

**Springfield Township Planning Board Meeting Minutes**  
**February 19, 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	Absent
Richard Toone, 1 <sup>st</sup> Alternate	Absent
Alexandra Corwin Johnson 2 <sup>nd</sup> Alternate	Present

Also in attendance was the Board Planner, Beth McManus, PP of Kyle And McManus Associates

**Minutes:**

**January 15, 2019**

Chair Jacques indicated the Board Secretary relistened to the recording due to a couple questioned lines in the minutes and the attorney may have misspoke slightly what he said and what the record reflects is in the minutes. Mr. Hlubik motioned to accept said minutes as recorded, seconded by Mrs. Nicholson. All in favor. Motion carried unanimously.

**February 5, 2019**

Chair indicated a typo on page 1; under the discussion of the Master Plan 1<sup>st</sup> paragraph noted as "Mayor asked if the re-exam requirement was every 6 or 7 years" and should be "Mayor asked if the re-exam requirement used to be every 6 or 7 years". Chair called for motion for the corrected minutes. Mayor McDaniel motioned to accept said corrected minutes, seconded by Mr. Hlubik. All in favor. Motion carried unanimously.

**Resolution:**

2018-4 Earl H. Rue, Block 1401, Lots 19.02 & 19.05  
Granting Minor Subdivision Approval

Chair indicated the incorrect date was notated on the resolution; Board Secretary indicated it was corrected on original copy. Chair called for motion to accept said resolution. Mayor McDaniel motioned to accept; seconded by Mr. Hlubik.

**Voice Vote:**

Aye: McDaniel, Hlubik, Dunn, Nicholson, Bauma, Johnson and Jacques  
Nay: None

Abstain: None  
Motion passed.

Brief discussion of daycare application that was transferred to the Zoning Board between Mr. Dunn and Chair Jacques.

**Discussion:**

- Master Plan re-examination

Chair Jacques indicated the re-exam is an ongoing process. The Board gathered to discuss the Master Plan Re-examination and go over the process because 1) It is a State requirement to review every ten (10) years so being it's due next year, the Board has this year to review and 2) The Council had asked the Board to look at Non-Contiguous Density Transfer which was something the Board reviewed in 2005.

Ms. McManus indicated Non-Contiguous Density Transfer is a great tool for communities like Springfield. It's designed for municipalities that have a lot of agricultural or undeveloped land. Those towns that want to try to preserve the agricultural character without necessarily having to use public funds to purchase all the land. Open Space Preservation in New Jersey a lot of times is done by municipalities or the county or the state putting forward public funds to purchase the land or at least the right to develop the land permanently. That land is taken out of potential development. Non-Contiguous Density Transfer is a way intended to allow for retention of the beautiful character of the community but doing so without such significant or without any public funds. This is an additional mechanism to Open Space Preservation that towns do. It will allow for a developer to take the density and by density, Ms. McManus means the number of units that are allowed to be developed on a particular property. Its usually measured in units per acre; for example, one (1) unit per ten (10) acres. They take that density and essentially, it's figuratively picked up and moved to another parcel. If Property A is allowed to be developed with ten (10) units under the existing zoning in Property B which may or may not be literally contiguous to the property. The nature is non-contiguous so it can be picked up and moved to another property across town. So, Property A is ten (10) units and Property B is ten (10) units, the developer can pick up that density from A and move it to Property B. Therefore, A would be permanently preserved just like it had public money put towards it for purchase otherwise preservation and Property B would host those twenty (20) units. Ten (10) from the first site and the ten (10) they would have originally gotten. Often, a Density Bonus is given where if the transfer is done, the person would not just get the twenty (20) units but it may be twenty (20) plus something. The bonus could be 5% or 10% or 15% or any option which should be discussed by the Board. The reason for a Density Bonus is a big incentive to a developer because the Non-Contiguous Density Transfer process is another hurdle for builders to incur. It's another proof that needs to be presented to the Board and it means they would not only have to pick up the land they purchase or already own, they will need to pick up another property. The effort of that costs money so the Density Bonus will help them cover those additional costs and also provide incentive.

