

**HOPEWELL TOWNSHIP  
PLANNING BOARD MINUTES  
SEPTEMBER 27, 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, September 27, 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, Kevin Kuchinski, Russell Swanson, Courtney Peters-Manning and Vanessa Sandom. Also present: Frank Banisch, Planner, Banisch Associates, Frank Linnus, Esq., Mark Kataryniak, PE, Township Engineer and Jaimie Williamson, Acting Secretary. Absent: Milind Khare, Paul Kiss, Kristin McLaughlin and Rex Parker.

**Announcements**

Mr. Swanson announced that there had been an initial meeting of the Open Space and Recreation Plan (OSRP) subcommittee on September 24, 2018. Attendees were given copies of the OSRP Element of the Master Plan to review. The next meeting of the subcommittee will be October 29, 2018; the members will provide their comments at that time.

**Minutes for Approval**

Mr. Swanson moved and Ms. Peters-Manning seconded a motion approving the minutes of the April 26, 2018 Planning Board meeting. The minutes were approved as presented with Mr. Kuchinski and Ms. Sandom abstaining.

Mr. Kuchinski moved and Mr. Swanson seconded a motion approving the minutes of the May 24, 2018 Planning Board meeting. The minutes were approved as presented with Ms. Murphy and Ms. Sandom abstaining.

**Applications**

**Zaininger, H. Lydia, Minor Subdivision**

Block 39, Lot 19 - 69 Bayberry Road

Present: H. Lydia Zaininger, Applicant and Brian Murphy, PE/PP, FWA Associates, PA

Mr. Kuchinski recused himself from hearing the application.

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Mr. Linnus stated the Board had jurisdiction to hear the application; public notice was not required as there were no variances requested and none required.

The following witnesses were sworn in by Mr. Linnus: H. Lydia Zaininger, applicant; Brian Murphy, PE/PP, the applicant's civil engineer and planner. Mr. Murphy presented his qualifications, which were accepted by the Board.

The applicant was seeking Minor Subdivision approval for Block 39, Lot 19 located in the R-150 Residential Zoning District. The subject property consists of 17.286 acres and is located at 69 Bayberry Road; the lot also has frontage on Carter Road. The proposed subdivision would create two lots that fully conform to zoning ordinance requirements of the R-150 Zoning District. The subdivision does not propose any development or construction on the new lot at this time. There is a small stream on the southern side of the property that passes under the existing driveway that has a 300 foot riparian buffer because it is in the same HUC (Hydrologic Unit Map) 14 as a C-1 (Category One) stream. There are no mapped wetlands present on the property.

Mr. Murphy reviewed the subdivision application with the Board.

Mr. Kataryniak noted that: 1) The plan includes a key map and zoning map as required, however they are not to scale. Scaled versions of the maps shall be provided with a scale that is not less than 1" = 1,000 ft. and the site should be identified on the maps. The maps should also show all lots within 500 ft. of the property in question; 2) the 300 ft. riparian buffer appears to extend beyond proposed Lot 19.02 and onto proposed Lot 19.01. All required buffer lines and existing and required easements shall be shown on both lots; and 3) all proposed lot numbers are subject to final review and approval by the Township's Tax Assessor; approval from the Tax Assessor should be provided as a condition of approval.

The Board after carefully considering the evidence presented to it by or on behalf of the applicant, made the following findings of fact and conclusions: 1) The purpose of the subdivision was to subdivide an existing residential lot housing a residential dwelling to create an additional residential building lot; 2) proposed Lot 19.02 will retain the existing dwelling and accessory structures and proposed Lot 19.01 will include the remaining lands; 3) no development is proposed at this time; 4) both proposed parcels conform to the R-150 zone and require no variances; 5) the July 9, 2018 review report issued by Andrew J Fosina, Jr., Fire

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Official, Hopewell Valley Bureau of Fire Safety, stated that the Office of Fire Safety in conjunction with the Hopewell Fire Company have reviewed the application documents and have no objections or concerns with the proposed subdivision of the lot; 6) the July 23, 2018 memorandum from the Environmental Commission did not raise any comments/concerns; 7) the waivers (excluding Health) from the checklist submission requirements are appropriate.

