

Frenchtown Planning Board
Regular Meeting
July 26, 2017
7:30 P.M.

Vice-Chairman John DenBleyker called the Regular Meeting to Order at 7:30 P.M. and stated that all the requirements of the “Open Public Meeting Law” have been met. The meeting has been advertised, the Agenda has been posted in the Borough Hall and copies distributed to the designated newspapers.

OATH OF OFFICE – Jeanne Herb- Alternate I

Vice-Chairman DenBleyker noted that Jeanne Herb was appointed to the Alternate I position on the Planning Board. Jeanne Herb was sworn in and accepted her oath of office.

ROLL CALL

Present:	Absent:
Case	Eckel
DenBleyker	Suttle
Dougherty	
Dragt	
Herb	
Myhre	
Musolino	
Sullivan	

APPROVAL OF MINUTES

Regular Meeting – June 28, 2017

Jeanne Herb moved to accept the minutes of the June 28, 2017 Regular meeting. Mayor Myhre seconded the motion. The minutes of the June 28, 2017 Regular meeting were approved by unanimous favorable roll call vote.

PUBLIC COMMENTS

Vice-Chairman John DenBleyker announced that before we start the public comment section, comments are welcomed on matters not listed on the agenda. Comments related to agenda items should be held until that specific item comes up on the agenda. Vice-Chairman John DenBleyker opened the public comment session. Having no public comments, Vice-Chairman John DenBleyker closed the public comment session.

NEW BUSINESS:

- A. Review of Second Amendment to the 2009 Master Plan Reexamination Report
- B. Review of the Master Plan Land Use Plan Element Amendment
- C. Review of 2017 Housing Element and Fair Share Plan
- D. Review of Ordinance amending Zoning Map
- E. Review of Ordinance amending the Land Use Ordinance

Attorney Hirsch noted that the Board has a lot of documents that it will be taking action on to implement the Mt. Laurel Settlement Agreement. The Borough has preliminary approval from

Judge Miller. Certain actions have to be taken as there will be a concluding hearing and the Court Master, Frank Banish, will report that all conditions have been complied with. The court will enter a final judgment. This protects the Borough from a builder's remedy until 2025. There will be no action taken this evening. There is a lot to review this evening so that at the August meeting, the Board will be ready to take action on the three Master Plan documents subsequent to a public hearing.

Attorney Hirsch noted that there are three Master Plan documents to review, the second amendment to the 2009 Master Plan Reexamination Report, the Master Plan Land Use Plan Element amendment and the third document is the 2017 Housing Element and Fair Share Plan. The Planning Board will have to adopt these documents pursuant to the Municipal Land Use Law. These are the building blocks for the ordinances that will be adopted. There will be a public hearing at the August 23rd meeting on these three documents. At the close of public hearing, hopefully the Board can adopt a resolution and advise the Council. The Board will also be reviewing 4 ordinances being referred to the Board by the Council. Two of those ordinances, the Board has already seen and also reported on. The ordinance adopting the new zoning map showing 6 affordable housing sites and the zoning ordinance that will apply to these 6 sites are the other two ordinances.

Mayor Myhre asked Attorney Hirsch to put together a small memo showing how we arrived at the affordable housing number, the discount the Borough received for the Settlement Agreement and that the Borough will get the benefit if the numbers are reduced. He also requested that the plan be explained, that the sites will not be developed over night and who qualifies for these affordable housing units. There are a lot of unfounded rumors. Attorney Hirsch noted that it might be good to show income for a family of 4. We are also taking about a regional need. These units get deed restricted for 40 years. The rental prices will not go up and the units have to be maintained. The owner will have the pressure to maintain the units. The units will not be distinguishable in the inclusionary development. Subsequent to a brief Board discussion, Attorney Hirsch stated that she will produce something for the public hearing and will ask Planner McKenzie to provide a visual aid of the sites.

Attorney Hirsch noted that she spoke with Attorney Cruz and there was a concern that after creating the north and south subcommittees, we began to think about voting on the Master Plan documents and the Council members voting on the ordinances. If you own property within 200 feet of any of the sites, you have to recuse yourself. There are six sites. We need to explore if you are within 200 feet of these sites or if you own any other property that is within 200 feet of these sites. She will need a list of that. Rocco Mussolino and John DenBleyker are within 200 feet of the R8C. William Sullivan is within 200 feet of the R8A. Gordon Dragt, Gerry Case, Randi Eckel, Cathy Suttle and Jeanne Herb are okay to vote. Responding to Mayor Myhre, Attorney Hirsch noted that there is a law of necessity so if you have enough disqualification that you cannot take action, the law of necessity allows you to put members back on the Board to meet the quorum requirement. The Board needs five members for a quorum. She can get the Tax Assessor to pull lists to see if any Board members or Council members are within 200 feet of any of the six sites. Mayor Myhre noted that he is within 200 feet of the church property. Attorney Hirsch noted that she will speak with Attorney Cruz about this as the Council will need a quorum at both the introduction and adoption.

