

MINUTES  
PLANNING BOARD  
BOROUGH OF NEW PROVIDENCE  
TUESDAY, APRIL 4, 2017

A. CALL TO ORDER 8:15 p.m.

B. PUBLIC NOTICE: This is a Public Meeting of the Planning Board of the Borough of New Providence, County of Union, and State of New Jersey. Adequate notice of this meeting has been given in accordance with Public Law 1975, Chapter 231, in that an Annual Notice or Revision was made in conformance with Section 13 of the Act.

C. ROLL CALL: Present: Gene Castagna, Matt Cumiskey, Bill Hoefling, Gary Kapner, John Keane, Chairman Lesnewich, Mayor Morgan, Robert Sartorius and Denise Torsiello. Also present: Amanda Wolfe, Board Attorney; Susan Gruel, Borough Planner; Keith Lynch, Director of Planning and Development; and, Margaret Koontz, Secretary.

D. PLEDGE OF ALLEGIANCE

E. DISCUSSION OF DRAFT MASTER PLAN REEXAMINATION REPORT 2017

Ms. Gruel recapped the process for implementing the settlement agreement with the Fair Share Housing Center to meet the Borough's fair share obligation of low- and moderate-income affordable housing. The court accepted the settlement agreement in January. This agreement provides immunity until 2025. The Board subsequently adopted the Housing Element and Fair Share Plan (HEFSP) in early March and also reviewed the implementing ordinances to amend Chapter 310 and the Development Fee ordinance. Chapter 275--Affordable Housing and Chapter 285--Housing Rehabilitation, both of which required updating, were distributed to the Board prior to the meeting along with the Master Plan Reexamination Report 2017 for review and discussion. Ms. Gruel believes that adopting the Master Plan Reexamination Report 2017 is a cleaner process for referring the implementing ordinances to Council because the ordinances are not consistent with the 2009 Master Plan Re-Examination Report but are consistent with the Master Plan Reexamination Report 2017. Mr. Lynch asked who approved the Master Plan Reexamination Report as the Board discussed this option at the last meeting as well as the option for a super notice of the public hearing to adopt the ordinances but never formally endorsed either option. Ms. Gruel responded that Mayor and Council approved the Master Plan Reexamination Report 2017.

The compliance hearing for the settlement agreement has been set for May 30, 2017. The HEFSP and implementing ordinances must be adopted prior to the compliance hearing. Ms. Gruel proposed the following schedule for ensuring that this is done prior to the compliance hearing:

- **May 2, 2017** – Planning Board holds a public hearing of the Master Plan Reexamination Report 2017, adopts the Master Plan Reexamination Report 2017 and refers the implementing ordinances (Chapters 275 and 285 and amendments to Chapter 310 and the Development Fee ordinance) to Council.
- **May 8, 2017** – Council introduces the implementing ordinances
- **May 22, 2017** – Council holds a public hearing to adopt the implementing ordinances, and
- **May 30, 2017** – Compliance hearing with the Court Master.

The Board reviewed the draft Master Plan Reexamination Report 2017. The zoning maps for the Affordable Housing (AH) and Affordable Housing Age-Restricted (AH-AR) will be added to the Master Plan Reexamination Report. The Report includes the goals, objectives and issues from the 2009 Reexamination Report and an update on the progress of the goals, objectives and issues. Most of the recommendations from the 2009 Master Plan Reexamination Report have either been addressed or still remain valid recommendations.

The 2009 recommendation to prepare a Sustainability Plan Element does not appear to be a top priority but is still a valid recommendation. The Board agreed that it should remain in the 2017 Reexamination Report. There has been little interest in the 2009 recommendation to prepare an Historical Preservation Element of the Master Plan. Few showed up for the Historic Preservation Commission meetings and no documents were sent to it for review. The Board discussed whether this recommendation should remain in the 2017 Reexamination Report and agreed with Ms. Gruel that it is no longer valid and should not be included. Instead the Board agreed that language about encouraging historic preservation without the establishment of an Historic Preservation Commission or Historic Preservation Element could be added to the Master Plan Reexamination Report.

