

**Springfield Township Planning Board Meeting Minutes
February 5, 2019**

Chair Jacques called the meeting to order at 7:30 p.m. and led the salute to the Flag.

The Chair read the Open Public Meetings Statement. "Public notice of this meeting, pursuant to the Open Public Meetings Act, has been given by the Springfield Township Planning Board in the following manner on January 4, 2019;

- a. Posting written notice on the official bulletin board at the Municipal Building, Jobstown, N.J.
- b. Mailing written notice to the Burlington County Times and the Trenton Times.
- c. Filing written notice with the Clerk of Springfield Township.
- d. Mailing written notice to each person who has requested copies of the regular meeting schedule and who has prepaid any charges fixed for such service.

Roll Call:

Jo Jacques, Chairperson	Present
Denis McDaniel	Present
John Hlubik	Present
Bernard Dunn	Present
Theresa Nicholson	Present
William Bauma	Present
Stephen Makuka	Present
Richard Toone, 1 st Alternate	Absent
Alexandra Corwin Johnson 2 nd Alternate	Present

Minutes:

January 15, 2019

Due to discrepancy in minutes regarding the variance, the Board Secretary will relisten to the recording and Chair requested to table minutes to the next regular meeting.

Discussion:

- Master Plan re-examination

Chair Jacques indicated the Board gathered to discuss the Master Plan Re-examination and go over the process. The State of New Jersey and the Municipal Land Use Law requires municipalities to develop a Master Plan and one of the few required sections is the Land Use Element and they require the township to review that Master Plan every 10 years at least. The town is required to do that in what is called a Master Plan Re-exam. The last re-exam was done in 2010 so the Board has until the beginning of next year to complete the re-exam. Mayor asked if the re-exam requirement used to be every 6 or 7 years. The Board Secretary and Chair responded every 6 years. Chair continued that the Board has plenty of time to take their time to do the review. Some of the newer Board members have never been through this process so Chair asked the Clerk-Board Administrator to send the 2010 Master Plan Re-Exam to the Board members to get familiar with it. That re-exam was done while renewable energy ordinances were being done so it was an opportunity to do the re-exam because some of the uses would be changing.

This time around the Board is doing the re-exam because it is required but also the Council has asked to take a look specifically at the Non-contiguous Clustering Density Transfer. The Township had reviewed in 2005 and it was incorporated as part of the Master Plan but the courts subsequently decided that it was not appropriate and then a few years later decided that is actually a good thing and is allowed so they will allow municipalities to do that.

Since it is time for the Board to do a re-examination report, the Council wants the Board to take a look at that again and see whether something like that would still be appropriate. That will be the focus of what the Board will be looking at this year. Chair requested the Clerk to provide copies of the Ordinances that were passed in 2006 when the Board did that Density Transfer so the Board can get a sense of the type of information that was reviewed. Chair found a copy of the Land Use Plan Element that went along with that work. The Chair will try to find a machine-readable copy but if not, there can be Xerox copies made or at least the important parts of it. There are a lot of maps but the maps may not necessarily need copying.

Chair indicated the Planner who will work with the Board has been a Springfield Planner in the past. She worked with the Board on the Affordable Housing Plan and filled in for the Principal Planner when he was not available. The Planner is well familiar with Springfield. The Planner will come to the next regular Planning Board meeting to discuss a bit more about process to get some ideas of how to proceed. The Planner already made suggestions of having public meetings and getting input from the public. Chair further indicated the Board may get together a few subcommittees to do investigative work which will be brought back to the full Board in public meetings that are noticed. This is no attempt to hide anything, it is just easier to do investigative work in a small group so it will come back to the full Board in public.

Chair indicated this is what will be happening off and on in the next year. There is not really a time frame but the Board would like to complete it by the end of the year or worse case, very early next year so the Board doesn't run into any deadlines with the State.

