

**HOPEWELL TOWNSHIP
PLANNING BOARD MINUTES
MARCH 22, 2018**

A regular meeting of the Hopewell Township Planning Board was held in the Hopewell Township Municipal Building Auditorium at 7:00 p.m. on Thursday, March 22, 2018.

Ms. Murphy, Chairperson, called the meeting to order at 7:02 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, Larry Clarke, Milind Khare, Paul Kiss (arrived 7:07 p.m.), Kevin Kuchinski (arrived 7:07 p.m.), Kristin McLaughlin, Rex Parker, Russell Swanson and Vanessa Sandom. Also present: Mark Kataryniak, PE, Township Engineer; Frank Banisch, Planner, Banisch Associates, Frank Linnus, Esq. and Linda Barbieri, Recording Secretary. Absent: Courtney Peters-Manning

Minutes for Approval

Mr. Swanson moved and Mr. Parker seconded a motion approving the minutes of the June 22, 2017 Planning Board meeting. The minutes were approved as presented with Mr. Khare, Ms. McLaughlin and Ms. Sandom abstaining.

Mr. Swanson moved and Mr. Belmont seconded a motion approving the minutes of the July 27, 2017 Planning Board meeting. The minutes were approved as presented with Mr. Clarke, Mr. Khare, Ms. McLaughlin, Mr. Parker and Ms. Sandom abstaining.

Mr. Clarke moved and Mr. Swanson seconded a motion approving the minutes of the January 11, 2018 Special Planning Board meeting. The minutes were approved as presented with Mr. Khare abstaining.

Mr. Swanson moved and Mr. Kiss seconded a motion approving the minutes of the January 25, 2018 Planning Board meeting. The minutes were approved as presented with Mr. Clarke, Mr. Kuchinski and Ms. Sandom abstaining.

Other Business

Unitarian Universalist Church at Washington Crossing, Site Plan, Preliminary/Final, Amended
Block 95, Lot 32 - 268 Washington Crossing-Pennington Road

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Request for Extension of Vesting and Extension of Time to Satisfy
Conditions and Sign Plans

Present: Steve Saddlemire, Church Parking Task Force Member

The applicant was seeking an extension of vesting and an extension of time to submit plans for signature. Mr. Saddlemire explained the Church has attempted to meet the requirements of resolution compliance; however, the Mercer County Soil Conservation District (MCSCD) has indicated that the Church would need a soil erosion and sediment control permit, which requires an application fee of \$985.00, and further requests may follow their review of the initial application. Also, the Mercer County Planning Board (MCPB) is requiring the Church to obtain and submit a survey of the property, as well as a drainage report. The MCPB advised that while the Church can apply for a waiver it may not be granted. It may also prolong the process since the MCSCD would likely require the information as well. Mr. Saddlemire stated the Church's engineering firm has estimated the costs to provide what the agencies require at approximately \$8,500.00, which assumes the agencies will not require a comprehensive stormwater management study, which would cost an additional \$5,500.00. The Church's costs to address these requirements would be between \$10,000.00 and \$16,000.00, with the funds to complete these requirements from an initial donation to the project of \$30,000.00. Mr. Saddlemire indicated that the cost to complete resolution compliance, as well as ultimately construct the additional parking, requires the applicant to raise additional needed funds for the project.

Mr. Swanson moved and Mr. Kiss seconded a motion granting a one-year extension of vesting and extension of time to submit plans for signature until March 25, 2019. It was voted on and passed.

Roll Call Vote:

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

Ordinance Referred By Township Committee

**AN ORDINANCE AMENDING THE RO RESEARCH OFFICE ZONE TO PERMIT
INCLUSIONARY RESIDENTIAL DEVELOPMENT AND AMENDING CHAPTER XVII,
"LAND USE AND DEVELOPMENT," TO THE REVISED GENERAL ORDINANCES OF
THE TOWNSHIP OF HOPEWELL (BRISTOL-MYERS SQUIBB)**

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Mr. Linnus stated the Board has two functions this evening; the first function is to review a proposed Ordinance Amending the RO Research Office Zone to permit Inclusionary Residential Development at the Bristol-Myers Squibb (BMS) campus, forwarded to the Board from the Township Committee, to determine whether or not the proposed Ordinance is consistent or inconsistent with the Township Master Plan. The Board's second function would be to recommend or not recommend the adoption of the Ordinance and/or forward any recommendations and/or concerns to the Township Committee.

