

**REDEVELOPMENT AGENCY OF FRANKLIN TOWNSHIP
SOMERSET COUNTY, NEW JERSEY**

**MINUTES OF MEETING
November 20, 2006**

The meeting of the Redevelopment Agency of Franklin Township was held at 475 DeMott Lane, Somerset, NJ and was called to order at 7:40 p.m. by Chairman Richard Barber. The Sunshine Law was read. The roll was taken as follows:

PRESENT: Kimberly Francois, Mayor Brian Levine, Lewis Hurd, Deputy Mayor Ellen Ritchie, Dennis Sanders and Chairman Richard Barber

ABSENT: Michael Gianotto

ALSO PRESENT: Leslie G. London, Esquire, Kenneth W. Daly, Executive Director, Deborah Mitchell, Redevelopment Administrator and Diane Milgram, Recording Secretary

OATH OF OFFICE

Deputy Mayor Ellen Ritchie took the Oath of Office as a member of the Redevelopment Agency.

MINUTES

- **Approval & Release of Regular Meeting of October 16, 2006**

Kimberly Francois made a motion to approve and release the minutes to the public as submitted. Dennis Sanders seconded the motion. All members were in favor except Lewis Hurd and Deputy Mayor Ritchie as they were not present at the meeting.

NEW BUSINESS

- **Re-Adoption of FY2006 Redevelopment Agency Budget**

Mr. Daly explained that it was necessary for the Redevelopment Agency to re-adopt the fiscal year 2006 budget due to a technical deficiency in the adoption process. The budget itself did not change. Lewis Hurd made a motion to approve the Resolution as submitted. Kimberly Francois seconded the motion. The Resolution is as follows:

RESOLUTION

Franklin Township Redevelopment Agency

Whereas, the Annual Budget and Capital Budget for the Franklin Township Redevelopment Agency for the fiscal year beginning July 1, 2006 and ending June 30, 2007 is presented for adoption on November 20, 2006 and;

Whereas, N.J.A.C. 5:31-2.3 establishes the submission dated for the fiscal year budget and;

Whereas, the Authorities annual budget and capital budget for the Franklin Township Redevelopment Agency will be adopted after these established deadlines

**REDEVELOPMENT AGENCY OF FRANKLIN TOWNSHIP
SOMERSET COUNTY, NEW JERSEY**

**MINUTES OF MEETING
November 20, 2006**

Now Therefore be it resolved, by the governing body of the Franklin Township Redevelopment Agency, that the Agency understands that the fiscal year 2006 budget submission has been submitted after the established deadline.

Be it resolved that the governing body understands the established deadlines and shall submit future budgets within these established deadlines.

All members were in favor.

- **Attorney Invoices #: 90397, 90545, 90546 & 90547**

Lewis Hurd made a motion to approve the invoices as submitted. Kimberly Francois seconded the motion. All members were in favor.

- **Resolutions**
 - **9 – Amending the Redevelopment Agreement with Somerset-Douglas, LLC**

Ms. London addressed the Agency and explained that the Somerset-Douglas project is current delayed for two reasons. The first deals with a business being unsuccessful in obtaining a lease to relocate from its current location. However, this issue was recently resolved. The second situation deals with the insufficient sewer capacity for the entire project and, until this issue is resolved with the Franklin Township Sewerage Authority, the Developer cannot obtain bank financing. Ms. London stated that the Developer is complying in a timely manner with all other obligations regarding this project, however, he is unable to precede given the above mentioned circumstances.

The Agency briefly discussed the sewerage capacity issues and was informed by Mr. Daly that approval was granted for the inter-local. There was a discussion regarding the Planning Board's approval of the project and the expirations of those approvals.

Councilwoman Ritchie made a motion to approve Resolution No. 9-2006 Authorizing the Fifth Amendment to the Redevelopment Agreement by & Between the Agency and Somerset-Douglas, LLC. Lewis Hurd seconded the motion. The Resolution is as follows:

**RESOLUTION NO. 9-2006
OF THE
REDEVELOPMENT AGENCY OF FRANKLIN TOWNSHIP
AUTHORIZING FIFTH AMENDMENT TO
THE REDEVELOPMENT AGREEMENT BY & BETWEEN
THE AGENCY AND SOMERSET-DOUGLAS, LLC**

WHEREAS, by Resolution duly adopted by the Redevelopment Agency of Franklin Township (the "Agency"), the Agency executed a Redevelopment Agreement dated April 21, 2003 (the "Redevelopment Agreement") with Somerset-Douglas, LLC (the "Redeveloper") for the redevelopment of a portion of the Redevelopment Area described in the Redevelopment Agreement; and

WHEREAS, the Redevelopment Agreement has been previously amended by the parties to extend the time schedules set forth in the Agreement; and

