

PLANNING BOARD AGENDA
Tuesday October 20, 2009
Hopatcong Borough Hall,
Hopatcong, NJ



CALL TO ORDER:

CHAIRMAN'S STATEMENT:

SALUTE TO THE FLAG:

ROLL CALL:

MINUTES: October 6, 2009

CONTINUED APPLICATIONS: NONE

NEW APPLICATIONS:

convert
to
11-17 meeting

Laura Conti 18 Lakeside Boulevard Block 10601 Lot 18

Applicant would like to put fencing along the back of greenhouse with gates for both driveways providing security for tenants and limited vision for the highway and neighbors. Row of trees planted along existing fence for the residential neighbor to the left of the property.

Glen Bott 18 Unger Avenue Block 10103 Lot 1.01

The applicant is here this evening to discuss a design change for landscaping. The application was approved on 1/17/06 and memorialized on 2/17/06.

DISCUSSION :OPEN TO THE PUBLIC

This will be a open public discussion to review the Draft Highlands Master Plan Element.

BILLS:

BANISCH ASSOCIATES, INC.

Invoice#PO9-15986	Atkins Block 10712 Lots 38 and 48 Site inspection/Review environmental	\$816.50
Invoice#PO9-15987	Impact statement/ Review EIS/site plan report for EIS Somjen Block 50208 Lot 14 Landscaping/site inspection/prepare letter with landscaping requirements.	\$142.00
Invoice#PO9-15988	River Styx Holdings, LLC Telephone conference with engineer on road Improvements/ streetscape improvements	\$71.00

THE NEW JERSEY HI

165

Public Notices

BOROUGH OF HOPATCONG PLANNING BOARD

PUBLIC NOTICE is hereby given that the Planning Board of the Borough of Hopatcong will conduct a public meeting to review and discuss the Draft Highlands Master Plan Element. The meeting will be held on Tuesday, October 20, 2009 at 7:30 p.m. in the Council Chambers at the Municipal Building located at 111 River Styx Road. A copy of the Draft Highlands Master Plan Element is available for public review at the Office of the Planning Board Secretary and the Office of the Township Clerk, at 111 River Styx Road between the hours of 9:00a.m. and 4:30p.m., Monday through Friday.

Planning Board Secretary,
RoseMarie Winfield

Oct. 2, '09 pf\$10.15
00268743 NJH

MINUTES
HOPATCONG PLANNING BOARD
Hopatcong Borough Hall, Hopatcong, NJ
October 20, 2009

CALL TO ORDER: Chairman Sam Hoagland called the meeting to order at 7:30 PM.

CHAIRMAN'S STATEMENT: The Chairman stated that this meeting is held in accordance with the Open Public Meetings Act 10:4-1 et seq. Annual notice having been forwarded to the Jersey Herald and the Sunday Herald and posted on the bulletin board maintained in the Municipal Building for public announcements.

SALUTE TO THE FLAG: The Members joined in a salute to the Flag.

ROLL CALL PRESENT: Mayor Petillo, Mike Francis, Cliff Lundin, Ron Jobeless Sam Hoagland, Mollie Comerford, Robert Duncan, Alan Gilbert, Board Attorney William Haggerty, Board Planner Chuck McGroarty

EXCUSED: Borough Engineer John Ruschke

ABSENT: Robert Daddis

MINUTES:

Chairman Sam Hoagland asked for a motion to approve the minutes of October 6, 2009

MOTION: A motion was made by Sylvia Petillo and seconded by Mollie Comerford to approve the minutes of October 6, 2009

ROLL CALL: Petillo-yes, Francis-yes, Comerford-yes, Jobeless-yes, Lundin-yes, Gilbert-yes, Hoagland-yes

CONTINUED APPLICATIONS: NONE

NEW APPLICATIONS:

Laura Conti 18 Lakeside Boulevard Block 10601 Lot 18

The applicant requested a postponement without further notice for the November 17, 2009. The meeting of November has been canceled for the League of Municipalities. The applicant will return to the board on December 1, 2009.