Mr. Kataryniak stated language in the Ordinance would be revised with respect to the number of affordable units proposed and language with respect to related market-rate units would be removed. He read the following: "Whereas, Hopewell Township, in conjunction with the designated redeveloper, will designate a reserved area on Block 85, Lot 3, also known as the Zaitz tract, upon which it will be possible to provide an additional 30 affordable units with said units to be constructed on the Zaitz tract only in the event that residential units are not constructed on RO-1 zoned lands."

With respect to site design, Mr. Kataryniak stated that language would be revised to indicate, "Any residential development constructed on the site shall also include a requirement that the Owner relinquish a portion of its development rights under previously authorized General Development Plan (GDP) approvals, to compensate for the intensification of development for both on-site and off-site impacts. The Owner, by way of written declaration to the Planning Board at the time of application for such residential development, shall relinquish 1,000 square feet of Gross Floor Area of Office and Research Development for each residential unit proposed," thereby deleting reference to "between the ring road and the site perimeter."

Mr. Banisch reviewed the March 19, 2018 memorandum entitled, "Consistency Review of Ordinance Amending the RO Research Office Zones to permit inclusionary residential development," hereby attached and made a part of these minutes.

The Board discussed revisions to the bulk standards specifically relating to the minimum side and rear yard setbacks; it was noted that those minimum setbacks should be to the tract boundaries. Also, a maximum building height of 3 stories and 40 ft. would be required if constructed outside the ring road. These standards would apply to all tracts proposed for inclusionary residential development within the RO-1 District. The Board also discussed an addition with respect to utilizing connections to the Lawrence-Hopewell Trail and other existing linkages.

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Ms. Murphy asked for questions or comments from the public.

Harvey Lester, a Township resident, questioned the total number of affordable housing units required. Mr. Banisch explained that while the town's fair share obligation was 1,141 units, the compliance plan resulted in 1,167 units. It was noted that the town has carried a surplus in previous years as the plan has always provided slightly more than the actual number required, as a buffer. Mr. Kataryniak further explained that factors come into play over a 10 to 15 year build-out period for each individual site. As individual site plans are evaluated, topographic information and/or environmental encumbrances may result in slightly different numbers.

Mr. Lester questioned the 60 percent impervious coverage for the site. Mr. Kataryniak stated that the 60 percent refers to the residential component and not necessarily for the entire BMS tract; thereby concentrating development and preserving as much open space as possible. The intent is to keep the footprint of the residential development as compact as possible so that there is not a sprawl effect on the property. The Ordinance has established zoning parameters for either townhouses or garden apartments, but with these types of products, the construction of the buildings and proximate parking locations typically result in higher impervious coverage in those areas. The idea is to keep the lot lines and the tract size compact and keep the buildings as small as possible to allow the density, which then yields a higher impervious cover for the residential tracts. The residential development as a whole would clearly trigger a major development project from a NJDEP (New Jersey Department of Environmental Protection) stormwater standpoint, which would trigger all NJDEP stormwater requirements.

Melanie Phillips, a Township resident, stated there is no public transportation to the BMS site. She questioned how the needs of the future residents would be met. Board members noted that Pennington could be a viable option for retail and that transportation options would need to be reviewed.

Jim Burd, a Township resident, commented that the HVAC units at the BMS site are loud; he also questioned the construction of townhouses. It was noted that noise on the site is more prevalent in the vicinity of the cooling towers, which could be mitigated. It was also noted that a future user to the campus may result in a change with respect to noise on the site depending on the use that would be taking place at the site. Mr. Kataryniak stated that 100 percent of the affordable units are rentals, whether the units are apartments or townhouses.

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Mike Pisauro, Policy Director, Stony Brook-Millstone Watershed Association, questioned how the 1,000 sq. ft. development relinquishment is calculated. He also commented that the redevelopment plans for various sites require green infrastructure to address stormwater; since there is not going to be a redevelopment plan for this site he asked that the Ordinance require green infrastructure for stormwater management. He commented that the outer portion of the BMS site is set aside for conservation; in addition to farming and aesthetics, those areas are vital habitat for endangered and threatened species. He asked that the Board solidify the protection of the areas outside of the ring road.

Mr. Kataryniak reviewed the formula used to determine the 1,000 sq. ft. development relinquishment for each residential unit proposed using a typical footprint for an apartment building or townhouse development, RSIS (Residential Site Improvement Standards) and IT (Institute of Transportation Engineers) standards. This information was then reviewed against a comparable footprint of an R&D (Research and Development) Office as developed with associated parking ratios. Trip generation standards were reviewed, as well as the amount of office space that would generate similar off-site traffic numbers. Mr. Kataryniak stated a green infrastructure requirement would be consistent with the other plans that have been done and a good addition to the Ordinance.

