

**HOPEWELL TOWNSHIP
PLANNING BOARD MINUTES
JANUARY 24, 2019**

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 24, 2019.

Ms. Williamson, Recording Secretary, called the meeting to order at 7:01 p.m. She 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, Kristin McLaughlin, Rex Parker, Courtney Peters-Manning, Russell Swanson, Vanessa Sandom and Leigh Ann Peterson. Also present: Frank Banisch, Planner, Banisch Associates, Mark Kataryniak, PE, Community Development Director/Township Engineer, Frank Linnus, Esq. and Jaimie Williamson, Recording Secretary. Absent: Kevin Kuchinski.

Planning Board Reorganization

The first order of business was the reorganization of the Planning Board. Ms. Williamson asked for nominations for Chairperson.

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

Ms. Murphy took over Chairmanship of the meeting.

The next order of business was the nomination of the Vice Chairperson. Ms. Sandom moved and Mr. Belmont 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. Belmont, Mr. Kiss, Mr. Swanson and Mr. Parker to serve on the Application Review Committee (ARC); Mr. Kiss and Mr. Parker would serve as alternates. Mr. Swanson was appointed Chairman of the ARC.

Resolutions were adopted by the Board unanimously approving the following appointments for the calendar year 2019: 1) Mark Kataryniak, Planning Board Secretary; 2) Linda Barbieri, Assistant Secretary; 3) Jaimie Williamson, Recording

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Secretary; 4) Frank Linnus, Board Attorney; 5) Mark Kataryniak, Planning Board Engineer; and 6) Frank Banisch/Banisch Associates, Planner.

Mr. Swanson moved and Mr. Kiss seconded a motion to adopt the meeting dates for the Planning Board and ARC for the year 2019. It was voted on and passed unanimously by voice vote.

Minutes for Approval

Mr. Swanson moved and Mr. Kiss seconded a motion approving the minutes of the December 13, 2018 Planning Board meeting. The minutes were approved as presented with Mr. Belmont, Mr. Khare, Mr. Parker and Ms. Peterson abstaining.

Capital Project Review - Mercer County Park Commission

Mercer Meadows Park - Various Blocks/Lots

- A. Lawrenceville-Hopewell Trail - Reed Bryan Loop
- B. Stony Brook Pedestrian Bridge & Trail Extension
- C. Mercer Meadows Trail Improvements

Ms. Peters-Manning and Ms. Sandom recused themselves from hearing the Capital Project Review.

Mr. Linnus explained for the benefit of the Planning Board and the public, this is not an application for development, site plan or subdivision. Anytime a public entity wants to spend public funds there is a mandatory referral under the Municipal Land Use Law (MLUL) to the Planning Board. The Board has 45 days from receipt of the proposal to review the proposal to determine whether it is consistent or inconsistent with the Master Plan. The Board may choose to make recommendations, although those recommendations do not need to be followed.

Mr. Kataryniak provided an overview of the projects, which he has been discussing with the County.

The proposed projects include:

- A. Reed Bryan Loop
 - Improve existing mowed grass secondary trail near Reed Bryan Farm in Mercer Meadows Park into a 6 ft. wide gravel farm road and trail, which will connect to an

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existing section of the Lawrence-Hopewell Trail (LHT) in Mercer Meadows.

- Includes drainage improvements.
- Two sections of existing trail will be removed.

B. Stony Brook Pedestrian Bridge and Trail Extension (Old Mill Road to interior Rosedale Park area road by Rosedale Lake)

A new off-road trail through a private easement and County parkland in the Rosedale Park area will be created, which will connect to the LHT resulting in improved safety and park access, especially from Pennington. This will be the official route of the LHT. The loop into the equestrian center would remain for the time being as an optional loop (secondary trail.)

- Crosswalk on Old Mill Road connecting to LHT.
- Inside Rosedale Park, a new 6 ft. wide stone dust trail including boardwalk segment, footbridge (with helical piles) and suspension (pedestrian) bridge over Stony Brook.

