

Borough of Pine Hill
Meeting
Planning and Zoning Board of Adjustments
August 14, 2014

- Call to order:** Call to Order by Mr. Felix James 7:30pm
- Pledge of the Flag:** Led by Mr. James
- Sunshine Law:** This is a regularly scheduled meeting of the Pine Hill Planning and Zoning Board. This meeting has been duly advertised and is in full compliance with the Sunshine Law.
- Roll Call:** Mr. Felix, Mr. Waddington, Mr. Ford, Mr. Shultz, Mrs. Bruno, Mr. Hagy, Mayor Green, Councilmen Robb, Mrs. Ciotto, Mr. Greer:
Mr. Castor arrived at 7:50
Professionals: Mr. George Saponaro, Mr. Robert Hall P.P.
- Approval of Minutes:** Motion made by Mrs. Bruno to approve minutes of July 10th meeting second by Mr. Hagy. Roll call all "aye" motion carried
- Informal Discussion:** Mr. Robert Hall: I'm a Professional Planner from Pennoni and Associates and I'm here tonight to present an informal overview of a draft of the Master Plan Reexamination Report. The sub-committee has met twice to work on the Master Plan and tonight I'm going to give an informal overview of the plan please feel free to interrupt me if you have any questions as we go along. The next step in the process was to have a public hearing in September meeting after it was advertised in the newspaper, formal letters sent to the adjacent municipalities and the county planning board. You should have a draft of the plan tonight dated with today's date August 14th we will start on page three the table of contents.
- Mayor Green: Mr. Hall can you explain to the board why we had to go through this exercise.

Mr. Hall: the purpose of the master plan is explained a bit on page four. We need to do this at least every ten years it is mandatory by State Law to review the master plan under the land use law. It is not only the legal aspect of it from a planning point of view but I think it is a good time to go through and look the master plan itself which is the foundation of the zoning ordinance of the borough. Without the Master plan the zoning ordinance does not have a bases in policies developed by this board. For example if the master plan is never reexamined every few years the local zoning ordinances can be challenged in court as being without a bases and therefore your zoning regulations are at risk, they can then be thrown out by a judge which kind of opens up the door to anything and everything which is not a good thing.

Mr. Hall: So we are here tonight to reexamine the plan if the purpose of it is not to just look at the legal aspect of it but to reexamine the policies set forth in this case they go back to 1993 from the master plan and they were updated in 2002 from a reexamination report similar to what we are doing tonight. We are going to look and see if they are still in effect; if they still make sense in the current environment of things and that is economic social and land use things in regulation aspects. It is also important too as you sit here on the planning board and you hear a use variance that is not permitted in a particular zone you go back and look at the master plan and see what it says about that if there is something specific in the plan that is contrary to of what the applicant is Trying to do is a basis for denial of the use variance. It is important to put these policies down regularity and periodically so you are comfortable with them. So if we go back to page three the report is really divided into five sections which follows the statutory guide lines.

Mr. Hall: The first step is to identify major problems and objectives related to land development in the town at the time of the adoption of the last reexamination report as I said that was done in 2002. The second step is to see whether those problems and objectives have been reduced in anyway or have increased since 2002 in our case, and third the extent that there have been new assumptions, new policies, new facts, new objectives, and new issues that have arisen in this time and identify what those are and make changes in the master plan as recommended in this report. You have a number of recommendations at this time. The fourth step is to list the recommendations for not only the master plan but also perhaps change some zoning ordinance or any other issue that come up before the board. Then lastly is to talk about, this is relatively a minor issue here any redevelopment areas, formal redevelopment areas. Currently there are two of those and this report recommends two additional one's for you to consider.

