

Nov. 29. 2012 9:18AM

No. 4109 P. 2

RESOLUTION NO. 2012 -185

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WILLINGBORO REFERRING TO THE PLANNING BOARD AND DIRECTING IT TO PREPARE A RECOMMENDATION, AMENDMENT OR REVISION TO THE REDEVELOPMENT PLAN FOR BLOCK 2, LOT 7.01 IN THE REDEVELOPMENT ZONE PURSUANT TO N.J.S.A. 40A:12A-1, ET SEQ.

WHEREAS, by Ordinance 2005-16, the Township designated Block 2 and Lot 7.01, herein after also (the "property") as an area in need of Redevelopment, pursuant to N.J.S.A. 40A:12A-1, et seq.; and

WHEREAS, by Resolution 2007-65, the Township Council of the Township of Willingboro and the parties in the matters of 240/242 Franklin Avenue LLC, Colonial Court Apartments, LLC v. Township of Willingboro and Township of Willingboro Planning Board and Township of Willingboro vs. Willingboro Mall, LTD., et al., consolidated under Docket No. L-000581-06, executed a settlement agreement resolving underlying the litigation directly related to the property in these matters, and pursuant to a previously executed Consent Order; and

WHEREAS, the Hadley Real Estate has made a request to the Township of Willingboro to consider entering into a redevelopment agreement to develop the property in accordance with Hadley Real Estate's proposed plan; and

WHEREAS, the Township Council hereby refers the matter to the Planning board to:

1. Review the property to determine whether it continues to be in need of redevelopment in accordance with the Local Redevelopment and Housing Law N.J.S.A. 40A:12A-1, et seq.;
2. To determine whether the property complied with the settlement agreement and previously executed Consent Order;
3. To review the redevelopment plan proposed by Hadley Real Estate and prepare an opinion directed to the Township Council;
4. To prepare proposed recommendations, amendments or revisions to the Redevelopment Plan for the designated redevelopment area, pursuant to N.J.S.A. 40A:12A-7(f), as may be required pursuant to the proposed redevelopment plan of Hadley Real Estate, if any.

WHEREAS, after completing its review, the Planning Board shall transmit a resolution containing its proposed recommendations, amendments or revisions to the Township Council for consideration in accordance with N.J.S.A. 40A:12A-7(f); and

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Willingboro, assembled in public session this 20th day of November, 2012, that the Township of Willingboro hereby directs that the Planning Board prepare proposed recommendations,

Nov. 29. 2012 9:19AM

No. 4109 P. 3

amendments or revisions to the Redevelopment Plan for Block 2 and Lots 7.01 in the redevelopment area, in accordance with this resolution, subject to and provided that said recommendations, proposed amendments or revisions are made in compliance with the provisions of the Local Redevelopment and Housing Law N.J.S.A. 40A:12A-1, et seq.

BE IT FURTHER RESOLVED, that certified copies of this Resolution shall be provided to Hadley Real Estate for their information and attention.


Sarah Wooding, RMC
Township Clerk


James Ayrcr, Deputy Mayor

REMINGTON & VERNICK ENGINEERS AND AFFILIATES

EDWARD VERNICK, PE, CME, President
CRAIG F. REMINGTON, PLS, PP, Vice President

EXECUTIVE VICE PRESIDENTS
Michael D. Vena, PE, PP, CME, (deceased 2006)
Edward J. Walberg, PE, PP, CME
Thomas F. Beach, PE, CME
Richard G. Arango, PE, CME

DIRECTOR OF OPERATIONS
CORPORATE SECRETARY
Bradley A. Blubaugh, BA, MPA

SENIOR ASSOCIATES
John J. Cantwell, PE, PP, CME
Alan Dittenhofer, PE, PP, CME
Frank J. Seney, Jr., PE, PP, CME
Terence Vogt, PE, PP, CME
Dennis K. Yoder, PE, PP, CME, LEED
Charles E. Adamson, PLS, AET
Kim Wendell Bibbs, PE, CME
Marc DeBlasio, PE, PP, CME
Leonard A. Faiola, PE, CME
Christopher J. Fazio, PE, CME
Kenneth C. Ressler, PE, CME
Gregory J. Sullivan, PE, PP, CME
Richard B. Czekanski, PE, CME, BCEE

