

**HOPEWELL TOWNSHIP  
PLANNING BOARD MINUTES  
JANUARY 23, 2020**

A reorganization/regular meeting of the Hopewell Township Planning Board was held in the Hopewell Township Municipal Building Auditorium at 7:00 p.m. on Thursday, January 23, 2020.

Mr. Kataryniak, Community Development Director, called the meeting to order at 7:02 p.m. He stated that notice of the meeting was posted in the Municipal Building and had been forwarded to the Hopewell Valley News, The Times of Trenton, The Trentonian and the Hopewell Express in compliance with the Open Public Meetings Act.

Members present: Karen Murphy, Chairperson, Jack Belmont, Milind Khare, Paul Kiss, Kevin Kuchinski, Kristin McLaughlin, Rex Parker, Leigh Ann Peterson, Russell Swanson, Vanessa Sandom and Glenn Paul. Also present: Frank Banisch, Planner, Banisch Associates, Mark Kataryniak, PE, Community Development Director/Township Engineer, Frank Linnus, Esq. and Jaimie Laird, Recording Secretary.

**Planning Board Reorganization**

The first order of business was the reorganization of the Planning Board. Mr. Kataryniak asked for nominations for Chairperson.

Mr. Belmont moved and Ms. Peterson seconded a motion nominating Karen Murphy. There were no other nominations. It was voted on and passed unanimously by voice vote.

Ms. Murphy assumed Chairmanship of the meeting.

The next order of business was the nomination of the Vice Chairperson. Mr. Swanson moved and Mr. Kuchinski seconded a motion nominating Paul Kiss. There were no other nominations. It was voted on and passed unanimously by voice vote.

The Board appointed Mr. Swanson and Mr. Belmont to serve on the Application Review Committee (ARC); Mr. Swanson was appointed Chairman of the ARC.

Resolutions were adopted by the Board unanimously approving the following appointments for the calendar year 2020: 1) Mark Kataryniak, Planning Board Secretary; 2) Linda Barbieri, Assistant Secretary; 3) Jaimie Laird, Recording Secretary; 4) Frank Linnus, Board Attorney; 5) Mark Kataryniak, Planning

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Board Engineer; and 6) Frank Banisch/Banisch Associates, Planner.

Mr. Kiss moved and Mr. Kuchinski seconded a motion to adopt the meeting dates for the Planning Board and ARC for the year 2020. It was voted on and passed unanimously.

**Announcements**

Mr. Kataryniak announced that the two newest members of the Board, Ms. Peterson and Mr. Paul, had received dates with respect to the mandatory training classes for new Board members offered by the New Jersey Planning Officials (NJPO). He requested that the members choose a date for the training and inform staff so that registration may be completed.

Mr. Kataryniak also announced that all of the Board members, as part of ongoing compliance with the New Jersey Department of Environmental Protection (NJ DEP) for municipal separate storm sewer systems (MS4 Permit), are required to complete an annual stormwater review, which will most likely be done during a regular Planning Board meeting. He stated that he would be scheduling a date for the review in the near future.

**Minutes for Approval**

Mr. Swanson moved and Mr. Khare seconded a motion approving the minutes of the August 22, 2019 Planning Board meeting. The minutes were approved as presented with Mr. Kiss, Ms. Murphy, Ms. Sandom and Ms. Peterson abstaining.

Mr. Swanson moved and Mr. Kiss seconded a motion approving the minutes of the September 26, 2019 Planning Board meeting. The minutes were approved as presented with Ms. Murphy and Ms. Sandom abstaining.

Mr. Swanson moved and Mr. Kiss seconded a motion approving the minutes of the October 24, 2019 Planning Board meeting. The minutes were approved as presented with Mr. Kuchinski, Ms. McLaughlin and Ms. Sandom abstaining.

Mr. Swanson moved and Mr. Kiss seconded a motion approving the minutes of the November 21, 2019 Planning Board meeting with the addition of Mr. Kiss's name to paragraph three on page one, the list of members present. The minutes were approved with the addition, with Mr. Kuchinski and Ms. Peterson abstaining.