Mr. Hall: Now I want to briefly go over the problems identified in 2002 and then based on the discussed I had with the sub-committee to tell you what happened with those problems. Some of them are still problems and some have been resolved through actions of the borough and other wise. The first problem was the underutilization of lands in the major transportation corrodors of the borough; however the old reexamination report really did not list what those corrodors were and did not mention what the appropriate uses for those sites would be so we are going to clarify these at this point. The major transportation corridors in the borough consist of Black Wood-Clementon Road, New Freedom

Road, Berlin-Cross Road, and Erial Road those are the four major corridors where the borough should be encouraging non-residential growth. As I mentioned there are two major redevelopment areas pretty much build as they were envisioned one is the Glenn Eyre Apartments which is underway has been underway for a number of years and just about to finish up at this point the second one is the Turmp National Golf Club. The second problem is the development constraints related to environmentally sensitive lands including wetlands, streams, lakes and slopped areas throughout the borough. I don't really understand the language in the prior report as to why this was a particular problem I think the policy is in the plan in its self that there should be some protection for these environmentally protected areas. So at this point the sub-committee at least and I hope the board agrees that this is not necessarily a problem but these areas should be continued to be protected so the end game would be to change this from a problem to an objective to avoid any adverse impact on these environmentally sensitive lands.

The third problem was the downtown business district that is primarily Erial Road, we think than this is still a problem to a degree. It is not fully utilized there are some vacant buildings and we think this problem still persists what we do about it is another question. Number four would be the limited utilization of open space again the terms here are not so clear and again I'm not so sure this was a problem so we thought it should be deleted as such, there are still goals to preserve open space preserve woodlands etcetera. That it is not so much a problem of in terms of utilization.

The fifth it was a problem in 2002 an absence of sufficient storm water management standards related to new development; but since 2002 the ordinances here in the borough have been revised to include the State standards required for storm water management so this no longer a problem and was taken care of I think around 2004 when the State Statute became in effect. On page eight here where the problem is mentioned about the lack of buffering requirements addressing to clean disparate use of industrial against residential, some kind of sure where the two would be compatible where there would be a physical buffer between the two uses. There were regulations updated since 2002 but in some cases they are not sufficient and I don't think every zone was covered so we think the recommendation is that the entire ordinance should be looked at on this matter.

Next would be the storm water management mapping there was a project started since 2002 now I did have a chance to talk to John Greer the Public Works Director and he indicated that he felt the project was completed in fact a couple of years ago, but were are also suggesting that as new development comes in or that new facilities are installed that those maps should be updated. You could actually charge a fee to developers to include that so you could use that money to hire someone to revise those storm water maps. The last problem from 2002 has been resolved as well there was in 2002 a lack of a certified housing plan. In 2009 COAH granted substantive certification to the borough which would have lasted till 2018 December 30 2018 however a lot of activity has gone on and COAH has presented rules and public hearings will be going on and the expectation is that those rules will be adopted by I think November of this year. I don't think that the borough will be directly impacted but you should monitor

those rules and look at them once they are adopted to see if there is any impact on the borough I don't expect there will be but they should be looks at.

Mr. Schultz: I have a question on that if the rules come through and they are challenged and there is a requirement has not met the new obligation whatever that may be is there a way we can challenge that since we were certified till 2018?

Mr. Hall: I don't have an explicit answer for that.

Mr. Schultz: An outside chance?

Mr. Hall: I'm sure there is going to be some kind of field process; I would expect professionally there would be some kind of challenge somewhat to the rules in general as well as some specific parts so I believe it will be some time before they become effective. I would suggest that the rules to see if you are affected.

Mr. Saponaro: The rules are already being challenged even before there adopted and I'm not sure the bill will get the standing at this point in time but they are defiantly being challenged by the fair share housing and the only importance that I would suggest at this time is that the administration look at the draft study; that the township attorney another words the township COAH attorney make sure they write to COAH with any objections they have. The only other thing you want to look at is certain cases it is important to make sure that the new developments you get credit; sometimes you have to the county court to get them certified I've had to do that in a couple of places.

Mr. Schultz: I don't want to get ahead of myself but the senior housing that doesn't count for anything does it.

Mr. Saponaro: I'm not sure I would have to take a look at it.

Mayor Green: We are not going to have any senior housing affected, that being said we currently far exceed the quantity. If we have to put anymore in I can't imagine what the surrounding towns that have no COAH housing what they are going to have to do. We are almost doubled what we are required to have.

