

**HOPEWELL TOWNSHIP
PLANNING BOARD MINUTES
May 26, 2016**

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, May 26, 2016.

Mr. Kiss, Vice-Chairman, called the meeting to order at 7:04 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: Paul Kiss, Vice-Chairman, Lawrence R. Clarke, Bruce Gunther, Kevin Kuchinski, Rex Parker, Russell Swanson and Francesca Bartlett. Also present: Paul E. Pogorzelski, Township Administrator/Engineer, Ronald C. Morgan, Esq. and Linda Barbieri, Recording Secretary. Absent: Julie Blake, Marylou Ferrara, Karen Murphy, Jack Belmont and Frank Banisch, Planner, Banisch Associates.

Minutes for Approval

Mr. Swanson moved and Mr. Clarke seconded a motion approving the minutes of the March 27, 2014 Planning Board meeting. The minutes were approved as presented with Mr. Kiss, Mr. Kuchinski, Mr. Parker and Ms. Bartlett abstaining.

Mr. Swanson moved and Mr. Clarke seconded a motion approving the minutes of the April 24, 2014 Planning Board meeting. The minutes were approved as presented with Mr. Gunther, Mr. Kiss, Mr. Kuchinski and Ms. Bartlett abstaining.

Mr. Swanson moved and Mr. Parker seconded a motion approving the minutes of the May 22, 2014 Planning Board meeting. The minutes were approved as presented with Mr. Kuchinski and Ms. Bartlett abstaining.

Mr. Swanson moved and Mr. Parker seconded a motion approving the minutes of the June 19, 2014 Planning Board meeting. The minutes were approved as presented with Mr. Kuchinski and Ms. Bartlett abstaining.

Mr. Swanson moved and Ms. Bartlett seconded a motion approving the minutes of the January 28, 2016 Planning Board meeting. The minutes were approved as presented with Mr. Kuchinski abstaining.

HOPEWELL TOWNSHIP
PLANNING BOARD MINUTES

Mr. Swanson moved and Mr. Clarke seconded a motion approving the minutes of the February 25, 2016 Planning Board meeting. The minutes were approved as presented with Mr. Gunther, Mr. Kiss and Mr. Parker abstaining.

Mr. Swanson moved and Ms. Bartlett seconded a motion approving the minutes of the March 24, 2016 Planning Board meeting. The minutes were approved as presented with Mr. Clarke and Mr. Kuchinski abstaining.

Other Business

Hopewell Properties, LLC, Site Plan, Final

Block 91, Lot 1.03 - Scotch Road & Washington Crossing-Pennington Road

Present: Kenneth L. Pape, Esq.; Harsh Chadha, Property Owner

Request for Extension of Vesting

The applicant was seeking a one (1) year extension of vesting. On September 27, 2007, the Hopewell Township Planning Board granted Final Site Plan approval to Hopewell Properties, LLC to construct a 16,000 sq. ft. office building and related facilities on an 11.9 +/- acre site located at the corner of Scotch Road and Washington Crossing-Pennington Road and designated on the Hopewell Township Tax Map as Block 91, Lot 1.03, memorialized in Resolution 07-032, adopted October 25, 2007. The Resolution stipulated that all conditions of the approval and the submission of plans for signature by Township Officials were to be completed within sixty (60) days of the adoption of the Resolution or within such additional period of time as the Board might determine. On December 27, 2007, the Planning Board secretary granted the applicant an initial 180-day extension of time to satisfy conditions and sign the plans. That extension expired on June 21, 2008. By Resolution 08-032, the Board granted the applicant a 180-day extension of time to satisfy the conditions of the Board's approval and sign plans, which extension expired on December 18, 2008. The Permit Extension Act (N.J.S.A. 40:55D-136.1 et.seq.) has preserved all the approvals and permits granted by the Hopewell Township Planning Board through June 30, 2016. The property zone is OP (Office Park) and no change in zoning has occurred since the granting of the original approval. The applicant has completed the installation of certain improvements, which were compliant with the Township's approvals and the applicant has secured all approvals and permits required from other governmental agencies for the development of the property including Freshwater Wetlands Letter of Interpretation and General Permit, Mercer County Planning Board, Mercer County Soil Conservation District Soil Erosions Permit,

HOPEWELL TOWNSHIP
PLANNING BOARD MINUTES

Stream Encroachment Permit and Delaware and Raritan Canal Commission approval. These approvals all remain in full force and effect as a result of the Permit Extension Act and the applicant has applied to each of these other government agencies for extensions of their development approvals. The applicant now requests a one (1) year protection of the rights vested as a result of the granting of the final site plan approval, or until June 30, 2017.

