

**FRANKFORD TOWNSHIP PLAN ENDORSEMENT ADVISORY COMMITTEE
MAY 6, 2008 – 7:00 P.M.
MINUTES OF THE REGULAR MEETING**

CALL TO ORDER:

The meeting was called to order by the Chairman, Mr. Mintz, by announcing that notice appeared in the New Jersey Herald and the New Jersey Sunday Herald in accordance with the requirements of The Open Public Meetings Act.

Flag Salute

ATTENDANCE:

Those Present were: Mr. Mintz, Ms. Kelly, Ms. Satter, Mr. Shelton, Mr. Sutphen, Mr. Romania (arrived at 7:25 p.m.) and Mr. Fountain. Also present was Janice Talley of H2M.

Those absent: Mr. Jones.

ORGANIZATION:

Vice Chairperson: A Motion was made by Mr. Fountain and seconded by Ms. Satter to nominate Barbara Kelly as the Vice Chairperson of the Plan Endorsement Advisory Committee. Roll Call:

YES: 6 Mintz, Fountain, Kelly, Satter, Shelton, Sutphen

NO: 0

ABSTAIN: 0

The Motion was carried.

Barbara Kelly is the Vice Chairperson of the Plan Endorsement Advisory Committee for 2008.

BOARD BUSINESS:

Report on Meeting with Office of Smart Growth:

Mr. Mintz indicated that he met with the Office of Smart Growth to introduce himself as the Chairman of the Plan Endorsement Advisory Committee and to discuss the concerns the public had with H2M as the Planner for this process. He also had Mr. Sutphen attend the meeting with him. The following was discussed with the Office of Smart Growth:

-H2M's position as Planner – Mr. Mintz indicated that OSG was very positive with regard to H2M. He would like a recommendation from this board to appoint H2M as the Planner for the Plan Endorsement Process. Mr. Sutphen indicated that H2M submitted a proposal to take the township from where we presently are and to carry on the process. He further indicated that he feels that the TDR should also include commercial TDR, not just residential. Ms. Talley indicated that she spoke to the market analyst and he feels that he could integrate the commercial TDR into the program. Mr. Sutphen indicated that he has spoken to other townships that have employed H2M and they spoke highly of their services.

-A discussion was held as to the size of the center. He indicated that there have been reports that the state was requiring more housing and more commercial. He indicated that the discussion that he had with OSG, seem to have no preference as to the size of the center. They suggested that the size of the center is the preference of Frankford Township as long as it fits in the criteria of the State Plan.

BOARD BUSINESS CONT.:

Report on Meeting with Office of Smart Growth cont.:

-A discussion was held with regard to TDR. OSG suggested before going through a full blown market analysis of a TDR program, the township should do a pre-market analysis to make a determination to find out if it is worth the expense and the time to do residential TDR's. Mr. Mintz indicated that he felt OSG was willing to accept the possibility that we could have Plan Endorsement and have a Town Center and not have a residential TDR program because it would require us to have a housing element in the center that is bigger than what people want. Ms. Talley indicated that she did have the market analyst do a lot of background research; however, he never issued a report and never did the full analysis. He did give the prior TDR committee some feed back about what would work and what wouldn't work, however, the revised TDR Plan was not completed.

-Mr. Mintz indicated that he stated to OSG that the township would like to complete the Plan Endorsement Process by the end of 2009 and he felt that they were very positive about this and prepared to work with the township.

-Mr. Mintz indicated that the state is committed to a mixed use center.

-Mr. Mintz indicated that the state made it clear to him that we have to eliminate commercial strip development along the rest of the township's roadways.

-Mr. Mintz indicated that the state said that we will have to coordinate our vision with Branchville. They were not suggesting that there be a single center.

-Mr. Mintz discussed the benefits of Plan Endorsement. He feels that some of the benefits that Frankford needs should be listed in the Municipal Self Assessment Report. He asked the committee to review the hand out from the last meeting on "Benefits of Plan Endorsement" and be prepared at the next meeting to include some of these benefits in the Municipal Self Assessment Report. Some of the benefits could be to clean up some contaminated property, road improvements, or to purchase a piece of property for Open Space, etc.

-Mr. Mintz indicated that the state expressed a desire to be invited to the PEAC meetings once the Municipal Self Assessment Report is submitted and their review has been completed.