Glen Bott 18 Unger Avenue Block 10103 Lot 1.01

Applicant is here this evening to discuss a design change for landscaping. The application was approved on 1/17/06 and memorialized on 2/17/06. Planner Chuck McGroarty

explained that the applicant needs a C/O and a requirement on his resolution was to show a landscaping plan. Mr. Bott sent Chuck McGroarty pictures of his landscaping. Chuck McGroarty suggested that the applicant come back to the board for their approval. Attorney William Haggerty swore in Mr. Glen Bott who stated that when he went for his Certificate of Occupancy, Bill O'Conner the construction official told him about the landscaping requirement in the resolution. Mr. Bott did the landscaping himself and he planted a total of 42 bushes. The applicant also did a stone wall. William Haggerty marked the 1st. picture. A-1, stone wall and landscaping as it exists right now. The work was done and now he needs approval for what was done. Mike Francis told the applicant that he needs to show on his as built what he did exactly. Make a list of all the plantings on an as-built as it exist now. Blow up your survey as show everything as it looks today.

OPEN TO THE PUBLIC: There being no one from the public the meeting went back to the board

Chuck McGroarty asked Attorney William Haggerty if he should write a note to Bill O'Conner that the as built will be sufficient and will meet the requirement. The photos will be attached to the as built. Attorney William Haggerty said no motion was needed.

DISCUSSION OPEN TO THE PUBLIC

This will be an open public discussion to review the Draft Highlands Master Plan Element. Notice was given to the papers, web site and notice was put on the bulletin board in Borough Hall. Borough Planner Chuck McGroarty explained what he would like this to be as brief as possible. This evening is not an official Master Plan meeting; you will not be making a decision this evening to adopt the plan. This is a public meeting and not a hearing. This meeting is to satisfy what Highlands calls basic plan conformance. Chuck presented a large photo showing the Borough entirely in the Highlands Region. The majority of the Borough is in the planning area. That means that you are not obligated to actually conform to the Highlands Regional Master Plan. What I would like to focus on this evening is the preservation area shown on the photo. Mayor Sylvia Petillo stated that it was the Sparta Stanhope Road area. The whole area is 2,607 acres. The purpose of this evening's meeting is to look at what the Highland Council has put together as the Highlands Master Plan Element. In August I handed out draft copies for everyone. We did talk a little about planning and preservation and you had decisions to make with regards to strike out references to the planning area and make changes. There are some things that you cannot change, you can add, but no changes. Cliff Lundin made some suggestions. As of one week ago they came out with a different version that is very similar except that it's exclusive to the preservation area. You have to conform to the preservation area by December 8th of this year. I think it's better to focus on the

preservation area now and early next year deal with the Planning area. June of next year you will have to have a housing element done. You will make decisions at a later time. You have to have conform to preservation you have no choice. With regards to the photo, the red line on this map is the boundary of the preservation area. Highlands has different zones. The green is the protection zone, the yellow is the existing community zone. This is what we will look at to make sure it is correct. The blue is the lake management zone. In laymen's terms the yellow and blue are considered to be the appropriate areas for new development if the municipality wishes to have it. What we are doing tonight is to focus on the preservation area. Cliff Lundin asked if it is being suggesting that we wipe out the current zone and come up with a preservation zone zoning. Chuck said, you actually have an ordinance a model ordinance for preservation. In 2010 you will have two Master Plans. The one that exists today, and you will have the versions you looked at and made changes to and adopted, and that will pertain to the preservation area. Then you will have two ordinances.

One ordinance will be zoning that you have today. You will also have a model ordinance and that will pertain to the preservation area. Today if you own land in the preservation area, the Highlands Act provides for 17 exemptions for a variety of things. If you are looking to develop new property or sub divide, as of now this rests with the DEP. In the forested section, one septic system per 88 acres. If farmland, one septic per 25 acres. There are some very restricted policies. When you are in the protection area, the green area, you are very limited for new development. Mayor Sylvia Petillo said that for the people that are here this evening the area we are talking about is the Stanhope Sparta Road. The Gallo property is environmentally sensitive and we will never be able to build there either. Mr. Gallo would like to build something there but he is not having any luck with the DEP. There is a water and sewer deficit and a steep slope property. Originally we were required to have the housing element and fair share plan submitted by September 8, 2009. We are fortunate that Highlands extended the deadline until June of next year.