The Board agreed that the 2009 recommendation to create a Borough Parking Committee to address parking needs should be modified in the Master Plan Reexamination Plan to give this responsibility to the Downtown Improvement District (DID). Sustainability as well as overall circulation and pedestrian and traffic safety are spread throughout the Master Plan Reexamination Report. The Borough already has a Sustainability Committee and is at the bronze level. The Board discussed adding language to the Master Plan Reexamination Plan about non-traditional pathways and agreed that language from the Downtown Master Plan

encouraging connectivity in the downtown area should be added to the Master Plan Reexamination Report. The Board also agreed with the recommendation to adopt a Complete Streets policy to design streets to provide safe travel for those walking, cycling, driving or riding public transportation. The Board would also like to add language to the Land Use section of the Master Plan Reexamination Report expressing the Borough's interest in encouraging people to purchase single-family houses and update them to standard to make the town and housing stock more desirable. The language in the Master Plan Reexamination Report regarding the property near Grove Terrace, which the Borough is in the process of obtaining, will be modified to reflect that it should be used for recreation or green space rather for a specific use (i.e. bark park).

The Board authorized Ms. Gruel to make the changes to the Master Reexamination Report 2017. The Report will be updated and circulated again to the Board. The Board asked when it would need to do a full Master Plan. Ms. Gruel responded that the Board can recommend doing a full Master Plan at any point but does not believe the Borough needs to do this now because it recently completed the Downtown Master Plan and Floor Area Ratio study.

#### F. REVIEW OF IMPLEMENTING ORDINANCE FOR HOUSING ELEMENT AND FAIR SHARE PLAN AND CHAPTERS 275 AND 285

Ms. Gruel provided an overview of Chapters 275 and 285. There isn't much discretion in changing these chapters. Chapter 275-Affordable Housing establishes procedures governing affordable housing including the establishment of an Affordable Housing Board and the roles of the Affordable Housing Liaison and Administrative Agent; affirmative marketing requirements; requirements for certification of households; and, development fees. The Development Fee ordinance has been incorporated into Chapter 275. Chapter 285-Housing Rehabilitation governs rehabilitation of substandard affordable units. The Board will review Chapters 275 and 285 and forward any comments to the Board Secretary.

Ms. Gruel did not recommend referring the implementing ordinances to Council at this meeting to avoid Council's having to re-introduce them as Chapters 275 and 285 are being referred to the Court Master who could request changes.

#### G. OTHER BUSINESS

##### *Tide Dry Cleaners*

This project is active. The anticipated opening of the dry cleaners is in the fall.

##### *1280 and 1286 Springfield Avenue*

The owners are working on the two apartments at 1280 Springfield Avenue. The building at 1286 Springfield Avenue will be demolished before plans for the space are in place. The owner will have to work out access to the parking area with the neighbor.

*1823 Springfield Avenue*

The demolition fence has been erected around the house.

*125 South Street*

Mr. Lynch had no update on the house next to Our Lady of Peace church.

*Riverbend at New Providence*

Three units are occupied. The water company temporarily shut off water to the hydrants and sprinklers on site but water was available in the event of a fire from the hydrants on Marion Avenue.

*75 South Street – JP Morgan Chase Bank, N.A.*

The site requires review by the Department of Environmental Protection (DEP). DEP informed the applicant that it can submit its site plan application for redevelopment of the former Friendly's site to the Board at its own risk.

#### H. MISCELLANEOUS BUSINESS

The Board reviewed the Board of Adjustment's annual report. Application fees continued to decrease in 2016 as a result of the elimination in mid 2015 of Floor Area Ratio (FAR) requirements that required a "d" variance with a higher application fee. Mr. Kapner stated that he wasn't concerned about the reduction in revenue from application fees as reducing costs to homeowners was one of the goals of eliminating FAR. With the elimination of FAR, professional reviews have also been eliminated for most variance applications for single-family dwellings further reducing homeowners' expenses when applying for a variance(s). Reduction in the fees encourages homeowners to update their houses and thereby improves the Borough's housing stock. The Borough benefits from higher ratables on updated houses. Mr. Kapner noted that a property re-evaluation will most likely happen within the next three years.

#### I. MINUTES

Mayor Morgan moved to approve the minutes of March 7, 2017, as submitted. Mr. Hoefling seconded the motion and the minutes were approved.

#### J. ADJOURNMENT

Mayor Morgan moved and Mr. Cumiskey seconded the motion to adjourn. The meeting was adjourned at 9:42 p.m.

Respectfully submitted,  
Margaret Koontz, Planning Board Secretary