Kenneth Pape, Esq. stated that the property owner, Mr. Harsh Chadha, has a very substantial investment in the property and in order to preserve approvals he has already installed a full entrance driveway, box culvert, retaining walls, curbing, paving, lighting of Washington Crossing-Pennington Road, stormwater basin, stormwater outfall structure, discharge swales, water mains and all soil erosion measures; the building has not yet been constructed because the current market will not support it.

Mr. Swanson moved and Mr. Clarke seconded a motion granting a one (1) year extension of vesting of Final Site Plan approval. It was voted on and passed.

Roll Call Vote:

Ayes:	Clarke, Gunther, Kiss, Kuchinski, Parker, Swanson, Bartlett
Nays:	None
Abstain:	None
Absent:	Blake, Ferrara, Murphy, Belmont
Not Voting:	None

Mr. Kuchinski asked that Mr. Morgan research the subject of vesting extensions in order to clarify whether the applicant would be permitted to apply for two (2) additional one (1) year extensions in light of the two (2) 180-day extensions that were granted to the applicant in 2007 and 2008.

Capital Project Review

Hopewell Valley Regional School Board of Education

Block 63.01, Lot 1 - Hopewell Valley Central High School (Generator)

Present: George Duthie, AIA, PP, Fraytak Veisz Hopkins Duthie PC; Thomas Quinn, Director of Facilities, Hopewell Valley Regional School District

The Hopewell Valley Regional School Board of Education requested a Capital Project Review pursuant to N.J.S.A. 40:55D-31 for the

HOPEWELL TOWNSHIP
PLANNING BOARD MINUTES

installation of an emergency generator to serve the gymnasium in the Hopewell Valley Central High School on Pennington-Titusville Road that is designated on the Hopewell Township Tax Map as Block 63.01, Lot 1; the gymnasium has been designated as an emergency shelter by the Hopewell Township Office of Emergency Management.

Hopewell Township applied for and has received a FEMA (Federal Emergency Management Agency) grant to fund 90 percent of the cost of the generator with the remaining 10 percent being funded by the Hopewell Valley Regional School Board of Education.

N.J.S.A. 40:55D-31 requires that a governmental entity or other public agency that proposes a capital improvement project involving the expenditure of public funds refer the project to the Planning Board of the municipality wherein the property is located for review and recommendation in conjunction with the municipality's Master Plan.

A review memorandum dated May 26, 2016 was submitted by Paul E. Pogorzelski, PE, Township Administrator/Engineer and a review memorandum, dated May 20, 2016 was submitted by Frank J. Banisch, III, PP/AICP, the Board's Planner, which were made part of the record.

There was a brief discussion with respect to the automatic weekly exercise of the generator and there was a recommendation by the Board that once the school district receives the generator manufacturer specifications from the successful bidding contractor, they would supply those specifications to Mr. Pogorzelski who would review the information to ensure compliance with Township and State noise regulations.

There was no public comment.

The Planning Board carefully considered the information that was submitted and found that the installation of an emergency generator to serve the gymnasium, which likewise has been designated as an emergency shelter by the Hopewell Township Office of Emergency Management is consistent with the planning goals and objectives in the Hopewell Township Master Plan.

Mr. Clarke moved and Mr. Gunther seconded a motion recommending the capital improvement project proposed by the Hopewell Valley Regional School Board of Education. It was voted on and passed.

