BOROUGH OF HADDONFIELD  
Camden County, New Jersey

2018-01

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF HADDONFIELD, IN THE COUNTY OF CAMDEN, STATE OF NEW JERSEY APPROVING AMENDMENTS TO THE BANCROFT REDEVELOPMENT PLAN

BE IT ORDAINED by the Board of Commissioners of the Borough of Haddonfield in the County of Camden, State of New Jersey as follows:

WHEREAS, on April 25, 2006, the Borough of Haddonfield, in the County of Camden, New Jersey (the "Borough"), determined, after public hearings and recommendations of the Borough Planning Board, that the property commonly known as the Bancroft Site (the "Bancroft Site" or "Site"), consisting of two parcels, namely Block 13, Lot 25, which is a 6.7 acre site located on the west side of Hopkins Lane, adjacent to the Haddonfield Memorial High School, and Block 14, Lot 2, which is a 13.15 acre site located on the east side of Hopkins Lane, adjacent to county parkland to the north and east, constituted an area in need of redevelopment according to the criteria set forth in the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., as amended (the "Redevelopment Law"); and

WHEREAS, the Borough has been presented with numerous proposals by Bancroft Neurohealth System ("Bancroft") individually as the owner of the Site and 2 Hopkins Lane, LLC (which entered into a purchase contract with Bancroft to acquire the entire Site on March 15, 2015) over the past several years to provide an acceptable development that is compatible with the other properties in the Borough for some or all of the Bancroft Site, including, among others, several different dense multi use developments, a variety of housing developments of various densities, a 200+ bed continuing care facility, a drug and alcohol rehabilitation facility and other variations, all of which were considered by the Borough to be unacceptable and even a proposal by the Haddonfield School District to acquire the Site for both present and future school facilities, which was defeated by referendum in the Borough; and

WHEREAS, as a result of this process following the initial designation of the Site as a redevelopment area in 2006, the Borough ultimately entered into a contract with Bancroft and 2 Hopkins Lane, LLC to acquire the entire Bancroft Site which extinguished the rights to the Site held by Bancroft and 2 Hopkins Lane, LLC, with the exception of a right retained by 2 Hopkins Lane, LLC to reacquire a portion of the Site for future residential development in the context of an acceptable redevelopment plan for such portion of the Site; and

WHEREAS, as a result of many months of proposals, discussions and negotiations regarding the retained right of 2 Hopkins Lane, LLC, the Borough identified certain concepts needed to prepare a redevelopment plan; and
WHEREAS, the Borough then, by Resolution #2016-01-12-C19, adopted January 12, 2016, redesignated the Site as an area in need of redevelopment under the Redevelopment Law in order to reconfirm the 2006 designation of the Site regarding the condition as an area in need of redevelopment; and

WHEREAS, following that redesignation, the Borough by ordinance adopted on April 6, 2016, following public hearings and consideration by the Borough Planning Board, approved a redevelopment plan for the Site entitled, "Bancroft Redevelopment Plan" (the "Redevelopment Plan") that it believed would enable the Site to be developed in an appropriate and feasible manner; and

WHEREAS, following the adoption of the Redevelopment Plan, the Borough determined, after several meetings and discussions, that 2 Hopkins Lane, LLC was, nevertheless, unwilling and unable to effectively develop the portion of the Site contractually retained by it in a manner consistent with the adopted Redevelopment Plan; and

WHEREAS, the Borough concluded, after multiple discussions with 2 Hopkins Lane, LLC, that based on the long history of unsuccessful efforts to find an appropriate, feasible and compatible development for this Site that would be in the best interest of the Borough, that if certain amendments to the Redevelopment Plan were adopted, which it considered a minor deviation from the adopted Redevelopment Plan or at least amendments that did not alter the fundamental compatibility of the use of the Site from the Redevelopment Plan that was approved originally, the development of the Site by 2 Hopkins Lane, LLC would occur to the substantial benefit of the Borough; and

WHEREAS, pursuant to the provisions of the Redevelopment Law, the Borough authorized and directed the Planning Board to consider the proposed amendments to the Redevelopment Plan as set forth in the outline prepared by the Borough Redevelopment Planner, Clark Caton Hintz, P.C. (the "Proposed Amendments"), a copy of which is attached hereto as Exhibit 1; and

WHEREAS, the Planning Board considered the Proposed Amendments at three separate public meetings (November 29, 2017, December 5, 2017 and December 20, 2017, respectively,) which collectively spanned almost 12 hours, all of which were attended by the Borough Commissioners, with significant questions and cross examination by the Planning Board of the Borough Planner, various officials and other professionals of the Borough and representatives of 2 Hopkins Lane, LLC and at each such session with significant comments from both the Planning Board members and the public about the Proposed Amendments, specifically as well as in their entirety; and

WHEREAS, on December 20, 2017, the Planning Board by voice vote, and then in a resolution on January 2, 2018 essentially codified its recommendations in favor of certain amendments and against others in the form attached hereto as Exhibit 2; and
WHEREAS, after consideration of the Planning Board recommendations as set forth in its January 2, 2018 resolution and the input from the Planning Board meetings referred to above, the Borough has determined to adopt amendments (the “Amended Redevelopment Plan”) to the originally approved Bancroft Redevelopment Plan as set forth in Exhibit 3 hereto with an explanation of the recommendations of the Planning Board that the Borough Commissioners determined were not in the best interest of the Borough, and which in the opinion of the Borough Commissioners would have adversely affected the success of the proposed development in a manner contrary to the overall benefit and welfare of the Borough, all of which were fully discussed at the public hearing on this ordinance.

NOW THEREFORE, BE IT ORDAINED by the Commissioners of the Borough of Haddonfield, in the County of Camden, New Jersey as follows:

SECTION I

The Amended Redevelopment Plan, as set forth in Exhibit 3, which reflects some changes from the Proposed Amendments that were presented to the Planning Board is hereby approved.

