.

Member Armbruster: From my understanding from the zoning laws there was a higher density at this point. More units it was approached as owner occupied, and now it will be a rental unit. If there was an agreement with the housing authority that will only fill a small portion of the buildings. A vast majority will be only rentals that will be open to anybody then.

Mr. DeMedio: That's not what we intend.

Mr. Mantza, Esq: I think it would remain all senior?

Mr. DeMedio: It will remain all senior 55 and up, Lindenwold alone has 200, out of 150 alone. We are going to have a chance to get these people. I don't see a lot of kids coming in or cars coming in. We are still under that which is wavering under viability. With this projects approval again, The HUD rental is for a 2 bedroom is \$1230. Less \$160 goes to the tenant to go toward utilities. In today's market it isn't that great. Most of the people are 62 and up. We are talking 180 units we asked to take the COAH we are rental 55 and Older. We are really looking to take the seniors 62 and up.

Member Naurath: Will Bill Harris be involved with any of this management?

Member Armbruster: The housing authority is not set up for this type of authority. I would like Council to set up a subsidiary that would do this. These were preliminary discussions that were all that they were.

Mr. DeMedio: I have had ongoing discussions with Mr. Harris nothing can be done without council's approval. Mark is correct we discussed fee schedule and fee something that might help the authority. All these things that are unsigned and not documented have frozen us.

Solicitor Rhodes: You have approvals for ten three story buildings age restricted owner occupied and a site plan.

Member Armbruster: The approvals for the parking included Garage spacing, which will not exist anymore.

Solicitor Rhodes: Those are issues they have to come back for. The approval extension is for the site plan they were approved for exactly how it was proposed in 2005. If he is going to change it he must come back and address the board.

Mr. Mantza, Esq : It is my understanding that the zoning ordinances have changed also. I'm not sure if this is still a permitted use.

Member Armbruster: I don't think there is a change in the Zoning laws.

Solicitor Rhodes: If we did change the zoning there if we grant the extension then it will be permitted.

Member Kuns: Exactly how many units are we talking about?

Mr. DeMedio: We are talking about 180 a mixture of 120 one bedrooms and 60 two bedrooms. The two bedrooms are about 900 to 990 square feet. The one bedroom is in the 600 to 660 sq. feet.

Member Armbruster: This board is going to have little say as to what goes in there. It is going to be a court decision. How many buildings, type of use and that. This board is going to make their decision on what is handed down. Will the parking spaces fit is there means for firetrucks to get around, where are they going to locate their dumpsters?

Mr. DeMedio: Nothing is no changing the roads aren't changing. The buildings are changing from 3 stories to 4 stories. That was the comeback with council. Coming before the boards, I will build six buildings. All sewer lines will be the same. There will be plenty of room for parking. They may be like Bishops View in Cherry Hill. It has been a long struggle.

Solicitor Rhodes: Basically you are asking for is to extend what is in place so he has an opportunity to go on with litigation so he can get himself into position to finance.

Secretary McKelvey: Can I have a motion to approve the extension of the Brand Ave request until December 31, 2017?

Member Armbruster: I make a motion.

Secretary McKelvey: Second motion.

Roll Call: Secretary McKelvey, Member Armbruster, Member Lofland, Member Kuns, Member Saunders, Member Naurath all votes yes.

Meeting Adjourned.