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**Correspondence**

- A. January 3, 2020 Interested Parties Motion (Or Application) for Rehearing and Reconsideration of and, in the alternative, Petition to Modify Resolution 19-021 regarding Woodmont Federal Hopewell Urban Renewal, LLC c/o Woodmont Properties
- B. January 17, 2020 Objection to the Motion for Rehearing and Reconsideration regarding Woodmont Federal Hopewell Urban Renewal, LLC c/o Woodmont Properties

Thomas Carroll, Esq., representing Woodmont Federal Hopewell Urban Renewal, LLC (Woodmont Properties) approached the Board with a request that the Board address the Correspondence section of the Agenda at this time. He stated that the correspondence relates to an appeal that has been filed with respect to Woodmont Properties site plan approval. He explained that all that is required is the setting of a date for oral argument on the objector's motion, which would conclude the matter of the Correspondence.

James Manahan, Esq., representing interested parties with respect to the motion filed, stated he would join in Mr. Carroll's request, but would respect the decision of the Chair and the Board. The request is that a date be set for oral argument before the Board on the motion filed by the objector to reopen the hearings on the Woodmont Properties approval. He stated that he represents the interested parties that wish to have the motion scheduled.

Mr. Linnus explained there are two pieces of correspondence; the first issued by Bernstein & Manahan, on behalf of interested parties, which involves the Woodmont Properties application and approval. The request is for the Board to consider on motion, the interested parties request for a rehearing and reconsideration of the Woodmont Properties application or in the alternative, a request to modify Resolution 19-021, Woodmont Properties resolution of approval. The motion is being opposed by Mr. Carroll on behalf of Woodmont Properties. The purpose of tonight's discussion is to schedule the matter for a hearing on the motion, the motion being whether the Board will reconsider its decision and reopen the hearing as per the interested parties request. If the Board agrees to do that, the applicant and the objector return on a fixed date with oral argument, at which time the Board would deliberate and make a decision as to whether or

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not there should be a rehearing. If the decision is to have a rehearing then the burden will be on the interested parties to provide notice, just as if it is an application.

It was the consensus of the Board to schedule the oral argument regarding whether or not to reopen the public hearing with respect to the Woodmont Properties application/approval for the February 27, 2020 regular Planning Board meeting. Public notice would only be required if the Board granted the motion and reopened the public hearing and not in advance of the argument.

**Applications**

Pennington Point Property Owners Association, Inc., Site Plan, Final, Amended, Variance C (Route 31 Driveway Access)

Block 48.02, Lot 1-C002 - 5 Tree Farm Road

Present: Robert N. Ridolfi, Esq.; Edward Bucci, applicant's representative; Scott Turner, PE, Menlo Engineering Associates, Inc., applicant's civil engineer; David H. Horner, PE/PTOE, Horner & Canter Associates, applicant's traffic consultant

The applicant, Pennington Point Property Owners Association, Inc. was requesting amended final site plan approval with a parking variance and submission waivers to construct a driveway access to the Tree Farm Road site directly from Route 31, together with a five space parking reduction variance due to reconfiguration of the parking lot for property located at 5 and 7 Tree Farm Road and Route 31 South, known and designated on the Hopewell Township Tax Map as Block 48.02, Lots 1, 1-C001 & 1-C002.

The application is seeking to amend the site plan previously approved by the Board as set forth in Resolution No. 08-043, memorialized by the Board on August 14, 2008, which approval included the two-story office/retail building currently located in the central and southerly portion of the site and a proposed 5,100 square foot retail/office building to be located at the northerly portion of the site; the 5,100 square foot building has not yet been constructed. The approval memorialized in Resolution No. 08-043 further granted variance relief for parking, permitting a total of 147 parking spaces where 158 were required. Of the 147 parking spaces permitted, 12 of the parking spaces were banked and not constructed; the banked spaces are located at the northeast corner of the site

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facing Route 31 and are near the proposed driveway improvements included in this application.

Mr. Linnus stated the applicant had properly complied with all procedural and notification requirements of the Hopewell Township Land Use Development Ordinance (LUDO) and the Municipal Land Use Law (MLUL), thereby vesting the Board with jurisdiction to hear and act upon the application.

