

BOARD BUSINESS CONT.

Town Center and Master Plan Ordinances cont.:

Ordinance creates a number of zoning districts for the Frankford Center Area: The Mixed Use District, The Center Residential Districts 1 & 2, The Highway Commercial District, The Recreation District, the Conservation District and the Utility District.

Ms. Tally reviewed the Mixed Used District. This area includes a variety of commercial uses and residential uses as discussed in the Master Plan. The permitted uses are:

- 1) Professional and business offices
- 2) Governmental offices
- 3) Retail sales
- 4) Retail services
- 5) Restaurants
- 6) Banquet halls and inns
- 7) Movie theaters
- 8) Residential dwelling units above first story commercial for properties that front on the boulevard
- 9) Multi-family residential buildings for properties that front on local streets
- 10) Public buildings and public uses
- 11) Child care centers
- 12) Agricultural uses
- 13) Accessory uses and accessory buildings customarily incidental to the above uses and located on the same lot

The prohibited uses in the Mixed Use District are:

- 1) Outdoor storage
- 2) Adult entertainment establishments
- 3) Automotive dependant uses, which include uses such as a drive-through facilities, car wash, gas station, motor vehicle service station, motor vehicle sales, leasing, rental and service, motor vehicle repair garage and taxicab garage.

Ms. Tally reviewed the General Requirement of the Mixed Use District. She indicated that the intent of the Mixed Use District is to create a pedestrian friendly walkable center. There is a requirement that the buildings front on the street for the boulevard. There is a maximum setback of “0” feet along the boulevard. She indicated the intent of this plan was to have a boulevard which served as the focal point for this area which is the area of the “0” foot front yard setback. The local streets the setbacks are between “0” to 5 feet. There is a Floor Area Ratio (FAR) of .16. There is a requirement that 20% of the total FAR and development be residential in order to integrate the residential into this mixed used district. This offers flexibility to a developer and how to meet the residential component. They do not dictate how it should be met, but it must be included. There is another requirement that all the development should be designed to integrate retail, office, service, eating and drinking establishments and residential uses so that each use category is available within a 1500 feet radius.

A question was raised by a board member regarding the residential units above first story commercial and why this was still in the Ordinance. Ms. Talley indicated that this is not a requirement; however, it was left in to give a developer flexibility as to how they integrate the residential component.

Ms. Tally continued reviewing the General Requirements of the Mixed Used District. There is a landscaped buffer of 75 feet along the frontage of Route 206 and Route 565. The intent is to provide a buffer from the highways to the center and also to maintain the

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character of the area. This creates an edge to the center along this intersection. Also, if there is parking along this area it provides for the parking to be screened. This buffer can be used to meet the Open Space Requirement and the pervious requirement for the development in this area. In this district there is a maximum building size of 60,000 square feet. There is a requirement that the buildings be broken up so it creates a traditional scaled center. This district allows multiple buildings on a lot.

Ms. Talley reviewed the Center Residential – 1 District, which is the triangle area of the zoning map. She indicated that at the last meeting there was a desire to reduce the density in this area to try and create a transition between the center and the wetlands area and the fairgrounds. There is the same variety of permitted uses that are permitted in the Center Residential – 2 District, however, they have reduced the density to a maximum of 2 ½ units per acre with a requirement that at least 50% of the units be age restricted. They did add a definition to the Ordinance as what a Senior Citizen Housing is. The definition states: All senior citizen units shall be deed restricted for occupancy by households with at least one person 55 years of age or older and with no person less than 19 years of age. She indicated that they also added a definition for an Active Adult Community which states: a planned development designed for active older people that emphasizes social and recreational activities, but may also provide personal services, limited health facility and transportation. She reviewed the Use Mix, which states:

- 1) At least 50% of all dwellings shall be age restricted. (This is a minimum requirement.)
- 2) In order to ensure that an appropriate mix of housing types is provided, at least 25% of all housing units shall be townhouses and least 25% of all housing units shall be apartments.
- 3) Patio Homes (which are single family homes) are only permitted as part of an active adult community.

There is an Open Space and Recreation Requirement of 30% of the area. Under the general requirements there is a maximum density of 2 ½ units per acre.

Ms. Talley reviewed the Center Residential – 2 District. This district provides a variety of uses, senior citizen housing, active adult community. There is a requirement that at least 50% of the units be senior housing, at least 25% of all the units shall be townhouses, and at least 25% of all the units shall be apartments, patio homes. She indicated that the Center Residential 2 is very similar to the Center Residential 1, but it has a higher density because the higher density is appropriate in this area particularly since a portion of the property will also be used for utilities, which is the utility district. She indicated that in this district there is a requirement for a 75 foot landscape buffer along Route 565 to create the edge to the center. This landscape buffer can be used for the open space requirement for this center district.

