

**RESOLUTION OF MEMORIALIZATION
TOWNSHIP OF NORTH BRUNSWICK PLANNING BOARD
MIDDLESEX COUNTY, NEW JERSEY
AMMENDED PRELIMINARY & FINAL SITE PLAN AND PRELIMINARY & FINAL
MAJOR SUBDIVSION APPROVAL FOR PHASE 1H**

**Approved: October 14th, 2025
Memorialized: December 9th, 2025**

**MATTER OF NORTH BRUNSWICK TOD ASSOCIATES, L.L.C (2300 US ROUTE 1)
APPLICATION #2694**

WHEREAS, an Application for amended preliminary and final site plan approval and preliminary & final major subdivision approval for Phase 1H has been filed by North Brunswick TOD Associates, L.L.C. (hereinafter designated the "Applicant") with the Township of North Brunswick Planning Board (hereinafter designated the "Board") for property located at 2300 US Route 1, Township of North Brunswick, New Jersey, and more specifically known as Block 141, Lots 44.04, 50.04, 63.02, 121 and 141.04 on the Tax Map of the Township of North Brunswick (hereinafter designated the "Township"), Middlesex County, New Jersey. Said premises are located within the Transit-Oriented Mixed-Use Development Overlay Zone (TOMU), where the proposed use is permitted. The subject property is located adjacent to previously approved Phase 1F; and

WHEREAS, a public hearing was held before the Board on October 14th, 2025 with regard to this Application; and

WHEREAS, the Board has considered the testimony and the evidence presented by the Applicant, witnesses, consultants, and with the public having had a full opportunity to participate; and

WHEREAS, the Applicant filed an Affidavit of Proof that notice and publication of the hearing was given as required by N.J.S.A. 40:55D-12; and

WHEREAS, a complete Application has been filed, the fees required by Ordinance have been paid, and it otherwise appears that the jurisdiction and powers of the Board have been properly invoked and exercised; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board of the Township of North Brunswick, Middlesex County, State of New Jersey, made the following Findings of Facts and Conclusions of Law with regard to the Application;

FINDINGS OF FACT

1. The Applicant provided adequate notice of the Application and the hearing in accordance with statute.

2. The Applicant was represented by Peter Flannery, Esq
3. The Applicant is requesting amended preliminary and final site plan approval and preliminary & final major subdivision approval for Phase 1H, in order to develop Phase 1H of the previously approved General Development Plan (GDP).
4. As previously stated, the subject property is located in Transit-Oriented Mixed-Use Development Overlay Zone (TOMU) where the proposed use is permitted. The subject property consists of approximately 206.5 contiguous acres. The proposed use complies with all of the standards of the TOMU and is, therefore, permitted. The subject property is located east of US Route 1 northbound between the signalized intersection of US Route 1 and Aaron Road/Main Street and the signalized intersection of US Route 1 and Commerce Boulevard in the I-2 Industrial Zone. The eastern portion of the site is bound by active railroad tracks, including the Northeast Corridor Rail Line.

Between 2010 and 2016 the overall site received General Development Plan (GDP) approval from the North Brunswick Township Planning Board, together with various subdivision and site plan approvals from the Planning Board and the Zoning Board of Adjustment to construct a hotel, townhouses, large retail establishments, restaurants and other commercial uses, together with associated site improvements.

5. In the current Application the Applicant is seeking Amended Preliminary and Final Site Plan Approval for Phase 1H of the previously approved Phase 1 Development. Phase 1H will include the construction of eleven 3 story townhouse buildings containing a total of 122 residential units. This total will consist of 98 market-rate units and 24 affordable units. Associated site improvements include internal roadways, garages, driveways, on-street parking, utilities, stormwater facilities and grading consistent with the TOMU Overlay Zone Standards. The Applicant is also requesting Preliminary and Final Major Subdivision Approval for Phase 1H in order to create individual lots for this Phase, as a part of the overall Phased Development of Block 141. The proposed subdivision supports implementation of the GDP and accommodates future development phasing consistent with prior Township approval. No variances are being requested, or are needed, as part of this Application.

