

**HOPEWELL TOWNSHIP
PLANNING BOARD MINUTES
July 28, 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, July 28, 2016.

Ms. Murphy, Chairperson, called the meeting to order at 7:05 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, Julie Blake, Lawrence R. Clarke, Marylou Ferrara, Bruce Gunther, Paul Kiss, Kevin Kuchinski, Rex Parker (arrived 7:06 p.m.), Russell Swanson, and Jack Belmont. Also present: Frank Banisch, Planner, Banisch Associates, Ronald C. Morgan, Esq. and Linda Barbieri, Recording Secretary. Absent: Francesca Bartlett and Paul E. Pogorzelski, Township Administrator/Engineer.

Announcements

Ms. Murphy announced that William Tanner, PE, with Van Cleef Engineering Associates, would be sitting in for Mr. Pogorzelski this evening.

Update - Housing Plan

Mr. Morgan stated Judge Troncone in Ocean County ordered Mr. Richard Reading, Special Master to the Region 4 Judges, to release his preliminary numbers for Ocean County tomorrow. In order to compute the numbers for Ocean County he must compute the entire region (Mercer, Monmouth, Ocean) so we should know his preliminary numbers for Mercer County as well. Mr. Morgan explained that there is a comment period for the various stakeholders and Mr. Reading is instructed to review the comments and make any adjustments he feels are in order and then issue his final recommendations to the Court sometime in August. Judge Jacobson, Mercer County, is aware that the numbers are coming out and has scheduled a management conference to be held in the next couple of weeks for all Mercer County proceedings. Mr. Morgan further explained that the Appellate Division, on July 11, 2016, reversed the "gap" decision that was rendered by Judge Troncone. Judge Troncone made a determination that the Third Round consisted of 26 years and the housing assignment was to be computed to include the 16-year gap COAH (Council on Affordable Housing) was dysfunctional. Municipalities in Ocean County argued that the Fair Housing Act (FHA) provides no legal authority for the retrospective assignment

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of a prospective need, which is a future need obligation, and that the prospective need obligation (new construction) must be from 10 years forward from the date that it is computed. The Appellate Division reversed this decision and agreed with municipalities that the prospective need has to be calculated on a 10-year basis. Presumably the numbers that Mr. Reading will release tomorrow will be for 10 years, whereas his original preliminary numbers that he released last November for Hopewell Township and the other towns was based upon 26 years. Mr. Morgan commented that he would imagine that Professor Kinsey, Fair Share Housing Center's (FSHC) consultant and the rest of the consultants that have computed the numbers will likewise have to redo the numbers based on a 10-year Third Round and that the numbers will be significantly less than the original estimates. He stated that FSHC has applied to the Appellate Division for a stay of the Appellate Division's decision and that that application is still pending; FSHC has also filed a petition for certification to the Supreme Court. Mr. Morgan stated that if the number is significantly less, the Board will have to reevaluate the compliance plan to determine whether you want all of the compliance mechanisms to remain.

Mr. Banisch stated that the Board has not arrived at the point of declaring the Plan; however, the Board has identified opportunities that are within the sewer service area (SSA) from which to choose. When Mr. Reading's report is released to the Court tomorrow it will identify a statewide need less than 100,000 units, which would be less than half of what FSHC had computed. If Mr. Reading's numbers are to be followed, and if we can assume that FSHC would be interested in a number that the Court will endorse because their expert tells them it is a good number, we should continue to try and proceed toward a settlement with FSHC that arrives at this new number for the Plan.

Minutes for Approval

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

Mr. Kuchinski moved and Ms. Blake seconded a motion approving the minutes of the June 23, 2016 Planning Board meeting. The minutes were approved as presented with Ms. Ferrara, Mr. Gunther, Mr. Kiss and Mr. Parker abstaining.