Ms. Talley reviewed the Center Recreation District. She indicated that this district includes largely the Stadium. She indicated that a portion of the parking lot for the Stadium was included in the Frankford Center Mixed Use District. The intent is to utilize that field of parking for development as part of the Mixed Use District. There would be a shared parking arrangement created. The permitted uses include:

- 1) Sports Stadium
- 2) Commercial Recreation
- 3) Health Club
- 4) Tennis Courts
- 5) Volleyball courts

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- 6) Gold driving range
- 7) Baseball-batting cage
- 8) Public and community uses
- 9) Child care facilities
- 10) Agricultural uses
- 11) Accessory uses and accessory buildings customarily incidental to the above uses and located on the same lot.

Ms. Talley reviewed the Commercial Highway District. She indicated that the majority of this center is currently zoned Commercial Highway. This plan is scaling this back to create these new districts to create the center that was adopted as part of the Master Plan. This district will maintain the type of development that the township has right now in the highway district. The Permitted Uses are:

- 1) Professional and business offices
- 2) Governmental offices
- 3) Retail sales
- 4) Retail Services
- 5) Restaurants
- 6) Child Care Facilities
- 7) Agricultural uses
- 8) Public Use
- 9) Accessory uses and accessory buildings customarily incidental to the above uses and located on the same lot.

She indicated that there are very similar uses that are permitted in the mixed use district, but what is different is the design of this district, i.e.: The front yard setback of 75'; the minimum lot area of 217,000 square feet, etc. Essentially the ordinance is maintaining the existing requirements that are in the ordinance for this area. She noted that paragraph (B)(2)(i) states that the floor area ratio for all lots shall be .20, which should read .16.

Mr. Risdon indicated that under the prohibited uses in the mixed use district states: Automotive dependant uses, which include uses such as drive-through facilities, car wash, gas station, motor vehicle service station, motor vehicles sales, leasing, rental and service, motor vehicle repair garage and taxicab garage. Mr. Risdon felt that this should be a permitted use under the Commercial Highway District. Ms. Talley agreed that this should be allowed and put it in as a conditional use.

Ms. Talley reviewed the Conservation District. The Permitted Uses are: passive recreational uses including walkways, trails, recreational facilities and similar other uses. This district is recognizing that there is environmentally sensitive land in this district.

Ms. Talley reviewed the Utility District. She indicated that this district is 29 acres located North of the baseball stadium. This area is designated for the wastewater treatment facility, septic fields to service the center. There are wells in this area and a wellhead protection area was sized and located as an appropriate location to provide for the variety of utilities to service this center. The permitted uses are:

- 1) Public Utilities
- 2) Telecommunications facilities
- 3) Agricultural uses
- 4) Passive recreational uses including walkways, trails, recreational facilities and similar other uses.

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Ms. Talley reviewed the section of the Ordinance on Parking and Circulation: Streets and sidewalks: The hierarchy of streets is to provide limited access from Route 206. There is a local boulevard and requirements. There are local streets and requirements for the streets in the mixed use district and the center residential district. The requirements on the streets require wide sidewalks on the boulevard to have outdoor dining and sufficient space for street trees and street furniture. There are reduced requirements in the mixed used district; the sidewalks are 6 feet with a 4 foot landscaping strip. The sidewalks are smaller in the residential area.

Ms. Talley indicated that traffic calming measures be put in. She reviewed the parking requirements of the center. They require that on street parking be provided in front of the buildings in the mixed use zone only on the boulevard. The requirements for the design for the on street parking that they be included within the calculation of the parking requirements to service this area. There are also requirements for landscaping areas and street trees. The important item is that there is a requirement that parking not be permitted in front of the building except for on the street. The parking lots are allowed in the rear and side of the buildings if screened.

Mrs. Kristensen expressed her concern with the Speed humps requirement. A discussion was held with regard to this. It was agreed to take our speed humps and speed tables and insert “traffic calming devices.”

Ms. Talley indicated there are requirements for shared parking. There is a requirement for parking for townhouses; they are requiring that parking and the garages be located in the back to maintain an attractive street front of these units.

Ms. Talley indicated there are requirements for pedestrian circulation for pedestrian safety.