-Mr. Mintz indicated that the stated recommended that the County Planner attend the PEAC meeting to get the County involved.

-Mr. Mintz requested that the state provide the township with some models of a Village Center or Town Center that they like so Frankford could look at it. At the time of the meeting the state had no samples to provide Frankford. Ms. Talley indicated that there is a website that has samples of town centers that she will furnish the board with.

Updating/Amending Self Assessment Report:

Mr. Mintz indicated that in order for OSG to start reviewing the Self Assessment report, the township must send down a Resolution which comes from the Township Committee. Mr. Sutphen indicated that this report just starts the process for Plan Endorsement. It was indicated that this report was sent to OSG in December, 2007. However, the Mayor had asked that this report be put on hold until the new PEAC and the new members of the Township Committee could have time to review it. OSG indicated that if the new committee wanted changes to the report, they recommend that the PEAC take the report, review it for changes, and review it with the Land Use Board and Township

BOARD BUSINESS CONT.:

Updating/Amending Self Assessment Report cont.:

Committee and submit a cover letter to them indicating the changes that they would like to make. Mr. Mintz indicated that the letter with the changes could come from the PEAC. Mr. Romania indicated that the changes should be brought before the Land Use Board before sending it down to OSG. Mr. Mintz indicated that he feels the following items should be in the Self-Assessment Report: 1) The Township and PEAC and through the visioning process they will be evaluating the size of the center. 2) We will be evaluating residential TDR's and how affective it will be and how large we want it to be. 3) We will be evaluating commercial TDR's. 4) The affects of the new COAH regulations will have to be determined. 5) He indicated that OSG has sent a letter stating that we have to reduce senior housing and this should be in the letter that we are considering this. 6) The recent zoning changes should be included. He feels that the size of the proposed center plan is too big and he wants the state to know this.

Mr. Mintz requested that the committee review the Municipal Self Assessment report and submit comments with respect to the report to be reviewed at the next meeting. Mr. Mintz also requested that Ms. Talley review the Benefits of Plan Endorsement to be included in this review of the self-assessment report.

Mr. Mintz reviewed with the board the Plan Endorsement Advisor Committee – Next Steps. He referred to Step 4: State Opportunities & Constraints Assessment. He indicated once the review of the self-assessment has been done by the committee and the revised report and update has been done, it will be sent to the state along with the Resolution to OSG. The state will have 45 days to respond with an Opportunities and Constraints Analysis, which will be their issues that they are concerned about that the township must address in order to get Plan Endorsement. He then referred to Step 5: Community Visioning. The committee will have to look at the TDR issues, the Center issues and all the issues that will be involved with the Plan Endorsement proposal to the state.

Mr. Mintz requested that Ms. Talley give an update to the committee as to where the township stands on the Plan Endorsement Process. Ms. Talley indicated that the township is at Step 3: The Municipal Self-Assessment, which is just initiating the Plan Endorsement process. Once the revisions are completed by this committee, the state will have 45 days to submit an Opportunities and Constraints Analysis and submit a report back to the committee. She indicated that a big component of Plan Endorsement is visioning, which has been done over the last 5 years by Frankford Township. She feels this is the point where the township must bring in the State and County representatives for some additional visioning session on the center and TDR plan. She indicated that in reviewing the state's comments from the earlier submission some of the areas to be reviewed were: 1) To revise the plan for the receiving area to make the mixed use portion of the center more compact; 2) Restructure the plan so that it can be implemented through a form-based code. The "form-based code" is the new wave of ordinance work, which is really based on the location of the building and the massing of the building and less on the traditional structure of the ordinance. It places more emphasis on design rather than on regulatory requirements. She indicated that this is an expensive proposal, but she included this in the "next steps" because it is an option that the state has given. She feels that there should be 1 or 2 visioning workshops to go over where you want to be. Once this is completed, then it is fine tuning the implementation mechanisms such as the housing mix and the circulation plan. She further indicated that once the township completes the revisioning of the plan, then you submit it to the state for Consistency Review. At this point the State will come up with an Action Plan and then they will lay out for the township the next steps to take to obtain Plan Endorsement, which will be a long-term plan. Then there will be a Memorandum of Understanding between the State and the Township and this is how the township will obtain Plan Endorsement.