As part of the application, the applicant submitted the following plans and documents which were made part of the record:

1. Site Plan entitled, "Pennington Point West Phase 2," prepared by Menlo Engineering Associates, Inc., consisting of 2 sheets dated 10/7/19;
2. NJ DOT (New Jersey Department of Transportation) plans entitled "Pennington Point West Phase 2," prepared by Menlo Engineering Associates, Inc., consisting of 13 sheets dated 10/11/16 and revised 9/10/18;
3. Planning Board Application dated 10/16/19;
4. Final Site Plan Checklist dated 11/5/19;
5. Letter from NJ DOT dated 12/3/18.

The following reports and review letters were submitted by the Board's professionals and the Township staff and were made part of the record:

1. Engineering Review Memorandum dated 12/5/19, prepared by Mark Kataryniak, PE, Board Engineer;
2. Report of the Fire Official - Hopewell Valley Bureau of Fire Safety, dated 12/9/19.

The following exhibits were presented and referred to by the applicant's witnesses during its presentation and were marked as follows:

- Exhibit A-1:*** A Depiction of the Site Access from Route 31 S dated 1/23/20;
- Exhibit A-2:*** Plan dated 11/13/00, revised 12/03 dated 1/23/20;
- Exhibit A-3:*** Rendered Version of the Site Plan dated 1/23/20;
- Exhibit A-4:*** Parking Assessment-Pennington Point West dated 1/13/20.

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The applicant's witnesses were sworn in by Mr. Linnus. The following information, testimony and evidence was provided to the Board:

**Edward Buccì**, applicant's representative, testified as follows:

- He is the President of the Pennington Point Property Owners Association, Inc. and has been actively involved in the development of the site.
- At the time of the original approval, access off of Route 31 was not permitted.
- This presented a challenge to the retail uses of the property.
- Application has been made to the NJ DOT for access; access has been granted and merely awaits payment of permit fees.

**Scott Turner, PE**, Menlo Engineering Associates, Inc., testified as follows:

- He presented his professional qualifications, which were accepted by the Board.
- He presented the site plan history to the Board.
- Applicant is requesting a parking variance and is proposing 142 parking spaces.
- If approved, the applicant will lose five parking spaces and will be constructing seven parking spaces; 135 parking spaces currently exist and with the construction of seven additional spaces, there will be 142 parking spaces on site, whereas the previously approved variance was granted for 147 spaces.
- The relocation of the driveway is a safer plan providing better access to the site.
- The driveway will comply with all NJ DOT standards and the NJ DOT has issued an intention to approve the driveway.
- He reviewed with the Board, the Board Engineer's 12/5/19 memorandum, and testified that the slight increase in impervious coverage did not appear to affect the ability of the existing stormwater collection system to accommodate the increase of impervious coverage and the overall lot coverage on the site and that the original stormwater system is adequate to accommodate the "de minimis" increase in impervious coverage.

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- The applicant agreed to comply with Items 4 through 8 set forth in the General Comments (Section F) of Mr. Kataryniak's 12/5/19 memorandum.
- The applicant acknowledged that the following additional approvals are required:
  - a) Mercer County Planning Board;
  - b) Mercer County Soil Conservation District;
  - c) Hopewell Township Board of Fire Commissioners  
(*approval received by the applicant*);
  - d) NJ DOT.
- The applicant agreed to amend the site plan to show the "Do Not Enter" sign at the driveway, which will prohibit a left turn into the site from Route 31; the sign will be added to the site plan to be consistent with the plan reviewed by NJ DOT. The sign is currently shown on the NJ DOT driveway access permit plans prepared separately from the site plan.
- Board members expressed concern with respect to traffic circulation issues on the entire site. The applicant informed the Board that there were other property owners who needed to be consulted regarding traffic circulation signage on the entire site; the applicant agreed to consult with those other property owners and work with the Township Engineer to develop a comprehensive traffic circulation signage plan for the entire site and return to the Board for review.
- The applicant requested submission waivers from the Final Site Plan Checklist (Engineering); the Board Engineer reviewed the submission waivers and informed the Board that he had no objection to granting the submission waivers requested except for the following:
  - a) The applicant will submit an estimate of all construction quantities for onsite and off-tract improvements; this will be a condition of approval;
  - b) The applicant will provide copies of all federal, state and local permits as required by the MLUL; this will be a condition of approval.
- Based on the Board Engineer's recommendations, the Board granted the submission waivers.

**David H. Horner, PE/PTOE**, Horner & Canter Associates, testified as follows:

- He presented his professional qualifications, which were accepted by the Board.