Chair asked for any questions from the Board. Beth McManus, the Planner, could not make this meeting because she had a previous engagement with the Court representing another township but she will be at the next regular meeting on February 19th, there is an application but it's not expected to take too long so Ms. McManus will be there to provide suggestions of how to proceed and think about it and come back to the next meeting. For the next couple months, the Board will probably just be doing a lot of discussion and gathering ideas. There will be some work sessions to work through some of the issues but there will also be some heavy lifting at the regular sessions. The Professionals do not typically come to the work sessions so it depends on their availability. The Board will play it by ear over the next 3 to 4 months as information is gathered as needed.

Mayor referred to the 2006-06 Ordinance which was overturned by the objectors in court more specifically Article 26 Planned Development Overlay District. It created receiving districts that essentially the thrust of which was to create clustered housing development. Mayor referred to the 3rd page being 215-140A(a), the minimum lot size was 1 acre. The attempt was to actually allow development in clusters to be built on 1-acre lots with a backup of doing 10-acre subdivision if 1-acre lots were not desired. The objectors had that thrown out but the Court said the 10-acre zoning was ok. People refer to 10-acre zoning but it's really a remnant of 1-acre cluster creation based on a 3-acre density value. Mr. Bauma asked if that was the Hamlets. Mayor believes that some of it was the Hamlets but not all of it. Chair indicated that she will look through the past work and bring the receiving areas or the regional overlay areas where it would be appropriate for denser development to happen before the Board. Chair indicated that she may not have any of the large maps but she can provide a smaller map. A lot of the denser development was based upon the expectations of the soils for supporting septic systems. Mayor indicated that is not to say what was 13 years ago. Chair agreed and mentioned that those areas may no longer be available. There may have been additional development or other reasons. Unfortunately some of the State regulations on use of septic and other regulations have changed so it may make it more difficult so it can be reviewed and determine there is no longer an opportunity. This is something the Council wants the Board to review. Chair will gather the past land use review along with those pertinent maps to have a better sense if it still applies. Mayor further indicated the Planner suggested opportunities to get public input also. Chair indicated if the Board has machine-readable documents now, the Clerk can post them on the Township website for the public to review. Chairs indicated that it may not at all be applicable to now. Chair asked for any other comments or questions from the Board.

Public Comment:

Chair opened the floor for public comment.