Ms. McManus indicated in order to get to this program running, the Board must do a Land Use Plan amendment. So, the Re-examination Report will set the stage and later do a Land Use Plan amendment or it can all be done together. The Board can adopt two (2) documents perhaps at the same time or one after another depending on how it moves forward. The Board needs the additional Master Plan documents and even though it's a Master Plan document, Ms. McManus wants to be clear that the Board can do the Land Use Element and not do the Re-examination. The Re-examination report addresses all the Master Plan documents. The Land Use Element is specifically necessary for the Density Transfer.

1. Land Use Element is the first step
  - The Land Use Element has to set forth a number of items but importantly, goals and objectives need to be set forth. To be further specific is why Springfield is doing this. It's important to put a policy basis on the books in the adopted Master Plan because the Zoning Ordinance will have to be deliberately tied to Master Plan policies. Whatever is done here must be defensible so if it would go to court, the town would not want to lose. The ultimate ordinance shall have a strong

policy foundation. That Land Use Element will set for those goals and objectives of why it is being done and why is it important and how does it tie into other policies and history of the Township as well. Then the locations will need to be identified. Such as where can the properties be transferred to and from. Generally try to set forth a plan of how this will occur; both programmatic as well as physical planning land. This is not like Chesterfield Township who did a Transfer of Development Rights Program and they ended up with the new Olde York Village. That is an option for Springfield Township but it will cost several times more. Springfield can get a very similar result in terms of preservation using Non-Contiguous Density Transfer. The Board will do as much physical planning as the Township would like and it can get as much detailed as far as where it will go and how it will look. Also, the Board would want to set forth the general design requirement. Such as general lot sizes, general setbacks and other bulk standards. This will give a general picture of what the community might look like. The Planning Board will adopt the Land Use Element as well as the Re-examination Report and it becomes official municipal policy. This does not need to go to the Council. It doesn't mean there is no coordination with the Council but any Master Plan document is owned by the Planning Board because the Planning Board sets this policy foundation with a Master Plan and it is up to the Council to adopt the Ordinance.

2. Ordinance is the second step

- The Ordinance takes all its cues from that Master Plan. It takes the areas identified for the to and from for the density transfer as well as the lot sizes and the design standards envisioned in the Master Plan and detailed into the Zoning Ordinance which looks similar to what exists today. All details will be spelled out for all properties that will be receiving the density. For the properties having the density transferred, those will remain as farmland or woodland or whatever the land is currently. The Council would proceed to adopt the Ordinance. Hopefully developers and property owners will approach the Council to get more value from their land but not turn it into tract housing.

The biggest questions for the Planning Board is where in town, if and what type of density bonus will be given and what does the Planning Board want this new community/clustered community to look like. The biggest question is the lot size; how small. Ms. McManus further suggested will it be septic only or will developers/property owners be able to use other utility structures. Whether or not sewers will be discussed, all options should be on the table such as septic only, package plants or the provision of sewer service.

Mr. Hlubik asked if there is a minimum size parcel can be in the program and generate a transfer. Ms. McManus replied as not statutorily but that would be one of the things the Board could discuss. In theory, if people wanted to transfer the density of five ½-acre parcels it can be discussed if it should be put into the plan. So, yes, it needs to be discussed. Mr. Hlubik explained that he is under the impression that if an individual has a property to self-develop and they take a portion of their property and transfer. Currently the Township has 10-acre zoning so in theory if the person had three 10-acre parcels, the person could transfer them, depending on septic suitability, to three 1-acre parcels on that same property. Ms. McManus responded that can be done but it would be done under a different program which is Clustering Provision which we can talk about as well. Mr. Hlubik thought it was clustering in a non-contiguous zoning. Ms. McManus replied if it's one parcel and we're not moving the density to a different property, it's really just clustering. However, if the person three separate 10-acre properties and wanted to put all three homes on one of them, then that would be a non-contiguous transfer. Ms. McManus further indicated that it could be done if the development could be done as part of one application. In a sense that the town does not have applications with multiple different owners on different parcels all over the community. Normally when Board receives an application for approval, you can draw one boundary line around all the lots and it makes one tract which might not be one lot but it will be one tract. If it's on one tract, it is a cluster provision. That can be done separate and apart from the non-contiguous density transfer but it makes sense to think about of all of this as part of your Re-exam and your Land Use Element to give those additional options.

