

**ACTION MEETING  
MUNICIPAL BUILDING**

**September 11, 2018  
DELRAN, NJ**

**Sunshine Statement:** Be advised that proper notice has been given by the Township Council in accordance with the sunshine law in the following manner. Notice advertised in the Burlington County Times and Camden Courier Post on January 16, 2018 and posted on the bulletin board on the same date.

**ROLL CALL:** Ms. Parejo, Mr. Burrell, Mrs. Kolodi, Mr. O'Connell and Mr. Catrambone were present.

**ALSO PRESENT:** Mr. Paris, Mayor, Mr. Riso, Solicitor, Mr. Hatcher, Administrator and Ms. Eggers, Municipal Clerk.

### **ACTION MEETING**

### **ORDINANCES ON SECOND READING**

#### **TOWNSHIP OF DELRAN ORDINANCE 2018-09**

#### **AN ORDINANCE TO AMEND STELLWAG FARMS REDEVELOPMENT PLAN**

**WHEREAS**, the Ordinance 2016-09, the Township Council of the Township of Delran adopted the "Stellwag Farms Redevelopment Plan" for the redevelopment certain property known as Block 116, Lot 23 on the Tax Maps of the Township of Delran; and

**WHEREAS**, following enactment of said Ordinance, the Redeveloper proceeded with, and secured, preliminary subdivision approval from the Delran Township Planning Board consistent with the Redevelopment Plan; and

**WHEREAS**, thereafter, the Township became involved in litigation in the matter of Fair Share Housing Center, Inc. v. Township of Delran, Planning Board of the Township of Delran, and Delran Land Investment, LLC, Docket No. BUR-L-138-17, which litigation challenged the approvals granted by the Planning Board to the Redeveloper, Delran Land Investment, LLC; and

**WHEREAS**, following initiation of said litigation, the parties have discussed an amicable resolution to the litigation, in conjunction with the Township's efforts to address its overall affordable housing obligations, and as a result of said discussions, the parties have determined to revise the Stellwag Farms Redevelopment Plan adopted by Ordinance 2016-09 to facilitate age-restricted housing, inclusive of an affordable housing component.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Township Council of the Township of Delran, County of Burlington, State of New Jersey that the Stellwag Farms Redevelopment Plan dated May 2016, be and the same is hereby amended as follows:

#### **A. ARTICLE I. "Amended Provisions."**

Section I, "Introduction", subparagraph (b), is hereby amended to delete the last three sentences, and replace them with the following language:

"The Redevelopment Plan calls for total of one hundred eleven (111) residential units, of which, including fourteen (14) detached single-family homes, and seventy-

seven (77) attached single family units; ninety-one (91) shall be market-rate, fee simple age-restricted homes; and twenty (20) will be age-restricted affordable condominium units, which may be marketed as either 'for sale' or 'rental.' The Township, in its sole discretion, shall have the right to ask the Redeveloper to reduce the number of affordable units from twenty (20) to sixteen (16). Said option shall be exercised within thirty (30) days of the adoption of this Ordinance. The Redevelopment Plan sets forth standards and guidelines for land use, circulation, open space, parking and utility design. These guidelines are set forth as an effort to create development proposals that meet the Plan's goals and objectives."

**B. ARTICLE III. "Land Use Plan."** Paragraph (D), "Land Use Bulk Standards" is hereby amended as follows:

- a. "Purpose" is hereby amended to read: "Age-restricted housing (55 and older), with the option, at Developer's choosing, that the affordable units may be detached units.
- b. Principal Permitted Uses: Single-family detached and attached (homes) and condominium units (affordable units).
- d. "Standard of Development" is hereby amended at subparagraph (ii) to read: "ii. The wetland areas in the Redevelopment Area may be contained in one separate lot, or across individual lots, but shall be the responsibility of and maintained by a Homeowner's Association."
- e. "Area, Yard and Bulk Requirements" is hereby amended to read as follows:

**ZONING DISTRICT: A-1 AGRICULTURAL DISTRICT/REDEVELOPMENT**

**TOWNHOMES**

BULK, AREA AND YARD SETBACKS	REQUIRED	PERMITTED
MAXIMUM BUILDING HEIGHT	35 FEET	< 35 FT
MINIMUM LOT AREA (SMALLEST LOT)	3,000 SF	3,000. SF
MINIMUM LOT WIDTH (SMALLEST LOT)	28 FT	24 FT
MINIMUM LOT WIDTH ON CURVE (SMALLEST LOT)	20 FT	13.971 FT
MINIMUM LOT DEPTH (SMALLEST LOT)	110 FT	120. FT
<b>MINIMUM FRONT YARD SETBACK</b>		
FROM RIGHT OF WAY LINE	20 FT	20 FT
MINIMUM SIDE YARD SETBACK	0 FT	0 FT
COMBINED SIDE YARD SETBACK	0 FT	0 FT

MINIMUM REAR YARD SETBACK	25 FT	25 FT
MAXIMUM LOT COVERAGE (SMALLEST LOT)	85%	66.54%
MAXIMUM BUILDING COVERAGE (SMALLEST LOT)	60%	56.67%
MINIMUM DISTANCE BETWEEN BUILDINGS	20 FT	22 FT
SINGLE FAMILY DETACHED		
BULK, AREA AND YARD SETBACKS		
MAXIMUM BUILDING HEIGHT	35 FEET	< 35 FT
MINIMUM LOT AREA (SMALLEST LOT)	8,750 SF	15,400.74 SF
MINIMUM LOT WIDTH (SMALLEST LOT)	50 FT	66 FT
MINIMUM LOT WIDTH AT ON CURVE (SMALLEST LOT)	45 FT	74.02 FT
MINIMUM LOT DEPTH (SMALLEST LOT)	110 FT	139.23 FT
MINIMUM FRONT YARD SETBACK		
FROM RIGHT OF WAY LINE	30 FT	30 FT
FROM COUNTY RIGHT OF WAY LINE	50 FT	50 FT
MINIMUM SIDE YARD SETBACK	8 FT	8 FT
MINIMUM COMBINED SIDE YARD SETBACK	15 FT	>15 FT
MINIMUM REAR YARD SETBACK	25 FT	25 FT
MAXIMUM LOT COVERAGE (SMALLEST LOT)	60%	20.03%
MAXIMUM BUILDING COVERAGE (SMALLEST LOT)	40%	15.58%

1. EXISTING USE: FARM & STORE

PROPOSED USE: AGE RESTRICTED MARKET-RATE RESIDENTIAL UNITS, AND EITHER AGE-RESTRICTED OR FAMILY AFFORDABLE UNITS

2. EXISTING UNITS: 5 BUILDINGS

PROPOSED UNITS: 111 DWELLINGS

3. NUMBER OF EXISTING LOTS: 1  
NUMBER OF BUILDING LOTS: 93

NUMBER OF OPEN SPACE LOTS: 1

NUMBER OF REMAINDER LOTS: 0

1. EXISTING USE: FARM & STORE

PROPOSED USE: AGE-RESTRICTED MARKET-RATE RESIDENTIAL UNITS, AND EITHER AGE-RESTRICTED OR FAMILY AFFORDABLE UNITS

2. EXISTING UNITS: 5 BUILDINGS

PROPOSED UNITS: 111 DWELLINGS

3. NUMBER OF EXISTING LOTS: 1  
NUMBER OF BUILDING LOTS: 93

NUMBER OF OPEN SPACE LOTS: 1

NUMBER OF REMAINDER LOTS: 0

TOTAL REQUIRED RESIDENTIAL PARKING\*

SINGLE FAMILY: 14 DWELLING UNITS X 2.0 SPACES	28 SPACES
TOWNHOMES: 77 DWELLING UNITS X 2.4 SPACES	185 SPACES
COAH: 1 BR - 4 UNITS X 1.8 SPACES	6 SPACES
2 BR - 12 UNITS X 2 SPACES	24 SPACES
3 BR - 4 UNITS X 2.1 SPACES	9 SPACES
TOTAL REQUIRED PARKING	252 SPACES

TOTAL PROPOSED RESIDENTIAL PARKING\*

SINGLE FAMILY: 14 DWELLING UNITS X 4 SPACES	
(2 GARAGE SPACES & 2 DRIVEWAY SPACES)	56 SPACES
TOWNHOMES: 77 DWELLING UNITS X 4 SPACES	
(2 GARAGE SPACES & 2 DRIVEWAY SPACES)	308 SPACES
COAH: 20 DWELLING UNITS	
(22 ON STREET SPACES IN FRONT OF UNITS PLUS 21 OFF STREET SPACES)	43 SPACES
TOTAL ADDITIONAL VISITOR PARKING	
9' X 18' OFF STREET PARKING	29 SPACES**
7' X 23' ON STREET PARKING (UNSTRIPED)	23 SPACES
TOTAL PARKING PROVIDED	459 SPACES

\*PER RSIS REGULATIONS FOR 3 BEDROOM SINGLE FAMILY HOME AND 3 BEDROOM TOWNHOUSE. RSIS ALSO PROVIDES 0.5 SPACES PER DWELLING UNIT FOR TOWNHOME UNITS FOR VISITOR PARKING.

