

Heritage Minerals Working Group
MEETING SUMMARY
February 18, 2016
Manchester Civic Center
3:00 PM

Call to Order

1. Roll Call of Working Group Members:

- ✓ Mayor Ken Palmer
- Donna Markulic, Business Administrator
- ✓ Sam Fusaro, Councilman*
- ✓ Jim Vaccaro, Councilman*
- ✓ Lisa Parker, Chief of Police (rep. by Lt. Dolan)
- ✓ Al Yodakis, Director of Public Works
- ✓ Don Somerset, Director of Utilities
- ✓ Felicia Finn, Zoning Board
- Michele Zolezi, Planning Board
- ✓ Dave Trethaway, School Superintendent
- ✓ Blanche Doran, Senior Advisory Committee
- ✓ Marge Camposano, Secretary to Mayor Palmer

*Council members Wallis, Vaccaro and Fusaro will alternate

2. Redeveloper Representatives Attending:

- ✓ John Pagenkopf, Vice President of Development, H. Hovnanian Industries
- ✓ Susan Kyrillos, Consultant to H. Hovnanian Industries
- ✓ Mike Bruno, Esq., Redevelopment Counsel

3. Staff Attending

- ✓ David Roberts, Township Planner, Maser Consulting
- ✓ Zachary Zeilman, Planner, Maser Consulting

Approval of Minutes:

1. Approval of Meeting Summaries

- a. **DR:** We have a few outstanding meeting summaries. John provided comments on the Jan. 21st summary and they were included in the version sent in yesterday's email to the WG. The December 3rd minutes were distributed to the Working Group only because it was an internal meeting. Summary for February 4th meeting will be tabled to give members time to review them.
- b. December 3, 2015
 - i. **Meeting summary approved** (Mayor moved; no objections)
- c. January 21, 2016
 - i. John's comments were mostly clarifications –DR summarized as follows:
 - 1. Under Approval of Minutes – Dec. 3rd clarified as “internal meeting”;
 - 2. First meeting with Rich Reading was noted as being on Jan. 26th;
 - 3. Reference in Plan to an advisory group also used the term: “technical advisory committee”;
 - 4. Reference to “addendum” – added “Reexamination addendum”;
 - 5. NAIS was referenced as applying to the zoning ordinance, not redevelopment plan, which lists permitted uses rather than relying on a number system for uses;

- 6. Pg. 3 talked about 30% coverage applying to the entire site within the CAFRA zone, not individual land bays;
- 7. **JP:** Land bays in the Town Center Core will have higher coverages than 30%, which will be noted in the schedule of development requirements revisions in the current version that was distributed to the WG;
- ii. **DR:** John's comments were helpful clarifications.
- iii. **Meeting summary approved – no objections**
- d. February 4, 2016
 - i. Table meeting summary approval

Discussion:

1. Continuation of comments and follow-up on Working Draft Redevelopment Plan, a revised version of which was distributed to the WG at the beginning of the meeting.
 - a. **DR:** Walk through page-by-page changes that were made & any additional comments that the Working Group may have
 - i. Pg. 1 – Table of Contents
 1. Has been updated and corrected (Addressing **MZ's** comments from last meeting)
 - ii. Pg. 2 – Section 1. Introduction
 1. The table and text describing the parcels in the redevelopment area have been reconciled to reflect the correct acreage
 - iii. Pg. 4 – Section 2. The Public Purpose
 1. Language was added to be more specific about the contaminants on the site and stated that these were byproducts of the mining that needs to be mitigated
 - iv. Pg. 8 – Section 5.2. Deviations from Plan
 1. The TOC now reflects the correct heading
 2. Reference to “Redevelopment Entity” corrected to refer to the “Township”.
 - v. Pg. 12 – Section 5.4 Redevelopment Activities
 1. Last bullet point – “Mitigation of existing...”
 - a. Crossed out “tailings and oil”.
 - b. Changed to “Mitigation...contamination to acceptable levels for intended end use per NJDEP regulations and requirements of the Licensed Site Remediation Professional (LSRP).”
 - vi. Pg. 13 & 14 – Section 5.5.1 Permitted Uses
 1. **Mayor:** Can the WG delete any of the uses that are listed as permitted? (For example, “churches”)
 - a. **DR:** The uses in the plan are under the control of the governing body, so the WG can recommend any changes that they feel are appropriate.
 - b. **DR:** Prior references to “churches” in the plan were changed to “religious organizations” (Pg. 16)
 - i. Religious organizations could be deleted from the list of permitted uses in all land bays, but the redevelopment plan could be challenged under RLUIPA (Religious Land Use and Institutionalized Persons Act), which is a Federal law that enables restrictions on religious freedom to be challenged anywhere, including municipal zoning regulations.