Mrs. Nicholson asked if the Board would be making a community like in Mansfield with all the little house together. They transferred all their housing to one area; is this is what the Board will be doing. Chair responded that not if the Board doesn't want to do that. The Board is not required to make any changes. What the Council

has said to take a look at what was done in 2005 was allow to try and get farmers to preserve so we took a small number of areas where density could be transferred to and we allowed them to transfer their development rights at less than ten acres; at that point it was 3-acre lots so you could transfer your 3-acre rights to another location. Chair believes it was going to end up being about a total increase of a couple hundred homes over what the straight 3-acre or 10-acre zoning would have been. So it was going to be scattered over about 4 or 5 areas so no, we weren't talking about putting about 100 homes in one place or probably even 40 or 50 homes in one place. We talked about a couple areas where you would have 1-acre lots. Mrs. Nicholson interjected that Ms. McManus said if a person had 10 houses here and another had 10 houses here, then they'll receive an incentive to put another 10 houses there then that is 30 houses in one spot. Chair indicated if the Board chooses to do so and that spot may be 10, 15 or 20 acres. If you're talking about 1-acre lots, that is what Springfield has in the Hamlets today. So maybe it would be developing another Hamlets. Chair indicated that we're not saying yes, we're saying this is one of the ways it could go or not. This is what the Board will be spending the next 5 or 6 months discussing.

Mr. Hlubik indicated if you have 10-acre zoning and use that as an overlay and if a bonus is used, the total build-out isn't going to be much different then it is now. Mr. Dunn asked about the bonus. Ms. McManus explained the bonus is an incentive. If the Township does this non-contiguous density transfer, it's an incentive for a developer to move the units and it's typically represented as a percentage. For example, if the town allows for 10 units through the transfer, there may be a 10% density bonus. So, the developer would be able to do units, plus another 10% in units or one unit for a total of 11 units on the property. That additional unit the developer would get is supposed to incentivize him into preserving this other property. Mr. Hlubik asked wouldn't that incentive also work for an individual who has 10 lots and if he were to get 11, it would be more of an incentive for him to move to another area than developing on his property. Chair Jacques indicated that when the transfer was done in 2005, the goal was to incentivize land preservation so we actually gave the bonus more so on the land on the sending side than on the receiving side. Ms. McManus didn't suggest that someone would get the bonus just for building the units, you get the bonus for the preservation. Mr. Hlubik indicated if someone had tenants, then now they'd have the opportunity to sell 11 units if they are moved. Ms. McManus agreed. Chair further indicated that it can be done on sending, receiving or both depending on what you're trying to accomplish. Mr. Hlubik asked if an individual sends his building credits or rights, is there a minimum amount of land that has to be left. Ms. McManus replied that is what we're going to figure out; it could be. Mr. Hlubik indicated if someone wants to put their land into farmland preservation, it's a minimum of tillable 20 acres. Ms. McManus said that is one of the pieces of the conversation we need to have as we structure the Land Use Element. What is the minimum acreage the Township would be willing to give an incentive per Ms. McManus? Possibly the Board doesn't want to give incentive for properties that cannot get farmland preservation. Ms. McManus further indicated this should be done in a coordinated fashion to make a measurable, visual impact. It's not much of a visual impact to save 5 acres here and 5 acres there; it's more of a visual impact to save 50 acres or 100 acres saved. Mr. Hlubik indicated there are small parcels in the Township that could be considered for sending. Ms. McManus indicated all those types of decisions and whether or not to give density bonuses needs to be discussed to help define how attractive it is for property owners and developers.