BOARD BUSINESS CONT.:

Updating/Amending Self-Assessment Report cont.:

Mr. Romania indicated that it is ultimately the responsibility of the Land Use Board to approve any recommendations from this committee with regard to Plan Endorsement because Plan Endorsement is part of the Master Plan which is the responsibility of the Land Use Board.

Date, Time & Place of Next Meeting:

The board discussed the next meeting date of this committee. The board agreed to have the next meeting on June 9, 2008 at 7:00 p.m.

H2M Proposal:

A discussion was held with the issues in the past with H2M. Mr. Romania indicated that communication seemed to be the major problem in the past. It was noted that the minutes of the PEAC should be forwarded to the Township Committee and Land Use Board to keep them informed as to the progress of this committee.

A Motion was made by Mr. Sutphen and seconded by Ms. Kelly to recommend to the Land Use Board and Township Committee to hire H2M as the Planner for the Plan Endorsement process. Roll Call:

YES: 4 Mintz, Kelly, Sutphen, Fountain

NO: 0

ABSTAIN: 3 Romania, Shelton, Satter

Mr. Romania requested that Ms. Talley attend either the May 21, 2008 or May 28, 2008 Land Use Board meeting to discuss this matter with the Land Use Board.

Correspondence/Telephone calls:

Mr. Mintz indicated that he spoke to a representative of Sussex Commons and he received a telephone call from their attorney, Kevin Kelly, since there was an issue of them being present or informed about these PEAC meetings or meetings with the State. There was a suggestion that a few of the committee members sit down with a representative of Sussex Commons to hear what their views are. He wants to keep the communication open with the developers. Mr. Romania indicated that he does not have a problem with this because this is an advisory group and the approvals will come from the Land Use Board and Township Committee. Ms. Satter indicated that the PEAC meetings are open to the public and she feels that a representative of the developers will be able to speak at these meetings.

PUBLIC PARTICIPATION

A Motion was made by Mr. Sutphen and seconded by Mr. Shelton to open this matter to the public. All were in favor. The Motion was carried.

Wolfgang Gstattenbauer appeared before the board and expressed his concern that there should have been people on the prior committees on this committee who knew what prior work had been done and that would have made the process run smoother for this committee. He indicated to the board that last fall the DOT paid \$15,000 to have a Charrette to discuss the design of the Town Center. This Charrette led this township down to the state to inform them that we did not want 5-8 story buildings, parking

BOARD BUSINESS CONT.:

PUBLIC PARTICIPATION CONT.

Mr. Gstattenbauer cont.: garages or 1200 homes. He indicated that the proposal that went to the state had 618 houses and this was because Lorterdan had made indications that they were going to come in with a project, which were 300 senior houses. At that time the state wanted 50% other housing if we had 50% senior housing, this is how the board came up with the 618 houses. He indicated that the prior TDR committee was well into the project of the TDR review. He indicated that the only comment that the state had was to have more contiguous landmass to preserve. He further stated that there is only one township in the State of New Jersey that has received Plan Endorsement, which was approved without TDR. He feels that the Plan Endorsement process was working prior to this committee being formed. He further stated that one thing that was clear with all the meetings with the state was that unless there is harmony in the township, the township will not obtain Plan Endorsement. He stated that the State is very concerned that if they have any objectors that go down to the state, the state will pull back and not do anything.

Dana French appeared before the board and was concerned about public participation in these meetings.

Gary Larson appeared before the board and was concerned about the position of the Planner for the Plan Endorsement process and he questioned the committee if that position was advertised. Mr. Mintz indicated that it was his understanding that it was not advertised and it did not have to be advertised. Mr. Larson was concerned with the amount of the contract proposed by H2M in the amount of \$27,500 to do the self-assessment report and the community visioning process. He further indicated that as a Land Use Board member he feels this process has already been done. He was also concerned about the make up of this committee and that there are not more members of the prior committee included. He also wanted to remind this committee that there is already a 350,000 square foot site plan approved and this must be included in their town center.