Mr. Kataryniak deferred to the Health Officer's opinion regarding the granting of the Health waivers; however, due to the limited scope of the proposal and proposed lot sizes (10.29 acres and 7 acres,) he noted that the requests appear reasonable and could be deferred to the time when development is proposed on the new lot.

The matter was opened to the public and no comments were offered.

Mr. Swanson moved and Mr. Clarke seconded a motion adopting a resolution approving the granting of Minor Subdivision approval subject to the following conditions: 1) Perfection of the subdivision by subdivision deed or filed plat in accordance with the Map Filing Law; 2) the applicant is to provide an electronic copy of the proposed subdivision to the Hopewell Township Tax Assessor and Engineer for tax map revision purposes and for purposes of assignment of new lot and block numbers; 3) satisfaction of all comments and recommendations, unless otherwise waived or modified herein, in the reports and review letters issued by the Board's professionals and the Township's consultants; 4) payment of any affordable housing development fees required by ordinance or regulation; 5) payment of all professional escrow and engineering review and inspection fees associated with this application within thirty (30) days of invoice; 6) if applicable under the law, posting of performance and maintenance guarantees as determined by the Township Engineer; 7) securement of approvals from all governmental agencies that may assert jurisdiction over the application, including but not limited to the Mercer County Planning Board; and 8) the applicant shall obtain new lot numbers from the Township Tax Assessor for the newly created lots. It was voted on and passed.

Roll Call Vote:

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

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**Unitarian Universalist Church at Washington Crossing, Site Plan, Preliminary/Final, Amended**

Block 95, Lot 32 - 268 Washington Crossing-Pennington Road  
Present: Stewart Warren, Esq., Susan Irgang, Church Administrator,  
Brian R. Perry, PE, Van-Note Harvey Associates, Inc.

The applicant was seeking Amended Preliminary and Final Site Plan approval for property located at 268 Washington Crossing-Pennington Road, known as Block 95, Lot 32 on the Township Tax Map. The property contains 5.62 acres, which is improved with the Unitarian Universalist Church at Washington Crossing. Churches are permitted as a conditional use in the VRC (Valley Resource Conservation) Zoning District pursuant to Section 17-160.d in the Township's Land Use and Development Ordinance (LUDO). Public notice was not required for the amended site plan application as no variances were requested or required.

Mr. Kataryniak explained that the applicant's proposed changes to their parking site plan that was approved in 2015 (Resolution 15-008) were minor in nature, but could not be approved administratively. The amendment proposes to reduce the amount of parking, which results in a site layout change; enough of a change to appear before the Board with an amended plan.

The following witnesses were sworn in by Mr. Linnus: Susan Irgang, Church Administrator; Brian Perry, PE, the applicant's civil engineer. Mr. Perry presented his qualifications, which were accepted by the Board.

Mr. Perry entered the following exhibits into the record:

- *Exhibit A-1, a plan entitled, "Amended Site Plan," dated 5/26/92 and last revised 5/29/15, prepared by TRC, R.E. Oberman, PE, PP;*
- *Exhibit A-2, a plan entitled, "Site Engineering Plan of Unitarian Universalist Church Overflow Parking," dated 6/4/18 and last revised 6/29/18, prepared by Van Note-Harvey Associates, Inc., Brian R. Perry, PE;*
- *Exhibit A-3, a plan entitled "Parking Expansion Overlay Plan of Unitarian Universalist Church Overflow Parking," dated 9/19/18, prepared by Van Note-Harvey Associates, Inc., Brian R. Perry, PE and EZ Roll grass pavers information sheet*

Mr. Perry testified and informed the Board that the Board had previously approved, under the prior Resolution 15-008, the construction of two (2) stone parking areas that represented the completion of land-banked parking that had been approved under