Mr. Kataryniak noted that the Multifamily building requirements under Section 2 - Townhouses, contained a guest parking provision that would be removed because parking for residential development is covered by the RSIS.

The Planning Board made the following findings of fact and conclusions:

1. The 2002 Master Plan includes the following identified objective under the heading "Land Use and Management":
 - To provide for a reasonable balance among various land uses that respects and reflects the interaction and synergy of community life.
2. The 2002 Master Plan also includes the following objectives under the heading "Housing":
 - To provide for a variety of housing types which respond to the needs of households of varying size,

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age, and income, persons with disabilities and emerging demographic characteristics.

- To promote and support the development and redevelopment of affordable housing intended to address the Township's fair share of the region's lower income housing, particularly in areas served by public transportation which connect to areas of employment.
- To provide a range of housing opportunities within the Township with densities and lot sizes that respond to the capabilities and limitations of natural systems and available infrastructure.

3. The Planning Board finds that the following objectives of the MLUL (N.J.S.A. 40:55D-2) which are objectives of the Hopewell Township Master Plan are also advanced by the Ordinance, which purposes are identified below with commentary:

- a. *To encourage municipal action to guide the appropriate use or development of all lands in this state, in a manner which will promote the public health, safety, morals and general welfare.*

Commentary: The proposed rezoning results in an appropriate use of land which contributes to the general welfare of the community and state, and is an appropriate response to the mandate to provide affordable housing through municipal zoning.

- d. *To ensure that the development of individual municipalities does not conflict with the development and general welfare of neighboring municipalities, the county and the state as a whole.*

Commentary: The proposed rezoning does not conflict with the development or general welfare of any neighboring municipality, the county or the state as a whole and it provides a reasonable development option to address local affordable housing goals.

- f. *To encourage the appropriate and efficient expenditures of public funds by the coordination of public development with land use policies.*

Commentary: The proposed rezoning provides affordable housing through inclusionary development without the expenditure of public funds and results in the efficient

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use of the available public infrastructure while curtailing the extension of such infrastructure.

- i. *To promote a desirable visual environment through creative development techniques and good civic design and arrangements.*

Commentary: The proposed rezoning provides zoning requirements and standards that produce the opportunity to utilize creative development techniques in order to produce good civic design and arrangements, which are subject to further Planning Board review during the development application process.

- m. *To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land.*

Commentary: The procedure followed in developing the proposed Ordinance combines public and private procedures that result in an efficient use of land.

The Board has compared the proposed Ordinance to the Land Use Plan Element of the 2002 Master Plan and the 2011 Housing Plan Element and finds that the intent of the proposed Ordinance advances the goal for a balanced land use plan that can meet the constitutional mandate to provide for the Township's fair share of the regional need for affordable housing. Nonetheless, the specific proposal to construct a neighborhood of multi-family apartments within the RO-1 zone is inconsistent with the nonresidential land uses programmed for this site in the Land Use Plan.

Notwithstanding this inconsistency, the Planning Board's review considers the following facts and reasons:

- The proposed Ordinance provides a better balance of land uses sought in the Master Plan.
- The proposed development contemplated by the proposed zoning standards should result in a compact building layout and design.
- The multiple family neighborhood permitted by this Ordinance will make future uses of the BMS site possible that will help to revitalize this site as BMS relocates away from this Hopewell campus.

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- Residential development will be offset by a reduction in GDP approval rights.
- While the nonresidential zoning which the proposed Ordinance amends is consistent with the Master Plan, the proposed rezoning will advance the goal of diversifying the housing stock and providing affordable housing to meet the constitutional obligation.

For all of the above reasons, the Planning Board finds that while the proposed Ordinance is technically inconsistent with the Land Use Plan element of the Master Plan, the proposed Ordinance strikes a reasonable balance among the many planning considerations affected by the Ordinance and provides a reasonable planning option for the properties affected by the Ordinance. Mr. Swanson moved and Mr. Parker seconded a motion recommending to the Township Committee that the Ordinance be adopted with the revisions discussed. It was voted on and passed.