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Memorialization of Resolution

Capital Project Review - Hopewell Valley Regional Board of Education

Block 63.01, Lot 1 - 259 Pennington-Titusville Road
Additions to Hopewell Valley Central High School (HVCHS)

The Hopewell Valley Regional Board of Education requested a Capital Project Review pursuant to N.J.S.A. 40:55D-31 for two (2) proposed additions to the HVCHS on Pennington-Titusville Road that is designated on the Hopewell Township Tax Map as Block 63.01, Lot 1. The proposed addition at the front of the school will be approximately 8,700 sq. ft. and provide a more secure entrance to the school and improved food service areas. The proposed addition at the back of the school will be approximately 12,500 sq. ft. and will provide a wellness center, a drama and performing arts theater, and restrooms. Mr. Swanson moved and Mr. Kuchinski seconded a motion memorializing the action taken at the June 23, 2016 Planning Board meeting. It was voted on and passed.

Roll Call Vote:

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

Conceptual Review

Princeton Research Lands, Inc.

Block 72, Lots 11 and 31 - Pennington-Lawrenceville Road
(Nine (9) Lot Residential Subdivision)

Present: Richard Schatzman, Esq.; Martin Katz, PLS, Princeton Junction Engineering Co.; D. Geoffrey Brown, PE, Princeton Junction Engineering Co.

The applicant was requesting a Conceptual Review for the subdivision of existing Block 72, Lots 11 and 31 into a total of nine (9) buildable lots. Eight (8) of the proposed lots would be developed with single-family homes, while the ninth lot is proposed for a two-family, affordable dwelling. Lot 11 consists of 18.50 acres and Lot 31 consists of 45.38 acres or approximately 64 acres in total. The property is located within the Valley Resource Conservation (VRC) Zoning District. The overall site consists of approximately 25.23 acres of wooded land and 38.65 acres of open land, which has historically been used as farmland. The site is bounded on the southwest by residential lots fronting on

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Pennington-Lawrenceville Road, on the northwest by Mercer County Open Space and on the east by residential lots fronting on Blackwell Road and Benjamin Trail. The 2002 Master Plan identifies the subject properties as farm/agriculture. All lots are proposed to be served by well and septic.

This review was originally presented to the Application Review Committee (ARC) in December 2011; the applicant returned to ARC in 2015 and 2016. No approvals have been granted and the applicant is seeking concept plan approval to allow them to advance to design.

The following plan was submitted as part of the review:

Plans entitled "Conceptual Subdivision Plan of Lots 11 and 31, Block 72, Tax Map Sheet 19 for Princeton Research Lands, Inc., Hopewell Township, Mercer County, New Jersey," 6 sheets total, prepared by Princeton Junction Engineering, P.C., dated May 6, 2016, unrevised.

Single-family residential dwellings are a permitted principal use within the VRC district. The plans indicate that the applicant is proposing an "Open Lands" subdivision in accordance with Ordinance Section 17-160.i.2. This section states that open lands subdivisions are permitted on tracts of 18 acres or more in the VRC District. The total tract to be developed is approximately 64 acres, which complies with the overall lot area requirements of the ordinance. Ordinance Section 17-160.i.2.a requires that in order to determine the maximum number of lots for an open lands subdivision, a conforming plan of a conventional subdivision shall be submitted, based on a minimum lot size of 5.9 acres in the VRC district. Ordinance Section 17-160i.2.a states the concept plan "is to be in sufficient detail to permit the planning board to make an informed decision as to the subdivision satisfying all ordinance requirements and in a form that would be acceptable to the planning board as a conventional subdivision without the need for any lot area or lot dimension variances or exceptions to subdivision design standards." The applicant has submitted a plan in accordance with this requirement. The Board shall decide if the plan submitted is adequate for an informed decision.

Access to each of the single-family lots and the affordable duplex lot will be via a 20-ft. wide road, within a mostly 50-ft. wide right-of-way/easement, providing loop access to and from Pennington-Lawrenceville Road. The proposed public porous pavement road is approximately 2,000 ft. long. The westerly access to Pennington-Lawrenceville Road is between Lots 78 and 83, the right-of-way/easement width in this area being 80 ft. with the easterly access point being approximately 1,000 ft. to the east, adjacent to Lot 72.