\*\* INCLUDES 3 ADA ACCESSIBLE SPACES AND DOES NOT INCLUDE 28 SPACES IN FRONT OF COAH UNITS

f. "Additional Bulk Standards" is hereby amended to delete subparagraphs (i), (iii), (v), to renumber the remaining subparagraphs, and to amend subparagraph (vi) to read: "Total density of the Redevelopment Area shall not exceed 3.9 units per acre."

**C. ARTICLE IV. "Circulation, Open Space and Utility Plan"** is hereby as follows:

A. "Circulation Plan" is hereby amended to revise the ninth bullet point on page 9 of the Redevelopment Plan to read as follows:

- "Traffic calming improvement shall be incorporated in the access road design. This shall be accomplished through parking being limited to one side of the street and the cartway of the street shall be twenty-eight feet (28') except

as it widens for the entranceway for the development. Decorative crosswalks, a speed table, or a roundabout shall be provided for pedestrian activity and to deter cut-through traffic. Speed humps or bumps are not recommended.”

The bullet point immediately following thereafter shall be revised to read as follows: “Any improvements including widening and right-of-way dedication to Hartford Road or Bridgeboro Road shall meet RSIS standards.”

B. “Open Space Plan” is hereby amended to revise the second bullet point paragraph on page 9 to now read:

- “The wetlands within the redevelopment area may be contained in one separate lot, or across individual lots, but shall be the responsibility of and maintained by a Homeowner’s Association (“HOA”).”

**D. ARTICLE V. “General Design Provisions”** is hereby amended at subparagraph (B) “Parking” As follows:

The parking standards herein shall supersede all parking regulations in the Delran Township Land Use Code, but shall only apply to the Stellwag Redevelopment Plan.

- All street parking spaces shall be provided as shown in Article III(D)(e) above.
- Each market-rate residential unit shall have a two car garage and a two car driveway; each affordable housing unit shall have one parking space designated in front of each unit, with an additional ten (10) spaces provided in an off-street lot.

- There shall be permitted guest parking for twenty-three (23) cars on-street, in striped spaces, and thirty-three (33) off-street.
- Paragraph E, "Lighting" is hereby amended to revise the light intensity at ground level to be a maximum of 10.0 foot candles, and an average of 0.01 foot candles.

**E. ARTICLE V. "Environmental Assessment"** is hereby amended to revise the first paragraph of same to read: "An environmental assessment was conducted for the Stellweg Farms Redevelopment Area during the Redevelopment Study. There are wetlands on the eastern portion of the property which may be contained in one separate lot and owned by a Homeowner's Association, or may be spread across individual lots, to be owned by those lot owners; but in any event, the entire wetlands area shall be the responsibility of, and maintained by, the Homeowner's Association. Any development shall provide a sufficient buffer between the wetlands and any development." The second paragraph of the existing Redevelopment Plan shall remain intact.

**F. ARTICLE IX. "Redevelopment Plan Actions"** is hereby amended to add the following new subparagraphs:

"G. Accelerated Municipal and Planning Board Review. The Township recognizes that the subdivision approval previously granted to the Redeveloper under the original Redevelopment Plan, has been held in abeyance pending the outcome of the litigation with Fair Share Housing Center referenced at the outset of this Ordinance. The Township is also desirous of facilitating the expeditious construction of the units contemplated under this Redevelopment Plan, and the facilitation of affordable housing on this site. Accordingly, the Township agrees to fully cooperate with the Redeveloper in executing such documents as may be necessary to allow the Redeveloper to secure all approvals by the conclusion of 2018 and commence construction within the first four (4) months of 2019. In this regard, the Township shall instruct its Planning Board to expedite subdivision and site plan review and approval, and in turn, the Planning Board will direct its professionals to expedite their review of the Redeveloper's submissions. The Township shall also instruct its Sewer Authority, Engineers, Construction officials, and such other municipal officials and employees who may be involved in same, to expeditiously review and approve sewer and water extension permits, and any and all other permitting processes so that the Project can be 'shovel ready' in the first quarter of 2019."