SECTION II

Although the Planning Board considered each of the separate Proposed Amendments individually and made recommendations with regard to each as well as providing some general comments about the Proposed Amendments collectively, the Borough Commissioners believe that the benefit to the Borough overall is a product of the amendments as a whole, which provide a viable and achievable development of the Bancroft Site that has eluded the Borough for over 10 years, and that the benefits from the Proposed Amendments as incorporated into the Amended Redevelopment Plan approved by this ordinance will, in the opinion of the Borough Commissioners, result in a responsible and feasible market for the development of the Site and will thus enable the development to succeed and correspondingly will provide benefits to the Borough as an appropriate and successful public/private partnership between the Borough and 2 Hopkins Lane, LLC. Furthermore, the Borough believes that the following general comments of the Planning Board that the amendments:

a) fail to advance the objectives of the Borough Master Plan and the prior approved Redevelopment Plan,

b) that the stated goals and objectives set forth in the Proposed Amendments should constitute regulations more easily dealt with by the Planning Board at future site plan hearings,

c) are less likely to provide dwelling units as alternatives to empty nesters in the Borough seeking to downsize from their current dwellings,
d) that smaller and less expensive units are preferable and

(e) that other developers should have been considered

are not the view of the Borough Commissioners, as discussed further below, as applicable, and are otherwise significantly outweighed by the overwhelming benefits of the proposed development that were reflected in the Proposed Amendments or the Amended Redevelopment Plan set forth herein and that it was appropriate to consider the Proposed Amendments with 2 Hopkins Lane, LLC as opposed to other potential developers since it held contractual rights to the Site. The goals and objectives are intended to be just that in general overall terms and in the opinion of the Commissioners are not appropriate or desirable to be regulations.

SECTION III

The primary individual comments from the Planning Board that led to a 7-2 vote against adoption of the overall amendments but that approved 4 of the amendments and "disapproved" and recommended against 9 of the Proposed Amendments were, from the perspective of the Commissioners, related to the following:

a) The Planning Board noted the change in the number of market rate units from 70 to 80 and the affordable units from 10 to 12 does not support the objectives of the Borough Master Plan and impacts adversely on the impervious coverage on the Site.

As to this comment, the Commissioners believe and hereby determine that even with the incorporation of the Proposed Amendments that are incorporated into the Amended Redevelopment Plan approved herein, the resulting Redevelopment Plan remains fundamentally consistent with the Borough Master Plan and Reexamination Reports as set forth in the April 6, 2016 Redevelopment Plan. As to the Proposed Amendments related to the size of the units, the impervious coverage, building heights, density and other related components of the Proposed Amendments, there is nothing in the Master Plan with the exception of the disposition of the barn, which is dealt with later herein, which provides any particular guidance on such issue. The Borough Commissioners, therefore, are of the opinion that the Amended Redevelopment Plan, like the original Redevelopment Plan, is not inconsistent with the Borough Master Plan. To the extent that it is, nevertheless, considered otherwise, the Borough Commissioners hereby determine that the Amended Redevelopment Plan supersedes the Borough Master Plan for very good and substantial reasons to foster a beneficial and compatible and proportional development on the Site, and compared to the prior use of the Site by Bancroft, that it reduces the impervious coverage and provides significant open space for active and passive recreation that did not exist previously on the majority of the Site, not only on the portion of the Site that is not part of the Proposed Amendments and not being developed but also on the
portion of the Site that is being developed. The change in the impervious coverage from the original Redevelopment Plan to the Amended Redevelopment Plan as a result of the modest increase in permitted dwelling units is in the view of the Borough Commissioners minor and not significant particularly compared to the impervious coverage and lack of available active and passive open space evidenced by the current Bancroft use.

b) The Planning Board noted that the permissible increase in the size of the proposed townhouse units from 2,000 square feet to 2,250 square feet and other changes to the height and living areas and the presumptive increase in sale prices were too drastic and excessive as compared to the average size living areas of dwellings throughout the Borough.

The Commissioners disagree with this and view this determination by the Planning Board as too limiting and not in the best interest of the Borough and, regardless, is not a significant change from the original Bancroft Redevelopment Plan previously approved by the Planning Board.

c) The Planning Board noted and recommended against the removal of the existing berm on the front of the Site along Kings Highway and some of the existing landscaping along Hopkins Lane.

The Commissioners accept this recommendation of the Planning Board and have determined not to amend the prior Redevelopment Plan in this regard, thereby retaining the existing berm on the Site as a requirement for any development therein even though it will likely result in the development being pushed further north on the Site and encroaching on some of the active and passive open space in that area which would otherwise be available as is part of the proposed development.

SECTION IV

Finally, the Borough believes and hereby determines that the amendments will enable development of both market rate and affordable housing units that will be compatible with and proportional to other residential areas in the Borough consistent with the Borough’s Affordable Housing Plan without recourse to more dense development while providing the Borough with much needed active and passive open space that does not currently exist on the overall Site for general recreation and, where appropriate, for the high school adjacent to the Site.
SECTION V

If any section, subsection, paragraph, sentence, clause or phrase of the Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall continue in full force and effect, as to this end the provisions of the Ordinance are hereby declared to be severable.

SECTION VI

This ordinance shall take effect in the time provided by law.

First Readings – January 23, 2018
Second Reading – February 13, 2018


Deanna Bennett, Borough Clerk
MEMORANDUM

To: Sharon McCullough, Borough Administrator

From: Philip B. Caton, PP, FAICP

Re: PROPOSED AMENDMENTS TO THE BANCROFT REDEVELOPMENT PLAN

Date: November 1, 2017

Per your request, this Memorandum sets forth the amendments which should be made to the Bancroft Redevelopment Plan (adopted April 6, 2016) in order to provide greater consistency with the most recent concept plans for redevelopment of the eastern side of the site by 2 Hopkins Lane, LLC.

1. Introduction, p.1

The reference to the option of 2 Hopkins Lane, LLC to construct no more than 80 dwellings on the east side of Hopkins Lane comprised of 70 market rate, age-targeted units and 10 affordable units shall be amended to permit 80 market rate, age-targeted units and a minimum of 10 and a maximum of 12 affordable units (as determined by the Borough’s Third Round Housing Element and Fair Share Plan).

2. Bancroft Redevelopment Plan Goals and Objectives, p.4

The first paragraph shall be amended to clarify that the 14 goals and objectives which are set forth in this section are intended to provide general guidance for the design of the development; however, a lack of adherence to one or more of the goals and objectives does not necessitate the Redeveloper applying for and receiving a variance or waiver as part of the site plan/ subdivision approval process.


