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December 14, 2023

VIA E-MAIL

Brian W. Mason, Esq.
Mason Thompson, LLC
50 Nelson Street
Dover, New Jersey 07801

Re: Larison's Turkey Farm - Chester Town Center (Block 101, Lots 13, 14, 15 & 16)
Mill Ridge Lane Townhomes (Block 101, Lots 12.07 and 12.08)

Dear Mr. Mason:

In response to your letter received on December 13, 2023 (misdated November 4, 2022), I offer the following in response.

- *What precautions will be taken to avoid potential contamination to the well water servicing the Mill Ridge office buildings?*

Triple walled fiberglass tanks with sensors in between each wall will be utilized. This is state of the art technology. As with many other things, the DEP has a comprehensive regulatory scheme in place for the design, installation and monitoring of gasoline and diesel USTs. This is a matter that can and should be addressed by the Land Use Board.

- *What environmental assurances can you give about avoiding contamination of lower lying properties?*

See answer to the preceding question.

- *Will there be municipal water service added to the Mill Ridge office buildings when the service line is extended across Route 206?*

Since the water line is being extended at my client's cost across Route 206 in a westerly direction, it stands to reason that the Mill Ridge office buildings will be able to access this water line. Any such arrangement would have to be between the Mill Ridge office buildings owners and New Jersey American Water Company.

- *What are the sizes of the affordable housing units and the rentals?*

10 one bedroom, 33 two bedroom and 11 three bedroom units are proposed. The size of each unit is established by regulation. One of these units would be for an onsite superintendent and not income restricted.

- *What are the sizes and pricing of the townhomes on Mill Ridge?*

Floor plans were submitted with the application for the townhomes on Mill Ridge Lane prior to their approval. They range in size from 2,310 +/- square feet to 2,811 +/- square feet. Pricing of the townhomes has yet to be determined since it is impossible to know what the market will be by the time they can be offered for sale.

- *What will the Wawa look like?*

You will be provided with renderings at the December 19, 2023 meeting.

- *Will Wawa agree to a design approved by the Borough?*

Wawa will accept input from the Borough regarding the design materials to be utilized.

- *Has Wawa reconsidered the idea of placing the gas pumps on the side of the building closest to the neighboring property?*

Even before the December 5, 2023 meeting we broached this idea with Wawa and have again done so since that meeting. The short answer is Wawa will not do so. The only time it deviates from this design standard is if the property is not deep enough to allow the building to sit behind the gas pumps. That is not the case here.

- *Knowing the business hour restrictions in the Borough, what hours are proposed for the Wawa?*

Wawa proposes to close from 1:00 am to 5:00 am.

- *Will your client be selling or leasing property to Wawa?*

Lease.

- *What is the time frame anticipated in securing Wawa's commitment?*

A letter of intent has been signed. Lease details are being negotiated as this letter is being written. We hope to complete this process within thirty days of finalizing the terms of an amended Settlement Agreement with the Borough.

- *Is your client still trying to sell the restaurant?*

Yes, but leasing the restaurant is also an option.

- *Will your client be seeking subdivision of the Turkey Farm Property to sell off the various development components?*

No. As we discussed it is anticipated that the property may be “condominiumized” to allow the sale of various pad sites and/or financing each pad independently without the need for subdivision approval.

- *What will the impact on traffic be when the project is fully completed?*

The impact on traffic will need to be fully assessed by a traffic engineer. I parenthetically note that this was not a condition of entering into a Settlement Agreement the last time around and should not be this time as well. With the likely addition of a traffic control device at the main entrance to this site, in all likelihood any increase in traffic can and will be satisfactorily addressed with little, if any, change in levels of service.

- *Will the traffic intensity change from the approvals already granted?*

We do not believe so, however a traffic engineer is in the best position to answer this question.

- *Do you agree that any changes to the affordable housing aspect will require another visit to the Land Use Board? If so, will this be handled by your client or the COAH developer?*

Yes. Any such application will be handled by my client.