"H. Five Year Tax Abatement and Exemption. The Township shall enact a separate ordinance, by September 11, 2018, substantially the same form as attached hereto as Exhibit A

providing Redeveloper with the Five Year Tax Abatement and Exemption for each and all of the market-rate units.”

**E. ARTICLE III. REPEALER, SEVERABILITY AND EFFECTIVE DATE.**

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.
- C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

Mrs. Kolodi made a motion to open the meeting to the public, seconded by Mr. Burrell. All were in favor, motion approved.

There were no comments.

Mr. O’Connell made a motion to close the public portion, seconded by Mrs. Kolodi. All were in favor, motion approved.

Mr. O’Connell made a motion, seconded by Ms. Parejo to adopt Ordinance 2018-09 on second reading.

There being no questions, the roll was called.

Ms. Parejo, Mrs. Kolodi, Mr. O’Connell and Mr. Catrambone voted aye. Mr. Burrell voted nay.

Ayes: 4

Nays: 1

Motion Approved

**TOWNSHIP OF DELRAN  
ORDINANCE 2018-10**

**ORDINANCE OF THE TOWNSHIP OF DELRAN AMENDING THE TOWNSHIP CODE TO  
ESTABLISH A FIVE YEAR TAX EXEMPTION AND ABATEMENT PROCESS**

**WHEREAS**, the Mayor and Township Council of Delran Township (the “Township”) have discussed the possibility of granting five year tax abatements in relation to property designated as an Area In Need of Redevelopment under N.J.S.A. 40A:12A-1 *et seq.*, the Local Redevelopment and Housing Law; and

**WHEREAS**, pursuant to the authority granted under Article VIII, Section I, paragraph 6 of the New Jersey Constitution permits New Jersey municipalities to grant exemptions or abatements or both from taxation in areas in need of redevelopment; and

**WHEREAS**, pursuant N.J.S.A. 40A:21-1 *et seq.*, the Five-Year Exemption and Abatement Law, the governing body must adopt an ordinance setting forth the eligibility or non-eligibility of dwellings, multiple dwellings, or commercial and industrial structures, or all of these, for exemptions or abatements, or both, from taxation in areas in need of redevelopment; and

**NOW THEREFORE BE IT ORDAINED**, by the Mayor and Township Council of Delran Township the Delran Township Municipal Code shall be amended as follows:

**Section 1: Definitions.** The definitions contained in N.J.S.A. 40A:21-3 are incorporated herein by reference as if set forth at length. As used in this article, words shall have the meanings as so defined unless a different meaning is expressed.

**Mixed-Use Structure:** A structure with two or more different uses, such as, but not limited to, residential, commercial or industrial.

**Section 2: Tax Exceptions and Abatements Authorized.** The Township hereby authorizes the utilization of tax exemption and abatement in accordance with Article VIII, Section I, paragraph 6, of the New Jersey Constitution and establishes the eligibility of dwellings, multiple dwellings, mixed-use structures, commercial and industrial structures for five-year tax exemptions and abatements as authorized by N.J.S.A. 40A:21-1 *et seq.*, throughout the entire municipality, only to the extent set forth herein.

**Section 3: Improvements to Multiple Dwellings.** Improvements to multiple dwellings are eligible for tax exemption for a period of five years commencing with the completion of an improvements. The Assessor's full and true value of the improvements shall be regarded as not increasing the value of the property for a period of five years commencing with the completion of an improvement, notwithstanding that the value of the property to which the improvements are made is increased thereby. During the exemption period, the assessment on the property shall not be less than the assessment existing thereon immediately prior to the improvement unless there is damage to the multiple dwelling through action of the elements or force majeure sufficient to warrant a reduction. As used in this section, "improvements" shall not be construed to include an increase in the number of dwelling units nor the reduction of the total number of dwelling units to less than three.

**Section 4: Improvements to Mixed-use, Commercial and Industrial Structures.** Improvements to mixed-use, commercial and industrial structures are eligible to tax exemption for a period of five years commencing with the completion of an improvement. The Assessor's full and true value of the improvements shall be regarded as not increasing the value of the property, notwithstanding that the value of the property to which the improvement is made is increased thereby. During the exemption period, the assessment on the property shall not be less than the assessment existing thereon immediately prior to the improvements unless there is damage to the structure through action of the elements or force majeure sufficient to warrant a reduction.