Mayor McDaniel indicated that currently the Township collects an Affordable housing fee when a new house is built and asked about strategies in this case regarding the obligation from the State even though there is no clear obligation but there is an obligation. Ms. McManus replied as if no Affordable housing requirements are imposed on the developers, the Township will still collect the obligation fee. It's possible that if enough density is transferred and enough bonus is given, the Township may be able to obtain an Affordable housing Set Aside. Ms. McManus said that very cautiously because the minimum density that's typically used to require a developer to do 15-20% Affordable housing Set Aside; typical Set Aside is 6 units per acre and Ms. McManus is not sure that is a density that will be achievable here. For those who don't know, that requires sewer and water; it might be able to utilize a package plant. Ms. McManus will need to give some thought to that but there are concerns of whether or not the Township can require a developer to do Affordable housing. It might be an additional incentive to provide; for example give a bonus of X for density transfer but maybe do X + Y if you do the density transfer plus Affordable housing. There are certain implications of how the Affordable housing plan is put together so it may be best to not do a housing plan at the same time but still keep it in mind to not preclude any strategies that might work.

Mr. Hlubik asked if there is any formula the Township needs to adhere to for Affordable housing. For instance, if you build 4 houses, you have to build an affordable unit. Ms. McManus replied as no, this is called Gross Share which was initiated by the State Agency of the Council of Affordable Housing that was put together this idea a few different times to say the municipal obligations will be determined by the amount that they will develop so for example for every 4 or 8 houses, you'll need to do 1 affordable unit. But all of that has been struck down by the courts each time and the court did away with the Gross Share process. So the courts ended with having municipalities do the 22-step calculation that equates to a number which is the number of units to be done. Mr. Hlubik asked about when the Farmer's Market did an expansion, it triggered a housing unit to be built. What calculation did they use; was that the old Gross Share. Ms. McManus replied as yes. Ms. McManus further indicated that municipal affordable housing obligations are not really decided yet. We don't have a C.O.A.H. telling the towns what needs to be done. It's being figured out in the courts through working with an affordable housing organization that is leading the charge in the State. What is largely happening is that towns are settling with this affordable housing organization for a number either they calculated or a Mercer County Judge has calculated. It doesn't technically apply to any town outside of the couple towns in Mercer County but it's been relied upon a legitimate number to move forward with.

To give an idea for Springfield, it's not guaranteed it would be accepted by the courts but Ms. McManus believes it would give a ballpark number for what's referred to as the Third Round Obligation. It's 94 units in Springfield Township so it's quite large and it's in addition to what was already done. Chair indicated that is about 7% of Springfield's total housing. Ms. McManus indicated there are adjustments she would recommend for Springfield that are used much more frequently. This township doesn't have sewer and water and in order to provide all this affordable housing, sewer and water would be required. As a result of that, the town will be able to reduce its obligation to something that is deemed by the court to be more reasonable. So that is a whole process the town will go through and Ms. Manus will make sure the town doesn't preclude through the density transfer discussion. Mr. Hlubik asked would the 94 or other number be when the Township is completely built out. Ms. McManus replied its technically, adjustments aside, that number is supposed to represent the number of affordable units that either need to be created or planned well for between now when the Board does the plan and July 2025. In theory, municipalities are going to get another number in July 2025 through 2035; for each decade assuming the current system will remain in place.

Mr. Hlubik asked about Regional Contribution Agreements; transferring to other towns. Ms. McManus replied she doesn't believe that type of transfer will be coming back. Further indicating the RCAs are very expensive and at one point before being abolished, the RCAs were getting as high as almost \$80,000.00 and previously they were at \$35,000.00 which not very inexpensive when you're thinking about a 94-unit obligation. To transfer the maximum which would be about half; 47 units x the minimum of 35 which would come to a lot of money. Ms. McManus indicated there's no reason why any density transfer or any other zoning that Springfield has put in place has to preclude this adjustment process. As long as it's thought through or understood that might occur in the future so the Board doesn't do something that would stop it. In the event the Township wants to move forward with that plan, it's something to keep in mind. Depending on what would happen between now and any housing plan, that number might change.