Mr. Hall: The process here tonight to this Rexam is really just to identify that as an issue how it is resolved is really the next step beyond this, and it is and issue but not to be overly worried about it I did look at the new rules and they are very complex and very lengthy but the borough has more than satisfied its obligation to date; and I think there are extra credits available if the numbers for Pine Hill actually increase.

Mr. Hall: The balance of the objective and so forth really should be carried through to the next planning period they are very general and they're very valid and I don't see any reason why they should not be

continued on as policy for the borough. If you go to page twelve next there are four conclusive recommendations that came out of the reexam process. Starting with the Master Plan the current plan has no maps in it so there are a lot of references to sites and roads and facilities and it is not easy unless you are absolutely familiar with the borough as to where these things are; so I think there should be some mapping included in the next Master Plan not necessarily in the end report but to accompany the text of the report. One of the issues that came up in the sub-committee was the long use of the scout reservation on New Freedom Road. Just wondering what that long term use would be the scout reservation works great but here is always a possibility that could change; we need to consider either redesigning the account currently I think it is parks and recreation designation in the master plan and the zoning ordinance if you are looking for something other than that it would be a recommendation for change. As far as Erial Road the down town business area it was my thought that it is a very long corridor much longer, it's not really easy to walk from one end to the other and that is what you want to have in the majority of the center of town a walkable facility use. So the recommendation is to create a more compact business area of the road and also recognize if there are any residential uses along that stretch the current zoning ordinances does not allow for any residential use because it is designated for what is called the central business district which could have been an oversight. Some body could argue that the intent was to eliminate all the residential homes along Erial Road which I don't think is practical or warranted, bur smaller sections of Erial Road can be focused on to encourage commercial growth. Then number four look at the census data it is four years old right now there are annual reports that come out see what the trends and see if that has any impact on the development of the master plan.

We suggest that the checklists for submission requirements for the various types of development applications be prepared and adopted by ordinance by the council. The land development ordinance that is the zoning ordinance should also look at application fees and escrows for development applications to make sure they are up to date. We have noticed over the past several years certain applications in the LBD Limited Business District and the CBD Central Business District were not very clear as to what types of residential uses are permitted; it does say residential uses are permitted but does that mean apartments above retail stores or does it mean townhouses or single family homes the ordinance is not explicit it needs to be clarified. Similarly conditional uses in the districts are not clearly identified it talks about very vague standards as to what a conditional use is; and conditional uses is typically permitted as long as certain specific criteria are met. For example a lot size minimum or a certain set back or a certain height in that use as opposed to other permitted uses in that zone the current ordinance is not clear on what the conditions might be and if that is challenged in my professional point of view the judge would not allow the ordinance to stand it has to be a very clear standard that can be measurable and understood by both parties both the applicant and the board so it needs to be reviewed.

Minimum lot sizes in the R and Multi district are unclear there are contradictions in two different sections of the ordinance. Third the Zone Map its self should be looked at in the future there is one parcel that was designated as CI conservation and it turns out this is the Public Works Garage it may

have been under Green Acres use or funding restriction at one time but it is no longer it needs to be changed to something else probably Institutional because it is a public facility it is only one little spot on the map and it is also not mentioned in the ordinance so it is just seen as an inconsistency though a minor one that needs to be taken care of. Also the A Zone agriculture and flood plan zone are mentioned in the ordinance but are not shown on the zoning map. As far as agriculture district if it is something that is permitted or permissible as obviously it says farming and agriculture uses but there is no depiction of the A zone on the map I suggest that within some of the other zones if you feel it is appropriate that agriculture should be allowed than those zones should incorporate those words then we won't need a separate A shown on the map. As far as the flood plan zone or district it is not shown on the map but the idea there is that there are flood hazard areas in town and there are certain standards for construction in those areas it is not necessarily a district per say and could be depicted on the map; what we would normally do is look at the Federal FEMA Maps to see if a property is in a flood hazard area or not and understandably why. So the reference should be removed from the map.