**Section 5: Construction of New Dwellings and Multiple Dwellings.** Construction of new dwellings and multiple dwellings shall be eligible for tax exemption or abatement or both, commencing with the completion of each individual dwelling unit. Any such exemption and abatement shall be subject to the owner and Township entering into a tax agreement as provided by N.J.S.A. 40A:21-10.

- A. The applicant shall furnish to the municipality all the information required by N.J.S.A. 40A:21-9. In addition, every applicant shall file the application form prescribed by the Director of the New Jersey Division of Taxation in the Department of Treasury with the Tax Assessor, as condition to approval, within thirty (30) days, including Saturdays and Sundays and legal holidays, following the completion of the improvement. Every application for exemption or abatement or both so filed shall be approved and allowed by the Assessor to the degree that the application is consistent with the provisions of this article, provided that the improvements for which the application is made qualifies as such pursuant to the provisions of this article and the tax agreement. The granting of an exemption or abatement or both and tax agreement, if appropriate, shall be recorded and made a permanent part of the official tax records of the taxing district, which record shall contain a notice of the termination date thereof.
- B. No tax exemption or abatement shall be granted unless approved by resolution of the Township Council on an individual basis after review, evaluation and approval of each application for compliance with the terms of this article and the underlying statute, rules and regulations.
- C. The tax agreement shall provide for the applicant to pay to the Township in lieu of full property tax payments an amount annually to be computed by one, but in no case combination, of the three formulas set forth in N.J.S.A. 40A:21-10, viz., the "Cost," "Gross Revenue" or "Tax Phase-in" basis.

**Section 6: Construction of New Mixed-use, Commercial and Industrial Structures.**

Construction of new mixed-use, commercial and industrial structures shall be eligible for tax exemption or abatement or both, commencing with the completion of the project. Any such exemption and abatement shall be subject to the owner and Township entering into a tax agreement as provided by N.J.S.A. 40A:21-10.

- A. The applicant shall furnish to the municipality all the information required by N.J.S.A. 40A:21-9. In addition, every applicant shall file the application form prescribed by the Director of the New Jersey Division of Taxation in the Department of Treasury with the Tax Assessor, as condition to approval, within thirty (30) days, including Saturdays and Sundays and legal holidays, following the completion of the improvement. Every application for exemption or abatement or both so filed shall be approved and allowed by the Assessor to the degree that the application is consistent with the provisions of this article, provided that the improvements for which the application is made qualifies as such pursuant to the provisions of this article and the tax agreement. The granting of an exemption or abatement or both and tax agreement, if appropriate, shall be recorded and made a permanent part of the official tax records of the taxing district, which record shall contain a notice of the termination date thereof.
- B. No tax exemption or abatement shall be granted unless approved by resolution of the Township Council on an individual basis after review, evaluation and approval of each application for compliance with the terms of this article and the underlying statute, rules and regulations.
- C. The tax agreement shall provide for the applicant to pay to the Township in lieu of full property tax payments an amount annually to be computed by one, but in no case

combination, of the three formulas set forth in N.J.S.A. 40A:21-10, viz., the “Cost,” “Gross Revenue” or “Tax Phase-in” basis.

**Section 7: Eligibility for Additional Construction or Improvement.** An additional improvement or construction, completed on a property granted a previous exemption or abatement during the period in which such previous exemption or abatement is in effect, shall be qualified for an exemption and/or abatement just as if such property had not received a previous exemption or abatement. In such case, the additional improvements or construction shall be considered as separate for the purposes of calculating exemptions and abatements, except that the assessed value of any previous improvement or construction shall be added to the assessed valuation of the property from which any additional abatement is to be subtracted.

**Section 8: Applicability of Statutory and Regulatory Provisions.** Every application for exemption or abatement and every exemption and abatement granted shall be subject to all of the provisions of N.J.S.A. 40A:21-1 *et seq.*, and all rules and regulations issued thereunder.

**Section 9: Applicability of Federal, State and Local Laws.** All tax abatement and exemption agreements shall provide that the applicant is subject to all federal, state and local laws and regulations.