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- He produced *Exhibit A-4*, a 1/13/20 parking assessment he prepared for Pennington Point West, which supports the parking variance request based on the following:
  - a) He performed a spot-count for needed parking spaces, there were only 75 spaces filled;
  - b) The nationally accepted database used for projecting parking demands is found in the Institute of Transportation Engineers (ITE) publication, "Parking Generation, 5<sup>th</sup> Edition;" the ITE data indicates that peak parking for the site would occur during the weekday, midday period. Utilizing peak period parking rates from the ITE standards estimates a peak demand for the entire site as built-out to be 84 vehicles.
- Mr. Horner reviewed the site plan and concluded there would be safe access and circulation for the vehicles coming from the north; the proposed driveway would not change the internal flow of traffic on the site.
- In light of the testimony and the current demand for parking, the Board suggested that the proposed seven additional parking spaces be banked until there is a need for those spaces to be built.
- In support of the application, Mr. Horner testified that the site plan provides a benefit not only to the site, but to the surrounding area and would result in less traffic circulation on Tree Farm Road.
- Mr. Horner agreed that signage, including directional signage, is needed in the parking areas. The applicant has agreed to provide same.
- The Board suggested and the applicant agreed, to provide a zoning compliant sign at the Tree Farm Road exit to Route 31 North, subject to the review and approval of the Board Engineer.

Ms. Murphy asked for questions or comments from the public with respect to the testimony of the witnesses.

Melanie Phillips, a Township resident, questioned Mr. Horner as to whether the new driveway would contribute to additional traffic backup on Route 31 South. Mr. Horner explained that the driveway provides a benefit to the overall traffic circulation, could be safely utilized, and would not create new traffic issues. The traffic exiting the right-turn out only driveway have the benefit of being able to take advantage of the signal at Tree Farm Road, which will provide gaps to exit the driveway when the signal is red. When the signal is green, the vehicles would wait safely, internal to the site.

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This is a safe move that will not create problems and provides a second means to enter Route 31 South from the complex.

Mr. Kataryniak noted that there is sufficient separation between the signal at Tree Farm Road and the proposed new driveway. Sufficient separation is a requirement of the NJ DOT.

Based upon the foregoing information, testimony and evidence, as well as the application and supporting plans and documents and Township agency reviews, the Planning Board made the following findings of fact, determinations and conclusions of law:

1. The proposed driveway, when constructed, will result in a "de minimis" increase in impervious coverage and will not have a negative impact on the existing stormwater management system;
2. The Board determined that a C2 variance for the number of parking spaces was appropriate based on the following:
  - a) The 142 parking spaces, with 7 spaces banked, are more than adequate to serve the full build-out of the site;
  - b) Additional parking at the present time is not necessary based on current parking demands;
  - c) The construction of the proposed driveway requires the elimination of parking spaces, but will provide safer access and circulation;
  - d) The proposed site plan and the variance advance the following purposes of the MLUL:
    - (1) N.J.S.A. 40:55D-2(a) encourages municipal action to guide the appropriate use of development of all lands in this state in a manner which promotes public safety;
    - (2) N.J.S.A. 40:55D-2(h) encourages the location and design of transportation routes which will promote the free flow of traffic;
  - e) The benefits of the deviation from the parking standards substantially outweigh any detriment;

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3. The Board finds no detriment as a result of the deviation.

Mr. Kuchinski moved and Ms. McLaughlin seconded a motion granting amended Final Site Plan approval with parking space variance and submission waivers to add a driveway access to the site directly from Route 31 for property located at 5 and 7 Tree Farm Road and Route 31 South subject to the following conditions: 1) Submission of revised plans subject to the review and approval of the Planning Board Engineer; 2) applicant's satisfaction of all comments and recommendations in the engineering review memorandum dated 12/5/19 submitted by Mark Kataryniak, PE, Board Engineer; 3) securing of all approvals from all governmental agencies that have jurisdiction over the application; 4) applicant is required to post performance guarantees and inspection fees subject to the approval of the Township Attorney and Township Engineer as required by the MLUL; 5) payment of the Statewide Nonresidential Development Fee pursuant to N.J.S.A. 40:55D-8.1, et seq., if applicable; 6) all terms and conditions of all prior development approvals for this site remain in full force and effect except as modified herein. It was voted on and passed.