C. Mercer Meadows Trail Improvements (multiple small drainage and trail improvements throughout the park)

- Improve drainage and decrease maintenance costs by paving portions of trails, which continually wash out during rain events creating safety hazards and maintenance problems.
- New pedestrian bridges and boardwalks in areas.
- Three southernmost projects are in Lawrence Township.

Mr. Banisch stated the Board is being asked to do a comparison of what is being proposed as a public expenditure by the County against the Township's Master Plan. As noted in his review memorandum dated January 24, 2019 (on file in the Planning Office) many parts of the Township's Master Plan, including Guiding Principles; Land Use and Management; Community Design; Historic and Cultural Resources; Community Facilities and Utilities; and Recreation and Open Space contain multiple objectives that support the County's goals to

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advance these trails and explicit references to how these trails relate to the town's local objectives.

There was no public comment.

It was the consensus of the Board that the County's continued investment in the open space and recreation amenities in the Township advances the general goals and many specific objectives of the Master Plan. While the improvements benefit all County residents, these project activities are particularly beneficial to Hopewell Township and further specific Master Plan goals and strategies. Mr. Swanson moved and Mr. Belmont seconded a motion finding that this Capital Project Review of local Master Plan goals and objectives in accordance with N.J.S.A. 40:55D-31 advances Hopewell Township's Master Plan. It was voted on and passed.

Roll Call Vote:

Ayes: Belmont, Khare, Kiss, McLaughlin, Murphy,
Parker, Swanson, Peterson
Nays: None
Abstain: None
Absent: Kuchinski, Peters-Manning (Recused), Sandom
(Recused)
Not Voting: None

Discussion - Goals & Objectives for 2019

The Board discussed the memorandum prepared by Mr. Banisch dated January 24, 2019 entitled, "Planning Board Goals for 2018 and Current Status," hereby attached and made a part of these minutes.

The Board discussed priorities for 2019 to include: 1) Amending the Open Space and Recreation Plan Element of the Master Plan; 2) amending the Ordinance with respect to Accessory Structures (17-159.h) to establish uniform setback controls; 3) review and possible amendment of the Circulation Plan Element of the Master Plan to identify the proposed road improvements through the Zaitz Tract and southward to Route 31 at the Denow Road traffic signal and refining local objectives for the Route 31 corridor; 4) discussion with respect to expected legalization of marijuana at the State level and how that will impact municipalities; 5) discussion with respect to new or specialized uses, including the national trend of the Airbnb and a review of options and impacts of such a use, and;

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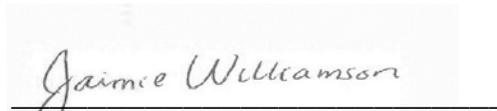
6) the introduction of 5G Wireless technology, which will become very prominent soon and will revamp the way communications are distributed, including the decentralization of the antenna distribution network.

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

Jim Burd, a Township resident, commented that Hopewell Township does not need to implement PILOT (Payment in Lieu of Taxes) programs and should utilize standard taxing programs.

There being no further business, the meeting was adjourned at 8:17 p.m.

Respectfully submitted,



Jaimie Williamson
Recording Secretary

The audio recording of this meeting can be accessed here:
<http://hopewelltpw.org/DocumentCenter/View/3670/Planning-Board-Reorganization-and-Regular-Meeting-January-24-2019-MP3>

MEMORANDUM

To: Hopewell Township Planning Board
From: Francis J. Banisch III, PP/AICP
Date: January 24, 2019
Re: Planning Board Goals for 2018 and Current Status

1. Update the Guiding Principles of the Master Plan

At the April 26 Planning Board meeting, the Board reviewed and refined the “Guiding Principles” of the Master Plan. The updated statement of principles that should guide the master plan is seen in [tracked changes](#) on Attachment A. Most changes were for the sake of clarity but one new objective was developed which reads as follows:

Master Plan policies should promote the fiscal health of the Township and the vitality of the local economy in a manner that does not compromise the integrity of sensitive environmental and cultural resources.