A. The reference to the percentage of affordable housing units being 12.5% if the total number of dwelling units exceeds 80 units shall be amended to indicate that the number of affordable housing units shall be a minimum of 10 and a maximum of 12 units for any townhouse development in excess of 80 units. The precise number of affordable housing units shall be
consistent with the Borough’s Third Round Housing Element and Fair Share Plan and shall be set forth in the Redevelopment Agreement between the Borough and 2 Hopkins Lane, LLC.

4. Area, Yard, Coverage and Other Requirements – General Regulations

A. The General Regulations, Section 1A, p. 17, shall be amended to permit, on a parcel of approximately 8.2 acres as determined by the Borough, up to 80 market rate townhouses and 10-12 duplexes affordable to low and moderate income households, for a total development of 90-92 units.

B. The General Regulations, Section 1D, p. 17 shall be amended to clarify that a development of 80 market rate townhouses shall include a minimum of 10 and a maximum of 12 affordable housing units. In addition, the 30% three-bedroom requirement shall be reduced to 20% consistent with COAH rules (Uniform Housing Affordability Controls - N.J.A.C. 5:80 -26.3 (b)).

C. General Regulations, Section 2, p. 18 shall be amended to delete the reference to prohibiting development below the top of slope along the Kings Highway frontage of the redevelopment site.

D. General Regulations, Section 4, p.18 shall be amended to indicate that the required 50-foot right-of-way of Hopkins Lane may be accomplished by the dedication of approximately 15 feet on either side of the existing 20 foot wide cartaway.

E. Residential Principal and Accessory Uses, Section 1A, p. 18 shall be amended to increase the maximum average floor area per town house unit from 2,000 square feet to 2,250 square feet, not including basements, attics, space within a double height ceiling or atrium, unenclosed porches or porticos, or bay windows or similar minor projections.

F. Residential Principal and Accessory Uses, Section 1C, p. 18 shall be amended to include within the 75% minimum requirement not only units with the master bedroom on the same level as the principal communal living spaces but also units with elevators which connect the master bedroom to the level of the principal communal living spaces and units with two master bedrooms even if the bedrooms are not on the same level as the principal communal living spaces.
G. Residential Principal and Accessory Uses, p. 19 shall be amended to include a standard for townhouse building height. Maximum townhouse building height shall be 35 feet from the lowest ground elevation along the front building façade to the top of the roofline. For townhouses with garage space on a level below that of the first level of living space (which design may be utilized on sloping portions of the site), building height shall also be limited to 45 feet from the lowest ground elevation at the rear façade to the top of the roofline.

H. Residential Principal and Accessory Uses, p. 19 shall be amended to permit the maximum horizontal length of an individual townhouse façade to be between 24 and 35 feet and the maximum horizontal length of a façade or side wall of a townhouse building to be 125 feet. In addition, the maximum length of townhouse rooflines without a break of at least 2 feet shall be 60 feet.

5. Performance and Design Standards – Landscaping
   2 Perimeter Buffer Requirements, p. 23

Landscape buffers shall be required only on the perimeter property lines along the Cooper River corridor and associated woods. The requirement that the existing berm and vegetation along the Kings Highway frontage of the Redevelopment Area be preserved and enhanced shall be modified to require that the existing trees within the “parking strip” along Kings Highway be preserved and that the landscape treatment for the entire Kings Highway frontage accentuate the “gateway” character of this location and be consistent with the Redevelopment Plan.

6. Development Plan Review and Approval – Planning Board Review 3C (p.36)

The Redevelopment Plan shall be amended to clarify that the Planning Board retains the right pursuant to the Municipal Land Use Law (N.J.S.A. 40:55 D-60) to approve applications for building height in excess of that permitted in this Redevelopment Plan so long as the deviation is not greater than 10 feet or 10% of the permitted building height.
MEMORANDUM

Please let me know if you have any questions or comments concerning these proposed amendments.

c. Mario Iavicoli, Esq.
   Edward J. McManimon, Esq.
   Joseph Rocco, Esq.
   Jack Plackter, Esq.
   Tim Kernan, PE
   Dennis Dougherty, PE
   Angelo Alberto, AIA
   Josh Eckert, AIA
RESOLUTION OF THE PLANNING BOARD OF THE
BOROUGH OF HADDONFIELD, IN THE COUNTY OF
CAMDEN, NEW JERSEY RECOMMENDING THE
REJECTION OF THE PROPOSED REVISIONS TO THE
BANCROFT REDEVELOPMENT PLAN PURSUANT TO
THE LOCAL REDEVELOPMENT AND HOUSING LAW,

Subject

The Haddonfield Planning Board held hearings on November 29, 2017, December 4, 2017 and December 20, 2017 for the purpose of reviewing the proposed amendments to the Bancroft Redevelopment Plan in accordance with N.J.S.A. 40A:12A-4b.(2). The Bancroft property included in the Redevelopment Plan consists of a total of 19.22 acres, which are bisected by Hopkins Lane into two lots. Block 13, Lot 25 (6.07 acres) to the south of the Haddonfield High School and Block 14, Lot 2 (13.15 acres) to the north bordering the Township of Cherry Hill.

Procedural History

Bancroft Neurohealth Facilities ("Bancroft") and its predecessors have operated at this site since 1883. At some point prior to 2006 Bancroft determined that the Haddonfield site was not best suited for its future needs and began seeking other options and the sale of its property.

In accordance with the New Jersey Redevelopment Law (N.J.S.A. 40A:12A-1 et. seq.), the Borough Commissioners of Haddonfield directed the Planning Board in August 2005 to undertake a study to determine whether the Bancroft site was an area in need of redevelopment. The Planning Board reviewed the issue and recommended the property to be classified as an area in need of redevelopment which recommendation was accepted by the Commissioners on April 25, 2006.

From 2006 to 2015 efforts by the Borough of Haddonfield and Board of Education to purchase the property from Bancroft were unsuccessful.

In March 2015, 2 Hopkins Lane LLC (hereinafter "O'Neill Properties") entered into a contract to purchase the property from Bancroft for $11.5 million dollars. O’Neill Properties planned to utilize the property as a substance recovery center. O’Neill Properties filed an application to the Haddonfield Zoning Board seeking to confirm the proposed use of the property as a valid non-conforming use. The application was denied and the Superior Court affirmed the action of the Zoning Board on procedural grounds.