Remington & Vernick Engineers
232 Kings Highway East
Haddonfield, NJ 08033
(856) 795-9595
(856) 795-1882 (fax)

Remington, Vernick
& Vena Engineers
9 Allen Street
Toms River, NJ 08753
(732) 286-9220
(732) 505-8416 (fax)

3 Jicama Boulevard, Suite 300-400
Old Bridge, NJ 08857
(732) 955-8000
(732) 591-2815 (fax)

Remington, Vernick
& Walberg Engineers
845 North Main Street
Pleasantville, NJ 08232
(609) 645-7110
(609) 645-7076 (fax)

4907 New Jersey Avenue
Wildwood City, NJ 08260
(609) 522-5150
(609) 522-5313 (fax)

Remington, Vernick
& Beach Engineers
922 Fayette Street
Conshohocken, PA 19428
(610) 940-1050
(610) 940-1161 (fax)

5010 East Trindle Road, Suite 203
Mechanicsburg, PA 17050
(717) 766-1775
(717) 766-0232 (fax)

U.S. Steel Tower
600 Grant Street, Suite 1251
Pittsburgh, PA 15219
(412) 263-2200
(412) 263-2210 (fax)

Univ. Office Plaza, Bellevue Building
262 Chapman Road, Suite 105
Newark, DE 19702
(302) 266-0212
(302) 266-6208 (fax)

Remington, Vernick
& Arango Engineers
The Presidential Center
Lincoln Building, Suite 600
101 Route 130
Cinnaminson, NJ 08077
(856) 303-1245
(856) 303-1249 (fax)

300 Penhorn Avenue, 3rd Floor
Secaucus, NJ 07094
(201) 624-2137
(201) 624-2136 (fax)

December 17, 2012

Willingboro Township Planning Board
1 Salem Road
Willingboro, New Jersey 08046

Attn: Cerise Meisel, Planning Board Secretary

Re: Confirmation that the "Grand Market Place" Site (Block 2, Lot 7.01), is still an area "In Need of Redevelopment"

Dear Planning Board Members:

By way of Township Council's Resolution No. 2012-185, Township Council:

- advised the Planning Board of Hadley Real Estate's request that the Township consider entering into a Redevelopment Agreement for the advancement of a revitalization concept plan prepared by Hadley Real Estate; and,
- referred to the Planning Board several tasks relating to the project, one of which being a review of the property to determine whether it continues to be "In Need of Redevelopment" in accordance with the Local Redevelopment and Housing Law N.J.S.A. 40A:12A-1 et seq.

Accordingly, this letter is forwarded to assist the Planning Board in its consideration as to the question of whether existing conditions continue to sustain eligibility of the site for classification as "In Need of Redevelopment".

For a finding of an area "In Need of Redevelopment", an area must manifest conditions that give rise to at least one of the statutory criteria as enumerated under section 40A:12A-5 of the redevelopment statute. Generally, these conditions relate to:

- a. The presence of substandard structures which are conducive to unwholesome to living or working conditions
- b. Discontinuance of commercial or industrial use
- c. Vacant land with impediments to development
- d. Areas with improvements which exhibit faulty design, dilapidation, obsolescence, or are detrimental to the safety, health, morals, or welfare of the community
- e. A lack of proper utilization resulting in a stagnant condition sustained by diversity of ownership, condition of title, or similar conditions
- f. Areas in excess of five acres affected by acts of nature
- g. Situation of the area within an enterprise zone pursuant to New Jersey Urban Enterprise Zones Act, and theoretically
- h. Where such declaration would advance the principles of smart growth.

t:\willingboro\letter report for willingboro re grand market place.doc

Earning Our Reputation Every Day Since 1901

Based on our field observation(s) conducted on December 7, 2012, the following conditions were apparent, all of which indicative of criteria "d". Parenthetically, application of this criterion requires in the first instance identification of the specific condition as described under the criterion and, in the second instance, a finding of detriment.