Mayor McDaniel mentioned suppose there is a huge piece of land, such as 1,000+ acres, should the Township take that into consideration to figure receiving and sending areas. Ms. McManus indicated that most likely the Board would do so being such a large piece of property. Part of this process has to be identifying large contiguous properties under one (1) or similar ownership. This is assuming those properties would be targets for density receipt or density sending.

Mr. Dunn asked if the soils are a consideration. With the Township's solar ordinance, the good farming ground is protected against solar installation. Ms. McManus replied as yes, it can be considered when the locations are identified. Actually it could be the entire township but for this particular question, if the Board would like certain areas to be within this density transfer zone and certain areas outside of it, then it would be important to think property ownership aesthetics and where in the community is it important to retain this character to have open space preserved and where not to have open space preserved. What the existing land use patterns; are there

areas where it makes sense to allow additional development. The Board will need to think about environment. What if the program is very successful and the design was poor because density was decided to be in environmentally sensitive areas or the best farm land soils? These are things to think about. If the program is implemented, it will be in place for a long time so it should work well.

Mayor McDaniel indicated there should already be an inventory of those lands in farmland preservation already including the county land that are in open space forever. Mayor asked if there is an inventory for lands that have been subdivided and maybe there are deed restrictions. The Board questioned the deed restrictions; what is meant by that. Chair replied the town may not have many of deed restrictions. Mayor found some very old documentation that was distributed to the neighbors around Arney's Mount Road from a young developer in the 1990s who wanted to create a development with sidewalks, road widening, drainage, etc. to create a nonrural look town. The Planning Board at that time didn't want it. The document spoke of lot creations and that all the homes were to be deed restricted against further development, etc. Now being this is not a legal document but just a sales pitch, Mayor wondered is that true and how would the Township know. Ms. McManus replied that we may be able to pull Planning Board resolutions because even if there are no deed restrictions, the Planning Board may have said no further subdivision shall occur. On the other hand, where it does say the deed restriction was put in place, we can do a title search to confirm it. If it's not, then that is a whole enforcement issue. Mr. Hlubik mentioned 38 acres is the only one done that he believes. Ms. McManus indicated that some counties keep that information but she's not sure if Burlington is one of them and she is not sure if any county has very reliable information.

Chair mentioned another area to look at is septic suitability. Mr. Hlubik interjected that if you want these receiving areas and we don't have sewer and talking about package plans, etc., a lot of times the best farm ground is the best ground that can be developed. So, there will be a tradeoff. Mr. Hlubik further indicated that in the Board's discussion, the receiving areas should be around the Hamlets area. A lot of the ground near the Hamlets is already preserved so there are some hard boundaries. Chair indicated that was done back in 2005 but none of it may be applicable anymore; time has moved on and things may have changed considerably.

Ms. McManus indicated one of the 1<sup>st</sup> steps in the process is analysis. Where are the existing preserved lands? What is the capacity for build out now versus what could be done under the density transfer? Where is the septic suitability? Where are the environmental constraints? Once we have the goals and the analysis, we can start to put it together and say this is what a program might look like and is this what we want to do.

Mr. Hlubik indicated that in Juliustown by the base when there is a farm that needs to be preserved or wants to be preserved, the base will supply funds because they do not want any additional development nearby. Chair indicated that is since 2005. Ms. Manus spoke about her Colts Neck account near a base. Mr. Hlubik further indicated there were some properties in New Hanover that got funding for that reason.

Chair indicated the areas looked at in 2005 were around Tilghman's Corner, Juliustown, Jobstown, Jacksonville the Hamlets and Olde York. These five (5) areas were called Rural Growth Centers. They could have built out without transfer units at 361 units but with the transfer, it would have been 559. So, it wasn't a huge; it was a modest increase. Mr. Hlubik indicated if we're restricted where this development can be sent, maybe the clustering would be just as attractive to some people. Chair replied the Board had looked at clustering when they were doing some of the view shed work.