We need to provide three pieces of information by December 8, 2009

1. Certified Plan to identify the Highlands to see if there is a consistency.
2. Compare the build out projections to what COAH projects.
3. With regards to housing there is a new transfer option.

Cliff Lundin has a question with regards to the Gallo property. To his knowledge it was never in a certified COAH plan or a draft plan. In fact the Gallo people wanted to develop. Another question for you is the exemption for quarries. Will the Highlands allow that section to be redeveloped after the quarry is finished? This is in the preservation area. Planner Chuck McGroarty will find the answer for us.

Chuck McGroarty stated that we have different options. You can take this Master Plan element and you can blend it into the existing Master Plan and the same for the ordinance. Again I would suggest that you look at the preservation at this time and make changes and be done with it. I will make copies of the preservation plan and get

them to the secretary for everyone. There is a section that deals with the lake management zone. Yours is not in the preservation area. I see no reason to keep it in there at this time.

To the transfer development rights, we have a \$25,000 grant to study a transfer development area. Transferring the development rights from the preservation area which would be purchased by HDC (Highland Development Credit) the first stage is to see if it makes any sense. The TDR in the Master Plan is something that you might want to leave in. Yellow is residential, vacant is gray, public is blue, schools are magenta, COAH property in green. Churches are in purple. Mike Francis said that TDR typically will dictate that municipalities with existing counties that are within Highlands to transfer development rights within the county. This is to pay people for their lost development rights.

Please review with your comments by December 8, 2009 in order for the Borough to be in compliance with the Highlands Act. The seven modules are paid for by the grant.

The TDR is a separate grant from the Highlands.

Mayor Sylvia Petillo would like Chuck McGroarty to go over the thousand foot sub zone. Chuck explained The Lake Community Sub-Zone. The purpose is to protect and enhance water quality. This consists of community development that is within the 1,000 feet from the lake shoreline. Mayor Sylvia Petillo asked if you had an empty lot in the planning area from the lake and you wanted to develop that land, how are you restricted? Chuck explained that you might be exempt because this is an existing lot. It does not mean that people within a thousand feet of the lake cannot build there.

Mike Francis asked Chuck if he could go through the Master Plan for preservation and highlight the sections that he thinks do not apply to us in his professional opinion. Chuck will do a cover list for the board and this will be documented. Chuck stated some recommendations. The FAR should be removed and redevelopment I would leave in. Lake Management I would remove. I will give hard copies to RoseMarie and she will make sure that everyone gets a copy.

OPEN TO THE PUBLIC:

A resident asked after the preservation is done what is the next thing to be considered? Chuck explained that by December 8, 2009 the preservation will be continued. Next year all the things we talked about tonight the Master Plan, ordinances, elements and so on will either be meshed with the existing boroughs documents or stand alone separate. Whether or not Hopatcong moves forward will be a discussion early next year because the housing development will have to be with the COAH obligation. We need to have a draft plan done by March in order to satisfy the June deadline. There will be a variety of other things to explore in the future such as a town center. The borough is not obligated to go forward.

Dick Hodson would like to know with regards to the preservation area, since the state has all of the controls for the document you are considering, is it a matter of a dictated settlement as opposed to a negotiated. Does the borough have an opportunity to get variations or is it a matter of the state saying here it is. Chuck said that the borough can make some changes to the Master Plan Element and to the development regulations but we need to run everything by Highlands. There are goals and objectives just like any Master Plan we can add, but not change anything.

Dick Hodson asked where we were in respect to conformance. How far away are we before we have to opt in? Chuck McGroarty said there is no dead line for the planning area. There is no obligation. In 2010 the borough will know and have a better idea if it wants to opt in or not. The housing element will need to be done to submit to the Highlands as a draft. By June 8th we need to have it to COAH. If you opt in you can change your COAH numbers. If you opt in we will go with the build out projections and have a lower COAH obligation. If we do not we have to go with COAH's growth projections. There will be ordinances that the borough will have to follow.

Mike Francis said that each community writes and customizes their own plan what they want their town to look like. What drives that plan are the regulations by the DEP and goals and objectives in the Regional Master Plan. The Master Plan for preservation is already written.