- a. Expanses of the parking facility exhibit surface course deterioration ranging from vegetated longitudinal cracking to instances of complete deterioration as noted from the presence of "pot holes;"
- b. Deteriorated parking area curbing and missing sidewalk blocks occurring in bordering parking area islands;
- c. Faded parking area striping;
- d. Lack of islands delineating rows;
- e. Lack of interior parking area trees and landscaping;
- f. Lack of parking area screening along the Route 130 corridor frontage.

Taken together, these conditions represent physical deterioration and faulty design. As to the former, the vegetated longitudinal cracking, and "pot holes" present a tripping hazard for patrons. The circumstance of missing parking island sidewalk blocks presents also a tripping hazard and further lends itself to patrons having to circumvent the missing block areas by stepping into the vehicular circulation area, where there is no separation between vehicles and pedestrians.

The paucity of parking area islands and lack of islands to delineate rows is indicative of a faulty design in that the lack of such feature lends itself to a condition of unregulated traffic circulation, which condition is exacerbated by the severely faded stall striping making more likely vehicular conflict. The condition also results in an unsafe circumstance owing to insufficient separation between pedestrians and vehicles.

Faulty design is also evidenced by the lack of parking area trees and landscaping; the detriment here is to the public health as trees produce oxygen and cleanse the air through the absorption of pollutants. In addition, the expanse of pavement is detrimental to the environmental in that it precludes the natural recharge of stormwater necessary for ground water quality.

The lack of buffering along the Route 130 corridor frontage affords unfettered views of expansive, dated, and deteriorated parking areas, which conditions are an affront to the aesthetics of the area and potentially are injurious to the redevelopment attractiveness of the site.

Page 3
Township of Willingboro
December 17, 2012

In sum, the conditions found on-site and the attached detriment would support a finding of area In Need of Redevelopment" based on criterion "d". However, it should be noted that the original inclusion of this site within the redevelopment zone may have been based on other criteria or, in the alternative, included in the zone without citing specific site criteria, as its inclusion was deemed necessary for the execution of a redevelopment plan for the corridor.

In the absence of knowing the original basis for the redevelopment finding(s), this correspondence can only speak to what criteria could be applied if a study were to be undertaken for the site today.

Sincerely yours,

REMINGTON, VERNICK & ARANGO ENGINEERS



George R. Stevenson, Jr., AICP, P.P.



K. Wendell Bibbs, P.E., C.M.E.
Senior Associate & Regional Manager

GRS/KWB/mcb

cc: Uri Taenzer, Esquire, Planning Board Solicitor
Michael Armstrong, Esquire, Township Solicitor
Mayor & Council c/o Sara Wooding, Clerk

Law Offices
TAENZER, ETTENSON, STOCKTON & ABERANT
A PROFESSIONAL CORPORATION

123 NORTH CHURCH STREET
P. O. BOX 237
MOORESTOWN, NEW JERSEY 08057
(856) 235-1234
FAX (856) 235-1911

FAX TRANSMITTAL

DATE: January 9, 2013

PAGES TRANSMITTED: 12
(Including this cover sheet)

TO: John A. Calzaretto, Esq.
Therese Allison, Esq.

FAX NUMBER: 856-667-1477
305-675-7969

RE: Willingboro Planning Board
Grand Marketplace Development Project

FROM: Uri H. Taenzer, Esq.

MESSAGE: See attached letter, etc.

TRANSMITTED BY: Sylvia E. Gast

The information contained in this fax is privileged and confidential information and is intended only for the use of the individual named above. If you are not the intended recipient, you are hereby notified that any unauthorized disclosure, copying, distribution, or the taking any action in reliance on the contents of these faxed materials, is strictly prohibited. Review by any individual other than the intended recipient shall not constitute a waiver of the attorney/client privilege. If you have received this transmission in error, please notify the transmitter immediately by telephone (collect if necessary) to arrange for the return of the fax.