There was an expressed need for more senior housing in town and the districts and lands of the borough should be looks at to see if they meet that need to encourage more senior housing. Storm water management rules are pretty much preempted by state and they are changing from time to time and should be monitored to update the ordinance. The same with the New Jersey Residential Site improvement center NJ RSIS some were adopted and some incorporated into the ordinances and some of those standards do change from time to time and need to be updated. The current LDO has requirements for recreation facilities and contributions to be installed within certain types of developments, the board attorney has said that is legally suspect and should be reviewed under whatever case law that might have to be looked up or if we can enforce those standards. Some new definitions have been created at the state level in the land use law and the ordinance should be updated to include those. Provisions should also be added to prohibit certain uses such as car lots, adult bookstores, bars, gas stations, and billboards excreta especially where they are near schools or other areas where they would be deemed a nuisance, and also front lawn parking in certain residential properties where they have become a real eye sore and detract from the appearance and value of certain neighborhoods. Provisions should be added to the ordinance to include accessory structures such as garages and sheds are truly and accessory to the principle use and proportionately the principle use for example a home with a six bay garage in fact may not be appropriate in a residential setting, there are no particular standards in the ordinance about that now it allows a garage it allows a shed with no size limitations to them.

There are some other problems that are not necessarily related to the master plan or the zoning ordinances and those are listed on page 13 paragraph C. That environmentally sensitive area should be mapped separately from the ordinance, as I mentioned before track the status of COAH regulations, prepare a Borough street map I don't think a comprehensive street map exists for the general public to use. And then review policies and objectives and standards for; housing needs of the aging population it's a new phoneme, charter schools, standards for houses of worship and other religious land uses,

wind and solar renewable energy facilities, wireless communication facilities, hospice and other health care-related facilities. Some of these issues have been coming before the board as land use variances and I think the board and the borough should come together and examine them and see where these may be appropriate in town.

Lastly just the redevelopment areas again there are two currently existing and the sub-committee thought there were two potential sites also that should be consideration for redevelopment; one is the entire length of Berlin-Cross Keys Road and the entire length of Blackwood Clementon Road in both these cases it is primarily in a commercial corridor but there are some empty buildings and some vacant properties and that is the kind of thing you could deal with as a redevelopment area rather through a specific zoning ordinance. A zoning ordinance for example you create a map with standards and then wait for some private party to come before the board and pose something a redevelopment area can work the other way around, the borough can actually initiate development. In summative the problems and objectives that I have mentioned should be carried forward into the next planning period the next 10 year period and are also listed at the end of the report and that is it. The reexamination report is again a process to list the problems that were and will be and then to make recommendations to change in the plan itself also with the development regulations which in this case will be our regular ordinances.

Once adopted this report should be copied and sent to the County Planning Board, but that's it this could but it shouldn't but could live on a shelf by itself somewhere once adopted a copy of this report should also be sent to council it is not necessary for council to take any action on it just as the master plan itself is really adopted and followed by the board this could exist as well. I think there are some issues in here that could be addressed in one way or other over some period of time nothing is really eminent to be done quickly but it should be a bases of some kind of a plan to attack these items and address them both from a process point of view and also a financial point of view some of this work here can be a cost to the borough and that can be spread out over time. So again we should do this at least every ten years it could be done every time you feel it is appropriate so for a borough like Pine Hill I think ten years is a good time frame so it is 2014 you won't have to do it again till 2024; and that is all I have Mr. Chairman glad to answer any questions or listen to any comments.

Mr. James: Okay; any questions from the board

Mrs. Bruno: I have one question; you made mention somewhat on the subject of senior housing and I may be a little naive on the subject so excuse me on my ignorance; but I thought that at one time the Mansions was considered Senior Housing. Many Years ago when I first moved here that is what I thought it was.

Mayor Green: When I moved here I was told that as well but however the review of the agreement there is no mention of senior housing at all I think that was what the rumor was at the time or what the one office had sold or the developer had sold out; and I do believe at one time they tried to cater to seniors however the actual agreement the borough had at that time with the developer says it was low income housing.

Mrs. Bruno: There is a significant number of seniors in there though correct?

Mayor Green: I think there

Mr. Hallworth: At one time!

Mayor Green: Yes at one time!

Mrs. Bruno: there is not anymore?