In September 2015, the Borough Commissioners adopted a second resolution requesting the Planning Board to determine whether the property was an area in need of redevelopment. The
Planning Board again recommended that the property be deemed an area in need of redevelopment. The Commissioners adopted a resolution declaring the property to be an area in need of redevelopment by resolution dated January 12, 2016.

In January 2016 a contractual agreement ("Agreement") was reached between the Borough, O'Neill Properties and Bancroft under the terms of which the Borough would purchase the entire Bancroft site for $11.5 million paid to Bancroft and $1.4 million paid to O'Neill Properties. In addition, O'Neill Properties would have the option to purchase back a portion of the property in order to construct a maximum of 70 townhomes and 10 affordable housing units. (The Planning Board was not a party to the Agreement).

Paragraph 10 of the Agreement between Bancroft, O'Neill Properties and the Borough provides that the developer has the option to terminate the entire agreement if Haddonfield does not adopt a final redevelopment plan consisting of 70 market rate units and 10 affordable units contained within 5 duplexes consistent with a concept plan. The Agreement also provides that the contractor would receive the sum of $600,000 from the Borough if it did not exercise his option.

Under the terms of the above agreement, Bancroft leased the property back from the Borough at the rate of $12,500 per month until Bancroft vacates the property.

In accordance with the January 12, 2016 Resolution adopted by the Commissioners, the Commissioners engaged Philip Caton of the firm Clark, Caton and Hintz to submit a proposed redevelopment plan to the Planning Board. After a public hearing, the Plan was recommended by the Planning Board to the commissioners in March 2016. The Commissioners adopted the Bancroft Redevelopment Plan by resolution dated April 6, 2016.

In June 2016 the Borough passed a bond issue in the amount of $13.5 million for the purchase of the property. Thereafter, the Borough took title to the entire 19.22 acre Bancroft site.

During the period from April 2016 to October 2017, the Borough Commissioners, their attorneys and Borough Administrator held non-public negotiations with the O'Neill Properties regarding O'Neill's development proposals, which relate only to approximately 8 acres on the north side of Hopkins Lane. According to the testimony of the Governing Body, no other developers or alternative development proposals were considered.

On November 1, 2017, the Governing Body sent a memorandum to the Planning Board to review 13 revisions to the Bancroft Redevelopment Plan and to submit a report to the Governing Body within 45 days in accordance with N.J.S.A. 40A:12A-7.
Role of the Planning Board on the Issue of Revisions to the Redevelopment Plan in Accordance with the Redevelopment Law

In N.J.S.A. 40A:12A-4b the municipal planning board is authorized to: (2) Make recommendations concerning a development plan pursuant to subsection e of N.J.S.A. 40A:12A-7...”

A “redevelopment plan” is defined in N.J.S.A. 40A:12A-3 as follows “Redevelopment Plan” means a plan adopted by the Governing Body of a municipality for development or rehabilitation of all or any part of a redevelopment area, ...which plan shall be sufficiently complete to indicate its relationship to definite municipal objectives as to appropriate land uses, public transportation and utilities, recreational and municipal facilities and other public improvements; and to indicated proposed and uses and building requirements in the redevelopment area....

The New Jersey Redevelopment Law N.J.S.A. 40A:12A-7(e) requires the proposed revisions to the existing redevelopment plan must be referred to the Planning Board for its recommendations to the Governing Body.

N.J.S.A. 40A:12A-7(e) provides that the Planning must identify any provisions in the proposed redevelopment plan, which are inconsistent with the Master Plan and the existing Redevelopment Plan and make recommendations concerning these inconsistencies and “any other matter as the Planning Board deems appropriate.”

N.J.S.A. 40A:12A-7d requires that provisions of the Redevelopment Plan and amendments to the Redevelopment Plan must be either substantially consistent with the Master Plan or designed to effectuate the purposes of the Master Plan.

Hearing

At the hearings related to the proposed revisions to the Redevelopment Plan, the Borough Commissioners presented the following witnesses in support of the proposed revisions to the redevelopment plan:

- Mayor Neil Rochford.
- Commissioner Jeff Kasko
- Philip Caton, Borough Consultant and Planner
- Angelo Alberto, Redeveloper/Architect
- Josh Echert, Conditional Redeveloper/Architect
• Timothy Kernan, Redeveloper/Planner

The public was permitted to testify regarding the proposed amendments.

The Borough was represented by Mario Iavicoli, Borough Solicitor and Edward McManimon, Special Counsel for Redevelopment.

The following exhibits were introduced as part of the record:

HC-1 Bancroft Redevelopment Plan dated 4/6/16
HC-2 Memorandum of proposed amendments to the Bancroft Redevelopment Plan dated 11/1/17 from Philip B. Caton to Sharon McCullough, Borough Administrator
HC-3 Concept Plan dated 10/11/16 prepared by Maser Consulting PA
HC-4 Proforma Financial Analysis prepared by the Commissioners

Findings and Conclusions and Recommendations of Planning Board

Based upon the testimony of the Governing Body’s witnesses, the public testimony and reviewing the exhibits, the Planning Board makes the following recommendations regarding the Governing Body’s proposed revisions to the Redevelopment Plan.

The Planning Board adopts the Procedural History set forth above.

The Bancroft Redevelopment Plan prepared by Philip Caton dated April 6, 2016 was unanimously recommended to the Governing Body by the Planning Board and unanimously adopted by the Governing Body ("The Plan")

The overall development goal of the Plan is stated in pertinent part “to expand the public open space in Haddonfield for active and passive recreation, Foster the development of an age targeted and affordable residential development…”

The Plan sets forth 14 specific objectives, which included the following:

1. To provide appropriate design and performance standards to guide and facilitate the redevelopment of the Bancroft property in a manner consistent with the overall redevelopment goal;

2. To implement a Redevelopment Plan in which the net costs to the Borough of purchasing the Redevelopment Area property and the related property improvement and maintenance expenses are, on an annual basis, no greater than the revenue generated to the Borough from the sale of land and the redevelopment.

3. To ensure that the market rate, Age-Targeted housing is attractive to “empty-nesters” and, to that goal, incorporates certain design and pricing principles into the development. These
principles include modest unit size, limited number of bedrooms, single level living or limited living areas on multiple floors, accessibility for residents, covered, garaged and/or structured parking common area improvements conducive to senior living, price points at or below the median price of a home in Haddonfield, and other community and site features that support independent living of older adults.