Law Offices
Taenzer, Ettenson, Stockton & Aberant
A Professional Corporation

Uri Hugo Taenzer
Alan H. Ettenson
(Member of N.J. and Mass. Bar)
Christopher R. Stockton
(Member of N.J. and PA. Bar)
Kevin E. Aberant
(Member of N.J. and PA. Bar)

123 North Church Street
P.O. Box 237
Moorestown, New Jersey 08057
(856) 235-1234
Fax (856) 235-1911
Email taenzer@tesalaw.com

January 9, 2013

John A. Calzaretto, Esq.
Calzaretto & Bernstein, LLC
459 Route 38 West
Maple Shade, NJ 08052

By Fax Only to 856-667-1477

**Re: Willingboro Planning Board
Grand Marketplace Redevelopment Project
Resolution No.: 2012-185**

Dear John:

Thank you for your response of this date requesting adjournment of the hearing related to the above referenced matter until further notice inasmuch as additional time will be required before Hadley will be prepared to present a plan to the Willingboro Planning Board (copy attached).

As I mentioned in my letter of December 26, 2012, regardless of whether the Grand Marketplace and/or Hadley Real Estate appear on January 14th, "deliberation of Council's Resolution No. 2012-185 will necessarily have to be placed on the Planning Board's Agenda for the January 14, 2013 Public Meeting."

Obviously, as I understand it, without further input from Hadley Real Estate, the Board will not be able to respond to items No. 3 and 4 posed by Council. However, the Board will still be obliged to respond to items No. 1 and 2. This by transmittal of "a resolution containing any proposed recommendations," etc. as is required of the Board by Council's referral.

To avoid possible misunderstanding, I am taking the liberty of attaching a preliminary report dated December 17, 2012 prepared for the Board by Township Planner, George R. Stevenson, Jr., AICP, P.P. and K. Wndell Bibbs, P.E., C.M.E., Township Engineer.

Regardless of whether Hadley Real Estate is prepared to present a plan at this time, I anticipate the Planning Board will want to hear from a representative of the Grand Marketplace so that the required Resolution will include your client's position as to items No. 1 and 2. Please let me know your

Law Offices
TAENZER, ETTENSON, STOCKTON & ABERANT
A Professional Corporation

John A. Calzaretto, Esq.
Calzaretto & Bernstein, LLC By Fax Only to 856-667-1477

**Re: Willingboro Planning Board
Grand Marketplace Redevelopment Project
Resolution No.: 2012-185**

January 9, 2013

Page 2.

position regarding this situation.

Thank you for your anticipated cooperation.

Most cordially,

TAENZER, ETTENSON, STOCKTON & ABERANT
A Professional Corporation



URI HUGO TAENZER

UHT:mmi

cc: Therese Allison, Esq.
C/o Hadley Real Estate
One International Plaza
Suite 550
Philadelphia, PA 19113 By Fax Only to 305-675-7969

cc by email: Cerise Meisel, Pl. Bd. Secretary
Joanne Diggs, Township Manager
Michael Armstrong, Esq. Tp. Solicitor
George R. Stevenson, Jr., AICP, P.P., Twp Planner
K. Wendell Bibbs, P.E., C.M.E., Twp. Engineer
Robert M. Mannix, III, PE, PP, CME, Pl. Bd. Engineer

CALZARETTO & BERNSTEIN, LLC
Attorneys at Law
459 Route 38 West
Maple Shade, New Jersey 08052

Members of the Bar
New Jersey & Pennsylvania

Tel. (856)667-0400
Fax.(856)667-1477

John A. Calzaretto, Esquire(CPA)
Daniel P. Bernstein, Esquire

January 9, 2013

Uri Taenzer, Esq.
Taenzer, Ettenson, Stockton & Aberant, P.C
123 North Church Street
Moorestown, NJ 08057
Tel.(856)235-1234
Fax.(856)235-1911
taenzer@tesalaw.com

SENT VIA REGULAR MAIL AND BY FACSIMILE AT (856)235-1911

Re: Willingboro Planning Board
Grand Marketplace Redevelopment Project
Resolution No.: 2012-185


Dear Uri:

As per our recent telephone discussion, I am in receipt of your letter dated December 27, 2012, a copy of which is attached hereto. Subsequent to our telephone conversation, I was able to discuss this matter with Therese Allison, Esq., of Hadley Real Estate. While Hadley Real Estate plans to move forward with the prospective transaction, additional time will be required before they will be prepared to present a plan to the Willingboro Planning Board.

Therefore, I am requesting that you please notify the Willingboro Planning Board that the Monday, January 14, 2013, 7:30p.m. hearing related to the above referenced matter requiring the appearance of representatives of Hadley Real Estate and Grand Marketplace please be adjourned until further notice.