Roll Call Vote:

Ayes: Belmont, Khare, Kiss, Kuchinski, McLaughlin, Murphy, Parker, Swanson, Peterson  
Nays: None  
Abstain: None  
Absent: None  
Not Voting: Sandom, Paul

National Contractors, Inc., Site Plan, Preliminary  
(Warehouse/Office)

Block 91, Lot 14.02 - 1607 Reed Road

Present: Eric Goldberg, Esq., Stark & Stark; Lori Slobiski, Applicant's representative; Brian Murphy, PE/PP, FWH Associates, PA

The applicant, National Contractors, Inc. was requesting preliminary site plan approval with a design waiver/exception to construct a 14,040 square foot building consisting of 10,040 square feet of warehouse space and 4,000 square feet of office space on property located at 1607 Reed Road, known and

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designated as Block 91, Lot 14.02 on the Hopewell Township tax map, located in the Special Industrial (SI) zoning district.

Mr. Linnus stated the applicant had properly complied with all procedural and notification requirements of the Hopewell Township LUDO and the MLUL, thereby vesting the Board with jurisdiction to hear and act upon the application.

As part of the application, the applicant submitted the following plans and documents, which were made part of the record:

1. "Preliminary and Final Site Plan, Lot 14.02 - Block 91, Situated in Hopewell Township, Mercer County, NJ, Prepared for National Contractors," prepared by FWH Associates, PA, consisting of 18 sheets dated 9/10/19;
2. Architectural Plans prepared by FWH Associates, PA, consisting of 4 sheets dated 10/17/19;
3. Stormwater Management Report prepared by FWH Associates, PA, dated 9/6/19;
4. Stormwater Management Operations and Maintenance Manual prepared by FWH Associates, PA, dated 9/6/19;
5. Land Use Application package.

The following reports and review letters were submitted by the Board's professionals and the Township staff and were made part of the record:

1. Engineering review memorandum dated 1/21/20 submitted by Mark Kataryniak, PE, Board Engineer;
2. Memorandum submitted by the Environmental Commission members dated 1/22/20;
3. Letter dated 1/16/20 submitted by Andrew J. Fosina, Jr, Fire Official - Hopewell Valley Bureau of Fire Safety;
4. Memorandum submitted by Robert English, Township Health Officer, dated 12/3/19.

The following exhibits were presented and referred to by the applicant's witnesses during its presentation and were marked as follows:

- Exhibit A-1:** *Aerial view of the property;*  
**Exhibit A-2:** *Color rendering of the site plan (Sheet 4)*

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The applicant's witnesses were sworn in by Mr. Linnus. The following information, testimony and evidence was provided to the Board:

**Lori Slobiski** testified as follows:

- The applicant is a contractor specializing in roofing, siding, decks, windows, doors, exterior skylights, etc., and has been at its Ewing Township location for 25 years and intends to relocate to the subject property.
- The applicant has 10 employees with hours of operation being 7:30 a.m. to 4:30 p.m. Monday through Friday.
- 18 parking spaces are required; the applicant is proposing to build 18 and to bank 2 of the spaces for a total of 20 spaces.
- Generally, there are no visitors to the site; occasionally the site is visited by salesmen.
- Deliveries are by box truck once daily and a tractor trailer once a week.
- The facility does not contain hazardous material and does not generate extraordinary noise.
- There is no external storage on the site.

**Brian Murphy, PE/PP**, testified as follows:

- He presented his professional qualifications, which were accepted by the Board.
- There is an individual septic system on the site.
- The property is served by a well; however, the applicant is working with Trenton Water Works and the Department of Public Works to extend public water to the site.
- There are no signs on the roadway; there is an on-site sign showing the company name.
- The applicant is proposing to bank 2 spaces and accepted the Board's recommendation that 4 of the spaces be banked rather than 2, based on the fact that currently those spaces are not needed.

Mr. Murphy reviewed with the Board, the Board engineer's memorandum dated 1/21/20 and provided the following testimony:

- The applicant indicated that they have and will provide an updated survey evidencing that the property meets the requirements of the LUDO for lot width.