4. To encourage high quality architectural design and construction of new residential buildings within the Redevelopment Area which reflect the objectives and standards of the Haddonfield Historic District ordinance.

5. To integrate the affordable housing components seamlessly with the age targeted dwellings.

The Plan identifies the consistency of the Plan objectives to the Haddonfield Master Plan (see pgs 27-30) noting for example:

“The 1984 Master Plan and 2009 Reexamination Report both include goals concerning the Borough’s housing stock — both to maintain the predominantly single family character of the Borough and to expand housing opportunities to meet the needs of existing and future residents.”

“The 1991 Reexamination Report urged the Borough to explore the possibility of developing housing for senior citizens. Notwithstanding the construction of Lincoln Commons, there is still an unmet need for age targeted housing in Haddonfield. This is housing, which would enable adults whose children have grown up and left the single family detached home in which they were raised to “downsize” into a smaller unit, perhaps on one level with limited maintenance responsibilities. This is the primary development goal of the Redevelopment Plan and it responds to a need which has been articulated in the Borough’s Master Plan and Reexamination Reports since 1984.” (emphasis added)

The Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), which establishes the purposes of land development for the Planning Board includes the following purposes:

(i) to promote a desirable visual environment through creative development techniques and good civic design and arrangement;

(e) To encourage senior citizen community housing construction.

Amendment #1

“The reference to the option of 2 Hopkins Lance, LLC to construct no more than 80 dwellings on the east side of Hopkins Lane comprised of 70 market rate, age targeted units and 10
affordable units shall be amended to permit 80 market rate, age targeted units and a minimum of 10 and a maximum of 12 affordable units (as determined by the Borough’s Third Round Housing Element and Fair Share Plan).”

Planning Board Response: The language in the original Bancroft Redevelopment Plan on page 1 states “under the agreements 2 Hopkins Lane, LLC will have an option to purchase 8.2 of the 13.15 acres constituting the east side of the property and will have the right to development no more than 80 dwellings on the site-70 market rate, age targeted units and 10 units that would be deed restricted to households of low and moderate income.”

Although the Borough Commissioners and the conditional redeveloper argue that the Agreement dated January 2016 entered into between 2 Hopkins Lane, LLC, the Borough of Haddonfield and Bancroft Neurohealth are inconsistent with the redevelopment plan, the Planning Board was not a party to said agreement. Furthermore, the Borough Commissioners approved the Redevelopment Plan with full knowledge of that agreement. The Planning Board is bound to review the Redevelopment Plan and the proposed revisions which were subsequent to the aforesaid contract and confine its recommendations to the statutory role as set forth above.

The original Redevelopment Plan of 70 market rate age targeted units and 10 affordable units is consistent with the Master Plan. The increase in the market units to 80 market unit, coupled with other proposed changes as described below, do not effectuate the purpose of the Master Plan and is inconsistent with the Master Plan insofar as it increases the number of units.

The size of the units, the majority of which are not designed for single level living and the increase in development intensity leads the Planning Board to conclude that the increase in units will adversely affect the impervious lot coverage, stormwater management and overall density of the site. The Board further finds that the objective of the increase in the units is primarily related to the economic profitability of the development on the part of the conditional redeveloper, which is not a criteria for a redevelopment review by the Planning Board.

Amendment #2

Bancroft Plan goals and objectives.

“The first paragraph shall be amended to clarify that the 14 goals and objectives which are set forth in this section are intended to provide general guidance for the design of the development; however, a lack of adherence to one or more of the goals and objectives does not necessitate the Redeveloper applying for and receiving a variance or waiver as part of the site
plan/subdivision approval process."

At the hearing Philip Caton, the Planner for the Commissioners concurred that the language stating "however the lack of adherence to one or more of the goals and objectives" should be deleted. However, the Planning Board concludes that the intent of the amendment as modified is to weaken these goals and objectives. Since they reflect key principles that any redevelopment plan for this property should meet, the Planning Board disapproves the amendment.

Amendment #3

General Provisions – Affordable Housing.

A. The reference to the percentage of affordable housing units being 12.5% if the total number of dwelling units exceeds 80 units shall be amended to indicate that the number of affordable housing units shall be a minimum of 10 and a maximum of 12 units for any townhouse development in excess of 80 units. The precise number of affordable housing units shall be consistent with the Borough’s Third Round Housing Element and Fair Share Plan and shall be set forth in the Redevelopment Agreement between the Borough and 2 Hopkins Lane, LLC.

Planning Board Response: The Board finds that the number of units should not exceed 80 as set forth in the response to Amendment #1 above. However, the Board concurs with the statement that the precise number of affordable housing units shall be consistent with the Borough’s Third Round Housing Element and Fair Share Plan and shall be set forth in the Redevelopment Agreement between the Borough and any developer who proceeds with the project in accordance with the original Redevelopment Plan.

Amendment #4

Area, Yard, Coverage and Other Requirements – General Regulations.

A. The General Regulations, Section 1A, p. 17 shall be amended to permit, on a parcel of approximately 8.2 acres as determined by the Borough, up to 80 market rate townhouses and 10-12 duplexes affordable to low and moderate income households, for a total development of 90-92 units.

Planning Board Response: The Redevelopment plan dated April 6, 2016 (page 10), provides that the use, bulk, design and performance standards of this redevelopment plan shall supercede and replace the zoning provisions of the Haddonfield Borough Land Development Ordinance for Block 13, Lot 25 and Block 14, Lot 2. However, in any instance in which the redevelopment regulations and standards do not address a particular land development control, or
when specific reference to the LDO is made, the standards of the Land Development Ordinance shall apply to the redevelopment area as permitted by N.J.S.A. 40:A-12A-7.a(2).

The proposed revision of the redevelopment plan pertaining to page 17 is to provide for 80 market rate townhouses and shall include a minimum of 10 and a maximum of 12 affordable housing units. In addition, the 30% three bedroom requirement shall be reduced 20% consistent with COAH rules.”

