

MINUTES OF THE PLANNING BOARD MEETING
Tuesday, February 9, 2021

Present:

Chairman Larry Lonergan

Mayor Jack McEvoy

Mr. Steven Neale

Mr. Al DeOld

Mr. Jason Hyndman

Mr. Greg Mascera, Planning Board Attorney

Deputy Mayor Alex Roman

Ms. Jessica Pearson

Mr. Jim Kirby

Mr. David Freschi

Ashley Neale, Planning Board Secretary

Meeting called to order at 7:31 P.M. by Chairman Lonergan. This meeting was held via Zoom Video Conferencing due to COVID-19 pandemic.

Pledge of Allegiance:

Chairman Lonergan reads Open Public Meetings Act Statement and explains how the public can raise their virtual hands to participate in the meeting.

Public Hearing

Chairman Lonergan asks if anyone from the public would like to address the board on topics not on this meeting's agenda. Chelsea Gleis from Benecke Economics, who composed the redevelopment plan, states she is also present.

Approval of Minutes

Chairman Lonergan asks for a motion to approve the minutes from the Boards regular meeting held on January 28, 2021. Ms. Pearson makes the motion, Mr. DeOld seconds. Mr. Kirby abstains. All others present were in favor.

Mr. Kirby notes for the record that he has watched the video off the meeting on January 28th, and has completed the Absent Member Affidavit, therefore making him eligible to participate and vote tonight.

Continued from January 28th Meeting- Review of Township Ordinance 2021-01

Chairman Lonergan notes that a Planning Board report was compiled and circulated by Mr. Mascera prior to the meeting. He asks that the Board go around and make any comments or suggestions on language to complete the report before it is submitted to the Township Council.

Ms. Pearson starts by noting she feels that the Board general agrees this plan is inconsistent with the Master Plan, she also feels that it is inconsistent with the State's Plan. She adds that the plan being exempt from Township Ordinances such as the Steep Slope, Tree and Storm Water Ordinance's would create a "house of cards," taking out any one of these would create issues in the area. She continues by stating that the plan designated the property as a PA-1 zone, however the state has designated it as a PA-5 Environmentally sensitive area. She adds the reason for this is the, "critical slopes, mature strands of trees to protect them, and the ridge." She discusses how the Board had previously reviewed multiple plans to determine if the property qualified as an Area in Need of Redevelopment, noting the Board decided it met the criteria because of only Smart Growth when the State Plan notes that only PA-1 and 2 areas are subject to Smart Growth. She adds the State Plan notes that only PA-1 and 2 areas are subject to Smart Growth. She reads an excerpt from page 42 of the Executive Summary of the New Jersey Development and Redevelopment Plan, about metropolitan planning and environmentally sensitive areas. Ms. Pearson recommends that the Board report include more specifics of the State plans recommendations for sloped parcels and environmentally sensitive areas. She also recommends the

Township Council look into what can be done to mitigate such a large development on an environmentally sensitive area.

Ms. Gleis responds that they recognize the majority of the property is in a PA-5 zone and that the State Plan notes that these areas are of limited growth, not no growth. She adds the Department of Community Affairs is aware of the designation and has still approved the plan. She notes it is their opinion; this plan complies with the State's Redevelopment Plan. She add the State Plan indicates a balance in development and protection of the environment.

Chairman Lonergan notes on page 3 of 8 of the draft report from the Board to the Council, it state, "the Board believes that the appropriate designation might be..." He suggest changing it to read that it is a planning area 5. Mr. Mascera adds that from there the next paragraph should state, "The Council has to consider the environmental impact because it is a PA-5 zone."

Mr. DeOld asks if the number of units proposed on the property should be less considering the PA-5 determination. Mr. Mascera notes that if that is the consensus of the Board it can be placed in the conclusion of the report with all other recommendations.

Mr. Hyndman suggests striking the entire paragraph on page 3 under number 6, talking about findings and questions of the PA-5 zone, considering the Board has a more definitive answer. He suggests stating, "The Planning Board finds the majority of the area within a PA-5, and such is environmentally sensitive and development of high density apartments is in tension with..." and then continue with the second paragraph. He also recommends stating, "The Planning Board recommends the Council consider conservation of natural resources and protection of environmental qualities."