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- The applicant agreed to comply with all of the General Plan comments in the memorandum.
- The applicant agreed to comply with all of the Existing Conditions plan comments in the memorandum.
- The applicant addressed Section VI., Site Plan Comments, as follows:
  - a) The applicant will submit revised plans in compliance with Items A, B, C, D, G and K.
  - b) With respect to Item H, the trash enclosure area is screened from the view of parking areas and streets by the enclosure itself; the enclosure will consist of materials compatible with the building façade.
  - c) With respect to Item I, there is no proposed freestanding signage on the site. Proposed signage is limited to one building-mounted sign at the main entrance and the applicant indicated that they will comply with the Ordinance requirements for the sign.
  - d) With respect to Item J, applicant agreed to revise its plans to include measures to repair/replace the driveway apron as necessary following construction operations and revise remote parking to be shown as banked instead of built; the applicant further agreed to revise the lighting plan to coordinate with banked parking and comply with Hopewell Township's Lighting Ordinance.
  - e) With respect to Item L, applicant sought a waiver from providing curbing and landscaped islands along the perimeter of the parking areas; based on the recommendations of Mr. Kataryniak, the Board granted the design standard waiver/exception.
- The applicant agreed to revise its circulation plan to align the position of the trucks with the location of the overhead doors on the building to confirm that the pavement configuration can accommodate the required truck circulation.
- With respect to Section VIII., Grading and Drainage Plan Comments, the applicant agreed to comply with all comments set forth in Items A through J.
- The applicant agreed to comply with all of the Utilities Plan Comments set forth in Section IX. of the memorandum; with respect to Item D, the applicant will seek gas service and revise the plan accordingly.
- With respect to Section X., Landscape and Lighting Plan Comments, the applicant agreed to comply with the Township's lighting ordinance and is seeking no design waivers or exceptions from same; the applicant will

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comply with Items A through C and E through H of the memorandum.

- With respect to Section X., Item D, the applicant agreed to submit the existing access easement to the Board Attorney and the Board Engineer and agreed to relocate the proposed light pole in the easement if the existing easement is still valid.
- With respect to Section XI., Off-Road Profile Comments, the applicant agreed to comply with same.
- With respect to Section XII., Construction Detail Comments, the applicant agreed to comply with same.
- With respect to Section XIII., Soil Erosion and Sediment Control Plan comments, the applicant agreed to comply with same.
- With respect to Section XIV., Stormwater Management Comments, the applicant agreed to comply with same.
- With respect to Section XV., Outside Approvals, applicant acknowledged that it will be necessary for the applicant to obtain the following additional approvals:
  - a) Mercer County Planning Board;
  - b) Mercer County Soil Conservation District;
  - c) Delaware and Raritan Canal Commission;
  - d) NJ DEP Wetlands;
  - e) Hopewell Township Board of Fire Commissioners.
- With respect to Section XVI., Additional Conditions of Approval, the applicant agreed to update any and all conservation easements on the property if the location of the Freshwater Wetlands/Transition Area, as verified by an updated Letter of Interpretation (LOI), from the NJ DEP results in an expansion of the environmentally constrained areas.

With respect to the Environmental Commission memorandum dated 1/22/20:

- The applicant agreed to diversify its proposed trees by planting a mixture of deciduous trees, such as a combination of red maple and river birch, as well as replacing all arborvitae trees with native eastern red cedar trees to create the desired visual screening effect.
- The applicant will provide a revised landscaping plan subject to the review and approval of the Board Engineer.
- The applicant agreed to look into incorporating additional green infrastructure by naturalizing the

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proposed stormwater basin through plantings of native pollinator species and mowing it annually, as well as agreeing to look into protecting measures.

- With respect to Mr. Parker's suggestion, the applicant agreed to investigate the possibility of providing solar efficiency measures.

With respect to the Board of Fire Commissioners report dated 1/16/20:

- The applicant agreed to install fire sprinklers throughout the building and install same to the current NFPA-13 standards. The Township Fire Official will not require the Fire Department access road and a new fire hydrant is not needed; the requirement of installation of fire sprinklers will be a condition of this approval.
- If for any reason, the applicant cannot fully sprinkler the building, revised plans shall be submitted to provide 360-degree access to the building and a fire hydrant will be added at the entrance to the property, subject to the review and approval of the Board of Fire Commissioners.

