

Record of Public Involvement

Summary

The Alpha Planning Board has been responsible for overseeing the plan conformance process from the Initial Assessment Report through Module 6. To that end, the plan conformance process and the various module documents were presented and discussed at regular planning board meetings on 12 occasions. The required public meeting on the Module 5 master plan element was held on February 17, 2010. The notice, agenda and meeting minutes follow this page. The Borough Council adopted the Module 7 resolution at a public meeting on September 28, 2010. The minutes will be forwarded upon their approval.

No written or verbal comments were received from the public.

List of Current Alpha Planning and Regulatory Documents

Master Plan– 1998
Reexamination Report – 2006
Wastewater Management Plan – 2006
Stormwater Management Plan – 2006
Open Space and Recreation Plan – 2007
Zoning Map and Code
Land Use Regulations

BOROUGH OF ALPHA PLANNING BOARD

February 17, 2010 Regular Meeting

Municipal Building, 1001 East Boulevard, Alpha, New Jersey

The regular meeting of the Borough of Alpha Planning Board was called to order at 7:33 p.m., by Chairman Thomas Seiss with the following members present:

Thomas Fey, Mayor Edward Hanics, Eric Lee, Louis Pettinelli, Michael Rifino, Thomas Seiss, Michael Wambold and Jeremy Beviss. Absent were Laurie Barton, Timothy Mihursky and Klara Tarsi. Also present were Lyn Paul Aaroe, Esq., Board Attorney; David Maski, P.P. from CMX; James Kyle, P.P. from CMX and Dolores Hanisak, Board Secretary.

Chairman Seiss read the Open Public Meetings Act notice.

NOTICE

Pursuant to the Open Public Meetings Act, Chapter 231, P.L. 1975, adequate notice of this meeting has been provided by mail to the Star Gazette and the Express Time and a notice of all meetings of the Planning Board of the Borough of Alpha, which notice sets forth the time, date and location of all meetings has been posted on the bulletin board outside the municipal clerk's office.

Mr. Aaroe administered the oath of office to Thomas Fey.

Mr. Pettinelli moved to approve the minutes of the January 20, 2010 reorganization meeting and January 20, 2010 regular meeting, second by Mr. Rifino. The motion carried unanimously.

Chairman Seiss said there had been phone calls during the day regarding cancelling the meeting. He said if anyone has any information as to why a meeting should be cancelled, he is the one to be contacted. He said he is the one to decide if a meeting is to be cancelled. He said that somehow the meeting was in the process of being cancelled before he was even contacted. Chairman Seiss said he will speak to Mr. Schrek regarding the issue. Mr. Aaroe said he spoke to Mr. Schrek and the secretary after it reached him. He said he told Mr. Schrek that when the chairman says there is a meeting, he would be at the meeting and any issues, deficiencies or problems would be discussed at that time. Chairman Seiss said he kept the meeting as scheduled since the draft Municipal Highlands Element had to be discussed.

UNFINISHED BUSINESS

Continuation of Highlands Conformance

Chairman Seiss asked Mr. Maski if Ms. McGregor had contacted him with the questions he had regarding the monetary issues. Mr. Maski's response was negative.

Mr. Maski said this meeting was noticed in the newspaper as the official public meeting on the Master Plan Element, which is a requirement of the Highlands for Module 5. He said for the record, although the meeting was noticed in the official newspaper, there is no one present in the audience. He said that requirement has been met.

Mr. Maski said the discussion will continue on the Master Plan Element and that Mr. Kyle is present to go over the Housing Element. He said Mr. Kyle will address how the governor's executive order will impact the Housing Element. Mr. Maski said he will hand out for discussion at a later time, the next to last module, the draft Highlands Regulations. He said he had also put together a summary for everyone. He said at the last meeting, it had been decided to fulfill enough of the deliverables to make sure the grant is intact and there is appropriate reimbursement. He said Module 7, petition for plan conformance is still in abeyance and will be decided at a later date. Mr. Maski said if possible, he would like authorization to submit the Master Plan Element, which had been previously distributed. He said Mr. Kyle will explain the status of the Housing Element. He said at the next meeting or a subsequent meeting, the board after reviewing the draft regulations, Module 6, there could be authorization to submit the draft to fulfill the module requirements. He said nothing will be adopted. Chairman Seiss said they were on track with what had been discussed at the last meeting.