**Section 10: Equalization.** The percentage which the payment in lieu of taxes bears to the property taxes which would have been paid had an abatement not been granted for the property under the agreement shall be applied to the valuation of the property to determine the reduced valuation of the property to be included in the valuation of the municipality for determining equalization for county appointment and school aid during the term of the tax abatement agreement covering the property.

**Section 11: Cessation of Disposition of Property.** If during any tax year prior to the termination of the tax abatement or exemption agreement the applicant ceases to operate or disposes of the property in such a manner that is not contemplated in the tax abatement or exemption agreement or otherwise fails to meet the conditions of eligibility, the tax otherwise due if there had been no abatement or exemption shall become due and payable by the property owner. The Tax Assessor shall notify the property owner and the Tax Collector forthwith, and the Tax Collector shall, within fifteen (15) days thereof, notify the owner of the property of the amount of taxes due. However, with respect to sale or other disposal of the property for which it is determined that the new owner of the property will continue to use the property pursuant to the conditions which were set forth in the tax abatement or exemption agreement, the exemption or abatement shall continue.

**Section 12: Default in Tax Payments.** In the event of default by the applicant, including but not limited to the failure to make timely tax or in-lieu-of-tax payments to the municipality, the municipality shall notify the applicant, in writing, of said default. The applicant shall have thirty (30) days therefrom to cure any default. Following the thirty (30) day cure period, the municipality shall have the right to proceed against the property pursuant to the In Rem Foreclosure Act, N.J.S.A. 54:4-1 *et seq.*

**Section 13: Taxes upon Termination.** At the termination of a tax abatement or exemption agreement, a project shall be subject to all applicable real property taxes as provided by state law and local ordinance.

**Section 14: Payment of Fees.** No application for tax exemption or abatement shall be accepted by the municipality unless accompanied by full payment of the required application

fee. Such fees shall be based on total project cost as set forth in a schedule on file with the office of Municipal Clerk. These fees shall be received as compensation for the legal review and related work of the municipality's departments and agencies.

**Section 15: Copy Sent to Department of Community Affairs.** The Municipal Clerk is hereby authorized and directed to forward a certified copy of this article to the State of New Jersey Department of Community Affairs.

**Section 16: Ineligibility.** No exemptions shall be granted for any property for which property taxes or any other municipal charges are delinquent or remain unpaid or for which penalties for nonpayment are due for a period of a least one year, or for any property not being used in conformance with local, state or federal law, statute, rule, regulation or ordinance. In addition, one- and two-family structures which contain home-based businesses are ineligible for the tax exemption or abatement programs described herein.

**Section 17: Appeal.** Appeal of any determination made by the municipality under the terms of this article shall be made to the Burlington County Board of Taxation.

**Section 18: Construction of Article.** Where consistent with the context in which used in this article, words importing the singular shall include the plural; words importing the plural shall include the singular; and words importing one gender shall include all other genders.

**Section 19: Repealer.** All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflict.

**Section 20: Severability.** If any section, part of any section, or clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not effect the remaining provisions of this ordinance. The governing body of the Township of Delran declares that it would have passed the ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

**Section 21: Effective Date.** The ordinance shall take effect immediately upon passage and publication according to law.

Mrs. Kolodi made a motion to open the meeting to the public, seconded by Mr. O'Connell. All were in favor, motion approved.

There were no comments.

Mrs. Kolodi made a motion to close the public portion, seconded by Mr. Burrell. All were in favor, motion approved.

Mr. O'Connell made a motion, seconded by Ms. Parejo to adopt Ordinance 2018-10 on second reading.

There being no questions, the roll was called.

Ms. Parejo, Mrs. Kolodi, Mr. O'Connell and Mr. Catrambone voted aye. Mr. Burrell voted nay.

Ayes: 4  
Nays: 1

Motion Approved

**TOWNSHIP OF DELRAN  
ORDINANCE 2018-11**

**AN ORDINANCE OF THE TOWNSHIP OF DELRAN  
AUTHORIZING A TAX EXEMPTION AGREEMENT  
PURSUANT TO THE PROVISIONS OF N.J.S.A.  
40A:21-1 et seq., WITH  
DELRAN LAND INVESTMENT, LLC  
FOR PROPERTY KNOWN AS  
"STELLWAG FARMS"  
BLOCK 116, LOT 23**