WHEREAS, the Redeveloper has requested that the Redevelopment Agreement be further amended by a Fifth Amendment to the Redeveloper Agreement to extend the Construction Schedule; and

**REDEVELOPMENT AGENCY OF FRANKLIN TOWNSHIP
SOMERSET COUNTY, NEW JERSEY**

**MINUTES OF MEETING
November 20, 2006**

WHEREAS, there have been delays in the Schedule caused by problems encountered by the Redeveloper in obtaining a lease to relocate a certain property owner; and

WHEREAS, while the relocation issue has recently been successfully resolved, there are still outstanding sewer capacity issues which impact the Redeveloper's ability to obtain bank financing and therefore continue to cause delays in commencement of construction; and

WHEREAS, the Agency desires to authorize a Fifth Amendment to the Redeveloper Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Redevelopment Agency of Franklin Township that:

1. The recitations set forth above are incorporated herein.
2. The Fifth Amendment to the Redevelopment Agreement requested by the Redeveloper is hereby approved.
3. The Executive Director is hereby authorized to execute the Fifth Amendment to the Redevelopment Agreement with the Redeveloper.

All members of the Agency voted yes for amending the Redevelopment Agreement with Somerset-Douglas, LLC.

○ **10 – Amending the Redevelopment Agreement with Leewood Real Estate Group, LLC**

Michael Fink, President of Leewood Group and Erica Goldstein, Developer of Development, appeared before the Agency to present their revision from their original concept plan.

After the presentation, there were several questions and discussion from both the Agency and the public. There were questions regarding the process for approving the project, amending the Redevelopment Agreement and if there were any issues with the residents from the affective community. Ms. Mitchell explained that there was a recent community meeting, the third of its kind, which was well received and the residents expressed their excitement for the project to proceed forward. Mr. Fink responded that the affordable housing credits, from this project, were not included into the Fair Share Plan which was recently submitted to COAH. It was explained by the Developer that the project would be done in phases to avoid moving residents into temporary housing and they acknowledged that displaced residents would have the first option to return to the newly revised community.

A business property owner within the project limits questioned how he should proceed in improving his property. Mr. Daly responded that the individual has the right to do with his property as he sees fits knowing that the Agency just included his property within the project. Mr. Fink, in response to Doris Bennetts' question, explained that the percentage of affordable housing is determined by the cost of acquisitions and by financing. The other business owner's whose property were included into the project have approached the Township regarding their interest in selling their property. Ms. Mitchell responded to Shirley Pietricha's question regarding the turnout for the community meetings which have been well attended..

Lewis Hurd made a motion to approve the amended Resolution No. 10-2006 approving an amendment to the Redevelopment Agreement with Leewood Renaissance @ Franklin, LLC. Deputy Mayor Ritchie seconded the motion. The Resolution is as follows:

**RESOLUTION NO. 10-2006
OF THE
REDEVELOPMENT AGENCY OF FRANKLIN TOWNSHIP
APPROVING AN AMENDMENT TO THE
REDEVELOPMENT AGREEMENT BY AND AMONG
LEEWOOD RENAISSANCE @ FRANKLIN, LLC &**

**REDEVELOPMENT AGENCY OF FRANKLIN TOWNSHIP
SOMERSET COUNTY, NEW JERSEY**

**MINUTES OF MEETING
November 20, 2006**

R. RANDY LEE, AS GUARANTOR

WHEREAS, by Resolution duly adopted on April 28, 2006, the Redevelopment Agency of Franklin Township (the "Agency") approved the execution of a Redevelopment Agreement by and among Leewood Renaissance @ Franklin, LLC and R. Randy Lee, as Guarantor (the "Redeveloper") for the construction of a residential development within a portion of the Renaissance 2000 Redevelopment Area (the "Redevelopment Agreement"); and

WHEREAS, the Redeveloper has requested that the Redevelopment Agreement be amended to (a) reduce the total number of residential two (2) family units required to be built from 226 (113 two family units) to 216 (108 two family units) and (b) include as a new addition to the Project, the construction of a four (4) story senior housing building which will consist of up to 70 units but no less than 50 units, of which 15% will be Affordable Housing Units. Therefore, the total units for the Project will now be 286 (216 + 70); and

WHEREAS, the Agency has reviewed the proposed Amendment and desires to approve said Amendment.

NOW, THEREFORE, BE IT RESOLVED by the Redevelopment Agency of Franklin Township that:

1. The recitations set forth above are incorporated herein.
2. The Amendment to the Redevelopment Agreement proposed by the Redeveloper is hereby approved.
3. The Executive Director is hereby authorized to execute the Amendment to the Redevelopment Agreement with the Redeveloper.

All members of the Agency voted yes for amending the Redevelopment Agreement with Leewood Real Estate Group, LLC.