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Martin Katz, PLS, with Princeton Junction Engineering Company, described the property and presented an overview of the proposed project. He explained that over the years there have been extensive soils testing performed for the septic systems, culminating in passing soils tests for nine lots. There have also been four wells that have been drilled and tested and testing has also been done on neighboring wells who participated as part of the report. Mr. Katz commented that the conventional plan that was prepared demonstrates that nine conforming lots can be created with no variances required. Mr. Katz explained that during the ARC process, the applicant was asked to cluster the homes in one area and leave as much open space as possible, which he felt had been accomplished. He stated that the proposed road into the development would be a 50 ft. wide public right-of-way with a 20 ft. porous pavement cartway; no curbs or sidewalks are proposed to maintain the rural character.

Mr. Katz further explained that a requirement of the open lands subdivision provision requires that one lot remain with at least 60 percent being open space; proposed Lot 9 is 41.85 acres, which is 65.51 percent of the tract, which meets the ordinance provision. Lot 9 contains approximately 42 percent farmland and approximately 19 percent woodlands with a small percentage of scrub areas and hedgerow. The lots proposed range in size from 80,084 sq. ft. to 166,801 sq. ft., which is 1.8 acres to 3.8 acres. The curves and straight-aways of the road meet Residential Site Improvement Standards (RSIS). Mr. Katz commented that the applicant has been working with the fire officials, and have volunteered to install two (2) 20,000 gallon fiberglass underground tanks, which will be filled from a separate well to be drilled, for fire-fighting purposes. The applicant is in the process of updating their Letter of Interpretation (LOI) and will then determine if there are any important habitat on the site; there was no mention of any important habitat in the previous LOI.

Mr. Katz stated that the ARC requested that one lot be retained for an affordable, rental duplex, which would require use variance approval from the Zoning Board of Adjustment. The open lands design that they have proposed requires no variances with the exception of the lot for affordable housing. Mr. Banisch commented that the Planning Board's resolution could acknowledge that the lot was created for affordable housing; whether the lot contains one unit or two units would be a separate decision.

Mr. Banisch commented that the proposed development clearly meets the objectives of the ordinance and a good example of why the town

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allows open lands zoning; farmable land will remain in an otherwise residential neighborhood.

Board members asked for clarification with respect to the following issues: 1) The approval process for the affordable housing lot; 2) how the affordable housing lot would be managed; 3) the impact of the proposed PennEast Pipeline on the farm use; 4) the location of proposed Lot 1 being rather close to the beginning of the Curlis Lake Woods trail, which is an important access point to a very important preserve and ecosystem; 4) ensuring that Lot 9 would remain open space; 5) the projection of Lot 3 into the open space; 6) the close location of the proposed roadway to the existing home on Lot 62 in Block 72, Pennington-Lawrenceville Road.

Mr. Banisch stated that our ordinance does not allow a duplex in the VRC zoning district; the ARC asked that the applicant include it with the expectation that the applicant would have to appear before the ZBOA for approval on the subdivision and the use variance or appear before the Planning Board for the design and approval of the subdivision and then appear before the ZBOA for use variance approval. Should the Board approve the subdivision, the resolution would contain a finding and condition that the Planning Board requests that one lot be reserved for an affordable housing duplex. Mr. Banisch further stated that as long as affirmative marketing is done according to the requirements, ownership of the affordable units is not an issue, tenants would be chosen from the regional supply.

Mr. Katz stated that the PennEast pipeline would be buried underground and the farming could take place over top of the pipeline; there is an existing pipeline easement that is currently being farmed. He further stated that revisions to the plan will be reviewed in order to move proposed Lot 1 further away from the trail to the Curlis Lake Woods.

Mr. Schatzman stated that proposed Lot 9, the open lands lot, would be deed restricted from further subdivision and further development.

Mr. Katz explained that proposed Lot 3, which projects into the open space lot, is designed with the septic and reserve septic locations in the back of the lot; the home could not be located farther than the half-way point on the lot.

There was a question as to the driveway entrance to proposed Lot 6 being accessed from the proposed roadway, while the home would face Pennington-Lawrenceville Road. Mr. Katz stated that they were asked to hold the existing setbacks of the existing homes on

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Pennington-Lawrenceville Road for proposed Lot 6 and have it front on Pennington-Lawrenceville Road even though the access is to the rear of the lot, with the through being that the house should match the existing homes that front on Pennington-Lawrenceville Road and not necessarily match what is proposed for the interior subdivision. He explained that initially the applicant had proposed a driveway onto Pennington-Lawrenceville Road, but were asked to revise the location of the driveway to the interior road. Mr. Banisch stated another driveway on Pennington-Lawrenceville Road should be avoided, but keep the ability of this lot to relate more to the streetscape.