- c. **Mayor:** Doesn't think "religious organizations" are necessary uses in the Town Center, which should emphasize a balance of residential and retail uses.
- i. **JV:** Religious organizations are usually tax exempt, which effects the fiscal balance of the Town Center
 - ii. **JP:** Included them there because they bring people into the Town Center on worship days, which are usually on weekends. Suggested that they be retained with whatever controls or limitations the WG would feel are appropriate.
 - iii. **DR:** Has seen it both ways in town centers. The original town center concept was based on the traditional colonial New England town green, where the church and the town hall were often prominently located. However, the primary focus of the redevelopment plan are the commercial and residential uses. Whether religious uses are permitted is not a game-breaker.
 - iv. **SF:** If they are permitted pursuant to the conditional use requirements referenced in the Master Plan Reexam Addendum, each religious use would use a big chunk of land (4 acres min.). We're probably going to need an extra school and 4 acres is a lot to use for one religious use.
 - v. **JV:** Could also have a "hall" that a religious organization rents
 - vi. **DR:** Could permit "Places of Assembly", which would be privately owned facilities rented by any group or individual for events – many religious organizations meet in schools and other buildings
 1. Still allows the use to happen but not take large tracts of land off the tax rolls
 2. Would need convenient parking for assembly uses because they are event-based where everyone arrives and leaves at once.
 - vii. **JP:** What about Knights of Columbus, YMCA, etc.? How do they fit in?
 1. **DR:** Usually considered Philanthropic or Fraternal organizations – but often are included under "Places of Assembly". May or may not be tax exempt, depending on whether they qualify for nonprofit, tax exempt status.
 - viii. **AY:** "Civic Uses" [organizations] on pg. 16 seems to cover everything
 1. **DR:** Will revise the plan to delete separate religious uses as permitted and include them as one of a variety of "Civic Uses".
- d. **JP:** The Towns Center should be a place that is going to attract a lot of people and commerce. Thinks it may be a mistake to restrict the type of uses that contribute to the quality of the "place" and that adds to the overall value for the sake of maximizing ratables.

- e. **DR:** For LEED ND, you need a “compact, complete, and connected” neighborhood that provides enough variety of uses within walking distance to reduce driving trips.
 - i. **JV:** Trying to accommodate all types of religions for 8200 people is hard to do
- f. **DR:** The inclusion of religious uses under “Civic Uses” may be sufficient for now to enable them to exist in the Town Center.
 - i. Cannot require non-profits to be taxed in a redevelopment plan, although they will sometimes agree to a PILOT
 - 1. Private colleges are exempt if they are non-profit organizations.
 - ii. The plan can be revised to describe a Place of Assembly and refer to a section of the zoning ordinance for parking, buffers, etc.
- vii. Pg. 18 – *Wireless Facilities*
 - 1. **DR:** Reviewed the wireless regulations in the zoning ordinance – The main section that applies to the redevelopment plan is for wireless facilities that are privately owned
 - 2. The plan was revised so that wireless facilities are restricted to non-residential land bays (no village or residential)
 - a. **JP:** There are two land bays designated as non-residential
- viii. Pg. 21 – Schedule A – Bulk Standards
 - 1. This Table replaces the one in the previous draft – second to last column to the right is now “Impervious Coverage” rather than “Building Coverage” – that’s why percentages are higher for each land bay
 - a. Overall impervious coverage is limited by CAFRA to 30%
 - b. Other requirements – put placeholder in for Density/FAR – have to determine and cap density based on the outcome of the fiscal analysis.
- ix. Pg. 32 – *Signage – General Standards*
 - 1. **DR:** Still working on sign standards – going to go over with the Zoning Officer and get feedback from her. We may recommend that the signage be based on the submittal of a “graphics plan” that would be approved at the time of the redevelopment agreement and included with the appended Concept Plan.
 - a. **JP:** The Zoning Officer is working on sign standards for the whole town, so we want to make sure that we coordinate with her.
- x. Pg. 38 – *Section 5.7.4 On-Site Approvals/Improvements*
 - 1. **DR:** Made a correction to the reference under on-site approvals (now 5.7.4.1. and 5.7.4.2.)
 - a. “Preliminary engineering of the Boulevard and Land Bays...” – DR checked with Township Engineer and he was fine with the level of detail for roadways to be based on a General Development Plan (GDP).
 - b. After the Plan is adopted by the Council; the next step would be the Redevelopment Agreement. We would then expect to see a Subdivision Plan that would show the boulevard alignment. The plan requires that the level of detail would be based on a GDP.