With respect to the Health Officer's memorandum dated 12/3/19:

- The applicant agreed to submit applications and designs as set forth in Revised General Ordinances of the Township of Hopewell Section 16-12.4 so as to receive a comprehensive review of the proposed septic system and so as to obtain a permit to construct the same.
- Since the site evaluation and soil testing has been completed and results were satisfactory for the design and construction of a septic system on the site, review of the plan may be deferred as a condition of approval.
- The applicant requested waiver of aquifer testing; it was the Health Officer's recommendation that the testing procedure set forth in the ordinance be waived by the Planning Board subject to the following:
  - a) If a new well is necessary, the existing onsite well is to be decommissioned in accordance with N.J.A.C. 7:9D and local ordinance requirements;
  - b) The new well will be subject to aquifer testing as per Section 16-6.8(a) of the Township ordinances.

There were no comments from the public.

Based upon the foregoing information, testimony and evidence, as well as the application and supporting plans and documents

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and Township agency reviews, the Planning Board made the following findings of fact, determinations and conclusions of law:

1. The applicant's use is a permitted use in the Township's SI zone;
2. The application does not require any variances;
3. The design/waiver exceptions requested by the applicant based on the testimony presented and review by the Board staff, are reasonable and can be granted.

Mr. Kuchinski moved and Mr. Swanson seconded a motion granting Preliminary Site Plan approval together with the requested design waivers/exceptions subject to the following conditions: 1) The applicant's satisfaction of all comments and recommendations in the engineering review memorandum dated 1/21/20 submitted by Mark Kataryniak, PE, Board Engineer; 2) satisfaction of all comments and recommendations set forth in the Environmental Commission memorandum dated 1/22/20; 3) satisfaction of all comments and recommendations set forth in the Board of Fire Commissioners report dated 1/16/20; 4) satisfaction of all comments and recommendations set forth in the Health Officer's memorandum dated 12/3/19; 5) submission of revised plans consistent with this approval subject to the review and approval of the Planning Board Engineer; 6) securement of all approvals from all governmental agencies that have jurisdiction over the application; 7) the applicant is required to post performance guarantees and inspection fees subject to the approval of the Township Attorney and Township Engineer as required by the MLUL; 8) payment of the Statewide Nonresidential Development Fee pursuant to N.J.S.A. 40:55D-8.1, et seq., if applicable; 9) applicant shall obtain an updated LOI from the NJ DEP. In the event the LOI results in an expansion of the environmentally constrained areas, the applicant shall update and submit any and all conservation easements on the property, subject to the approval of the Planning Board Attorney and the Planning Board Engineer. It was voted on and passed.

Roll Call Vote:

Ayes: Belmont, Khare, Kiss, Kuchinski, McLaughlin,  
Murphy, Parker, Swanson, Peterson  
Nays: None

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Abstain: None  
Absent: None  
Not Voting: Sandom, Paul

Ms. Murphy restated that the Correspondence on tonight's Agenda relating to the motion and objection to the motion with respect to rehearing the Woodmont Properties site plan application was discussed earlier by the Board and it was the consensus of Board that they will hear the arguments for and against a rehearing at the next regular meeting of the Board, February 27, 2020.

Mr. Kuchinski commented that as liaison to the Township Committee, one of the requests he has heard at the Planning Board is that the Township retain independent experts to perform comprehensive reviews with respect to environmental site conditions, traffic, service impacts and school impacts as the town moves forward with affordable housing. He stated it is the Committee's intention to endorse those independent studies, which are currently included within the proposed capital budget for 2020.

Ms. Murphy commented that the subcommittee, which was formed to review the Open Space and Recreation Plan element of the Master Plan, has put together many recommendations that now need to be reviewed by the Board's professionals. Mr. Kuchinski noted that he has discussed the subcommittee's recommendations with Mr. Swanson and will report to the Township Committee recommending that the element update be included in the budget.

Ms. Murphy asked for questions or comments from the public for items not on the agenda.

Jim Burd, a Township resident, requested and received information with respect to the Township's complaint process.

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There being no further business, the meeting was adjourned at 9:45 p.m.

Respectfully submitted,

  
\_\_\_\_\_  
Jaimie Laird  
Recording Secretary

The audio recording of this meeting can be accessed here:  
<http://hopewelltpw.org/DocumentCenter/View/4534/January-23-2020-Planning-Board-MP3>