Status in 2019: Partly completed - “Guiding Principles” of the Master Plan were revised as discussed, but changes not yet formally adopted into the Master Plan.

2. Amend the Circulation Plan

As noted in 2018, the inclusionary developments included in the Township’s affordable housing compliance plan will place expanding burdens on the traffic network. While some areas, such as Scotch Road, were designed and built for large volumes of traffic, other areas will need traffic improvements.

In southeast Hopewell Township, the Woodmont project will have localized impacts, but the location adjacent to I-95 will serve to expedite regional movements.

New road improvements are anticipated as part of the Zaitz redevelopment plan to address the demands to be felt in the southwest quadrant of Route 31 and Titusville Road.

Status in 2019: Not completed - An updated circulation plan should identify the proposed road improvements through the Zaitz tract and southward to Route 31 at the Denow Road traffic signal. It should also refine local objectives for the type of corridor Route 31 should become.

3. Amend the Utility Services Plan

The affordable housing inclusionary developments in the Township’s compliance plan will place new burdens on the basic utilities of public water supply and sewer service.

Status in 2019: Not completed - Amendments to the wastewater management plan have been proposed. The Township engineer should advise whether available infrastructure can meet increasing local demands and what changes are needed to the utility plan.

4. Review Lighting ordinance

Status in 2019: Completed - After review during 2018, the Planning Board developed a draft lighting ordinance to be consistent with the "Current Model Lighting Ordinance" (MLO) and to preserve the quality of life of Township residents. Draft amendments developed by the Planning Board were recommended to the Township Committee in December 2018.

5. Complete Affordable Housing Requirements

Status in 2019: Completed - With regard to Planning Board responsibilities, all of the requirements of the Township's judgment of compliance and repose have been satisfied by the ordinances and plans adopted and amended to date. Developers agreements are still being finalized by the Township Committee, but Planning Board action will next turn to the development review phase of these projects.

6. Revise Grandfather Provisions

Status in 2019: Completed - The Planning Board adopted Resolution 17-007 recommending grandfather provisions in the R-100 district. After further consideration, the Planning Board decided no additional changes were necessary.

7. Accessory Structures (17-159.h)

In 2018 we noted that given the trend toward green infrastructure, renewables and new technologies, it might make sense to take a fresh look at accessory structures. Although the "catch-all" on items not listed reverts to 1/2 the principal structure setback, this has created some issues on a few applications Mark has seen, particularly with newer technologies.

Other emerging accessory structures include whole-house generators, which are becoming more prevalent as climate variations become less predictable, as well as propane tanks and wind turbines.

8. New or Specialized Uses

5G - 5G will enable major advances in VR, AR, AI, robotics and totally new technologies. The introduction of 5G telecommunications technology will also bring new infrastructure elements to the landscape. Attachment B is a press release from the FCC describing the expedited "shot clock" timelines for deployment of 5G wireless technology.

Airbnb – The national trend toward renting out single family homes for short periods to non-residents has taken hold everywhere to varying degrees. If the demands of a vacation rental alter the ability of a property to accommodate people and cars, neighbors are sometimes negatively affected. While many municipalities choose to look the other way, a discussion about options and impacts would inform the planning process.

ATTACHMENT A

“This Master Plan is dedicated to preserving, protecting and enhancing Hopewell’s natural and cultural resources, and promoting an environmentally, economically and socially sustainable future for the Township and the region. The vision for managing change in Hopewell’s future is reflected in these key principles:

Design and performance standards should protect environmentally sensitive areas with the goal of maintaining biodiversity and the quality of the air and water that flow through Hopewell.

Development should be sustainable in meeting the needs of the present without compromising the future, and development density and intensity should be based on capacity limits established by natural resource capabilities and infrastructure.