Mr. Maski discussed the Model Highlands Planning Area Element for Municipal Master Plans which had been previously distributed to the board. He said it is set up as a typical Master Plan with the different sections. He said they took the template from the Highlands and deleted what was inappropriate or not applicable and added various notes and disclaimers to clarify that the borough was in agreement with some things and did not agree with other things in the current format. He summarized the document and said there is nothing bad in the document in terms of planning policy. He said it is how, where and to what extent the policies should apply. He said to keep in mind that it was written by the Highlands Council to apply across the board. He said a few things have to happen before going further, noting the maps have to be revised. He gave an example of the entire borough and surrounding area being in an Agricultural Resource Area. He said that doesn't make sense with the developed portion of the town. He said once there is an agreement with the maps, there has to be discussion with the Highlands as to how they will re-tool their policies to comply with a built-up area. He cited the carbonate rock policies. Mr. Maski said the Highland plans were

written for water preservation purposes and make more sense when applied to large expanses of forested areas and rural places. He said the Highlands is not yet at a point where they can go back and re-tool implementing the policies in more urbanized areas. Mr. Aaroe commented and said that the policy is a good one but cannot be implemented in Alpha Borough. Mr. Aaroe said the policies do not need to be questioned but rather stated that the policies cannot be implemented in Alpha Borough and the reasons stated. Mr. Maski also noted maintaining local jurisdiction over local land use decisions. He said there has to be some negotiations with the Highlands.

Mr. Pettinelli asked for clarification on the two areas in the Highlands. Mr. Maski said there is preservation area, which is mandatory and planning area, which is voluntary. He said Alpha is in the planning area and Alpha does not have to comply with the regulations. He said it is voluntary and Alpha has not committed to anything. He said Alpha is going through the Highlands process and will petition the Highlands Council for plan conformance, but is expected to stop short of Module 7. Mr. Maski said it has been an educational process and if the borough decides not to petition for plan conformance, it will have been a very informed decision.

Mr. Fey asked if the Highlands Council has been notified of some of the changes that the board has requested. Mr. Maski replied the changes are requested when the draft modules are submitted but the Highlands is busy processing everything and that won't happen until later when everything has been submitted. He said the map change has been requested in every document that has been submitted and the maps have not yet been revised. Mr. Fey said there have been other changes requested.

Mr. Maski asked if the board could authorize this document to be submitted to the Highlands Council to fulfill that deliverable.

Chairman Seiss asked if there were any other questions. Mr. Fey asked if the board had received the document. The response was that it had been received.

Mr. Fey moved to submit the draft Model Highlands Planning Area Element for Municipal Master Plans to the Highlands Council, second by Mr. Pettinelli. The motion carried with the following roll call vote:

AYES: 8 (Fey, Hanics, Lee, Pettinelli, Rifino, Seiss, Wambold, Beviss)

NAYS: 0

Abstaining: 0

Absent: Barton, Mihursky, Tarsi

Mr. Maski distributed the draft regulations (Module 6) to board members.

The board moved onto agenda item 2, under Unfinished Business, review and discuss Housing Element and Fair Share Plan of the Master Plan.

Mr. Kyle said the notice requirement for the Housing Element is different than the Master Plan and he said there was confusion on his part. The public hearing that was advertised for the Housing Element will not be held at this meeting. He said that worked out because of the changes that are happening with COAH.

Mr. Kyle said he mailed the final draft of the Housing Element and Fair Share plan to everyone last week. He said the governor signed an Executive Order, which put a freeze on all COAH activities for 90 days from the day of the order. Mr. Aaroe asked the date of the order. Mr. Kyle stated it was recent, within the last week or two. He said the Executive Order created a taskforce headed by Marcia Karrow. He commented on what the taskforce will be doing including the growth share ratios.