What is needed, and is being requested as part of this Application, are checklist waivers. The main checklist waiver involves the requirement of providing existing and proposed contours at 1-foot intervals based upon certain national standards. The Board Engineer offered no objection to the granting of this waiver, subject to the Applicant's Engineer providing sufficient grading information for all relevant

areas of the site depicting and evaluating the proposed drainage and grading conditions. With regard to the internal roadways, the site is proposed to be served by roadways 25 feet in width and, further, the Applicant proposes 310 on-site parking spaces. Included will be 121 garage spaces, 122 driveway spaces and 67 on-street parking spaces for Phase 1H. Under current Township zoning standards, the total required on-site parking for this project is 182 spaces.

6. Matt Wannamaker, a licensed land use planner, testified on behalf of the Application. Mr. Wannamaker introduced into evidence, and discussed with the Board, a "colorized phasing plan" which indicated the 11 proposed residential buildings with 122 "stacked" residential units. The site will contain 98 market units and 24 affordable units, all of which will be "for sale". The market units will contain 49 two bedroom units and 49 three bedroom units, with the affordable units being broken down into four 1 bedroom, sixteen 2 bedroom and four 3 bedroom units. The witness described the concept of the stacked units and responded to questions by the Board. The witness also confirmed that no dimensional variances were required by this proposal.
7. Nick Verderese, a licensed traffic engineer, testified on behalf of the Application. Mr. Vederese confirmed that, since the beginning of this project, there has been a reduction in the number of residential units that the Applicant is actually proposing, which results in less density and fewer traffic movements. In discussing proposed Prospect Street, the witness stated that the terminus shall be modified in order to provide appropriate turning movements for emergency vehicles and garbage trucks. The witness also confirmed that EV stations are required on-site in order for residents to charge their electric vehicles. The witness marked into evidence a colorized parking exhibit indicating where various parking spaces are located.
8. Mitchel Ardman, a licensed civil engineer, testified on behalf of the Application and clarified that 6 EV parking stations are being proposed in the common areas of the development. Each residential unit will also be equipped with a 240-volt outlet in their garage which will accommodate level 2 charging. The witness stated that the EV stations will be activated as various residential units come on line.

In reviewing the Board Engineering Report dated October 6th, 2025, Mr. Ardman stated that the Applicant will comply with the recommendations and comments contained therein, however, had the following comments;

- (a) Page 5, comment 5, Mr. Ardman stated that a minimum of 3 mail kiosks will be spread out in the townhouse development in accordance with the comments and recommendations of both the Board Engineer and the United States Post Office.

- (b) Page 11, comment 2a, the Applicant will perform "spot grades" as requested by the Board Engineer and as indicated in the waiver requests.
- (c) Page 12, comment d, the Applicant will perform calculations of the largest single inlet drain area, but not all of the pipe runs.
- (d) Page 13, comment 4, although this was generally acceptable, the landscaping currently set forth on the plans shall be revised for the area where Sunset Street meets Grand Avenue to the satisfaction of the Board Engineer.

Mr. Ardman further stated that wherever there is off street parking, there will be sidewalks provided for the safety of the residents. Also, the development will be private with repairs, plowing, etc, being the responsibility of the Home Owners Association.

- 9. Anthony Masucci, a licensed architect, testified on behalf of the Application, Mr. Masucci provided the Board with exhibits indicating colorized elevations of the proposed townhouse units, colorized floor plans, and an exhibit indicating where the affordable units would be located. The witness described the concept of a "stacked residential unit" and he also indicated that the façade of the townhouse structures, and all materials, will comply with design standards for this District.
- 10. No members of the public commented either in favor of, or in opposition to, this Application. However, a member of the public did address the Board and wanted to make certain that the proposed roadways were wide enough to accommodate this use. She was assured that the roadways were, in fact, wide enough
- 11. The Board has found the proposed amended preliminary and final site plan and preliminary & final major subdivision, as set forth in the body of this Resolution, can be granted without any substantial negative impacts to the neighborhood, zone, or Master Plan.
- 12. The conditions of approval will mitigate any negative impacts that may arise from the granting of the relief requested, and the benefits of the proposed Application outweigh any detriments.
- 13. At the conclusion of the testimony, the Board was satisfied that the appropriate land use criteria had been established and that its concerns had been addressed, and voted to approve the amended preliminary and final site plan and preliminary and final major subdivision Application.