xi. Other Redevelopment Plan Discussion

1. **DR:** Al brought up last time about more access points and there was discussion about the need for a police substation on the site. Those types of issues are usually negotiated in a redevelopment agreement, but could be referenced generally as considerations in the redevelopment plan
 - a. **AY:** How long does it take to negotiate a redevelopment agreement?
 - b. **JP:** We want to start immediately after the plan is adopted.
 - c. **AY:** DEP permitting will affect what can be developed under the plan. How does the timing of the redevelopment agreement work with the timing of the environmental permits, which could take months?
 - d. **Mayor:** Don't want to have to redo the plan because of DEP restrictions
 - e. **JP:** Expects to resolve both plan and permitting at a similar time.
 - f. **Mayor:** How can the Township finalize the allowable buildout of the redevelopment plan if the DEP may restrict it later in the schedule.
 - g. **JP:** From his experience dealing with environmental permitting, the DEP is not going to be as concerned with number of units as they are with the impervious surface coverage, stormwater runoff, and impact on plant and wildlife habitat. The redevelopment plan just establishes the limits on development from a zoning standpoint and they can be further modified in the redevelopment agreement, at which time there will be more certainty on the environmental constraints.
 - h. **DR:** Tend to agree – but DEP will have a say in sewer service area expansion, etc.
 - i. **JP:** SSA extension is happening first, and it will be an early trigger to know what will happen [with the rest of the project]
 - j. **DR:** Generally speaking, redevelopment plans are never static- things always come up and you may have to go back and amend the plan many times to correspond with the market, especially with a buildout that will span many years.
 - k. **JP:** Part of the reason to suggest flexibility with land bays to stay in sync with the real estate market.
 - l. **JP:** Suggests that a paragraph be added to the plan saying that there is a cap on total units, but that the plan should be implemented so that it is fiscally positive in each phase per the redevelopment agreement, based on Rich Reading's analysis.
 - i. **JP:** Once we have zoning in place, we can start to understand the other impacts
 - ii. **DR:** It is typical for the first draft of the redevelopment agreement to be provided by the redeveloper and the attorneys will trade revisions back and forth until a final agreement is hammered out. There is nothing in the LRHL to prevent the Township and Hovsons to start on a draft agreement now.
 - iii. Establishing a density standard and a unit cap for the overall project in the Plan gives numbers to quantify the traffic and fiscal impacts.

- m. **AY:** What if we have that density and cap in the plan, but then the DEP changes the buildout and we are no longer comfortable with the plan?
 - i. **JP:** If we agree on the gross density for all land bays – how many units per acre we could develop – it would always be proportionate no matter what acreage the DEP deems “developable”.
 - ii. **DR:** The other thing that could happen is that if you reduce the residential, you have to reduce the retail so that they stay balanced.
 - iii. **JP:** There’s a critical mass where it no longer works...That’s why we have Reading to figure that out.
- 2. **DS:** Height of permitted monument sign is 30ft high – seems excessive.
 - a. **DR:** We will be bringing the Zoning Officer into the conversation and Hovsons will have some graphics – expecting it to come down.
 - b. **JP:** Part of the height was anticipated to be architectural in nature to serve as a landmark for branding.
 - c. **DR:** Some Redevelopment Plans don’t spell out the actual standards but require the submission of a graphics plan that is pre-approved by the Redevelopment Entity before the it goes to the Planning Board for site plan approval.
- 3. **DS:** Affordable housing – Explain: “So that there will be a net benefit to the Township”
 - a. There are 6,543 units – doesn’t seem to say much – there are percentages and hard numbers – is it going to be greater than the percentage?
 - b. **JP:** The plan addresses affordable housing under 5.10 on pg. 39
- 4. **DS:** The plan is based on the concept of a more dense Town Center core with housing types that become less dense with increasing distance from the Core, yet we don’t establish any standards to achieve the concept. You can put any residential type in any land bay under the current version of the redevelopment plan. The need for flexibility is understood, but the plan seems to lack enough specificity.
 - a. **JP:** We’ll put in some language of density hierarchy. For the most part, we want smaller lots and density in the center, but we can’t get to the last phase and just build thousands of single-family lots because the fiscal will not work. We wouldn’t propose an apartment complex in the middle of 10k square foot single family lots, for example, but it is agreed that the plan needs to have more specificity.
- 5. **JP:** Sewer service area amendment is going to propose a footprint of disturbance – that is the first step towards the expansion
- xii. **Lt. Dolan:** There should be provisions for police, fire, EMS substations for this plan – still only 3 roads in and out – terribly important
 - 1. **DR:** Can reference the concern in the plan and that the redevelopment agreement will go in depth.
 - 2. **Dolan:** Should provide for all three emergency services (police, fire and EMS), not just one
 - 3. **Mayor:** The plan should also discuss the potential need for a school.