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prior Resolution 92-074. The stone parking areas were comprised of 36 spaces on the northerly side of the existing drive aisle within the site and 21 spaces on the southerly side of the drive aisle for a total of 57 parking spaces. The proposed amendment to the site plan involves constructing 37 parking spaces with a grass paver surface on the northerly side of the drive aisle. He explained that under the proposed amendment, no parking spaces will be constructed on the southerly side of the drive aisle at this time; however, the applicant would like to retain the approval under Resolution 15-008 to construct the parking spaces if and when they may be needed.

Mr. Perry stated that no new lighting is proposed with this amendment and that the grass paver material is a requirement of the Delaware & Raritan Canal Commission (DRCC). He noted that utilizing the grass paver system is more costly than what was originally proposed, which limits the construction of the parking at this time to the north side of the access drive. He verified that there are 43 existing paved spaces; the grass paver parking proposed at this time would have the capacity for an additional 37 spaces, and retaining the approval under Resolution 15-008 would allow another 21 spaces to be constructed on the southerly side of the drive in the future.

Mr. Kataryniak stated that landscape buffering was a condition of the original approval and that condition would remain. Ms. Murphy noted that there is a grade, which drops off at the north end of the proposed parking area. She suggested that wheel stops be used to avoid the possibility of a vehicle travelling over the edge. Mr. Perry stated there would be some berming as part of the landscape plan and wheel stops would be added as necessary. He noted that the applicant would be installing wheel stops, in part, to delineate some of the spaces; the paver system utilizes plugs that are inserted into the pavers to mark them, but wheel stops along the edges of the pavers would also be helpful.

The Board carefully considered all of the applicant's submissions, the Exhibits that were marked into the record and the sworn testimony of the applicant's representatives and made the following findings of fact, conclusions and determinations: 1) The Church that is located on the subject property is permitted as a conditional use in the zoning district pursuant to Section 17-160.d in the LUDO and this amended site plan complies with the conditional use requirements of the LUDO; 2) based upon the minor nature of the application and recommendations of the Planning Board Engineer, all requested waivers that have been endorsed by the Engineer are granted.

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The matter was opened to the public and no comments were offered.

Mr. Kuchinski moved and Mr. Swanson seconded a motion approving the granting of the Amended Preliminary and Final Site Plan with the following conditions: 1) The applicant's satisfaction of all commitments and agreements made during testimony before the Board; 2) submission of revised plans to incorporate wheel stops, which revised plans will be subject to the satisfaction of the Planning Board Engineer; 3) securement of approvals from all governmental agencies that may assert jurisdiction over the application; 4) applicant's payment of all professional escrow and engineering review fees associated with this application within thirty (30) days of invoice; 5) compliance with all conditions of prior resolutions of approval, including but not limited to Resolution No. 15-008; 6) the applicant would return to the Board for any future additional approvals. It was voted on and passed.

Roll Call Vote:

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

**Public Hearing - Amendment to the Hopewell Township Master Plan -  
Third Round Housing Element and Fair Share Plan (HE/FSP)**

Mr. Banisch stated the purpose of tonight's Public Hearing is to adopt two attachments, which amend the Third Round HE/FSP. Mr. Linnus stated notice was in order and the Board had jurisdiction to hear the matter tonight.

Mr. Banisch explained that the document before the Board contains a cover page, the table of contents, the Spending Plan, which can only be authorized by the governing body and which said spending plan has been adopted by the governing body, and the Affirmative Marketing Plan (on file in the Planning Office.)

Mr. Banisch noted that it is a function of the HE/FSP to identify the Planning Board's recommended spending. The Board would be affirming the spending plan that the governing body has already adopted as part of this amendment to the HE/FSP. The Board would also be adopting the affirmative marketing plan, which is a requirement to effectively market new units as they come online or for re-sale or re-rental of units as they become available. It is

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the process of their notification of availability that is described in the affirmative marketing plan.