Mr. Kyle commented on legislation before the Economic Growth sub-committee of the Senate. He said this legislation abolishes COAH and transfers their power to the State Planning Commission. He said the State Planning Commission would then be charged with implementing some regulations, which would be a simplified process where a municipality has one of two options in meeting affordable housing. He said that would be good for the borough. He said his opinion is that there is plenty available in Alpha and he noted the analysis which had been done on Evergreen Village. He said if it is passed, Borough Council could adopt an ordinance saying they had met their constitutional obligation and back it up with statistics or analysis. He said a vote is expected in late April or early May. He said an alternative would be for the borough to adopt a Growth Share Ordinance, which would require any residential developer to build one out of every five units as an affordable unit. He said there is relief for developers.

Chairman Seiss asked if there is a lawsuit challenging the Executive Order. Mr. Kyle said there is and briefly explained the filing and response by the governor's office to the lawsuit.

Mr. Kyle addressed the changes to the Housing Element and Fair Share Plan since his appearance before the board in November. With respect to the rehabilitation share of two (2) units, he said it has been documented that two (2) units were rehabilitated and issued final inspection after April 1, 2000, by the Warren County

Housing Program, which qualifies for credit. He said with respect to the growth share, there is an issue of the exclusions, which applies to the Alpha 519 project. He said the regulations in place at the time allowed a set aside of 15% of the total number of units as affordable instead of the COAH required 20%. He said there will be a waiver request and if not granted, the growth share obligation could increase from fourteen (14) units to twenty-one (21) units. If the waiver is granted, Mr. Kyle said there would be an excess of three (3) units. Mr. Kyle said a remaining issue is the family rentals and there would have to be a waiver request for family rentals, which he said had been discussed at a previous meeting. He said everything could change significantly in the next two months.

Chairman Seiss asked if the Housing Element and Fair Share Plan have to be submitted to the Highlands Council. Mr. Maski stated it has to go to COAH. He said it would be submitted to the Highlands Council in a draft form but they do not approve it the way that COAH does. Mr. Kyle said he e-mailed the document to the Highlands Council. Mr. Maski and Mr. Kyle explained the procedure with the Highlands Council and COAH.

Mr. Kyle said there eventually has to be a public hearing on the Housing Element and Fair Share Plan, at which time the board will adopt it as an element of the Master Plan. He said it would be appropriate to wait and see what happens over the next month or two months. He suggested a public hearing in May. He said that the Highlands Council is requiring another set of deliverables by March 1st. He said submitting the Housing Element and Fair Share Plan would meet the requirements. He requested the board authorize submitting the document to the Highlands Council. He said the final element due by June 8, 2010 is the adopted Housing Element and Fair Share Plan along with the other required supporting data. He said it will go to Borough Council for endorsement after being adopted by the board. Mr. Kyle said it would then be sent to COAH. He said he will come back to the board or send a memo on developments in the legislature and the governor's Executive Order. He said he will communicate with the chairman.

Mr. Fey moved to authorize the draft Housing Element and Fair Share Plan be submitted to the Highlands Council, second by Mr. Lee. The motion carried with the following roll call vote:

AYES: 8 (Fey, Hanics, Lee, Pettinelli, Rifino, Seiss, Wambold, Beviss)

NAYS: 0

Abstaining: 0

Absent: Barton, Mihursky, Tarsi

Mr. Fey asked if the draft regulations, Module 6, which was distributed at the meeting, contained Exhibits that matched the documents in the Housing Element

and Fair Share Plan. Mr. Maski said they will match; that in one document, letters were used and in another document numbers were used. He said that the document distributed at the meeting would be the last set of deliverables. He said he would not be available at the March meeting but that the engineer would be present and could address any questions. Chairman Seiss said if any board members had any comments or questions on the document before the meeting to contact the secretary or himself so they could be forwarded to Mr. Maski to address prior to the March meeting.

The secretary said that in response to Mr. Pettinelli's question regarding reimbursement to the town, reimbursement had been received on Module 2 and Module 4. Mr. Maski explained the procedure and the reimbursement. Mr. Pettinelli said his concern was a new governor and a new set of rules. He expressed concern with the town receiving reimbursement and said that was his reason for requesting the secretary to look up the reimbursement and if it was received in a timely fashion.

Chairman Seiss said that the discussion on Stormwater Management under New Business would be carried to the March meeting, since Mr. Schrek was absent.