Ms. Talley indicated there are general design requirements for signage, i.e.: wall mounted signs in the mixed use district, free standing signs located at the gateway entrances from the arterial roads that surround the area, and window signs.

Ms. Talley reviewed the design standards. This relates to how the site is designed and laid out. This section reviews the purpose, site design and building form and mass, façade treatments, material and texture, lighting, street furniture, landscaping. Under the requirement of building form and mass there is a requirement to break up the bulk of the building. No linear dimension of a building be more than 250 feet. Visual and/or physical break should be provided minimally every 125 feet. The break is to minimize the impact of the building.

Mrs. Kristensen questioned that the early American architecture language should be added to the design standards. Ms. Talley indicated that this could be added to the Ordinance under the first paragraph of the design standards.

Ms. Talley reviewed her memo dated February 21, 2006 (& February 22, 2006). She reviewed the build-out of the center because they reduced the density for the triangle area from 3 ½ units to 2 ½ units per acre. The net result is that the number of residential units in the center will go from 461 to 437 units. Under the new zoning the number of units in the triangle area will be 58 units. This includes the COAH, but no TDR. A discussion was held with regard to the senior units. There is a minimum senior units of 50%.

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Ms. Talley reviewed the portion of her memo with regard to the fiscal impact analysis. The net result from the changes made at the last meeting are as follows:

Development Category	Municipal Surplus or (Deficit)	District Surplus or (Deficit)	Regional Surplus or (Deficit)
Nonresidential	\$103,002	\$666,346	\$459,061
Residential	\$208,500	\$1,237,276	\$943,182
	\$311,502	\$1,903,622	\$1,402,243

She was also asked to run the numbers if they exclude the Stadium and assuming that the parking lot for the stadium is not developed for commercial use and continues to be used as a parking field which were:

Development Category	Municipal Surplus or (Deficit)	District Surplus or (Deficit)	Regional Surplus or (Deficit)
Nonresidential	\$90,970	\$588,003	\$405,089
Residential	\$207,064	\$1,238,751	\$938,757
	\$298,034	\$1,826,754	\$1,343,846

She indicated there is a nominal reduction.

A discussion was held with regard to future meetings. It was agreed that the changes discussed this evening be made before the next meeting. A discussion was held regard to a joint meeting for another workshop and possible first reading of the Ordinance.

A Motion was made by Mr. Hahn and seconded by Mr. Zappile to schedule a Joint Meeting of the Township Committee and Land Use Board on March 7, 2006 at 6:00 p.m. at the Township Building. Roll Call:

YES: 9 Ayers, Hahn, Risdon, Zappile, Gstattenbauer, McDowell, Martin
Larson, Smolen

NO: 0

ABSTAIN: 0

The Motion was carried.

A discussion was held with regard to the ballpark parking lot. Ms. Talley indicated that they are not changing property lines, they are changing zone lines. She indicated that the entire stadium is zoned highway commercial (C2) at the present time, what they are proposing is to carve out from the C2 Zone an area from the stadium, itself, for commercial recreation use and enabling the parking lot to be developed in concert with the mixed use center. They are not saying it has to be. It can remain a parking lot. This plan is just enabling a developer to use a portion of this parking lot, it is not a requirement.

PUBLIC PARTICIPATION

A Motion was made by Mr. Zappile and seconded by Mr. Risdon to open this meeting to the public. All were in favor. The Motion was carried.

Carlos Rodriquez appeared before the board on behalf of Sussex Commons as a professional planner. Mr. Rodriquez was sworn in by the board attorney. Mr. Rodriquez gave his qualifications to the board. He indicated that Sussex Commons is interested in having him provide the board with his expertise in center design. He further stated that they are interested in the concept of a successful, viable center because they think it will make their project better and they think the board would benefit from his experience in the area. He indicated to the board that they should clarify if, in deed, a center is what they would like to see at Ross Corner. If it is, the board needs to decide at what scale the center should be (Town Center or Village Center). He indicated that the State Plan does have flexibility guidelines what constitutes these different kinds of centers and what kind of functions they perform. Therefore, depending on what the board's vision is on how they want to see the center perform, the board needs to make a decision. He further indicated that in his review of the proposed town center plan, he would venture to say that endorsement would be problematic. He suggests the board contact the Office of Smart Growth and the County and have a discussion on the details of what is being proposed and get an early reaction before the board goes too far down the road. He stated that he was uncomfortable with the zoning structure of the proposed plan. He is also concerned about the specifics of the zoning proposal. There are a number of special use districts. There is a conservation district, which is essentially a taking because it does not allow anything to be done with this portion of land. The plan is trying through zoning and through the way the town is drawing their center boundary to distinguish between environmentally sensitive lands (which are regulated anyway) and lands that are not. It seems cumbersome and unnecessary. He feels there are problems with densities. He feels there are problems with the 400' radius vs. the 1500' radius. He feels that there will be real issues if this zoning is adopted and is implemented. He suggests to the board to "test the zoning"; do a plan that follows the requirements of the zoning and see what it will actually look like. This will identify any contradictions and problems with the zoning plan.