Ms. Murphy commented that local Houses of Worship in the Hopewell Valley should be added to the affirmative marketing plan so that they are notified as units become available. She read a list of local Houses of Worship into the record.

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

Melanie Phillips, a Township resident, asked for clarification with respect to the spending plan, which can only be authorized by the governing body, but requires approval by the Planning Board. Mr. Banisch explained that the spending plan is authorized by the governing body and recommended by the Planning Board through the adoption of the HE/FSP. He further explained that in some cases the spending plan starts at the Planning Board and continues to the governing body. In this instance, because of the various settlements, the spending plan was presented and adopted by the governing body and forwarded to the Planning Board for inclusion in the HE/FSP. The HE/FSP would not be complete, and the Township would not be authorized to spend development fee revenues if the spending plan was not adopted by both the governing body and the Planning Board as part of the HE/FSP.

Mr. Kataryniak stated that with respect to the settlement agreement, rather than have requirements/standards across a series of documents, a consistent theme throughout the court settlement process was to have one comprehensive document that would include all of the components; the spending plan is a component of the HE/FSP as per the settlement agreement.

Harvey Lester, a Township resident, questioned the Chair with respect to whether or not the Planning Board was "rubber stamping" a document that the governing body has already approved. Ms. Murphy stated that the amendments were forwarded to the Board for comment and that she was not asked to "rubber stamp" any documents. She noted that she offered comments, which would not be considered "rubber stamping;" what the governing body decides to do with the comments was not her decision.

Mr. Linnus stated there were two amendments to the Resolution before the Board; the addition of the local Houses of Worship, which were read into the record by Ms. Murphy, and the addition of the Hopewell Branch of the Mercer County Library System as another location where information with respect to available units would be located. (Subsequently, the Secretary confirmed that the Hopewell Branch of the Mercer County Library System was included in the

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document, albeit not in the correct chart. This information was moved to the appropriate location and therefore, not included as an addition to the resolution.)

Mr. Swanson moved and Mr. Belmont seconded a motion approving the Amendment to the Third Round Housing Element and Fair Share Plan with the non-substantive revisions discussed. It was voted on and passed.

Roll Call Vote:

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

**Ordinance Referred by Township Committee**

Omnibus Ordinance Amending and Supplementing Affordable Housing Ordinance and Zaitz Redevelopment Plan and Zaitz Ordinance to facilitate the implementation of the Hopewell Township Housing Element and Fair Share Plan

Mr. Banisch stated whenever the governing body proposes an amendment to a local land use regulation the amendment is forwarded to the Planning Board for a Master Plan Consistency Review. The Omnibus Ordinance is part of the package of ordinances that was required to be adopted by the settlement agreement.

Mr. Banisch proceeded to review the memorandum entitled, "Consistency Review of Omnibus Affordable Housing Ordinance," dated September 7, 2018 (on file in the Planning Office.) He noted that not only is the ordinance not inconsistent with the Master Plan, but is crafted in support of the Master Plan and in particular, the HE/FSP.

The Board discussed the affordability controls required by the Court through the settlement agreement.

Ms. Murphy asked for questions or comments from the public; seeing none, Mr. Swanson moved and Mr. Belmont seconded a motion finding the ordinance not inconsistent with the master plan and recommending adoption of the ordinance by the governing body. It was voted on and passed.

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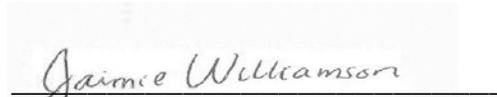
Roll Call Vote:

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

There was no public comment with respect to items not on the agenda.

There being no further business, the meeting was adjourned at 8:07 p.m.

Respectfully submitted,



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Jaimie Williamson  
Acting Secretary

The audio recording of this meeting can be accessed here:  
<http://hopewelltpw.org/DocumentCenter/View/3357/Planning-Board-Meeting-September-27-2018-MP3>