- Timothy Walker of 2177 Jacksonville-Jobstown Road approached the dais. Mr. Walker asked how he may obtain access to the Planning Board's information. He feels uninformed regarding cluster development. Chair explained the clustering as Non-Contiguous Density Transfer as being able to transfer development rights for someone with a very large piece of land. That land owner could transfer the development rights from there to a clustered area is what the court threw out in 2005-2006. The court disallowed moving the development rights from one area to another area. Now the courts are allowing it. Chair gave further explanation of the process. Mr. Walker again asked about obtaining access to the information. As Chair stated earlier in the meeting, she will gather her documents from 2005-2006 to hopefully post on the Township website. If posting is not available, the public can complete an OPRA and a small fee maybe paid. Mr. Walker spoke of the 3 new houses being built near his property and feels the septic is only 50' away from the well for one of the Habitat for Humanity houses. Mr. Walker feels the properties are too small to handle the housing. Mr. Walker feels the housing in 20 years will be an issue. Chair indicated the County Board of Health would need to be contacted being they provide approvals for well and septic. Mr. Walker feels the zoning was not implemented correctly and asked about the other lot geared for Habitat for Humanity. Mr. Walker currently owns rentals and feels he should have been contacted to work out Affordable Housing. Chair responded the State changed the rules regarding low income rentals and explained that credit could not be received. Mr. Walker pursued further discussion regarding obtaining information and housing on small lots. Mr. Walker spoke about the road being rerouted. Mayor responded to Mr. Walker that mostly grants paid for the roads from the County Grant, State Grant and Affordable Housing Fund and gave detail of each grant. Mr. Walker questioned the Affordable Housing criteria. Mayor explained the Habitat for Humanity project was approved for the town's Affordable Housing obligations. Chair further indicated that the municipalities in the State of New Jersey have an obligation to meet legitimate Affordable Housing which is approved by the Court. If nothing is done, the courts could force the town to do something if the town is challenged by a developer. Chair gave more examples of developers coming to the town to build with Affordable Housing such as the courts could force sewers on the town in order to bring in high density. Mayor said the courts could force the town to do a developer's remedy and it could be anything. Ms. Johnson indicated it would be nice for the town to be able to make the decisions before a developer comes in to sue the town and make things worse. Mr. Makuka said the court could come in to make the town do similar to what Eastampton had to do so it's better to work towards a goal and stave off any kind of court decision. Mayor gave history of COAH in the 1970s in Mt. Laurel, New Jersey. Mr. Walker feels a builder won't come in to sue the town. Chair responded that with builder's remedy the builder can say he wants to build 500 units and a percentage of them would be affordable. The builders are not looking to build Affordable Housing, they're looking to build large housing to make money. Mr. Walker asked what else can be done besides having Habitat for Humanity build more houses. Mayor responded about Mr. Walker's thought about rentals and provided some detail of what would be needed to pursue it. Mr. Walker still indicated the Habitat for Humanity housing may have default mortgages. Chair responded the Burlington County Habitat for Humanity chapter has an 85% success rate. Mr. Walker went back to the well septic distance. Chair challenged Mr. Walker if the distance is an issue and Mr. Walker indicated he didn't measure it but it seems to be close. Chair indicated the Burlington County Health Department needs to look into it since they are the approving agency. Further discussion took place. Mr. Walker asked about resources regarding Affordable Housing. Mayor suggested calling the Lt. Governor's office and google COAH, Council on Affordable Housing. Chair suggested the NJ League of Municipalities and the Board Secretary suggested NJ.Gov for the Division of Housing. Further discussion ensued regarding Affordable Housing.
- Greg Flynn of 1219 Horsham Road, Ambler, PA approached the dais. Mr. Flynn asked about the size of the lots and then he engaged with the public. Mayor asked Mr. Flynn to direct his comments to the Board. Mr. Flynn commented to the Board about his application to the County Engineer taking much longer than the Habitat for Humanity's process. Mr. Flynn questioned what it meant for the Non-Contiguous Density Transfer may not be appropriate for the current environment. Chair indicated that it is 13-14 years later so what may have worked then, may not work today. Mr. Flynn asked what is meant by Non-Contiguous Density Transfer. As earlier indicated, Chair gave explanation that when density is

taken from one area and transferred to another area that is not contiguous. Mr. Flynn asked if it is a TDR and Chair replied it is a type of Density Transfer. Mr. Flynn asked if it's a development right and as Chair was answering, Mr. Flynn was speaking over Chair. Once Mr. Flynn refrained, Chair was able to restate that it is a transfer of development rights from one location to another. Mr. Flynn asked about overlay areas. Chair responded that is the way the Non-Contiguous Density Transfer works; that there is a receiving area and have an overlay density on that receiving area if it's density that is being transferred from somewhere else. That was the way it used to work so the Board will research to see if the State's legislation works the same way. Mr. Flynn asked how many township acres have been preserved and available. Mayor responded it is about a 1/3, a 1/3 and a 1/3. Mr. Flynn asked how much acreage was preserved after the 10-acre zoning in 2006-2007. Mr. Hlubik added for a couple years, a farmland preservation application was used for 3-acre zoning instead of the 10-acre zoning. Mayor further indicated the 10-acre was underlying zoning if you didn't want to do the zoning at the 3-acre value. Chair indicated that she is not sure off the top of her head of how many farms have been preserved. Mr. Flynn asked the purpose for doing this re-examination. Chair responded it is required by the State to do the next re-examination report before the next spring. The Board can take its time to review and not rush through what Council has asked to do. Mr. Flynn gave his opinion of the 10-acre meetings in the past. Mr. Flynn mentioned the Affordable Housing obligation with the courts. He gave his opinion of being challenged for Affordable Housing. Mr. Flynn spoke of his piece of ground for Affordable Housing for 20 years and the school. Then Mr. Flynn gave thoughts of 0 growth for the school vs. Non-Contiguous Density Transfer. Mr. Flynn asked for the Planner's name and the firm's name. Chair obliged with the names. Mr. Flynn asked if Ms. McManus was involved with the last plan. Chair repeated that Ms. McManus was involved with the last re-examination and sat in for Carl Hintz when he wasn't available. Mr. Flynn ended his questions.