**WHEREAS**, the Township Council of the Township of Delran, County of Burlington, New Jersey ("Township") adopted a Redevelopment Plan by Ordinance 2016-09 on July 12, 2016 pursuant to the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. ("Redevelopment Plan") with the purpose of promoting the redevelopment within the Township of the area commonly referred to as "Stellwag Farms" project area ("Project Site"); and

**WHEREAS**, the Township has actively negotiated with Delran Land Investment, LLC ("Redeveloper") to redevelop those certain lot, tract or parcels of the Project Site located at Hartford & Bridgeboro Road, Delran, New Jersey, now known as Block 116, Lot 23 on the official tax maps of the Township ("Property") with development consistent with the approved Redevelopment Plan; and

**WHEREAS**, in furtherance thereof, a Redevelopment Agreement was entered into by and between the Township and the Redeveloper, providing for the redevelopment by the Redeveloper of the Property, which Property had previously been designated as "An Area in Need of Rehabilitation" by the Township pursuant to Resolution 2014-98; and

**WHEREAS**, the Township is authorized to enter into a Five Year Tax Exemption Agreement pursuant to the Five-Year Exemption and Abatement Law, N.J.S.A. 40A:21-1, et seq. ("Tax Exemption Law"); and

**WHEREAS**, the Redeveloper has submitted a timely application for the utilization of a Five Year Exemption Agreement pursuant the Tax Exemption Law; and

**WHEREAS**, after careful analysis and deliberation, the Township Council has determined that the redevelopment of the Property will provide new development and jobs to the Township and help spur affordable housing pursuant to the Redevelopment Plan; and

**WHEREAS**, pursuant to and in accordance with the Tax Exemption Law, the Township desires to conclude an agreement with the Redeveloper to bring these and other benefits to the

Township, and has agreed to enter into a Five Year Tax Exemption Agreement to ensure the furtherance of the Township's Redevelopment Plan; and

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED**, by the Township Council of the Township of Delran, County of Burlington, State of New Jersey, the Township Council President is hereby authorized and directed to execute and deliver a Five Year Tax Abatement Agreement with the Redeveloper ("Agreement") on the terms and conditions stated in the Agreement attached hereto as Exhibit "A", and as further set forth herein.

**BE IT FURTHER ORDAINED AND ENACTED**, that the development of the Property is hereby approved for the grant of a tax exemption under the Tax Exemption Law by virtue of, pursuant to and in conformity with the provisions of the same.

**BE IT FURTHER ORDAINED AND ENACTED**, that the exemption contemplated herein shall be applicable by way of the provisions of N.J.S.A. 40A:21-10(c), the Township choosing a "tax phase-in basis," pursuant to which the Redeveloper shall pay to the municipality, full taxes on the land component of the property, and then, a separate payment on the improvements, in an amount equal to a percentage of taxes which would otherwise be due, according to the following schedule:

- (a) In the first full year after completion, no payment due;
- (b) In the second tax year, an amount equal to 20% of the taxes otherwise due;
- (c) In the third tax year, an amount equal to 40% of taxes otherwise due;
- (d) In the fourth tax year, an amount equal to 60% of taxes otherwise due;
- (e) In the fifth tax year, an amount equal to 80% of taxes otherwise due.

The Township Council makes such determinations and findings by virtue of and pursuant to and in conformity with the Tax Exemption Law.

**BE IT FURTHER ORDAINED AND ENACTED**, that the Agreement and all exhibits and schedules thereto are hereby authorized and approved.

**BE IT FURTHER ORDAINED AND ENACTED**, that the Township Council President is hereby authorized to execute the Agreement and any additional documents as are necessary to implement and carry out the intent of this Ordinance and the Agreement.

**BE IT FURTHER ORDAINED AND ENACTED**, that this Ordinance shall take effect upon proper passage in accordance with the law;

**BE IT FURTHER ORDAINED AND ENACTED**, that within thirty (30) days after the execution of the Agreement to be signed by and between the parties, the Township Clerk shall forward a copy of the Agreement to the Director of the Division of Local Government Services and the Department of Community Affairs.

Mrs. Kolodi made a motion to open the meeting to the public, seconded by Mr. O'Connell. All were in favor, motion approved.

Chuck Stahl, 184 Natalie Road, asked if Mr. Burrell wanted to elaborate on why he voted no on the two ordinances and if he were planning to vote no on this ordinance.