January 9, 2013
Uri Tacnzer, Esq.
Taenzer, Ettenson, Stockton & Aberant, P.C.
Page 2

Thank you for your kind attention to this matter.

Sincerely,

John Calzaretto, Esq.

encl.

cc: Grand Marketplace
240/242 Franklin Avenue, LLC
Colonial Court Apartments, LLC

Therese Allison, Esq.
Hadley Real Estate
One International Plaza, Suite 550
Philadelphia, PA 19113
Tel.(610)590-1059 Ext. 1001
Cel.(267)441-3627
Fax.(305)675-7969

Law Offices
Taenzer, Ettenson, Stockton & Aberant
A Professional Corporation

Uri Hugo Taenzer
Alan H. Ettenson
(Member of N.J. and Mass. Bar)
Christopher R. Stockton
(Member of N.J. and PA. Bar)
Kevin E. Aberant
(Member of N.J. and PA. Bar)

123 North Church Street
P.O. Box 237
Moorestown, New Jersey 08057
(856) 235-1234
Fax (856) 235-1911
Email taenzer@tetelaw.com

December 27, 2012

Therese Allison, Esq.
C/o Hadley Real Estate
One International Plaza
Suite 550
Philadelphia, PA 19113

John A. Calzaretto, Esq.
Calzaretto & Bernstein, LLC
459 Route 38 West
Maple Shade, NJ 08052

Re: **Willingboro Planning Board
Grand Marketplace Redevelopment Project**

Dear Ms. Allison and Mr. Calzaretto:

As you know, I represent the Township of Willingboro Planning Board. Willingboro Township Council has referred certain questions to the Planning Board for its review and response as more particularly set forth in attached copy of Resolution No. 2012-185.

It is my understanding that Mr. Calzaretto represents the Grand Marketplace and I further understand that Hadley Real Estate, represented by Therese Allison, Esq. is in the process of proposing a redevelopment project for the Grand Marketplace site.

Immediately following my review of Resolution No. 2012-185 I reached out to both of you (as well as Nate Allison) in order to determine whether you or your clients will be present at the next forthcoming meeting of the Planning Board, now scheduled on Monday, January 14, 2013 at 7:30 PM. The obvious purpose of your contemplated appearance is to brief the Board, informally, concerning your respective clients' positions with regard to the issues posed by Township Council.

To date, I have received no indication from either party as to whether or not the proposed redevelopment of this site is still viable and whether you intend to appear before the Board. In either case, deliberation of Council's Resolution No. 2012-185 will necessarily have to be placed on the

Law Offices
TAENZER, ETTENSON, STOCKTON & ABERANT
A Professional Corporation

Therese Allison, Esq.
C/o Hadley Real Estate

John A. Calzaretto, Esq.
Calzaretto & Bernstein, LLC

**Re: Willingboro Planning Board
Redevelopment Project**

December 27, 2012

Page 2.

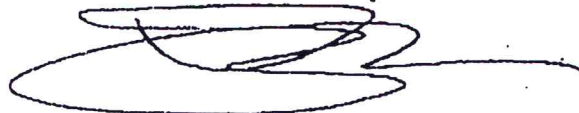
Planning Board's Agenda for the January 14, 2013 Public Meeting.

Please advise whether your clients are prepared to respond to the Planning Board's quest for information pertaining to the proposed redevelopment plans for this site. Obviously, there will be no reason, nor will there be any ability, for the Planning Board and its professionals to expend additional time and effort in responding to Council's questions No. 3 and No. 4 unless this project is viable at this time.

I look forward to hearing from you as promptly as possible.

Very truly yours,

TAENZER, ETTENSON, STOCKTON & ABERANT
A Professional Corporation



URI HUGO TAENZER

UHT:mam

cc by email: Cerise Meisel, Pl. Bd. Secretary
Joanne Diggs, Township Manager
Michael Armstrong, Esq. Tp. Solicitor
George R. Stevenson, Jr., AICP, P.P., Twp Planner
K. Wendell Bibbs, P.E., C.M.E., Twp. Engineer
Robert M. Mannix, III, PE, PP, CME, Pl. Bd. Engineer