HOPEWELL TOWNSHIP
PLANNING BOARD MINUTES

Roll Call Vote:

Ayes: Clarke, Gunther, Kiss, Kuchinski, Parker, Swanson,
Bartlett
Nays: None
Abstain: None
Absent: Blake, Ferrara, Murphy, Belmont
Not Voting: None

D&R Greenway Land Trust, Inc., Site Plan, Preliminary/Final

Block 5, Lot 14.03 (Proposed Lot 14.032) - 125 Stony Brook Road
(Parking Area)

Present: John "Jay" Watson, Jr., Vice President, D&R Greenway Land
Trust

D&R Greenway Land Trust, Inc. made application to the Hopewell
Township Planning Board for Preliminary and Final Site Plan
approval for property on Stony Brook Road in the Mountain Resource
Conservation (MRC) zoning district that is shown and designated on
the Hopewell Township Tax Map as Block 5, Lot 14.03 (Proposed Lot
14.032).

The applicant properly complied with all procedural requirements in
the Hopewell Township LUDO and the MLUL, vesting the Board with
authority to hear and take action on the application. Public
notice of the application was not required as the application
requires no variances.

The following plans and documents were made part of the applicant's
submission and are thus part of the record:

- Plan entitled "Cedar Ridge Preserve, Stony Brook Entry
Parking Lot" prepared by ETM Associates, LLC dated April 1,
2016, last revised May 24, 2016
- Miscellaneous applications, checklists and submittals

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

- Engineering Review Memorandum dated May 26, 2016 submitted
by Paul E. Pogorzelski, PE, Township Administrator/Engineer
- Planner's Review Memorandum dated May 18, 2016 submitted by
Frank J. Banisch, III, PP/AICP, the Board's Planner

HOPEWELL TOWNSHIP
PLANNING BOARD MINUTES

- Memorandum from the Hopewell Township Environmental Commission dated May 18, 2016.

The following plans and depictions were referred to by Mr. John Watson, Jr. during his presentation and were marked as Exhibits:

Exhibits

A-1 Site Plan prepared by ETM Associates, LLC dated April 1, 2016, last revised on May 24, 2016.

A-2 Three photographs of the site (marked collectively)

The review memorandums from the Board's professionals and the testimony offered by Mr. Watson informed the Board that the applicant is a non-profit land preservation organization that was founded in 1989 whose mission statement is to preserve land in the Delaware, Raritan and Millstone River watersheds in Mercer, Hunterdon, Middlesex, Burlington and Monmouth Counties. Mr. Watson previously informed the Board in connection with another application that was approved on March 24, 2016 that the Applicant has preserved approximately 20,000 acres of land to date.

The applicant is the owner and custodian of the Cedar Ridge Preserve in Hopewell Township consisting of approximately 164 acres. The Preserve contains a unique variety of flora and fauna and is improved with a network of hiking trails for use by the public.

The applicant previously received subdivision approval from the Board on March 24, 2016 and advised the Board at that time that there is limited on-site parking for the public and that it is the applicant's intention to expand the parking lot in the near future to further accommodate public visitation.

The application that is now before the Board requests Preliminary and Final Site Plan approval for the construction of a 6,298 sq. ft. stone parking area with a paved access drive to Stony Brook Road to expand the parking lot to accommodate public visitation. The parking lot is approximately centered on the existing driveway on the property, which is about 400 ft. to the nearest existing residence. The applicant's original plans proposed more than 5,000 sq. ft. of site disturbance and had parking stalls that were smaller than those required by Ordinance. However, the applicant has since revised the plans (last revised on May 24, 2016) to provide less than 5,000 sq. ft. of site disturbance and to have conforming 10 x 20 ft. parking stalls with a 25 ft. access aisle. The applicant proposes to excavate topsoil and place a stone bed

HOPEWELL TOWNSHIP
PLANNING BOARD MINUTES

over a pre-defined area retaining the existing slope and contour. The applicant agreed to maintain the bump-out in the parking lot shown on the plan for traffic safety and to facilitate safe turning movements for vehicles. Further, the applicant agreed to maintain a distance of 24 ft. between the guardrails that run parallel to the access drive and the access drive will be a 20-ft. paved driveway.