- xiii. **SF:** To summarize, it sounds like there is a section missing – Specifications for acreage, what is envisioned, units, so that before you get into the details – like an executive summary – needs to be done in the near term before it goes to the Planning board – key thing to get done
 - 1. **JP:** Will give advanced language on density and caps.
 - 2. **DR:** May do an Executive Summary and then give a table for how it applies to individual land bays or land use types.
- 2. Discussion of Schedule – The goal would be for Council to introduce at second meeting in March and refer to Planning Board for review and comment at their April meeting
 - a. **DR:** Had two meetings with Planning Board members so far with different members at each meeting. They’ve had a copy of the same Plan as the WG members had up to this point. We tried to get them up to speed on their role in redevelopment
 - b. **DR:** Meeting next week with Rich Reading at Tod Poole’s office in Princeton – expecting an intense day
 - i. **JP:** Expecting Rich’s comments before that day. Want to walk out of that session with solid agreement of changes that were made. Not expecting Rich’s proposals to be ready by then
 - ii. **JP:** Will address fiscal without industrial component
 - 1. Reading’s report will address each individual scenario and assess Todd Poole’s fiscal report based on school aged kids, the pace of development, etc.
 - iii. The anticipated economic impact of the Town Center on existing commercial and residential areas in the Township will be a separate analysis.
 - 1. Richard’s understanding is that the Working Group is interested in understanding the timeline of absorption.
 - 2. **JP:** The comparison of economic impacts should be active adult lots versus Town Center
 - a. Town Center will be an overlay, so if at some point we aren’t able to come to an agreement, we come back to current settlement agreement
 - b. Need to update the Settlement Agreement with the DEP
 - c. Later in the spring, Hovsons expects to make an application to expand sewer service area.
 - d. **MB:** Appropriate time to address schedule issues is in the Redevelopment Agreement. At some point during the implementation of the redevelopment plan, the existing Settlement Agreement will be vacated and will be replaced by the Redevelopment Agreement. The owner is not going to expose themselves enough to be in a position to have nothing.
- c. There are some time concerns related to the Settlement Agreement, but we want to make sure we’ve had a chance to do a thorough job
 - i. Rich Reading said he would be finished with his review through March to bring to the Planning Board
 - ii. The Board only meets once a month, but could potentially meet again for a special meeting
 - iii. At the March meeting, the Planning Board is expecting to adopt the Master Plan Reexamination Report Addendum, which would allow the redevelopment plan to be discussed by the Planning Board at their April meeting.

- d. **March 3rd** - Come back here for Working Group meeting to review density, etc.
- e. **March 7th** – Planning Board meeting – Addendum adopted.
- f. **March 17th** – Working Group meeting
 - i. If it is not ready by then, we can also meet on March 24th
- g. **March 28th** – Hope to move forward for the Committee to make a recommendation to the Planning Board
- h. **Mayor:** Asked JP to explain to the WG why we are aiming for April
 - i. **JP:** If the Planning Board gives cursory review in April, they have two months for public comment and move to Council to review with public
 - ii. The end of May is the window we'll be ready to submit application for sewer service extension based on what we talked about here – need to make sure that the State is seeing the progress we're making when we review the Settlement Agreement with them.
 - iii. **DT:** What are we getting on March 3rd?
 - 1. **JP:** The revised Draft Redevelopment Plan
 - a. Draft language for the density – until Reading finishes review, we won't finalize; how that will be controlled
 - 2. **March 17th** – final numbers, final plan, final everything – may be pushed to March 24th.
 - 3. Mayor: Could authorize another special Planning Board session in April if we need to
 - a. Want to make sure the group feel comfortable
 - b. Don't want to limit any public dialogue

Next meeting:

March 3, 2016

Adjournment:

Meeting adjourned at 4:45