Harold Pellow appeared before the board to bring the committee up to date as to what has been done over the last 5 years: In May, 2004 a plan was adopted to send to OSG. At that time he and Dick Clark met with OSG, DOT, the AG Dept, and the DEP. At that time none of those agencies had any problem. At that meeting they also told the township that we had to go to Plan Endorsement and Mr. Clark informed the Township Committee that evening (because there was a township meeting) and that night was the night they adopted the Resolution to go to Plan Endorsement (May 24, 2004). The stakeholder's group was formed in the summer of 2004, which had 11 visioning meetings. When the group went to the October 2, 2007 meeting with OSG, the State wanted the visioning process to be waived because of these meetings, however, as stated by Mr. Mintz there are new people working at OSG and this may have changed. In 2006 the Land Use Board asked his office to do a build out based on H2M's plan which he presented to the Land Use Board. In 2007 the Land Use Board asked that his office to prepare another build out to try and fit in the Charrette plan that was designed, to work in the approved site plan of Sussex Commons and what OSG wanted. His office worked on this project from January through June. He met with Eric Snyder from the County and John Eckleston, who was on the OSG Board at the time, and they came up with a plan that was eventually sent to the State by the approval of the County and the Land Use Board. This was done at the request of the Land Use Board to see what an actual build out would look like, not like the plan prepared by H2M which just shows the block of zoning. At the meeting on October 2, 2007 at OSG there was a Pre-Petition meeting at which time the township was informed that everything has changed and there are new regulations, which still are not adopted. After the October 2, 2007 meeting a Municipal Self-Assessment Report was prepared by Jessica Caldwell in his office, which consists of

BOARD BUSINESS CONT.:

PUBLIC PARTICIPATION CONT.

Harold Pellow cont.: 99 pages. He indicated that there was 1 PEAC meeting prior to preparing the Municipal Self-Assessment Report. Mr. Romania indicated that the report was reviewed at length by the Land Use Board and the Public before it was approved and forwarded to the State. Mr. Pellow further indicated at the October 2, 2007 meeting, Courtney Mercer (who is no longer at OSG) indicated that this plan was "almost there". He also mentioned that the 350,000 square foot site plan approved, must be worked into the plan. He further mentioned that at Ross' corner there are a lot of lots that are very long and narrow and unless you have a big player coming in to develop these lots, you would never have a town center because those lots are too small for an individual to come in on one lot and develop a town center because they could not afford a sewer system for such a small development.

Vic Fiore appeared before the board and questioned the board as to the process of public participation in this plan endorsement process. He feels that the public should have its input first before the board presents plans to them. He feels that the LI Zone should be expanded in the township.

Sam Castimore appeared before the board and was concerned about formation of the current PEAC committee. He was also concerned about the committee hiring the H2M firm as the Planner.

Nancy Cooper appeared before the board and questioned as to which townships Mr. Sutphen spoke to in reference to H2M. Mr. Sutphen indicated that he spoke to Lafayette Township as a reference. She questioned the board as to how many Town Centers were approved by the State of New Jersey that were newly built. Ms. Talley indicated Washington Township and Chesterfield were the only two newly built. She questioned the board as to the benefits of Plan Endorsement. Mr. Mintz indicated that if a township goes through the Plan Endorsement process, the state promises as part of the contract to give the township certain benefits, such as roads, parks, etc. She was also concerned about the Zoning change on Route 206. She wanted to know which township obtained Plan Endorsement with approval of TDR. The committee did not know at this time.

Mike Dolan appeared before the board and questioned as to who received the proposals for the Planing position for this process. Mr. Shelton indicated that purchased professional services do not have to be put out to bid.

Paul Valerio appeared before the board and indicated that he feels that all of the visioning has been done on this process. He indicated that he feels that Branchville is already a town center in this area.

Harold Pellow appeared before the board indicated to the board that back in 1998 they did submit to the state that Branchville/Frankford Regional Center, which the State did not approve. He further indicated that the benefits of plan endorsement grants that were referred to earlier are only for the Town Center portion of the town, not for the whole town.

There being no further public, a motion was made by Mr. Sutphen and seconded by Ms. Kelly to close this matter to the public. All were in favor. The Motion was carried.

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ADJOURN:

A Motion was made by Mr. Sheldon and seconded by Mr. Fountain to adjourn the meeting. All were in favor. The Motion was carried.

Respectfully submitted,

SHARON M. YAROSZ
Land Use Administrator