The applicant would return to the Board at a future date with a preliminary subdivision plan, taking into account the comments and issues discussed with the Board.

CF Hopewell CC&L, LLC

Block 91, Lot 3.191 - Southfields Drive

(Assisted Living - Continuum of Care Facility)

Present: Thomas Letizia, Esq.; Paul "Chip" Erickson and David Moore, Principals with CF Hopewell CC&L, LLC; Dennis Dooley, Vice President of Planning and Development, Capital Health System, Inc.

Mr. Banisch explained that CF Hopewell CC&L, LLC (CF Hopewell) first approached the town with respect to a possible rezoning on the west side of Scotch Road. Since that initial discussion, the town has proceeded through a variety of ideas and changes that may or may not happen in the Scotch Road vicinity, and while there have been differences in opinion with respect to making a change at this time on the west side of Scotch Road, the Planning Board, in the course of their deliberations with respect to the housing plan and their discussions as to what may be desirable for the remainder of the vacant land on the east side of Scotch Road, have been of the consensus that there would be housing, including affordable housing and assisted living facilities on the east side of Scotch Road, and that the Board would probably advocate for an amendment to the Master Plan, the zoning, and the General Development Plan (GDP). Mr. Banisch further explained that CF Hopewell was appearing before the Board this evening in order to determine if the Board was still interested in some of the ideas and changes to the east side of Scotch Road that were part of past discussions. He commented that CF Hopewell is not asking about housing; however, the Board would need to think about that as part of any ultimate zone change.

The applicant submitted a Conceptual Review with respect to a proposed revision to the current GDP to construct an Assisted Living facility in the central portion of the campus between the office complex and Capital Health complex. The proposed facility

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would be comprised of two buildings and associated parking and other improvements. The main building is identified as a four-story, 210-unit building and the second building is comprised of a four-story, 100-unit building; parking would be located throughout the proposed area, flanking both buildings. The proposed Assisted Living facility is not a permitted use in the Office Park (OP) zone and not part of the original GDP. Fair share planning efforts have considered this use as likely and appropriate at this location. The applicant would be required to seek either a use variance or an amendment to the zoning ordinance; regardless of whether a rezoning or a variance results in the alternative use, the applicant would be required to amend the current GDP.

The plan submitted includes no specific engineering detail, but rather a depiction of the proposed general location of the facility on a plan of the campus. The following plan was submitted as part of the review: Plan entitled "Southfield General Development Plan, Site Plan, Princeton Place, Hopewell Township, Mercer County, New Jersey" prepared by Van Note-Harvey Associates, PC, dated July 18, 2016. Access to the site appears to be from Capital Way, which is a private roadway with direct access to Scotch Road. The mechanism for access must be identified at the time of site plan approval. Impacts to hospital operations that use Capital Way must also be evaluated. An analysis of the traffic signals on Scotch Road to insure adequate levels of service will be necessary at the time of site plan. Utilities are assumed to be adequate and once design details are available, verification of adequacy of all utility systems will be required. How this site will affect municipal operations at the HUT building located on Van Princis Lane, which is to be conveyed to Hopewell Township, must be addressed; the HUT conveyance remains pending at this time. All other site design details will be required at the time of site plan submission.

Dennis Dooley, Vice President of Planning and Development, Capital Health System, Inc., stated that Mr. Chip Erickson and Mr. Dave Moore, principals with CF Hopewell met with himself and the Chief Executive Officer of Capital Health System, Inc. and discussed their plan and what is understood to be the plan of the Township for the east side of Scotch Road. Mr. Dooley stated that the hospital owns several parcels that are contiguous to the area that is being proposed for assisted living/continuum of care, totaling approximately 14 acres of land. Discussions pertained to the direction of senior care and the continuum of care that is typically found, and most effectively found in this area. Mr. Dooley stated Capital Health System would very much like to collaborate with CF Hopewell in conjoining the properties for the purposes of ultimately marketing and then developing, either

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ourselves or through a third party, yet to be designated or even found, a system of housing that starts from independent living, goes to assisted living, goes then to what is commonly known as a skilled nursing facility and also includes a special memory care unit for individuals that are suffering from Alzheimer's Disease, as well as a hospice unit. Mr. Dooley commented that the hospital would fully expect, and would require of a future developer, that the hospital would be involved in the clinical care aspects of the housing that would be put into that site. He stated that the hospital not only endorses what CF Hopewell is requesting, but the hospital is requesting that their parcels, which are contiguous to the CF Hopewell parcels, be considered for this same purpose in order to create the critical mass of services that are typically found within a successful senior living development.