- o **11 – Approving the Execution of a Redevelopment Agreement with RPM Development Group, LLC**

Ed Martoglio, President of RMP Development Group, LLC appeared before the Agency to present their concept plan. The project will encompass a total of 47.5 acres and is bordered by the First Baptist Church to the east and Churchill Avenue to the West. The Developer proposed to develop the project area in phases over a 10-year period. In Phases 1-3 a combined total of 149 affordable rental units and 33 market rate-housing units are proposed. It also includes the development of 20,000 square feet of retail commercial space along Franklin Boulevard.

The Agency had several questions regarding this project. Mayor Levin inquired about the elimination of the Church's parking area for Phase 1 of the project. Currently, the Developer's plans are to eliminate a portion of the parking area and supply the Church with an alternative parking arrangement. Mr. Daly explained that no communication between the Developer and the Church would occur until a Redeveloper's agreement was approved. Mayor Levine expressed his concerns regarding the Developer's plans to remove a portion of the parking area with their approval. The Developer explained that they would not want to go into litigation and would go out of their way to accommodate the Church's needs.

The Developer explained a PILOT tax plan and will create a spreadsheet of current taxes for the community. Mayor Levine stated his concerns about the community residents and the PILOT plan.

Lewis Hurd made a motion to approve the Execution of a Redevelopment Agreement with RPM Development, LLC. Deputy Mayor Ritchie seconded the motion. The Resolution is as follows:

**REDEVELOPMENT AGENCY OF FRANKLIN TOWNSHIP
SOMERSET COUNTY, NEW JERSEY**

**MINUTES OF MEETING
November 20, 2006**

**RESOLUTION NO. 11-2006
OF THE
REDEVELOPMENT AGENCY OF FRANKLIN TOWNSHIP
APPROVING THE EXECUTION OF A
REDEVELOPMENT AGREEMENT WITH RPM DEVELOPMENT, LLC**

WHEREAS, by Resolution duly adopted on July 17, 2006 the Redevelopment Agency of Franklin Township (the "Agency") conditionally designated the RPM Development Group, LLC (the "Redeveloper") to be the redeveloper of a redevelopment project in the Churchhill-Millstone Project Renaissance Development Area covered by the 2000 Redevelopment Plan of the Township of Franklin, Somerset County, New Jersey (the "Redevelopment Plan") as more particularly described in the Conceptual Development Plan (the "Concept Plan") submitted with the Redeveloper's proposal; and

WHEREAS, the Redeveloper designation was contingent upon the successful negotiation and execution of a redevelopment agreement (the "Redevelopment Agreement"); and

WHEREAS, the Agency and the Redeveloper have successfully completed their negotiations and have finalized the Redevelopment Agreement and desire to execute the Agreement, essentially in the form of the final Agreement reviewed and discussed by Counsel.

NOW, THEREFORE, BE IT RESOLVED by the Redevelopment Agency of Franklin Township that:

1. The recitations set forth above are incorporated herein.
2. The Executive Director is hereby authorized to execute the Redevelopment Agreement with the Redeveloper.

The members of the Agency voted as follows:

FOR: Deputy Mayor Ritchie, Kimberly Francois, Dennis Sanders, Lewis Hurd and Chairman Barber

AGAINST: Mayor Levine

• **Status Reports, as submitted by Deborah Mitchell**

Franklin Township Housing Authority – Ms. Mitchell recently attended a meeting between the Housing Authority and NJDEP regarding the Green Acres requirements for a portion of the Park which the Housing Authority donated to the Township in 2001.

Somerset Street Business – Ms. Mitchell informed the Agency that a group of owners met regarding their plan to upgrade their frontages along Somerset Street between Pine and Douglas. They have prepared a concept plan which will be submitted to the Redevelopment subcommittee when the package is complete.

Hamilton Street Business Corporation met on November 14, 2006 but only had a general discussion as a quorum was not obtained.

• **PUBLIC DISCUSSION**

Ms. Francois made a motion to open the meeting to the public. Mr. Hurd seconded the motion. All members were in favor.

**REDEVELOPMENT AGENCY OF FRANKLIN TOWNSHIP
SOMERSET COUNTY, NEW JERSEY**

**MINUTES OF MEETING
November 20, 2006**

Two members of the public come forward to question the Developer's projects. Phillip Kramer questioned the number of school age children RPM's project would add to the school system and property owner's right. Mr. Daly explained that residents who do sell their property would be entitled to the same rights of someone whose property was taken by eminent domain.

Mr. Fink responded to Shirley Pietrucha's question, that there would be additional community meetings on the full Leewood project.

There were no other questions or comments from the public. A motion was made and seconded to close the public portion of the meeting. All members were in favor.

- **EXECUTIVE SESSION**

There was no executive session.

- **ADJOURNMENT**

A motion was made and seconded to adjourn the meeting p at 10:07 p.m. All members were in favor.

REVISED