Community character should be conserved by carefully managing the scale, form, design and intensity of new residential and non-residential development, retaining farmland, woodlands and other open lands, preserving historic structures and districts, and by managing change to complement historic resources and neighborhood character.

Scenic vistas of the rural countryside and the villages and hamlets should be protected.

A variety of housing and a balance of opportunities to live, work and play in safe and attractive surroundings should be provided, in part by identifying locations and developing criteria for mixed-use development.

An efficient circulation system that promotes important circulation linkages, retains the character of the rural road network and provides for safe vehicular, pedestrian, equestrian and bicycle movements should be maintained.

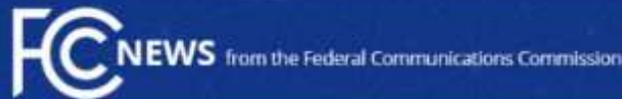
The Greenway system, a network of pathways, waterways and natural features linking significant public and private open spaces, should be expanded.

Farmland and open lands should be retained and the impacts of development should be limited throughout the valley and mountain areas, in part by allowing the use of innovative techniques to encourage developers to transfer development from lands that should be protected to areas where growth is can be appropriately managed. ~~to designated villages and hamlets.~~

A long-range policy for Route 31 should be developed to manage community design, circulation and safety considerations.

Master Plan policies should promote the fiscal health of the Township and the vitality of the local economy in a manner that does not compromise the integrity of sensitive environmental and cultural resources.

Attachment B



Media Contact:

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For Immediate Release

FCC FACILITATES DEPLOYMENT OF WIRELESS INFRASTRUCTURE FOR 5G CONNECTIVITY

Action Removes Regulatory Barriers to Infrastructure Investment

WASHINGTON, September 26, 2018—Today, the Federal Communications Commission took another important step in its ongoing efforts to remove regulatory barriers that inhibit the deployment of infrastructure necessary for 5G and other advanced wireless services. This action, which builds upon those already taken by states and localities to streamline deployment, underscores the FCC's commitment to ensuring that the United States wins the global race to 5G.

The first part of the Commission's decision, a Declaratory Ruling, focuses primarily on local fees for the authorizations necessary to deploy small wireless facilities. Specifically, the Declaratory Ruling:

- Explains when a state or local regulation of wireless infrastructure deployment constitutes an effective prohibition of service prohibited by Sections 253 or 332(c)(7) of the Communications Act;
- Concludes that Section 253 and 332(c)(7) limit state and local governments to charging fees that are no greater than a reasonable approximation of objectively reasonable costs for processing applications and for managing deployments in the rights-of-way.
- Removes uncertainty by identifying specific fee levels for small wireless facility deployments that presumably comply with the relevant standard; and
- Provides guidance on when certain state and local non-fee requirements that are allowed under the Act—such as aesthetic and undergrounding requirements—may constitute an effective prohibition of service.

The second part of the Commission's decision, the Third Report & Order in the Wireless Infrastructure Docket:

- Establishes two new shot clocks for small wireless facilities (60 days for collocation on preexisting structures and 90 days for new builds);
- Codifies the existing 90 and 150 day shot clocks for wireless facility deployments that do not qualify as small cells that were established in 2009;
- Concludes that all state and local government authorizations necessary for the deployment of personal wireless service infrastructure are subject to those shot clocks; and
- Adopts a new remedy for missed shot clocks by finding that a failure to act within the new small wireless facility shot clock constitutes a presumptive prohibition on the provision of services.

Action by the Commission September 26, 2018 by Declaratory Ruling and Report and Order (FCC 18-133). Chairman Pai, Commissioners O'Rielly and Carr approving. Commissioner Rosenworcel approving in part and dissenting in part. Chairman Pai, Commissioners O'Rielly, Carr, and Rosenworcel issuing separate statements.

WT Docket No. 17-79; WC Docket No. 17-84

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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action. See MCI v. FCC, 515 F.2d 385 (D.C. Cir. 1974).