Mr. Chip Erickson, principal with CF Hopewell, presented an overview of the proposed conceptual plan. There was a question from a Board member as to whether the development would be for profit or not-for-profit and the number of units that would be considered for affordable housing. Mr. Erickson stated that the development would be for profit as the operators would be tax-paying businesses. Mr. Banisch commented that there is a 10 percent set-aside for affordable assisted living units; if independent living units are provided for, we can require a certain set-aside for them, and if they are rental units we can require, provided we meet COAH (Council on Affordable Housing) requirements, a 15 percent set-aside. Mr. Letizia commented that the proposed development allows the opportunity to meet some of the town's fair share obligation; the number would need to be worked out. The town is going to receive some credit for affordable housing in this type of development.

It was the consensus of the Board that they would be very supportive of the Assisted Living/Continuum of Care concept. Board members requested that the applicant take a holistic approach when planning the development and consider impacts on the surrounding area.

Mr. Banisch explained that the next steps would involve a narrowly drawn amendment to the Master Plan and a recommended zoning change to the Governing Body, followed by a GDP amendment and perhaps the first phase of the site plan. Mr. Morgan added that if the Governing Body does not wish to entertain a rezoning request, the applicant would require a use variance at the Zoning Board.

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

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Mr. Larry Mansier, a Township resident, Chairman of the Hopewell Valley Senior Advisory Board, and member of the Hopewell Valley Senior Foundation stated the last time there was discussion with respect to a senior center in this area was in the fall of 2013. It was his feeling that communication has not been good with respect to updates on a senior center. He commented that he would like to believe that the seniors will be receiving the HUT building for their center, but that he would like to know when that will be happening. He stated that the concept proposal was a good idea, but the senior center should take priority. He explained that the seniors are in a bind as the building currently being used needs improvements; however, those improvements have not been undertaken because the HUT building is much more desirable and there is funding available to be able to have the HUT building ready within one year.

Mr. David Moore, principal with CF Hopewell, stated that CF Hopewell was engaged with the community on a number of different matters in the fall of 2013 and into 2014. He explained that a critical issue on both sides is that there has not been much movement on the development front with respect to Scotch Road. He felt that it was important to clarify that CF Hopewell has not been running on a private agenda and avoiding action on anything that the Township wants to do, neither the Township nor CF Hopewell have made any significant progress on the development front at this project location. Mr. Moore stated that he did feel the proposed concept plan is a use that the community would support and if a positive step forward is taken with this project he would fully expect the HUT building to be part of that project and end up in the hands of the Township for the purposes the Township wishes to use it; no one has taken a first step yet.

Mr. Stan Saperstein, a Township resident and member of the Senior Advisory Board, stated that the HUT building that has been promised the Township is a perfect building for the senior center. It was his opinion that the Planning Board should not approve any projects until that HUT building is turned over to the Township; that is how important it is to the seniors.

Ms. Irene Wildgrove, a Township resident presently serving as President of the Advisory Council to the Mercer County Nutrition Project encouraged the Planning Board and Township Committee to support a senior center; however, she was concerned with the use of the HUT building because of the conditions attached to the Township receiving the building. She suggested using the funding that exists to demolish the current building being used and construct a larger building in the same location.

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Ms. Madeleine Mansier, a Township resident, stated that her husband, Larry Mansier, has been the Chair of the Hopewell Township Senior Advisory Board for 10 years. The Board had three goals; the third goal was to have a senior center, which has not happened. She commented that while she supports the concept presented this evening, it is not the first step. She stated that any approvals for the concept presented should not happen until the HUT building is used for the creation of the senior center.