CONCLUSIONS OF LAW

WHEREAS, the Board has found that the proposed project is permitted in this Zone, and is also consistent with the Master Plan of the Township. Approval of this Application will result in a very appropriate use of the property with benefits clearly outweighing detriments; and

NOW, THEREFORE, BE IT RESOLVED, having reviewed the Application and considered the impact of the proposal on the Township and its residents, the Board concludes that good cause has been shown to grant the relief requested by the Applicant, as more specifically set forth in the body of this Resolution; and

BE IT FURTHER RESOLVED, by the Planning Board of the Township of North Brunswick, in the County of Middlesex, State of New Jersey, upon the appropriate motion made and seconded, that the Application of North Brunswick TOD Associates, L.L.C. for amended preliminary and final site plan approval and preliminary & final major subdivision approval be granted, subject to the following terms and conditions:

1. The Applicant shall be bound by the testimony and the Plans submitted with this Application. If the Plans need to be revised pursuant to the recommendations and comments of the Board and the Board Consultants, same shall be promptly completed and submitted to the Board.
2. Amended preliminary and final site plan approval, and preliminary & final major subdivision approval, are granted for the reasons set forth in this Resolution.
3. Except where specifically modified by the Board, the Applicant shall comply with all recommendations as set forth in the Reports of the Board and Township Consultants.
4. The Applicant shall record the subdivision within the legal time frame, and the subdivision shall be recorded by subdivision deed or filed map in accordance with the Map Filing Law. The subdivision deed or map shall specifically reference this Resolution and its terms. All deeds and descriptions shall first be reviewed and approved by the Board Attorney and the Board Engineer prior to recording.
5. Prior to the issuance of any Construction Permits by the Construction Division, the Township Engineer must first issue a Resolution Compliance Letter and the Zoning Officer must first issue a Zoning Permit.
6. There shall be no significant changes to the Plans unless approved by the Board.

7. As agreed to by the Applicant the end, or terminus, of Prospect Street shall be modified in order to accommodate emergency vehicles and garbage truck usage, and the modifications shall be reviewed and approved by the Board Engineer and the Township Department of Public Works.
8. As set forth in the Report of the Board Engineer, there shall be EV stations located on the subject property in accordance with Township zoning standards and, further, each garage shall be equipped with a 240-volt outlet in order to accommodate a "level 2" charge.
9. As agreed to by the Applicant, wherever there is off-street parking there shall also be sidewalks installed for the safety of the public.
10. As agreed to by the Applicant, each affordable unit shall have one designated and marked surface parking space.
11. As agreed to by the Applicant, the Applicant has designated Toll Brothers, or their designated agent, as the Administrative Agent for this project. Said Administrative Agent must first be approved by the Township Governing Body.
12. As agreed to by the Applicant, the Applicant shall meet or exceed all design and architectural standards that are required for this zone and, further, the Applicant shall only utilize materials that comply with the zone standards. Detailed architectural plans shall be submitted by the Applicant to the Board documenting compliance with all architectural standards.
13. As agreed to by the Applicant, the pile of soil that is currently located on the subject property shall be re-located to the rear of the existing warehouses on the adjoining property so that its visibility is minimized.
14. As agreed to by the Applicant, the Applicant shall confirm sufficient pipe capacity for the lawn area drainage systems, the Applicant's Engineer shall provide hydraulic computations for the lawn inlet having the largest drainage area and / or flow to the inlet, and confirm that the downstream pipes from each of the inlets will then have capacity as required. The drainage area for this inlet shall be noted on the associated drainage area map.
15. The Applicant shall submit proof of payment of all real estate taxes for the property.
16. As agreed to by the Applicant, the Applicant shall pay, in a timely manner, all outstanding and future fees and escrow charges and shall post all performance

guarantees in connection with the review of this Application, prior and subsequent to the approval of this Application.

17. The Applicant shall be responsible for the obtaining of all other approvals or permits from other governmental agencies as may be required by law, and the Applicant shall comply with any requirements or conditions of such approvals or permits including, but not limited to, the Municipality's compliance with any low and moderate housing regulations. If, however, compliance with other conditions would result in a plan that differs from the one approved by the Board herein, the Applicant shall return to the Board for all appropriate relief.
18. The Applicant shall submit a copy of this Resolution with accompanying documentation to verify the satisfaction of each condition stated herein.
19. The Applicant shall be bound by all exhibits introduced, all representations made, and all testimony given before the Board at its meeting of October 14th, 2025

DATED:

Secretary

PREPARED BY:

Louis P. Rago, Esq.
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of the Township of North Brunswick