Roll Call Vote:

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

Introduction - Draft Open Space and Recreation Plan Element of the Hopewell Township Master Plan

Ms. Murphy stated the Open Space Element of the Master Plan needs to be updated in order for the Township to remain eligible for funds for open space through the Green Acres Program; she noted that the Recreation Plan is also out-of-date. She explained that she would like to have the Recreation Plan updated as well, at least for existing inventory. The Recreation Advisory Committee will be discussing updates to the Recreation Plan at their April meeting. The Board will review those updates at the April 26, 2018 regular meeting and will hold the public hearing on the adoption of the Open Space and Recreation Plan Element at the May 24, 2018 regular Planning Board meeting.

Board members noted that the ownerships and locations of some of the open space parcels need to be updated. Copies of the draft Element should be sent to Friends of Hopewell Valley Open Space

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(FOHVOS), Stony Brook-Millstone Watershed Association and D&R Greenway Land Trust.

Mr. Banisch explained that the draft Element was not attempting to be a comprehensive rewrite of the Open Space and Recreation Plan Element; the changes that were made were intended to meet the minimum Green Acres requirements in order for the town to continue to automatically be eligible, as it has for years, in the Green Acres program. The State contacted us with respect to the Element being over 10 years old and asked us to update it to meet their minimum requirements. Mr. Banisch noted that Green Acres deadline for submission of the updated Element has passed; however, Mr. Kataryniak has requested an extension.

Discussion - Goals and Objectives - 2018

Mr. Banisch stated that one of the first items the Board should review is the Guiding Principles of the Master Plan. It is always appropriate to review those principles to determine if they are still relevant and whether any new information should be added. He noted that the Board may want to identify the key concerns that they would like to address this year, such as, the Circulation Plan Element of the Master Plan (Route 31). He commented that the Utility Plan Element needs to be amended as well and the Lighting Ordinance has been on the list of documents to update.

The Board determined that they would first review the Guiding Principles and complete the update to the Open Space and Recreation Plan Element. A review and understanding of the Circulation Plan Element would follow and eventually a review of the Utility Plan Element. A sub-committee would review the Lighting Ordinance. Mr. Banisch stated he would forward a copy of the Circulation Plan Element to the Board members. It was noted that the Element is also available on the Township website.

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

Mr. Lester questioned why there were minutes on the agenda for approval from 2018 when there were still minutes from 2017 that were not on the agenda for approval. He stated the Open Public Meetings Act (OPMA) requires the older minutes be completed first. He commented that it was unfair to the public to complete more recent meeting minutes prior to completing the earlier meeting minutes. Ms. Murphy explained the thought was to try to catch up and stay current at the same time so that the public had the opportunity to review minutes with respect to current issues and

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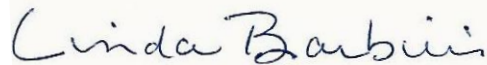
agenda items. She stated that Mr. Linnus would look into what is legally required.

Mr. Lester questioned the number of affordable housing units required as contained in the Third Round Housing Element and Fair Share Plan, which the Board adopted as amended on January 11, 2018, compared to the numbers the Board discussed this evening. He commented that if the Element is inaccurate the public should be made aware and the Element should be amended. Board members concurred that Mr. Lester should present his question to the Township Committee. Discussions and agreements with respect to the numbers were made between the Township Committee, Fair Share Housing Center, and the Court.

Ms. Murphy read the Closed Session resolution into the record. The Board entered Closed Session at 9:42 p.m.; at 9:55 p.m. the Board returned to public session.

There being no further business, the meeting was adjourned at 9:55 p.m.

Respectfully submitted,



Linda Barbieri
Recording Secretary

The audio recording of this meeting can be accessed here:
<http://hopewelltp.org/DocumentCenter/View/2950/March-22-2018-Planning-Board-MP3>

Memorandum

To: Hopewell Township Committee
From: Hopewell Township Planning Board
Date: March 19, 2018
Subject: Consistency Review of Ordinance Amending the RO Research Office Zones to permit inclusionary residential development

Background

Subsequent to our November 14, 2017 consistency review of the rezoning of the BMS property, on March 13, 2018 the Township Committee further forwarded to the Planning Board an amended ordinance amending the RO zones to permit inclusionary residential development. The revised ordinance still provides for inclusionary residential development as a conditional use in the RO Zone and provides that if inclusionary development will not occur at the BMS property, twenty-six (26) additional affordable units will be provided at the Township-owned Zaitz property. The newly referred amendment also includes provisions for a 3-story height limit and relinquishment of GDP development rights for residential development outside the ring road.