- Timothy Walker approached the dais to discuss the school district. He asked how the Governing Body, Planning Board and School Board intermingle and asked if there is a plan to keep the school in district. Chair responded that it is discussion for the School Board. The School Board used to provide a report of the school growth but the Planning Board has not received one in a while. Mr. Walker has concerns with the consolidation of school districts and feels the Planning Board should have input for it. Mayor interjected that 13 years there would have been cluster building that would have allowed for growth but it was fought by the developers. With this plan, there should be some steady growth and Mayor would like to see the school stay open. Mayor indicated the Superintendent from about 10 years ago said the population was growing and a bigger school would be needed. Prognostications do not always come true. Mr. Walker is hoping all Boards and Council can come to a solution.
- Tom Gabrysiak approached the dais. Mr. Gabrysiak asked about the amount of acreage for the Habitat for Humanity housing. Mayor responded it might be about 5 acres. Mr. Gabrysiak asked if variances were granted since there is 10-acre minimum. Mr. Hlubik indicated that property is under the Hamlets. Mayor responded Habitat for Humanity went to the Zoning Board and it is in the Hamlets. Chair interjected it was probably not 10-acre zoning in that area to begin with. Unfortunately, the zoning maps are not here due to the wall painting. Being in the Hamlets, it's a smaller lot size and higher density. Mayor also indicated it's an inherently beneficial use. Mr. Gabrysiak asked about lot size in the Hamlet area. Chair replied 3 acres so it still would have been a variance.
- Tom Pantana of 7 Huntington Drive approached the dais. Mr. Pantana clarified the School Board and the population growth mentioned earlier. The discussion dates back to 2009 and it was done as part of the research for the proposed \$14 million-dollar referendum to upgrade the school which including 3 additional classrooms to accommodate that growth. A separate one was done 5 years later relative to the 2nd round of referendum not as much as the first referendum but it also predicted a growth. For the 1st time very recently, the school population in the Kindergarten-1st Grade had an uptick and gave further information. Mr. Pantana commended the current School Board as being the best one Springfield ever had in a decade.
- Greg Flynn approached the dais to further discuss the school population is below 500 which may be reason for closure. Mr. Flynn spoke of the court room discussion regarding the 10-acre minimum, 0 growth and his opinion of 0 growth. Chair responded regarding the need for more homes and more

children. Mr. Flynn feels the community has no 2nd and 3rd generations here. Mr. Flynn referred back to the school situation.

- Mr. Walker stood up again referring back to his previous comments regarding Habitat for Humanity housing and student population. Chair Jacques indicated the school comments are geared towards the School Board and it will not be discussed tonight. Mr. Walker kept speaking. Chair indicated to Mr. Walker that the Board had been more than gracious to listen to the public comments but now public comment is over. There will be many more meetings but this Board is not in a position to discuss what goes on at the School. Mr. Walker proceeded to speak on the Master Plan discussion should be somewhat regarding the school population. Chair responded tonight's meeting discussion was about process. The Board listened to the public comments and received a lot of information to digest.

There was a motion to close public comment being Mayor McDaniel, seconded by Mr. Hlubik. All in favor. Motion carried unanimously.

Adjournment:

Chair called for motion to adjourn. Mrs. Nicholson motioned to adjourn, seconded by Ms. Johnson. Motion carried unanimously. Meeting adjourned at 8:52 pm.

Respectfully submitted,


Susan A. Minock
Planning Board Secretary