

MINUTES
HOPATCONG PLANNING BOARD
MEETING
Hopatcong Borough Hall, Hopatcong, NJ
June 19, 2007

CALL TO ORDER: Chairman Pete Ecklund 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 Hodson, Mark Jenkins, Councilman John Armeno, Mollie Comerford, Cliff Lundin, Chairman Peter A. Ecklund, Board Attorney William Haggerty, Board Engineer John Ruschke Board Planner Ken Nelson

ABSENT: Sam Hoagland

MINUTES:

A motion to approve the minutes of the May 15, 2007 meeting was made by Armeno, seconded by Hodson.

Roll Call: Hodson – yes, Comerford – abs., Armeno – yes, Jenkins – yes, Lundin – yes, Ecklund – yes.

CONTINUED APPLICATIONS:

BOARD OF EDUCATION BLOCK 10001, LOT 4 Durban Avenue

Courtesy hearing for an addition for a boiler room. Lundin stepped down for this hearing. Neil Piro, Facilities Advisor for the Board of Education, explained that they submitted a plan for a new boiler room because the cost of fuel has made the old system inefficient, there is too much thermal loss with the present design. The new boiler room will be 10' x 28', adjacent to the new gymnasium with an above ground boiler tank. An architect will draw plans for the Construction Officer.

He was here just for comments, he will follow all appropriate subcodes and ordinances. They are regulated by the State of New Jersey. It would be located in a grassy area so it doesn't affect the traffic flow.

A motion to favorably recommend that the project proceed based on obtaining the necessary permits and requirements was made by Hodson, seconded by Armeno.

Roll Call: Hodson – yes, Comerford – yes, Armeno – yes, Jenkins – yes, Lundin – abs., Ecklund – yes.

NEW APPLICATIONS:

ATKINS REALTY GROUP, LLC BLOCK 10712, LOTS 38 & 48

Concept Hearing to discuss development of the property with age restricted townhouses. John Inglesino, Esq. represented Atkins, the contract purchaser of vacant property that is owned by a non-profit organization. Atty. Haggerty explained to the public that this is not a formal hearing, just an exchange of ideas. They are seeking a zone change to accommodate the project. They had been before the Board on May 1, 2007, had discussions and meetings with the Town professionals and have scaled down the project considerably to minimize impact to the property and traffic. They began with 74 non-age restricted units and were now planning a 32 unit, age-restricted project that would create a positive tax flow for this property.

Robert Atkins and Scott Fishbone, principals of Atkins and engineer Stan Omland appeared. Robert Atkins said after the discussion at the last Planning Board meeting, the Board wanted to see the environmental constraints and more design creativity. They have eliminated the road through the wetlands, eliminated one building of multi-family units and propose two single-family lots instead. They stepped the units and split up some of the units. Stan Omland showed a site plan with the wetlands and a depiction of the environmental constraints outlined. They have verified the intermediate resource value wetland and its 50' buffer area. The design incorporated "buffer averaging" that the DEP should approve.

The stream that flows into the lake is 40' from the closest building, the ordinance requires 50' and this was noted. The density of the proposal would be three units per acre. Rezoning the property would create a lower intensity than single-family lots.

The traffic impact was discussed. The entrance off Rapalya would now be two way and that was more desirable. The Institute of Traffic Engineers Trip Generation manual was used to calculate the traffic impact at 118 trips per day. If the property was developed as currently zoned with 13 conforming lots, it would generate 160 trips per day. The advantage is no school children and workday trips. The road would be 20' wide and sufficient although not conforming to RSI standards for the size of the development. It would conform if the development were larger. There is no data in the Trip manual specific to recreational use and this community would experience more weekend use. The total trips in the peak hours were eight trips in the morning and 10 trips the evening according to the data.

Sidewalks would be desirable if the access would permit it. They are providing nature and biking paths inside the development. The width of Randolph varies from 18' - 20' but more field studies were necessary.