Mr. Freschi asks about how the Township of Montclair is involved, since part of the property is located there and it is referenced in the report. Mr. Mascera notes that they would have no control over the Township of Montclair, but that wording could be incorporated into the Redeveloper's agreement to address the portion in Montclair. He adds that a report submitted by Mr. Steck notes that this redevelopment report does not reference taking Montclair's Master Plan into consideration.

There is discussion on the position of the building in relation to Montclair, and future development that could happen on the site if approved by Montclair. There is discussion on the Block and Lots of the parcel, and how much acreage belongs to each Township.

Mr. Hyndman suggests altering the wording of the Board's report to the Council. Specifically page one, paragraph two. Mr. Mascera notes that he included that so there was clear wording that the Board knew what the scope of the review was. Chairman Lonergan suggests leaving the paragraph with the following adjustments: take out the word "although" and make is "The referral..." Put a period after the zoning ordinance in the third to last line, and make it, "The Planning..."

Mr. Hyndman continues, suggesting the second paragraph, adding, "Identified inconsistencies with the Master Plan, State Plan and the surrounding municipalities, and collectively resolve to make recommendations," after "between Board members." He also suggests the third paragraph second to last line read, inconsistencies and deficiencies..."

There is discussion on finalizing the report, the time limit, how it could be approved without having another meeting and restrictions under the Open Public Meeting Act.

Mr. Hyndman continues on page four, first paragraph, suggesting it should read, "The Planning Board recommends that the Ordinance should specify what specific green infrastructure practices the developer should employ and the extent." The rest of the Board agreed.

Mr. Hyndman suggests adding wording to page five, prior to where it talks about the Master Plan. To read as follows: "While the Planning Board recognized that the 2009 Master Plan is out of date and does not reflect the current affordable housing requirements the Township must comply with, the 2009 Master Plan is the sole planning document that the Board must consider when evaluating the Redevelopment Plan for consistency. As

such, the Board must identify the fact that the Redevelopment Plan is inconsistent with the following provisions of the Master Plan.”

There is discussion amongst the Board on wording to recommend lowering the amount of units proposed, the requirement of 200 units and how that was established, and suggesting the developer build more stories to fit the required units.

Chairman Lonergan calls for a break at 9:08 P.M. The meeting was called back to order at 9:15 P.M.

There is continued discussion on recommendations for limiting the amount of units. There is also discussion on recommending where the amenities would be located on the property in relation to setbacks and buildings. Ms. Pearson expresses that she would like to stress that the Council look into the potential for the State to overturn or place further restrictions on the development of this land due to the PA-5 designation.

Chairman Lonergan asks if anyone else from the Board has input on the report. Seeing none the Board moves on to discuss the conclusion portion of the report. Ms. Pearson expresses she feels this would be a detriment. Chairman Lonergan notes that it feels like it is unavoidable, and notes that it's the Boards hope the governing body can mitigate the damages. Mr. Mascera summarizes the Boards comments from the meeting to include, the Board has serious reservations about the plan as a whole and they do not feel it is aligned with the Master Plan or the State Plan. Chairman Lonergan adds he would like to see strong language used and wants to express frustration that the Board was not empowered, as they would have like to be. Chairman Lonergan also adds he would like to add to the report, where Montclair is discussed, a recommendation that the Council do an analysis of Montclair's Master Plan and that there be an effort, to the extent possible, be consistent with Montclair's policy to preserve the wooded ridgeline.

Mr. Hyndman makes a motion to pass a resolution finding the Township Ordinance 2021-01 is inconsistent with the Master Plan and that the Board has prepared recommendations that all members have agreed to be memorialized in a report and the Board authorizes the Board Attorney, Mr. Mascera to finalize and submit such report to the Township Council on the Board's behalf. Mr. Freschi seconds. Roll call was taken, all present voted in favor.

Adjourn

After a motion made by Ms. Pearson and seconded by Deputy Mayor Roman, there was a unanimous vote to adjourn at 9:45 PM.

Respectfully submitted,

Ashley Neale
Planning Board Secretary

PLEASE NOTE: Meeting minutes are a summation of the hearing. If you are interested in a verbatim transcript from this or any proceeding, please contact the Planning Board office at 973-857-4805.