Chair indicated that she will copy the past plan discussions and the ordinances for the Board. Ms. McManus indicated she has copies of those ordinances as well as the 2010 Re-exam. Chair further indicated that she has more documentation to review and print.

Mayor McDaniel indicated that the school community has an issue right now because their grade populations tend to be around 25-30 right now. The teachers say it's a bit large for one (1) class so break them into two (2) but the Board of Education says one (1) class with 26 kids should work. So, out of this dilemma, they're thinking maybe the town should restructure things to have more kids in the school or restructure to have less kids in the school. It

would be hard to regulate a population. Mayor wanted the Board to know that thought process is out there. Chair indicated in her neighborhood some of the older population is moving out and younger people are moving in so in 2-3 years, they will be going through the school system and others are having children. Mr. Hlubik interjected that how can it be guaranteed that there will be 300 students every year. Mr. Hlubik also mentioned that an age restricted community could also come in which reduces the number of new children but there would be a number of new houses. Mayor talked about the building boom in the 1990s and there were a lot of new children.

Chair asked for any other thoughts or comments. Chair indicated the next thing to do is to understand which land is already preserved and what septic suitability is like so the Board will know where potential areas would be. Sewers may not be an option. Ms. McManus indicated it would require a lot of planning to create a sewer service area; go through the DEP and work with the State Planning. It's not impossible but it is a lot of work and it needs to be something that the Township sees it is aligned with its goals to justify the effort. Mr. Hlubik indicated that some years back Burlington County had this area as a non-sewer area. Ms. McManus said it would probably require a lot of houses to justify it. Chair indicated that it's not something we want to do so we have to realize that we really need to look at septic suitability. Even doing a package plan, it would still matter. So, our starting point is septic suitability and preserved land. Ms. McManus agreed and she would like to do some analysis by putting together some maps to show existing zoning, soil, land use, etc. It's also important to work through all the issues that may be addressed in the re-exam. How do you want to get to those issues? Who do we need to talk to? And, what kind of process would you like to use? Chair was given a contact from the SADC who is their expert on density transfer so Chair will contact him to talk to the Board. Mr. Dunn mentioned that it would be nice to have a map showing all the preserved farms. Ms. McManus indicated she will provide maps showing farm preservation, land use, etc. will be a great start.

**Public Comment:**

Chair opened the floor for public comment.

- Greg Flynn of 1219 Horsham Road, Ambler, PA approached the dais. Mr. Flynn asked Ms. Manus' firm' name and location. Ms. McManus provided information. Mr. Flynn asked if this would preclude the County or State for preserving ground in the community. Chair replied as no, absolutely not. Mr. Flynn asked about credits but it was very difficult to hear him. Ms. McManus replied that it wouldn't be part of the density transfer because in a preservation context the County or State would simply be purchasing the land or the development rights not transferring them to another property. Mr. Flynn asked if they couldn't see credits back (again difficult to hear him). Ms. McManus replied not in non-contiguous density transfer scenario. Selling credits is really part of a transfer of developments rights scenario which is more similar to what Chesterfield did. This is intended to be a much simple and stream lined option. Mr. Flynn asked if this is to grow the community or enhance preservation. Chair responded that it could be both. It's to enhance the community so that may mean for allowing some growth as well as preservation and the rural agricultural lifestyle that most people come to Springfield Township. Mr. Flynn commented but it was inaudible. Chair responded that not many people are moving around in New Jersey except for out of state lately.

Chair called for motion to close public comment. Mr. Hlubik motioned to close public comment, seconded by Mr. Dunn. All in favor. Motion carried unanimously.

**Adjournment:**

Chair called for motion to adjourn. Mr. Bauma motioned to adjourn, seconded by Ms. Johnson. Motion carried unanimously. Meeting adjourned at 8:29 pm.

Respectfully submitted,

Susan A. Minock  
Planning Board Secretary