During its deliberations, the Board carefully considered all of the applicant's submissions, the Exhibits that were marked into the record, the sworn testimony of the applicant's witness, and the review letters submitted by the Township's professionals and representatives.

There was no public comment.

Mr. Parker moved and Mr. Kuchinski seconded a motion approving the Preliminary and Final Site Plan application with the following conditions: 1) The applicant's satisfaction of all commitments and agreements made during the testimony before the Board; 2) satisfaction of all comments and recommendations in the review memorandum of the Township Engineer dated May 26, 2016; 3) securement of approvals from all outside agencies that may assert jurisdiction over the application. It was voted on and passed.

Roll Call Vote:

Ayes:	Clarke, Gunther, Kiss, Kuchinski, Parker, Swanson Bartlett
Nays:	None
Abstain:	None
Absent:	Blake, Ferrara, Murphy, Belmont
Not Voting:	None

Update - Housing Plan

Mr. Morgan stated Judge Mark Troncone, Ocean County, ruled in February that the Third Round consists of 26 years and includes the 16 year gap from 1999 to 2015 when COAH (Council on Affordable Housing) was dysfunctional. The FHA (Fair Housing Act) indicates that rounds run for a 10 year period and there is no authority in the FHA for the retrospective assignment of a housing need. Ocean County towns selected Barnegat Township as the town to file an appeal of Judge Troncone's decision and that appeal was accepted. The Supreme Court realizes how significant the gap issue is because the housing allocations are significantly less if the rounds are based on 10 years as opposed to 26 years. The Supreme Court has instructed the Appellate Division to deal with this issue

HOPEWELL TOWNSHIP
PLANNING BOARD MINUTES

expeditiously because it affects the numbers across the State. The Appellate Division has established an expedited briefing schedule with oral argument scheduled for June 6, 2016 in Mount Holly.

Mr. Morgan further explained that legislation was introduced late last week to amend the FHA in order to clarify that rounds are for 10 years and that you do not assign a retrospective housing allocation for the so called gap period; that legislation was supported by the Hopewell Township Committee who passed a Resolution at their May 24, 2016 meeting. The Resolution will be sent to all legislators and the Resolution that was drafted is now being used as the boiler plate for all other towns throughout the State to use in support of the legislation. Mr. Morgan stated it was his belief that the Court is going to be aware of this proposed legislation when they hear oral arguments and it very well may influence how the Court decides this critical issue. Due to the Appellate Division's acceptance of the Barnegat Township appeal, the Region 4 Judges have put a stay on all of their prior Case Management scheduling directives except for mediation.

Mr. Morgan commented that everyone is anxiously awaiting a quick decision from the Appellate Division and reaction from the legislators and he urged everyone to contact their local Senators and Assemblypersons and request that they approve the proposed legislation.

Mr. Kuchinski stated that at this stage, the Governing Body is asking everyone in the Township to voice their strong support for this Senate and Assembly Bill; the Resolution approved by the Committee will be sent to all Mercer County Mayors and all legislators. Mr. Kuchinski further stated that the NJLM (New Jersey League of Municipalities) has sent our boiler plate Resolution to all municipalities in the State to be used as a tool to voice their support for the proposed legislation. He commented that the Township would be issuing a Press Release with all of the pertinent facts.

Mr. Kiss asked for public comment.

Mr. Jim Burd, a Township resident, thanked Mr. Pogorzelski and the Planning Board for their work with respect to the affordable housing issues; he commented that the Township needs to release any information as soon as possible in order to inform everyone as to what their responsibilities are, as some people are not aware, so that they can contact their legislators.

HOPEWELL TOWNSHIP
PLANNING BOARD MINUTES

Mr. Morgan stated the date of June 15, which the Board was holding for a special meeting, would not be needed as everything except mediation is suspended at this time.

There being no further business, the meeting was adjourned at 7:53 p.m.

Respectfully submitted,



Linda Barbieri
Linda Barbieri
Recording Secretary

The detailed meeting discussion can be found at
<http://hopewelltpw.org/audio/PB/2016/planning-board-20160526.html>