Ms. Rosaline Fleming, a Hopewell Borough resident and a member of the Senior Advisory Board, stated that the seniors need a senior center not only for educational programs, but also as a location for physical activity and exercise.

Ms. Kim Johnson, a Township resident and President of the Hopewell Valley Senior Foundation, explained that the foundation exists to raise money for senior programs that are not included in the municipal budget. She stated that the building the seniors are currently using is not adequate; it is one 2,200 sq. ft. room and there cannot be two programs going on at the same time. She explained that the programs exist; they are just waiting for a place to live; if the seniors do not have a place where these programs can be coordinated and held, the programs will break down and fade away. She stated that the seniors need a home and it needs to be a priority. She encouraged the Board to work it into the amendment to the GDP.

Mr. Weed Tucker, a Pennington Borough resident and member of the Senior Advisory Board, stated he concurred with everything said by the previous speakers. He commented that the HUT building appeared to be a good prospect, but nothing is happening. He explained that the building the seniors use now is deteriorating and needs to be repaired in a short period of time or will have to be abandoned. The seniors would like to move forward with the HUT building and are requesting to know if the town will move forward promptly with the HUT or if work needs to be done to have the current center renovated and expanded for use soon.

Mr. Kuchinski stated that the applicant has heard from the Board that there is a lot that the Board supports with respect to the continuing care continuum; the applicant has also heard from our seniors and the town would like to have the transfer of the HUT done in an expeditious manner so that a senior center can be constructed. It was his feeling that reconciling the issues with the HUT building would be a good faith effort to move forward. He commented that the Planning Board and the Township Committee would partner with the applicant to expedite the process to the greatest extent possible.

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Mr. Banisch stated if the applicant thought that the prospects of resolving the HUT issues could be done quickly, then discussing them in great detail right now may not be necessary; however, if there are stumbling blocks that we need to overcome, now would be a good time to discuss those. Mr. Moore stated he did not think that there would be many stumbling blocks; however, there are roads that should become public and the lot would need to be subdivided because there is a building located on the back portion of the lot that is core to the operations of the campus. Mr. Moore commented that could be easily addressed within the context of the larger proposed project.

Mr. Harvey Lester, a Township resident, questioned whether the subdivision that Mr. Moore was referring to was the subdivision of Block 93, Lot 3.14, which was before the Board in 2014.

Ms. Murphy noted that the subdivision has not been perfected.

Mr. Erickson explained that there have been discussions with Mr. Pogorzelski concerning several issues, including the future location of a water tower that is identified adjacent to the property, which would have a utility impact, sewer and septic separations that need to be made for both of the buildings that are there and for future use to access the water tower. These are infrastructure issues that Mr. Pogorzelski is very much aware of and issues we have talked about over the past two years. In addition, private roads around the campus need to be addressed; this is a liability issue that CF Hopewell, the hospital, and the office building owners are all very concerned about. Mr. Banisch stated he would follow-up with Mr. Pogorzelski.

Mr. Letizia thanked the Board for their support of the proposed concept plan and stated the applicant would be moving forward with the next steps.

The Board took a brief recess from 9:10 p.m. to 9:19 p.m.

Review of Ordinance from Township Committee

An Ordinance Adopting a Redevelopment Plan for the Pennytown Area In Need of Redevelopment in accordance with N.J.S.A. 40A:12A-7 and Amending Chapter XVII, "Land Use and Development," Article VIII, "Zoning-General Provisions," Section 17-138B, "Zoning Districts" to add Subparagraph 19 to the Revised General Ordinances of the Township of Hopewell

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Ms. Murphy stated the Ordinance was emailed to the Board yesterday; she asked Mr. Morgan to clarify the Board's responsibility with respect to this ordinance review. Mr. Morgan stated that Section 7 of the Local Redevelopment and Housing Law requires the Governing Body to refer to the Planning Board, a proposed Redevelopment Plan (the Plan), or amendment, or revision thereto. The Planning Board is required to review the Plan and issue a report outlining any inconsistencies that it finds with the Master Plan and may also make recommendations if it feels necessary with regard to revisions to the Plan. There is a statutory 45-day period for the Planning Board to review the Plan and issue their report and recommendations. Board members commented that 24-hours was not enough time to review the Plan; however, they would like to hear the presentation and take any comments from the public.