The Planning Board finds that based upon the findings and conclusions set forth in item 1 above, the increase to 80 market rate townhouses is not consistent with the Borough Master Plan as amended or the objectives of the Redevelopment Plan. Further, the reference to the number of affordable housing units shall be determined as required under the legal requirements in effect at the time. The Planning Board further finds that the Borough and applicant have failed to consider other developers or alternatives redevelopment plans for the permitted uses noted in the Redevelopment Plan. Specifically at page 9 of the permitted residential Land Uses includes fair market rate townhouses (with affordable housing and duplexes) or market rate condominium flats (with affordable housing as condominium flats in midrise buildings) or a combination of the two market rate housing types along with affordable housing with either configuration (see also page 14 of Bancroft Redevelopment Plan dated 4/6/16).

Accordingly, the Planning Board rejects the proposed Amendment #5 for the reasons set forth above.

Amendment #5

B. The General Regulations, Section 1D, p.17 shall be amended to clarify that a development of 80 market rate townhouses shall include a minimum of 10 and a maximum of 12 affordable housing units. In addition, the 30% three bedroom requirement shall be reduced to 20% consistent with COAH rules (Uniform Housing Affordability Controls – N.J.A.C. 5:80-26.3(b).

Planning Board Response: Except for the reference to 80 market rate townhouses which the Planning Board has concluded is not consistent with the Master Plan or Redevelopment Plan objectives, the Board concludes that making the change or the number of bedrooms requirement for the affordable units is consistent with the Borough’s affordable housing obligations.

Amendment #6

C. General Regulations, Section 2, p. 18 shall be amended to delete the reference to prohibiting development below the top of slope along Kings Highway frontage of the
redevelopment site.

Planning Board Response: The Plan states as a specific goal (page 5):

"9. To guide the site planning of the residential development on the east side of Hopkins Lane to protect and enhance the landscaped bermed frontage of the Redevelopment Area along Kings Highway as a principal gateway to the Borough of Haddonfield."

The original Redevelopment Plan at page 18 provided in General Regulations “no development, except in necessary utilities including stormwater management shall occur below the top of the slope adjacent to Cooper River Park and along the Kings Highway frontage.”

The Planning board engineer testified that the frontage along Kings Highway is approximately 567 feet.

Redevelopment Plan objective #9, provides “to protect and enhance landscaped/bermed frontage of the Redevelopment Area on Kings Highway as a principal gateway to the Borough.” An undeveloped berm along the Kings Highway frontage of the property, which provides an aesthetically attractive and environmentally sensitive area is a goal which the Planning Board recommends to be preserved. Development of this area would be inconsistent with the Master Plan set forth in its objectives over a period of number of reexaminations which emphasize “the maintenance of the visual attractiveness of Haddonfield.” It is also inconsistent with the goals and objectives of the Historic Preservation element to preserve streetscapes and important visual corridors. In addition, the landscaping provisions of the original redevelopment plan provides on page 23 that the landscape buffers would be required along the perimeter property lines of the portion of redevelopment east of Hopkins Lane and the existing berm and vegetation along Kings Highway frontage of the redevelopment plan shall be preserved and enhanced as necessary. The Governing Body has acknowledged that the Kings Highway frontage serves as a principal scenic gateway to the Borough.

Accordingly, the Planning Board rejects the Amendment #6 as proposed and seeks any development proposal to preserve the berm.

Amendment #7

D. General Regulations, Section 4, p.18 shall be amended to indicate that the required 50 foot right of way of Hopkins Lane may be accomplished by the dedication of approximately 15 feet on either side of the existing 20 foot wide cartaway.

Planning Board Response: The current Redevelopment Plan provides under General
Regulations D4 “The right of way of Hopkins Lane shall be no less than 50 feet in width. The Borough Planner, Philip Caton testified at the hearing that the proposed revision to the Redevelopment Plan should be revised to read as follows “General Regulations, Section 4, Page 18 should be amended to indicate that the required 50 foot right of way of Hopkins Lane shall be accomplished by the dedication of 15 feet on each side of the existing 20 foot wide cart way.” The Planning Board accepts the proposed revisions to the amendment by Mr. Caton.  

Amendment #8  

E. Residential Principal and Accessory Uses, Section 1A, p.18 shall be amended to increase the maximum average floor area per town house unit from 2,000 square feet to 2,250 square feet, not including basements, attics, space within a double height ceiling or atrium, unenclosed porches or porticos, or bay windows or similar minor projections.  

Planning Board Response: The Planning refers to the Redevelopment goal to provide “age targeted and affordable residential development.” (pg. 3)  

“Age Targeted – Housing” is defined in the Plan as follows:  

“A residential development which is designed, marketed and priced to be attractive to “empty nester” adults approximately 55 years or older. The design principles may include modest unit size limited number of bedrooms, single level living or living areas on multiple floors, accessibility, covered garage and/or structured parking, social, cultural and recreational facilities conducive to the independent living of older adults, and price points at or below the median price of a home in Haddonfield.”  

The Planning Board finds that the original maximum average square foot area per townhouse unit should remain at 2,000 square feet, including basement and attic space, as floor area is defined in Section 135-10 of the Haddonfield Land Development Ordinance. The Commissioners proposed revision seeks to increase the square footage to 2,250 square feet and would allow habitable basements and attics to further increase floor area by up to 1,500 square feet. The Planning Board finds that the proposed units are not modest in size. In spite of Mr. Caton’s suggestion that habitable basements and attics could be counted as floor area, the Planning Board rejects the revision because the Planning Board finds that it does not effectuate the primary purpose of the redevelopment plan which is to provide market rate, age targeted housing which is attractive to empty nesters and to enable age targeted residents to “downsize”. The proposed 12.5% increase in average floor area does not result in a modest unit size and will increase unit prices
which will most likely exceed Haddonfield’s median housing price that is less than $500,000. The Planning Board finds the “developer and Governing Body have not submitted sufficient, competent proof that the increase in square footage complies with the “age target housing” goal.

Accordingly, the Planning Board rejects the proposed revision for the reasons stated.

Amendment #9

F. Residential Principal and Accessory Uses, Section 1C, p. 18 shall be amended to include within the 75% minimum requirement not only units with the master bedroom on the same level as the principal communal living spaces but also units with elevators which connect the master bedroom to the level of the principal communal living spaces and units with two master bedrooms even if the bedrooms are not on the same level as the principal communal living spaces.

Planning Board Response: The Planning Board finds that, as originally envisioned in the Redevelopment Plan, housing targeted to seniors should seek to provide living space on one level and this proposed amendment does not further that objective. Moreover, the addition of elevators increases the costs of the units and will likely affect pricing points.