Mr. Hallworth: Because of Federal Money they can't

Mayor Green: Yeah the Federal Government probably time allowed them to pick and choose and they said no low income low income you can't segregate or discriminate I should say.

Mrs. Bruno: Really even a senior wouldn't qualify for low housing

Mayor Green: Well they may but you have to go on a list like everybody else and as people got in there who were not necessarily seniors I believe a lot of seniors left for their safety; and that agreement was entered into I think in 1978 and it is a 40 or 50 year agreement it has almost 20 years left at this time.

Mrs. Bruno: Wow; so is it a requirement for any municipality to have senior housing

Mr. Hall: No

Mrs. Bruno: it is not?

Mr. Hall: No it's really the policy

Mrs. Bruno: I heard too from other people

Mr. Hall: The Mansions is a subsidized project it is restricted to certain incomes not age wise. There is one portion of the borough that is vacant that is zoned for senior housing which is on Mt. Clement Road and a not improved portion of Osborne it is difficult to find.

Mayor Green: I think that piece of property was sold though

Mr. Hall: I could not find it on the tax records I did look to see who owned it and I could not match up blocks and lots with particular owners not sure who owns it; but it may not be the best place for senior housing if you feel there is a need for senior housing. It is really a policy that each town will develop on its own the population generally in the US is aging and as you age of course your immediate housing needs start changing and there is really no specific housing for that at this point. I have seen a lot of age targeted communities throughout the state and there is a lot of discussion about restricting the age to 55 and above but I don't think that is what we are talking about here we are talking about some older citizens perhaps and there is a feeling that there is a general need for more but then obviously who

knows inexpensive as possible so it is something to be explored in the future to see where that could be accommodated and how to encourage that to happen.

Mr. Castor: We have approved three or four senior developments in the last 5 years not one of them has been built

Mayor Green: Yea but there is a difference we approved age restricted senior citizen

Mr. Castor: Yea but still not one of them has been built

Mayor Green: Correct but in some cases they have the age restricted lifted

Mr. Castor: And they still didn't build them

Mayor Green: Correct in some cases they sold the property and probably never will be; that made the difference between senior and age restricted typically age restricted is 55 and if I'm correct senior housing starts at age 62. So I think all of were under the impression that over the age 55 was senior housing and that is not by legal definition senior housing.

Mrs. Bruno: Okay

Mr. Hall: If there approved for some reason the market place isn't working

Mr. Castor: They couldn't borrow the money

Mr. Hall: Could be a different kind of project

Mr. Castor: I was told they couldn't borrow the money

Mr. Hall: It is just no banks want to lend the money because it is too risky; and a few years ago you probably remember the state legislature actually passed a law where towns did pass age restricted development and they were approved but there was no market and they didn't get built; so the developers went to their favorite legislators and they approved a law that required towns to eliminate that age restriction so the developer could build market based non-age restricted units and it has become a real fight in some communities.

Mayor Green: And we have that with the bank over there on Cross Keys Road

Mr. Hall: Alright so that is really it at this point if you question or idea that come up before the next meeting that will be September 11th please let me know so we can revise this. Again we will have a formal public hearing I'll go through a presentation again the idea at that point is to allow the public to give some input about this here re-exam. Nothing really exciting here but it is a process you should go through I think it will give you more of a comprehensive view of what the plan is and what the ordinance is all about. Okay; I'll be available if you have any questions.

Mr. James: I would like to entertain a motion that we have this open for a public hearing for the September 11th meeting

Motion made by Mrs. Bruno second by Mr. Castor, all "aye" motion carried

Open meeting to the public: Mr. James: At this time I would like to open the floor to the public
Motion by Mr. Castor second by Ms. Schultz, all "aye" motion carried

Mr. James: Floor is now open to the public

Mr. Castor: Motion to close floor to the public second my Mr. Hagy, all aye motion carried

Mr. James: Floor is now closed to the public

Old Business: None

New Business: Next Meeting September 11th at 7:30 pm

Motion to Adjourn: motion made by Mr. Castor, second by Mr. Hagy, all others "aye" motion carried.