Attorney Hirsch noted that we are pushing the approval and adoption of the ordinances as there is a final compliance hearing with the court on September 22nd. Without having to schedule special meetings, we will need to hold a public hearing at the August 23rd Planning Board

meeting on the Master Plan documents. It will depend on the public comments made at the public hearing, if the Planning Board will move forwarding in approving the Master Plan documents. The notice of the public hearing will be done early and the copies of the Master Plan documents will be available for public inspection. Mayor Myhre recommended that the documents be posted on the website. Attorney Hirsch recommended that there be no back and forth correspondence on social media. All correspondence have to go to the Clerk for OPRA purposes. Any debate on social media should be part of the record. Jeanne Herb recommended an informal meeting to provide the public information and explain what affordable housing is and to answer any questions so all misconceptions have been addressed. Mayor Myhre responded that if we put the information on the website ahead of time, it may answer a lot of questions. Attorney Hirsch stated that if people suggest changes and the Board and Council agree, we could go back to Judge Miller to get an adjournment. The Borough is proceeding in good faith. If you need a second public hearing, schedule it.

Attorney Hirsch noted that the first document that the Board needs to review is the amendment to the 2009 Master Plan Reexamination report. There are certain things that the Municipal Land Use Law requires you to address. It looks at changes for State, County and Local. The changes that we have to make address the affordable housing changes and this is the reason for this document. If you adopt the amendments to the Master Plan, you are not required by law to provide every property owner within the zone or within 200 feet of the zone a notice. You are just required to have a discussion in public. You can see what the changes are.

Attorney Hirsch noted that the second document that the Board needs to review is the Master Plan Land Use Plan Element amendment. This is the document that provides the type of zoning and the zones with density, etc. Pages 4-8 discuss the 6 new affordable housing sites

Attorney Hirsch noted that the third document that the Board needs to review is the Housing Element and Fair Share Plan. Attorney Hirsch provided a chart entitled "Summary of proposals to satisfy cumulative fair share obligations". The first three rows are existing sites and the remainder of the rows are the new sites. Attorney Hirsch commented that the number of affordable housing units is 44. The Borough gets 14 bonus credits for rental units. This will give you 58 total units. The bonus credits are not rental units. They are extra credits toward your affordable housing numbers. Responding to Mayor Myhre, Attorney Hirsch stated that in every zone, if you have rentals, it is a 15% set aside for affordable housing units. If the units are for sale, it is a 20% set aside. The market will dictate what the developer will do. There is a range in the housing element. The Borough's total affordable housing obligation is 57 as show on page 6 of the housing element. Mayor Myhre stated that the people will want to know the total number of units that will be built. Attorney Hirsch responded that the Housing Element and Fair Share Plan is a document to address the Borough's obligation. The existing sites are Shale Cliff, DeSapio, and River Mills. The new sites being considered for inclusionary residential development starts at page 8. There was one site that was ruled out which was the Seventh and Milford Road site.

Attorney Hirsch reviewed the new sites for inclusionary residential development. The Ceramics Plant has a current zoning overlay. If you build with the overlay, you have to provide affordable housing units and the overlay allowed 111 units. If you built without the overlay, you did not have to provide affordable housing. The zoning had to be changed to make sure you get affordable housing. The site is being rezoned as R8A and will permit 111 units and would provide 17 rental affordable housing units. The R-8B zone is the three lots adjacent to the Ceramics Plant and also has an overlay. The rezoning of these lots permits 24 units and would

provide 4 affordable housing rental units. The R-8D zone is the Baptist Church site. It can be kept as is as it is a legal nonconforming use. If it is developed, the zoning will allow the conversion of the existing building to 10 apartments and would provide 2 affordable housing rental units. Responding to John Dougherty, William Sullivan noted that it is advantageous for a developer to use the existing buildings but a developer could construct new buildings but would have to comply with the new standards. Attorney Hirsch noted that the R-8C site is the former Dairy Depot at the corner of Milford Road and Eighth Street. It will allow 3 duplexes for a total of 6 units and would provide 1 affordable housing rental unit. The R3 zone will include 8 or 9 lots adjacent to the Garden Apartments on Trenton Avenue. These additional lots total about 6 acres. The density of these lots would be 16 units per acre. It would produce 52 apartment units and 8 affordable housing rental units. We are trying to make these lots contiguous with the existing garden apartments. The R-8E zone is a vacant lot on Kingwood Avenue that is southeast of Ridge Road. It will allow townhouses to be constructed at a density of 8 units per acre. This will provide 18 units with 4 affordable housing rental units or 3 for sale units. Attorney Hirsch noted that this covers all the new sites.