For the reasons set forth above, the Planning Board rejects the revision insofar as it is not consistent with the Master Plan or the goals, objectives and design standards of the Redevelopment Plan.

Amendment #10

G. Residential Principal and Accessory Uses, p.19 shall be amended to include a standard for townhouse building height. Maximum townhouse building height shall be 35 feet from the lowest ground elevation along the front building façade to the top of the roofline. For townhouses with garage space on a level below that of the first level of living space (which design may be utilized on sloping portions of the site), building height shall also be limited to 45 feet from the lowest ground elevation at the rear façade to the top of the roofline.

Planning Board Response: The Planning Board finds that the proposed amendment is contrary to the height definition adopted by the Borough Commissioners in the Spring, 2017 and effectively allows building height to increase along the Kings Highway corridor, in contravention of the Master Plan’s and Historic Preservation element’s objective to protect streetscapes and important visual corridors. For these reasons, the Planning Board rejects the amendment.

Amendment #11

H. Residential Principal and Accessory Uses, p.19 shall be amended to permit the
maximum horizontal length of an individual townhouse façade to be between 24 and 35 feet and the maximum horizontal length of a façade or side wall of a townhouse building to be 125 feet. In addition, the maximum length of townhouse rooflines without a break of at least 2 feet shall be 60 feet.

Planning Board Response: This proposed amendment enables a larger and more intensive development to fit on the site. For this reason and because the architectural merit of the change is unknown and may conflict with Redevelopment Plan and Historic Preservation element objectives, accordingly the Planning Board disapproves the Amendment.

Amendment #12

Performance and Design Standards-Landscaping, p. 23
Landscape buffers shall be required only on the perimeter property lines along the Cooper River corridor and associated woods. The requirement that the existing berm and vegetation along the Kings Highway frontage of the Redevelopment Area be preserved and enhanced shall be modified to require that the existing trees within the “parking Strip” along Kings Highway frontage accentuate the scenic “gateway” character of this location and be consistent with the Redevelopment Plan.

Planning Board Response: In spite of suggestions that the language of the amendment could be clarified and that the Land Development Ordinance’s landscaping requirements continue to apply, the Planning Board finds that the amendment effectively eliminates landscaped buffers along Kings Highway and Hopkins Lane, which violate objectives of the Redevelopment Plan and the Master Plan. For the reasons set forth in the Planning Board response to Amendment #6 above, the Planning Board rejects the revision to eliminate the requirement that the existing berm and vegetation along Kings Highway frontage should be preserved. For those reasons the Planning Board seeks to confirm that the requirement of the existing berm and vegetation should be preserved along Kings Highway frontage.

Amendment #13

Development Plan Review and Approval – Planning Board Review 3C (p.36).

The Redevelopment Plan shall be amended to clarify that the Planning Board retains the right pursuant to the Municipal Land Use Law (N.J.S.A. 40:55 D-60) to approve applications for building height in excess of that permitted in this Redevelopment Plan so long as the deviation is not greater than 10 feet or 10% of the permitted building height.
Planning Board Response: The Planning Board accepts this revision as a clarification to the Municipal Land Use Law (N.J.S.A. 40:55 D-1 et seq.) interplay with the Redevelopment Law (N.J.S.A. 40A:12A-1 et seq.). In the event an application for deviation of building height in the amount of up to 10 feet or 10% of the permitted building height is sought by any redeveloper, the Planning Board would have the right to review such changes in accordance with N.J.S.A. 40:55D-60 as part of the site plan review.

At the hearing the Commissioners and redeveloper argue that the following factors should be considered in support of the proposed revisions to the redevelopment plan:

1. The possibility that the adherence to the Redevelopment Plan may cause a negative economic result to the Borough real estate taxes of the Borough residents, Commissioners submitted a financial projection HC-4 in support of this position.

2. Rejection of the proposed amendments would result in prolonged, costly litigation with O’Neill Properties.

3. The updated financial estimates provided by the Borough suggest that the revised development would be revenue neutral, even though those estimates contain incorrect and unsupported figures and do not reflect school funding impacts.

Simply stated, these factors are not within the statutory role of the Planning Board under the Redevelopment law or within the above cited definition of “Redevelopment Plan.” Further they are not supported by sufficient, competent proof presented to the Planning Board in these hearings and ignore the long term negative impacts that an inappropriate redevelopment project will have on the character and finances of the Borough.

The Planning Board recommends that the Governing Body and conditional redeveloper reconsider O’Neill Properties Conceptual Plan in light of the above comments and consider alternative concept plans discussed at the Planning Board hearings.

On the motion of John Stokes, seconded by Shawn McCaney, the Planning Board voted 8-0 to grant the Resolution Recommending the Rejection of the Proposed Revisions to the Bancroft Redevelopment Plan.
Roll Call Vote

John Laprocido       Yes
Joyce Howell        Yes
John Stokes          Yes
Jon Simonson         Yes
Eugene Haag         Yes
William Polise      Yes
Mark Sobel           Yes
Shawn McCaney        Yes

The foregoing is a true copy of the Resolution adopted by the Planning Board of Adjustment of the Borough of Haddonfield at a duly noticed meeting on January 2, 2018, memorializing the action of the Board taken at its meetings on November 29, 2017, December 4, 2017 and December 20, 2017.

Stephanie Heim, Secretary
MEMORANDUM

To: Sharon McCullough, Borough Administrator

From: Philip B. Caton PP, FAICP

Re: Revised Proposed Amendments to the Bancroft Redevelopment Plan

Date: January 17, 2018

Attached please find a “redlined” version of my memorandum to you of November 1, 2017 entitled “Proposed Amendments to the Bancroft Redevelopment Plan.” The revisions displayed in color are intended to reflect the modifications directed by the Commissioners to the November 1, 2017 memorandum following the three public meetings (November 29, 2017, December 5, 2017 and December 20, 2017) and other public input regarding changes to the Bancroft Redevelopment Plan.

Once the Commissioners adopt amendments I will incorporate them into one document (an “Amended Bancroft Redevelopment Plan”) for ease of future reference.

Please let me know if you have any questions concerning the revisions to the Plan.