Nelson was concerned because some age-restricted communities become non-age restricted because of marketability but felt because of the size of this project, this was not likely. He felt that they had tweaked the design as much as possible because of the environmental constraints.

The units will be 40' at the closest to the property line and they will be buffered with evergreens. The units are two story except for the lakefronts that are two in front and three stories on the lakefront. There is no formal design for the boat slips and they have a specialized dock consultant for the design and will try and get as many as allowed. The only accessory building will be a gazebo, no sheds will be allowed. The Mayor was concerned about buffering as much as possible and the traffic impact on nearby streets. The homeowners association will be responsible for the landscape buffer and would prohibit sheds, etc.

A rendering of what the units would look like from the lake was shown. They compared the design to the Bertrand Island condos with photos. These condos would be 60' from the lake and would be more aesthetic. The decks would be closer to the lake probably by 10'. They were advised to address the problem of birds on the roof and geese.

They will comply with the stormwater management and DEP regulations. They will help put together an ordinance so the project can move forward. The Mayor felt the age-restricted housing could be added in the R-1 zone to avoid spot zoning with specific requirements.

A motion to open the meeting to public comment was made by Lundin, seconded by Jenkins.

Roll Call: Hodson – yes, Comerford – yes, Armeno – yes, Jenkins – yes, Lundin – yes, Ecklund – yes.

Tom Niverth, 7 Boomer Road, had questions about the homeowner's association and State approvals. Alicia Niverth asked if the patios would be 40' back from the property line. They would not be, it would be another 6 feet at least in depth but they would be screened with privacy fencing between and landscaped. The applicant said this buffer area will certainly be initially disturbed but they would be responsible and accountable during the project, it won't be phased and expected completion two years from clearing to finish. Approval will probably take a year.

The Mayor said that a traffic light at Aetno might be warranted with this development and increased activity from the fields by the civic center.

John Rafalowski, 14 Lawrie Ave., is a tree expert and felt the buffer would not be preserved and the evergreen underplanting suggested would not work. Attrition would be significant. They were interested in his input on this. They can't move the units to increase the buffer because of the wetlands. They will identify all the trees on the survey and could have a formal public site visit. All agreed the impact on some of the neighboring property owners would be great. Mr. Rafalowski was also concerned about fertilizer runoff into the lake and the developer said a homeowner's association would be more likely to comply with the fertilizer restrictions than individual homeowners.

Mary Tackas was concerned about the impact on the environment especially the wetlands but was assured there were strict guidelines from the DEP on wetland disturbance.

There will be a conservation easement for 45% of the property. They are trying to obtain public water and sewers and this is key to the project. At this point there is no developers agreement between the governing body and the developer and this needs to be addressed.

The Mayor and Lundin will draft an ordinance and have something ready by the July 17th meeting. This might trigger a Master Plan amendment.

A member of the public said his parking will be greatly affected by this development as he has no place to park off-street and the street is not wide enough for emergency vehicles to get through when he and his neighbor are parked. The street presently ends in a culdesac.

SYTO, YVONNE BLOCK 10101, LOT 6 15 Bertha Street

Home Occupation Application for a Nutritionist. Yvonne Syto is a registered dietitian and this is a nationally recognized profession. She would like to do medical and nutritional therapy in a 600 sf office in her home. Physicians would refer the patients and she would accept insurance. Insurance only covers three visits per patient. The outside of the home would not be altered and she has room for six cars in her driveway. She would only have one patient at a time and two a day at the maximum, probably in the late afternoon.

There was discussion as to whether this fit into the professional occupation ordinance definition. The definition does not include nurses or dieticians. The mayor did not feel it fit the definition of a licensed professional. As a compromise she agreed to no signage and to limit the number of patients. She works in a hospital during the day. If this ever becomes a full time business, she would move. She provided a copy of her license.

A motion to approve the application with a maximum of 30 visits per month staggered with only one patient at a time with no more than three in one day, no more than two cars in the driveway and no signage was made by Lundin, seconded by Jenkins.