The ordinance has been sent to the Board in accordance with the Board's *Referral Powers* under NJSA 40:55D-26 of the Municipal Land Use Law (MLUL). This section reads in pertinent part:

“40:55D-26 Referral powers.

a. Prior to the adoption of a development regulation, revision, or amendment thereto, the planning board shall make and transmit to the governing body, within 35 days after referral, a report including identification of any provisions of the proposed development regulation, revision or amendment which are inconsistent with the master plan and recommendations concerning these inconsistencies and any other matters as the board deems appropriate. The governing body, when considering the adoption of a development regulation, revision or amendment thereto, shall review the report of the planning board and may disapprove or change any recommendations by a vote of a majority of its full authorized membership and shall record in its minutes the reasons for not following such recommendations

Intent of the Master Plan

The 2002 Master Plan includes the following identified objective under the heading “Land Use and Management:

- *To provide for a reasonable balance among various land uses that respects and reflects the interaction and synergy of community life.*

The 2002 Master Plan also includes the following objectives under the heading “Housing”:

- *To provide for a variety of housing types which respond to the needs of households of varying size, age, and income, persons with disabilities and emerging demographic characteristics.*
- *To promote and support the development and redevelopment of affordable housing intended to address the Township’s fair share of the region’s lower income housing, particularly in areas served by public transportation which connect to areas of employment.*
- *To provide a range of housing opportunities within the Township, with densities and lot sizes that respond to the capabilities and limitations of natural systems and available infrastructure.*

In addition to the above facts and reasons, the following objectives of the MLUL (NJSA 40:55D-2), which are objectives of the Hopewell Township Master Plan, are also advanced by this ordinance. The Purposes are identified by *italics*, while the commentary is provided in regular font.

- a. *To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare.*

The proposed rezoning results in an appropriate use of land which contributes to the general welfare of the community and State, and is an appropriate response to the mandate to provide affordable housing through municipal zoning.

- d. *To ensure that the development of individual municipalities does not conflict with the development and general welfare of neighboring municipalities, the county and the State as a whole.*

The proposed rezoning does not conflict with the development or general welfare of any neighboring municipality, the County or the State as a whole, as it provides a reasonable development option to address local affordable housing goals.

- f. *To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies*

The proposed rezoning provides affordable housing through inclusionary development without the expenditure of public funds, and results in the efficient use of the available public infrastructure while curtailing the extension of such infrastructure.

- i. *To promote a desirable visual environment through creative development techniques and good civic design and arrangements*

The proposed rezoning provides zoning requirements and standards that produce the opportunity to utilize creative development techniques in order to produce good civic design and arrangements, which are subject to further Planning Board review during the development application process.

- m. *To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land*

The procedure followed in developing the proposed ordinance combines public and private procedures that result in an efficient use of land.

Consistency with Hopewell Township Master Plan

The Board has compared the proposed ordinance to the Land Use Plan Element of the 2002 Master Plan, and the 2011 Housing Plan Element, and finds that the intent of the proposed ordinance advances the land use goal for a balanced land use plan and the Housing Plan goal to meet the constitutional mandate to provide for the Township's fair share of the regional need for affordable housing. Nonetheless, the specific proposal to construct a neighborhood of multi-family apartments within the RO zone is *inconsistent* with the non-residential land uses programmed for this site in the Land Use Plan.

Planning Board Recommendation

Notwithstanding this inconsistency, the Planning Board recommends that the Township Committee adopt the proposed ordinance, considering the following facts and reasons:

1. The proposed ordinance provides a better balance of land uses sought in the Master Plan.
2. The proposed development contemplated by the proposed zoning standards should result in a compact building layout and design.
3. The multiple family neighborhood permitted by this ordinance will make future uses of the BMS site possible that will help to revitalize this site as BMS relocates away from this Hopewell campus.
4. Residential development outside the ring road will be offset by a reduction in GDP approval rights.
5. While the nonresidential zoning which the proposed ordinance amends is consistent with the Master Plan, the proposed rezoning will advance the goal of diversifying the housing stock and providing affordable housing to meet the constitutional obligation.

For all of the above reasons the Planning Board finds that while the proposed ordinance is technically inconsistent with the Land Use Plan element of the Master Plan, the proposed ordinance strikes a reasonable balance among the many planning considerations affected by the ordinance, and provides a reasonable planning option for the property affected by the ordinance. Thus, the Board recommends adoption of the ordinance.