Mr. Banisch introduced Brian M. Slaugh, PP, AICP, with the firm of Clarke Caton Hintz, who frequently does Redevelopment Plans for municipalities throughout the State. He prepared the Draft Pennytown Redevelopment Plan, Hopewell Township, Mercer County, New Jersey, dated July 15, 2016, and would be presenting an overview of the Plan. Mr. Banisch commented that the sheet he distributed to the Board would be helpful in presenting a clear sense of the permitted uses proposed for the site; a copy of the proposed uses sheet is on file in the Planning Office.

Mr. Slaugh stated his firm was engaged by the Township Committee to produce the Pennytown Redevelopment Plan; his firm prepared the Area in Need of Redevelopment Study for the town in 2009. Mr. Slaugh explained that the Plan is the second major step in implementing redevelopment in a particular area. The first step, with which the Planning Board had a large roll, was the public hearing on the Area in Need of Redevelopment designation; that designation was then accepted by the Township Committee and in their adopting resolution of the Board's findings in 2009, they also authorized the development of a Plan or some portion of a redevelopment area of the site that had been identified. In this instance, the Plan charged from Township Committee was only prepared for the Pennytown complex itself; it does not include any land outside of that boundary, it does not include the Kooltronic site and has no intention of creating a redevelopment plan at this time for that purpose.

Mr. Slaugh proceeded to review the draft Plan with the Board. A copy of the draft Plan is on file in the Planning Office and can also be viewed here:

<http://hopewelltpw.org/Marshalls-Corner-Pennytown-Task-Force/Draft-Pennytown-Redevelopment-Plan-071516.pdf>

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Mr. Slaugh explained that a Redevelopment Plan allows more control by the Township as to how the site is developed. Unlike standard Zoning regulations, which are more of a passive action by the municipality, a Redevelopment Plan empowers the Township Committee to seek through an RFP (Request for Proposal) process, interested developers to redevelop the property so that it implements the vision for the Redevelopment Plan. He further explained that there are additional land use controls and architectural controls that the town may use if they wish, that would not be able to be used under standard zoning regulations. It affords the municipality the ability to have a detailed contract and a municipal development agreement, which sets out various steps that a redeveloper would have to take, along with design controls, performance controls, financial controls, and things of that nature, which the town would not be able to do under standard zoning regulations. A Redevelopment Plan creates a powerful tool for the municipality to effectuate change in a particular geographic location to address blight.

Mr. Slaugh reviewed the various uses contemplated for the Pennytown property contained within the Plan. He explained that the Plan also contains a number of design performance standards, which in many instances relates back to the Township's Land Use and Development Ordinance (LUDO) where appropriate, and has some stronger landscaping provisions particularly at the edges of the property where the adjoining land use changes. He stated that the Plan also contains the process under which the Plan would be implemented.

Mr. Slaugh stated that a consideration of the Board would be the relationship of the Plan objectives to other plans, such as the Hopewell Township Master Plan. He commented that the main element of the Master Plan was adopted in 2002, with subsequent updates. The last Reexamination Report took place in 2011, which acknowledged the Township's efforts in acquiring the Pennytown property and found that the Planning Board concluded within that Reexamination Report to support the redevelopment site. At that time, the Planning Board envisioned a more intensive development than is anticipated in the Plan. He stated that in a general sense, the Plan is consistent with the Master Plan in that it supports the redevelopment of the Pennytown site. However, the more intensive development plans have changed and the proposed development is substantially less than at that time. The uses are all non-residential, with the exception of the historic home on the site and affordable housing is no longer proposed.