Roll Call: Hodson – yes, Comerford – yes, Armeno – yes, Jenkins – yes, Lundin – abs., Ecklund – yes.

RESOLUTIONS: none

BILLS:

Hatch Mott MacDonald

Gen. April & May Mtgs.		\$550.00
Somjen	50208/14	\$105.00
Bott	10103/1	\$157.50

Nelson Consulting

Bedford Woods	20002/5	\$120.00
Pilinch	10708/4	\$170.00
Kim/Trivedi	3070711K	\$90.00
Gen.	5/15 mtg.	\$360.00

Dolan & Dolan

Bedford Woods	20002/5	\$344.50
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Bott	10103/1	\$52.00
Weglinski	30703/12	\$136.50
Gen. 3/6 & 4/3 mtg.		\$715.00

A motion to approve the bills was made by Armeno, seconded by Jenkins.

Roll Call: Hodson – yes, Comerford – yes, Armeno – yes, Jenkins – yes, Lundin – yes, Ecklund – yes.

ESCROW REFUNDS:

Midlantic National Bank	30707/11	\$1031.00
Kochar	30707/11	\$350.00

A motion to approve the refunds was made by Lundin, seconded by Comerford.

Roll Call: Hodson – yes, Comerford – yes, Armeno – yes, Jenkins – yes, Lundin – yes, Ecklund – yes.

OLD BUSINESS:

COAH: Nelson had spoken to COAH Representative Sean Thompson. Nothing had been done on the challenge from D.R. Horton and it would be best if they withdrew their objection. Nelson will do more research on Borough sites for COAH development in August. Habitat for Humanity is interested in potential sites.

NEW BUSINESS:

Slope Ordinance Discussion: This version is better than the original, it had be corrected. The Board felt the threshold for disturbance should be 1500 sf. to be consistent with the Soil Erosion Ordinance. Haggerty will forward this recommendation to the Council

A motion to recommend this change was made by Lundin, seconded by Comerford.

Roll Call: Hodson – abs., Comerford – yes, Armeno – abs., Jenkins – yes, Lundin – yes, Ecklund – yes.

Yard Ordinance Discussion: This ordinance has been tweaked a number of times because of the language and the Planning Board had previously issued a letter on this. They felt this ordinance change could be problematic for areas that do not have sewers. Haggerty will write a letter outlining the Board’s concerns.

A motion to write a comment letter that the Ordinance apply only to sewerred homes was made by Lundin seconded by Comerford.

Roll Call: Hodson – abs., Comerford – yes, Armeno – abs., Jenkins – yes, Lundin – yes, Ecklund – yes.

Business District Study: Nelson felt the study was an intriguing task and now that it is in a semiserious form the Board can review it for discussion at the next meeting. The goal was to set an overall strategy for the future and for the three separate business districts. The study uses the four point approach by the National Main Street Center: organization, promotion, physical improvements and economic restructuring. Some recommendations are part of this report. The Board can decide to incorporate the study in the Master Plan.

The Mayor emphasized that this study could be a springboard for grant applications and Ruschke might be able to work on the graphics if it is submitted.

Landscape Bond Release: There was a discussion on when and who should authorize the release of landscape bonds. If the plant material dies, it would be an enforcement problem. The Board decided to review the release on a case by case basis.

A motion to release the landscape bond for Pillinchi, a/k/a Roma Gardens, Block 10708, Lot 4 was made by Hodson, seconded by Comerford.

Roll Call: Hodson – yes, Comerford – yes, Armeno – yes, Jenkins – yes, Lundin – yes, Ecklund – yes.

The Planning Board will review the last COAH report, the Business Study and work on the Ordinance change for the next meeting on July 17th.

OPEN TO THE PUBLIC:

No one from the public commented. The meeting was closed to the public.

ADJOURNMENT:

A motion to adjourn was made by Lundin, seconded by Jenkins.

ALL WERE IN FAVOR. MOTION CARRIED.

The meeting was adjourned at 10:43 p.m.

Eugenia Wiss, Secretary