Responding to the Board as to the income requirements for the affordable housing units, Attorney Hirsch noted that low income is up to 50% of the median income for the region, medium income is no greater than 80% of the median income for the region and very low income is 30% of the median income for the region. She will send the Board the income chart. She added that there was a case in South Brunswick that caused the Judge to produce the income change. COAH use to change it every April. The region is Hunterdon County, Somerset County and Warren County.

As to the ordinance amending the zoning map, Attorney Hirsch noted that the Council will introduce this ordinance next week and refer it back to the Planning Board for comments and a determination for consistency with the Master Plan. The Board will adopt the three Master Plan documents prior to review of the ordinances for consistency with the Master Plan as the review will be for the new Master Plan.

Attorney Hirsch noted that the last document the Board will look at is the amendment to the Land Use Ordinance. This is the zoning for the 6 sites. It contains a lot of detail. She recommended that the Board look at the first zoning change and how it is structured as all of the six zones are structured in the same way. This will help you to know where to look in the other zones for details such as density, etc. Each zone contains a purpose, permitted uses, conditional uses, tract requirements which includes density, tract area, tract frontage and depth, tract setbacks and buffer strips, access, impervious coverage, common open space and utility service and stormwater management details. The zones also contain building requirements which includes building heights, distance between principal buildings, limitation of building units, exterior design standards, interior design standards, energy efficiency, parking standards, garbage disposal and recycling, supervision and management of sites, signage, street furniture and lighting, fences, walls and hedges, affordable housing, landscaping, pedestrian circulation, and ownership and management of common areas, common elements and open space. These details are similar to what you have seen in the proposed Redevelopment Plan. Attorney Hirsch stated that she had a disagreement with Planner McKenzie about the exterior design standards that require buildings to be designed to be compatible with the historic architectural styles in Frenchtown. She believes it would not be so clear to a builder what the historical architectural styles would be. Responding to Attorney Hirsch, John DenBleyker recommended that the first sentence be removed. Attorney Hirsch noted that if you take out the sentence, it would require them to compare design standards. The Board agreed with John DenBleyker. Attorney Hirsch

asked that the Board review the details for each site and if changes are requested, that they be provided to Planner McKenzie by July 30th as the Council will be introducing this ordinance on August 2nd. If you are requesting changes, please put them in an email to Planner McKenzie and herself.

Responding to the Board, Attorney Hirsch noted that the section on affordable housing standards are in all six zones. You do not need a lot of housing affordability controls as the Borough has a stand alone marketing plan. In addition, there are zoning standards that would require a variance if someone wanted to deviate from these standards and they would have to provide the variance requirements. Use would be a "D" variance and setbacks would be "C" variance.

Referring to zone R-8B, Vice-Chairman John DenBleyker stated there is a brick industrial building on Railroad Avenue. He does not see any incentives for someone to keep the existing building to redevelop. Incentives could be higher density, impervious coverage or smaller units. Attorney Hirsch noted that if they demolish the building, new construction would require NJDEP approvals. The NJDEP challenges restrict it. The Board agreed that there should be an incentive for adaptive reuse of the existing building. Attorney Hirsch stated that she will make suggestions to Planner McKenzie about the reuse of the existing building per the Board's discussion.

Attorney Hirsch stated that she will provide Planner McKenzie with the Board's recommendations from this evening and added that if the Board would like any other changes to email them to her and Planner McKenzie by July 30th as the Council will be introducing the ordinance next Wednesday. Attorney Hirsch added that she will produce a fact sheet and let Planner McKenzie review it. The Board thanked Attorney Hirsch for her assistance this evening.

VOUCHERS

Brenda Shepherd, Board Secretary, presented the following vouchers for approval:

VOUCHER LIST 7/26/17

Elizabeth McKenzie	Professional Services for Affordable Housing through 6/30/17	\$ 1,356.25
Archer & Greiner	Professional Services for General Representation through 6/30/17	\$ 1,227.60

On motion by Mayor Myhre, seconded by Jeanne Herb, and carried by unanimous favorable roll call vote, the Planning Board approved payment of the above bills list.

CORRESPONDENCE, COUNCIL REPRESENTATIVE REPORT AND OTHER RELATED ITEMS

A) Technical Review Committee report

Mayor Myhre noted that the County Electronics Clean-Up is August 19th from 9:00 am to 3:00pm at the Route 12 Complex.

Mayor Myhre also reported that the Community Camp Out at the Borough Park is August 5th and starts at 3:00 pm. Donations will be accepted for the park. The Borough received \$15,000.00 from the Fargo Foundation for the park, of which \$7,500.00 is matching funds. The Borough will be holding a special meeting on August 23rd to award the bid on the Park Improvement Project.

Mayor Myhre reported that Nerwinski family in town incurred a devastating loss. The father died unexpectedly and left a wife and three children behind. He did not have life insurance. There is a Go Fund me page set up for the family.

ADJOURNMENT

Gerry Case moved adjournment at 9:10 PM, and seconded by William Sullivan. The motion passed on favorable voice vote.

Brenda S. Shepherd
Planning Board Secretary