- *Will the approval process negatively impact the timing for the COAH developer?*

We do not believe so, provided the Borough moves expeditiously to resolve all outstanding issues and enters into an amended Settlement Agreement.

- *Does your client agree that the Wawa development will need Land Use Board approval?*

Yes, however a sketch depicting the size and location of the Wawa improvements will be attached to the amended Settlement Agreement.

- *Does your client agree that the change from the CVS to the early learning center will require approval from the Land Use Board?*

Yes. Again, the size and location of the learning center will be depicted on a sketch attached to the amended Settlement Agreement.

- *Will one application to the LUB be made addressing all site/development changes?*

In all likelihood in phases as we did previously.

- *Does your client understand that any application to the LUB will require the real estate taxes and escrows be brought current and remain current?*

We will comply with the law in this regard and trust that the Board will do the same.

- *The COAH developer has expressed a desire to move ahead with development as soon as possible, so will the COAH units and the infrastructure be the first phase of construction?*

Yes, however the construction of the townhouses, sewage treatment plant and Wawa would commence at the same time.

- *What does the COAH developer need from the Borough to move forward with that aspect of the development?*

An amended Settlement Agreement, a PILOT program for the COAH units and amended site plan approval if the design and number of units changes.

- *Can the COAH developer fund or provide the site infrastructure, including the waste water treatment plant? Or will this be the sole responsibility of your client?*

This will be the sole responsibility of Global.

- *Do you agree that the amendments sought to the Settlement Agreement require the consent of Fair Share Housing and court approval? Will your client be solely responsible for payment of all associated costs?*

Yes, as to your first question. My client will consider bearing sole responsibility for payment of all reasonable associated costs if the Borough consents now to amending the Settlement Agreement without having to return to Court to litigate this matter.

- *Will your client assume monthly payment of all Borough professional costs involved in the site plan application, settlement amendment, approval process and outside agency approvals (understanding the flow of payment will dictate the flow of services)?*

Subject to my response to the preceding question, yes.

- *Will your client donate the undevelopable property (wetlands) to the Borough, as part of the agreement?*

No.

- *What is the plan for the farm preservation property?*

To farm the existing tillable land, where possible increase the amount of tillable land and if the opportunity presents itself because of these changes sell the development rights to the County/State.

- *With regard to the proposal to increase the number of COAH units provided, can the additional affordable units be provided in 2-story buildings instead of a 3-story configuration?*

We are addressing this question now and will have a response for you at the December 19, 2023 meeting.

- *What is the height difference between the approved buildings and the proposed 3-story buildings?*

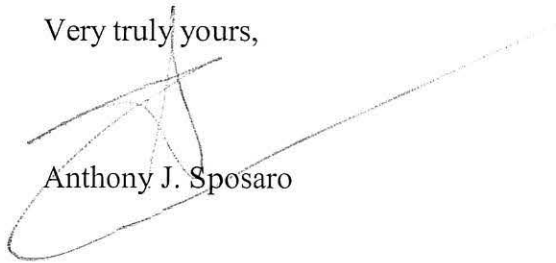
Between 12' and 15'.

- *Can an architectural rendering/view/drawing of the two alternative increased COAH units (larger 2-story buildings and the 3-story buildings) from the perspective of Route 206 northbound in the vicinity of Wendys, and from the right lane of Route 206 northbound adjacent to the site, be provided? If this cannot be done before the next meeting of the Mayor and Council, can cross-section sketches showing the changed footprint be provided to get a sense of any changes?*

Every reasonable attempt will be made to do so.

I look forward to seeing you next week.

Very truly yours,



Anthony J. Sposaro

AJS/js

cc: Robert Berlant
Honorable Janet Hoven
Lumarys Mendez
Paul Ferriero, P.E.
David Banisch, P.P.
Joe Vuich, P.E.
Bill Byrne, AIA
Andrew Holt, P.E.
Larry Regan