CORRESPONDENCE

The secretary said she did not copy an invitation to a meeting in April at the county on transportation to board members. She said it was requested a representative from council and a representative from planning board attend the meeting. Mayor Hanics said Mrs. Tarsi will probably attend as council representative. No one volunteered to attend the meeting.

Mr. Aaroe had received a request from the tax assessor through the board secretary to look at a previous subdivision with respect to a deed violation. He will review the matter and will send a letter to the tax assessor. The secretary said there is an issue on another matter regarding the same applicant (George VanVeldhuisen) and an appearance before the board when a resolution was not prepared due to lack of sufficient escrow. There is a violation regarding the testimony given during his presentation to the board. Mr. Aaroe will also send a letter to the applicant on that issue. The secretary said she needed to bring the matter to the attention of the board so that Mr. Aaroe may research the issues and send the appropriate letters.

Mr. Aaroe was excused at 8:40 p.m.

The Warren County Planning Board Proposed Development Summary for 2009 had been received.

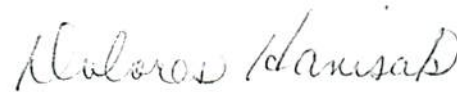
Correspondence had been received regarding a Smart Growth Grant and was given to Mayor Hanics for Council. Mayor Hanics said he had not received a copy but that he will give it to Mr. Schrek. The secretary said it is received every year and she gives it to the board/borough engineer. She said she highlighted the appropriate area.

PUBLIC COMMENT

There was no one present in the public.

There being no further business to come before the board, Mr. Fey moved to adjourn the meeting at 8:43 p.m., second by Mr. Pettinelli

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Dolores Hanisak".

Dolores Hanisak, Secretary

STATE OF NEW JERSEY

WARREN COUNTY

.....
I, Ell Machado, of full age, being duly sworn upon her oath, saith:

That she is connected with THE STAR GAZETTE,

a newspaper published in Warren County, New Jersey; that a
notice of which the annexed is a true copy, was published on

the 4th day of February A.D., 2010,

in said newspaper and once a week thereafter successively,

in all week(s), viz.: upon

Ell Machado

Sworn and subscribed before me this

5th day of February A.D. 2010

Sheila C. Mirenda

Notary Public of N.J.

Sheila C. Mirenda

My Commission Expires March 11, 2014

SHEILA C MIRENDA
Notary Public
State of New Jersey
My Commission Expires Mar 11, 2014

NOTICE

PLEASE TAKE NOTICE that the Planning Board of the Borough of Alpha will hold a public meeting on February 17, 2010 at 7:30 p.m. in the Alpha Municipal Building, 1001 East Boulevard, Alpha, NJ 08865 to present, discuss and accept public comment on the draft municipal Highlands Element, which has been prepared pursuant to the NJ Highlands Council plan conformance process. Written comments are invited as well as verbal comments and discussion during the public meeting. The draft municipal Highlands Element is available for public review at the Office of the Municipal Clerk, Alpha Municipal Building, 1001 East Boulevard, Alpha, NJ 08865 during normal business hours.

Borough of Alpha Planning Board
Dolores Hanisak, Secretary

(P's fee \$14.34)

02/04/10

Borough of Alpha Planning Board
Regular Meeting
7:30 P.M., February 17, 2010

MEETING ADJOURNS PROMPTLY AT 10:00 P.M.

AGENDA

1. Call to order, Notice of Public Meeting, Roll Call
2. Oath of Office administered by Lyn Paul Aaroe, Esq.
3. Approval of minutes of January 20, 2010 reorganization and regular meetings
4. **UNFINISHED BUSINESS**
 - Continuation of Highlands Conformance
 - Stanley Schrek, P.E., David Maski, P.P.
 1. Draft Municipal Highlands Element
 2. Review and discuss Housing Element and Fair Share Plan of the Master Plan
5. **NEW BUSINESS**
 1. Stanley Schrek, P.P. – Discussion on Stormwater Management
6. **CORRESPONDENCE**
 - Any that may have been received
7. **PUBLIC COMMENT**
8. Adjourn

NEXT MEETING: 7:30 P. M., WEDNESDAY, March 17, 2010