Philip Caton, FAICP
John Hatch, FAIA
George Hibbs, AIA
Brian Slaugh, AICP
Michael Sullivan, AICP

Emeriti
John Clarke, FAIA
Carl Hintz, AICP, ASLA

Jeffrey Kasko, Commissioner
John Moscatelli, Commissioner
Neal Rochford, Commissioner
Mario Iavicoli, Esq., Borough Solicitor
Edward McManimon, Esq., Borough Redevelopment Solicitor
MEMORANDUM

To: Sharon McCullough, Borough Administrator

From: Philip B. Caton, PP, FAICP

Re: Revised Proposed Amendments to the Bancroft Redevelopment Plan

Date: November 1, 2017 - January 17, 2018

Per your request, this Memorandum sets forth the amendments which should be made to the Bancroft Redevelopment Plan (adopted April 6, 2016) in order to provide greater consistency with the most recent concept plans for redevelopment of the eastern side of the site by 2 Hopkins Lane, LLC.

1. Introduction, p.1

   The reference to the option of 2 Hopkins Lane, LLC to construct no more than 80 dwellings on the east side of Hopkins Lane comprised of 70 market rate, age-targeted units and 10 affordable units shall be amended to permit 80 market rate, age-targeted units and a minimum of 10 and a maximum of 12 affordable units (as determined by the Borough’s Third Round Housing Element and Fair Share Plan).

2. Bancroft Redevelopment Plan Goals and Objectives, p.4

   The first paragraph shall be amended to clarify that the 14 goals and objectives which are set forth in this section are intended to provide general guidance for the design of the development; however, a lack of adherence to one or more of the goals and objectives does not necessitate the Redeveloper applying for and receiving a variance or waiver as part of the site plan/subdivision approval process.

3. General Provisions · Affordable Housing, p. 12

   A. The reference to the percentage of affordable housing units being 12.5% if the total number of dwelling units exceeds 80 units shall be amended to indicate that the number of affordable housing units shall be a minimum of 10 and a maximum of 12 units for any
townhouse development in excess of a total of 80 units (market rate townhouses and affordable units). The precise number of affordable housing units shall be consistent with the Borough’s Third Round Housing Element and Fair Share Plan and shall be set forth in the Redevelopment Agreement between the Borough and 2 Hopkins Lane, LLC.

4. Area, Yard, Coverage and Other Requirements – General Regulations

A. The General Regulations, Section 1A, p. 17, shall be amended to permit, on a parcel of approximately 8.2 acres as determined by the Borough, up to 80 market rate townhouses and 10-12 duplexes affordable to low and moderate income households, for a total development of 90-92 units.

B. The General Regulations, Section 1D, p. 17 shall be amended to clarify that a development of 80 market rate townhouses shall also include a minimum of 10 and a maximum of 12 affordable housing units. In addition, the 30% three-bedroom requirement shall be reduced to 20% consistent with COAH rules (Uniform Housing Affordability Controls • N.J.A.C. 5:80 -26.3 (b)).

C. General Regulations, Section 2, p. 18 shall be amended to delete the reference to prohibiting development below the top of slope along the Kings Highway frontage of the redevelopment site.

D. General Regulations, Section 4, p.18 shall be amended to indicate that the required 50-foot right-of-way of Hopkins Lane may shall be accomplished by the dedication of approximately 15 feet on either each side of the existing 20 foot wide cartaway.

E. Residential Principal and Accessory Uses, Section 1A, p. 18 shall be amended to increase the maximum average floor area per town house unit from 2,000 square feet to 2,250 square feet, not including basements, and attics, having no less than 6.5 feet of headroom, but not including attached garages used primarily for the storage of motor vehicles, all detached garages, space within a double height ceiling or atrium, unenclosed porches or porticos, or bay windows or similar minor projections.
F. Residential Principal and Accessory Uses, Section 1C, p. 18 shall be amended to include within the 75% minimum requirement not only units with the master bedroom on the same level as the principal communal living spaces but also units with elevators which connect the master bedroom to the level of the principal communal living spaces and units with two master bedrooms even if the bedrooms are not on the same level as the principal communal living spaces.

G. Residential Principal and Accessory Uses, p. 19 shall be amended to include a standard for townhouse building height. Maximum townhouse building height shall be 35 feet from the lowest ground elevation along the front building façade to the top of the roofline and 3 stories. Height shall be measured in accordance with the definition in “Zones Outside of Downtown Zoning District” in Section 135-10 of the LDO, subject to one exception. For townhouses with garage space on a level below that of the first level of living space (which design may be utilized on sloping portions of the site), the determination of average grade shall not include the elevation of the rear of the building (the level of garage access) building height shall also be limited to 45 feet from the lowest ground elevation at the rear façade to the top of the roofline.

H. Residential Principal and Accessory Uses, p. 19 shall be amended to permit the maximum horizontal length of an individual townhouse façade to be between 24 and 35 feet and the maximum horizontal length of a façade or side wall of a townhouse building to be 125 feet. In addition, the maximum length of townhouse rooflines without a break of at least 2 feet shall be 60 feet.

5. Performance and Design Standards – Landscaping
2 Perimeter Buffer Requirements, p. 23

Landscape buffers shall be required only on the perimeter property lines along the Cooper River corridor and associated woods. The requirement that the existing berm and vegetation along the Kings Highway frontage of the Redevelopment Area be preserved and enhanced shall be retained and modified to also require that the existing trees within the “parking strip” along Kings Highway be preserved and that the landscape treatment for the entire Kings Highway frontage accentuate the “gateway” character of this location and be consistent with the
Redevelopment Plan. **The Hopkins Lane frontage of the site shall be landscaped with street trees and other suitable vegetation.**

6. Development Plan Review and Approval – Planning Board Review 3C (p.36)

The Redevelopment Plan shall be amended to clarify that the Planning Board retains the right pursuant to the Municipal Land Use Law (N.J.S.A. 40:55 D-60) to approve applications for building height in excess of that permitted in this Redevelopment Plan so long as the deviation is not greater than 10 feet or 10% of the permitted building height.

Please let me know if you have any questions or comments concerning these proposed amendments.

c. Mario Iavicoli, Esq.
   Edward J. McManimon, Esq.
   Joseph Rocco, Esq.
   Jack Plackter, Esq.
   Tim Kernan, PE
   Dennis Dougherty, PE
   Angelo Alberto, AIA
   Josh Eckert, AIA