Mr. Burrell stated that as you aware there were concerns from the Mayor's office regarding this property. He has an issue voting for the ordinance with the Mayor's potential alleged interest with the property and ethical concerns.

Mr. O'Connell made a motion to close the public portion, seconded by Mrs. Kolodi. All were in favor, motion approved.

Mr. O'Connell made a motion, seconded by Ms. Parejo to adopt Ordinance 2018-11 on second reading.

There being no questions, the roll was called.

Ms. Parejo, Mrs. Kolodi, Mr. O'Connell and Mr. Catrambone voted aye. Mr. Burrell voted nay.

Ayes: 4

Nays: 1

Motion Approved

## **RESOLUTIONS**

### **TOWNSHIP OF DELRAN RESOLUTION 2018-164**

#### **RESOLUTION OF THE TOWNSHIP OF DELRAN AUTHORIZING THE EXECUTION AND ADOPTION OF AN AMENDMENT TO THE REDEVELOPMENT AGREEMENT BETWEEN THE TOWNSHIP OF DELRAN AND DELRAN LAND INVESTMENTS, LLC**

Mr. O'Connell made a motion, seconded by Mrs. Kolodi to adopt Resolution 2018-164.

There being no questions, the roll was called.

Ms. Parejo, Mrs. Kolodi, Mr. O'Connell and Mr. Catrambone voted aye. Mr. Burrell voted nay.

Ayes: 4

Nays: 1

Motion Approved

**TOWNSHIP OF DELRAN  
RESOLUTION 2018-165**

**RESOLUTION OF THE TOWNSHIP OF DELRAN AUTHORIZING THE EXECUTION AND  
ADOPTION OF THE TAX ABATEMENT AGREEMENT BETWEEN THE TOWNSHIP OF  
DELRAN AND DELRAN LAND INVESTMENTS, LLC**

Mr. O'Connell made a motion, seconded by Ms. Parejo to adopt Resolution 2018-165.

There being no questions, the roll was called.

Ms. Parejo, Mrs. Kolodi, Mr. O'Connell and Mr. Catrambone voted aye. Mr. Burrell voted nay.

Ayes: 4

Nays: 1

Motion Approved

**TOWNSHIP OF DELRAN  
RESOLUTION 2018-166**

**RESOLUTION TO MOVE TAX PAYMENT  
FROM BLOCK 57, LOT 5 TO BLOCK 57, LOT 5.06**

Mr. Burrell made a motion, seconded by Mrs. Kolodi to adopt Resolution 2018-166.

There being no questions, the roll was called.

Ms. Parejo, Mr. Burrell, Mrs. Kolodi, Mr. O'Connell and Mr. Catrambone voted aye.

Ayes: 5

Nays: None

Motion Approved

**TOWNSHIP OF DELRAN  
RESOLUTION 2018-167**

**APPROVING TOTALLY DISABLED VETERAN EXEMPTION  
BLOCK 75, LOT 4**

Mrs. Kolodi made a motion, seconded by Mr. O'Connell to adopt Resolution 2018-167.

There being no questions, the roll was called.

Ms. Parejo, Mr. Burrell, Mrs. Kolodi, Mr. O'Connell and Mr. Catrambone voted aye.

Ayes: 5

Nays: None

Motion Approved

**TOWNSHIP OF DELRAN  
RESOLUTION 2018-168**

**APPROVING TOTALLY DISABLED VETERAN EXEMPTION  
BLOCK 183, LOT 17**

Mr. O'Connell made a motion, seconded by Mrs. Kolodi to adopt Resolution 2018-168.

There being no questions, the roll was called.

Ms. Parejo, Mr. Burrell, Mrs. Kolodi, Mr. O'Connell and Mr. Catrambone voted aye.

Ayes: 5

Nays: None

Motion Approved

**TOWNSHIP OF DELRAN  
RESOLUTION 2018-169**

**RESOLUTION AUTHORIZING GRASS CUTTING FOR  
VARIOUS PROPERTIES**

Mr. Burrell made a motion, seconded by Mrs. Kolodi to adopt Resolution 2018-169.

There being no questions, the roll was called.

Ms. Parejo, Mr. Burrell, Mr. Kolodi, Mr. O'Connell and Mr. Catrambone voted aye.

Ayes: 5

Nays: None

Motion Approved

At this time, Council proceeded with the regularly scheduled work session.

Submitted,

Jamey Eggers  
Municipal Clerk