Sue Satter appeared before the board and was sworn in by the board attorney. She indicated that she hopes that what the board voted on at the October meeting would remain in affect.

David Mince appeared before the board and was sworn in by the board attorney. He indicated his concern with Mr. Rodriquez discussing the town center plan with the board on behalf of Sussex Commons. He feels the town is ready for a town center. He feels the plan prepared by H2M is a very good plan.

Marsha Schiffman appeared before the board on behalf of the applicant Sussex Commons as a planner. Ms. Schiffman was sworn in by the board attorney. She indicated that they would like to have the opportunity to review the revised Ordinance that was submitted this evening. She indicated that they have concerns about the Ordinance that was submitted last week and the changes that were submitted as well. She agreed with Mr. Rodriquez about the problems with the zoning and the zoning districts as part of the project and the difficulty of planning the site appropriately. She feels that the triangular piece changed from mixed use to residential should be put back in the mixed used zone which is a better plan. They have concern with the taking of the area that is classified as conservation district. This does not allow any development and should be part of the mixed use district. She expressed her concern with the Utility zone which does not allow any other use but utilities. She feels there are other uses in that zone which could include: additional parking and other types of uses. She indicated that some of the design standards are unworkable as they are being crafted. For example: limiting the building square footage to 60,000 square feet. She expressed concern about the

PUBLIC PARTICIPATION CONT.

Marsha Schiffman cont.: landscape buffer along Route 206 and Route 565 as shown at 75'. She would like to have the board reconsider this. She indicated if the intent is to screen, screening could be done at a narrow depth and still provide room for building and development on that site. Between this buffer area and the requirements on the site, the overall square footage that is possible within the mixed use zone is reduced significantly.

Pat Sullivan appeared before the board and was sworn in by the board attorney. Ms. Sullivan questioned the planners if each zone is going to have its own land use parcel. Ms. Talley indicated that it will not. Ms. Sullivan also expressed her concern with the parking for the housing that is required. Ms. Talley indicated that the parking for the residential areas has to meet RSIS standards.

Rhoda Cider appeared before the board and was sworn in by the board attorney. She expressed her concern with the comments made by Ms. Schiffman on behalf of Sussex Commons.

Dr. Sam Castimore appeared before the board and was sworn in by the board attorney. He expressed his concern with regard to the housing proposed at the town center plan. He was concerned with the 12 foot sidewalks proposed in the center. He stated that he does not see the sense of 400,000 square feet of commercial retail space if it is not something that is going to be a regional drawing center.

Paul Supten appeared before the board and was sworn in by the board attorney. He questioned Ms. Talley on the longevity of a mixed use town center compared to a retail center. Ms. Talley indicated that longevity has to deal with the structure of the center which was a variety of uses. She further stated that because market conditions change, having a center that permits a variety of uses has a longer longevity than a single use project.

Mr. Jackson, a principal for the Lorterdan project, appeared before the board and was sworn in by the board attorney. Mr. Jackson indicated that the primary concern that he has is the amount density that they are able to have in order to provide for the infrastructure improvements that are going to be required. Currently he is providing approximately 75% of the cost of those improvements. For his project, in order to finance and afford these kind of improvements, the density is slightly less than they hope to achieve. He requested that the board increase the density itself in the residential district; increase the use of the buffer areas and the wetlands areas to talk about density, TDR mechanism may be possible. He also indicated that there is another 30 acres on the other side of Northrup Road, which is not in the town center, but maybe counted towards density but not built on. He would be willing to say that this is open space and not to be built on, but somehow counted toward their density in the center.

Colleen Cunningham, attorney for Lorterdan, appeared before the board and requested a copy of the hand outs that were given this evening in order to have the opportunity to review them.

Dave Miller appeared before the board and was sworn in by the board attorney. He requested that the board don't consider the offer of Sussex Commons to use their consultants to review the ordinances.

A Motion was made by Mr. Zappile and seconded by Mr. Risdon to close this meeting to the public. All were in favor. The Motion was carried.