There were questions and concerns from Board members with respect to the following: 1) the possibility of having a few affordable

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apartments above some of the retail as part of the Plan. Mr. Slaugh stated affordable units are not proposed in the Plan. It would be a policy decision as to whether to include units above retail. Mr. Morgan commented that there are also severe septic limitations on that type of multiple use; 2) The exclusion of the possibility of affordable housing as opposed to leaving it as an option that a developer may want to do. Mr. Slaugh stated he was given direction to remove the affordable housing component. It was his understanding that when the entire area was being considered and the area in need of redevelopment was determined, there were several hundred housing units proposed in the redevelopment area and that was not well received by the community. It was his feeling that due to that response, and the fact that the Route 31 corridor itself creates an opportunity for highway/transportation uses on the site, that should be the emphasis of the plan, not the residential component. Mr. Kuchinski stated that Board members presented good points with respect to why we might want to leave the possibility of housing in the Plan; however, there has been discussion at the Township Committee level with respect to the value held in the property in order to use the proceeds to reduce or eliminate the carrying costs of the property. There was the consideration that if the town would not be using the property for affordable housing, it would not be in the public interest for the town to continue to own the property. Options were discussed with respect to how to move forward; a public auction could be held, but typically a developer could come forward with a plan that is consistent with the underlying zoning, which may not be the most favorable plan for the town. The second option, at the advice of the professionals, was to look at a redevelopment plan because the provisions provide the ability to retain control over the uses and guide the type of development that the town would like to see. Mr. Slough commented that a Redevelopment Plan requires the developer to have a redevelopment agreement in place and a certificate from the Redevelopment Authority, which confirms that their plan is consistent with the Plan prior to making application to the Planning Board. It provides more checks and balances than a standard development application process; 3) Board members had concerns with respect to the gas station/convenience store use as it was their understanding that the Pennytown tract should include low intensity uses; 4) Board members requested that Mr. Slaugh review the Route 31 Design Study as they noted design elements contained in the study were not included in the Plan, specifically reverse frontage; 5) Board members noted that the 8,000 gallons per day (gpd) septic limitation was included in the Plan and that the site would be serviced by on-site private systems; they questioned why reference would be made to the possibility of the development being included in a duly constituted service franchise area, thereby leaving the opportunity open for sewer to create a larger

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development; 6) Board members were concerned that there was no consideration given to a mixed-use development, as they felt it should be an option given to the developer of the property; 7) Board members questioned whether small, environmentally conscience homes could be considered.

Mr. Slough explained that much of the design is driven by New Jersey Department of Environmental Protection (NJDEP) regulations. The regulations do not necessarily recognize that a small house may only use 100 gpd; from a regulatory standpoint, the NJDEP uses an average number of 300 gpd.

Mr. Slough commented that there is a desire to receive the best price for the sale of the property versus the requirements it will take to fulfill the Plan; additional requirements will add cost. It is really part of the give-and-take of the Planning Board with respect to the design of the project. The Plan is a guideline that can be used to weigh the effects of various development scenarios.

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

Mr. Mike Kiernan, a Marshall's Corner resident, stated that he has reviewed Township reports from 2009 and 2010 with respect to wastewater systems evaluation and environmental constraints and that it was his opinion that the resources do not exist to provide a sewer system that would not ultimately fail. It was also his opinion that no developer would be willing to spend the amount of money needed to clean up and develop the site.

Ms. Kim Robinson, Harbourton-Rocktown Road, had concerns with respect to specific language contained in the Plan related to the selection process.

Mr. Stu Warren, a Pennington Borough resident, stated that it was his feeling that the Plan was not a good fit for the rural character of the Township. He suggested that the town should perhaps consider leasing the property or consider an agricultural-type use for the property.

Mr. Ed Difiglia, Municipal Policy Specialist with the Stony Brook-Millstone Watershed Association (SBMWA), requested that the Board consider all environmental impacts when preparing the Plan.

Mr. Lester had procedural concerns. He did not feel that the public was given sufficient time to participate in the process and the Board was not given enough time to review the Plan and prepare comments to the Township Committee. He asked Mr. Morgan if the 45-day time frame for the Board to forward comments to the Township

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Committee could be extended. Mr. Morgan stated the Township Committee could grant an extension for the Board to comment on the Plan.

Mr. Kuchinski stated that it was his feeling that the Township Committee, to the extent of the law, would have no issue in granting an extension to the Planning Board to submit comments or recommendations. The Board voted unanimously that a resolution be forwarded to the Township Committee requesting an extension of time to review the Plan and forward comments and recommendations until after September 22, 2016.

There being no further business, the meeting was adjourned at 10:48 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-20160728.html>