

**BOROUGH OF SOUTH PLAINFIELD  
PLANNING BOARD MINUTES  
AUGUST 22, 2017**

**Roll Call:**

**Present:**

Mayor Matthew Anesh  
Council President Derryck White  
Paul Grzenda  
Rich Houghton  
John Mocharski  
Jack Pedersen; Vice Chairman  
Bob Ackerman; Chairman

**Absent:**

Stephanie Bartfalvi; Alt. 1  
Brian Bythell; Alt. 2  
Michael Pellegrino  
Peter Smith

**Also Present:** Alex Fisher, Esq.; Stan Slachetka, PP, AICP; Jeffrey Cucinotta, PP, AICP

**Chairman Ackerman** opened the meeting at 7:00 pm saying that this meeting is being held in accordance with the Open Public Meetings Act, by posting a notice to The Observer and The Courier News and providing the same to the Borough Clerk.

It is the policy of the Borough of South Plainfield's Planning Board not to hear any new cases after 10:00 pm and no new witnesses after 10:30 pm.

**Minutes:** None

**Resolutions:** None

**Current Files:** None

**Informal Hearings:** None

**Public Hearings:** (1)

**Master Plan Amendment – Housing Plan Element and Fair Share Plan Consistency Review – Ordinances  
#2085, #2086, #2087 and #2088**

Chairman Ackerman stated that the Council held its first public hearing on these ordinances at the last Council Public Hearing.

Stan Slachetka, PP, AICP addressed the Board. Mr. Slachetka introduced Jeffrey Cucinotta, PP, AICP. These four (4) ordinances are amendments to the Land Development Ordinance of the Borough. They are intended to be the mechanism for the Housing Element and Fair Share Plan which are elements within the Borough's Master Plan. This Board's reviewed, held a public hearing, adopted and referred the Plan to the Council. These Ordinances are the mechanism by which this Fair Share Plan is implemented. Mr. Cucinotta will give a brief overview on each of them. Then answer any questions from the Board and if the Board would like to, it may open up the discussion to the audience. These are being referred under the statutory requirement of the Land Use Law - that any changes or revisions to the Zoning Ordinance would have to be referred to the Planning Board for review and comments prior to the Council's second reading and adoption. The primary responsibility of the Board is to make a determination as to whether or not these ordinances are consistent with the Master Plan. The Ordinances are the mechanisms to implement with consistency the various recommendations for re-zoning and zoning that are included in the Borough's Housing Element and Fair Share Plan. The Governing Body may adopt Ordinances that you find inconsistent with the Master Plan. They need to do that with a majority of the full membership and they have to set forth their reasons in writing in the minutes as to why they adopted the ordinances. This is an important responsibility of the Board in the Land Use process. This is the opportunity to make any other recommendation to the Governing Body relative to these ordinances. However, the primary role is to determine the consistency or inconsistency of the Master Plan. Mr. Cucinotta will give a brief overview of each of the four (4) ordinances.

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Mr. Cucinotta addressed the Board. There are some maps for Exhibits that were marked at both the Planning Board and Council Meeting previously. These four (4) ordinances were introduced at last Monday's Council Meeting.

- Ordinance #2085 – Affordable Housing Ordinance.
  - Borough already had an Affordable Housing Plan in place prior to this ordinance. Because of the Housing Plan that was adopted and the fact that the old ordinance is not in line with the more recent COAH model it is necessary to update the standard in the ordinance. This ordinance has three (3) main components:
    - General Housing Provision - Establishes the duties of the Municipal Housing Liaison, the administrative agent and establishes the affirmative marketing requirement pursuant to the Court Requirement. There are other provisions including the unit breakdown for each Affordable Housing site within the Borough. The distribution of very low, low and moderate income, age restriction requirements and bedroom distribution within each site.
    - Borough Wide Mandatory Set-Aside - These are the requirements for multifamily residents throughout the Borough whenever there is a development that consists of five (5) or more new residential units or has the density of six (6) new units per acre or higher. This applies to sites that receive approval that is permitted by a zoning amendment, variance or part of a redevelopment plan. Each site that meets the required standards must Set-Aside twenty percent (20%) of the units if it is for sale development for very low, low and moderate income household. If it is a for rent development, the Set-Aside is fifteen percent (15%). This is Borough wide.
    - Development Fee Ordinance - Establishes the standard on how the Borough takes in funds that are part of the Affordable Housing Trust Fund. What are the requirements. The requirement intake for residential and non-residential. How the fees are maintained and expended. The Development Fee Ordinance also establishes the Trust Fund. The Borough already has the Trust Fund in place. The COAH model has been updated so it is being readopted to reinstate the establishment of the Affordable Trust Fund.
- Ordinance #2086 – Mixed Use Overlay Zones
  - As we presented at the Public Hearing of the Housing Plan, the overlays are in two (2) areas within the Borough. One is the HDD and neighboring zones of OBC-2 and OPA-1. Also, the OPC-1 in the north west portion of the Borough. These overlay ordinances have the same requirement as the Borough's Mandatory Set-Aside being fifteen percent (15%) for rental units and twenty percent (20%) for sale units. These go a step forward with zoning enhancements with increase intensity in development to encourage developers to provide mixed use development and affordable units. One of the enhancements that the overlays permit is the mix use development where it is not permitted. The HDD zone is already permitted. The overlays will generally permit increase building height in some of the zones, maximum permitted residency density and increase maximum impervious surface coverage. There are also some decrease requirements for front and side setbacks and for off-street requirements. These are all enhancements to promote mix use developments in these overlay areas.
  - Mr. Slachetka stated this is an optional overlay. The underline zone will remain in place. Mr. Cucinotta stated correct.
- Ordinance #2087 – Motorola Site or 1111 Durham.
  - This is a site specific ordinance. It establishes the zoning for the development of four hundred twenty (420) dwelling units (*incorrected stated – should be four hundred ten (410) units*) with a twenty percent (20%) Set-Aside or eighty-four (84) units. The ordinance permits a mix of traditional townhouse development, stacked townhouses and multifamily apartment dwelling units. The ordinance facilitates the development and references a site concept plan that requires a transition of the intensity of development moving away from Durham Avenue. The townhome development is permitted closest to Durham Avenue. Further back is the higher density - traditional stacked townhomes. The rear of the property by Route 287 would be the multifamily apartment units. The ordinance generally establishes the development standards for the site. The ordinance emphasis the importance and establishes the requirements for enhanced open space elements that are incorporated throughout the concept plan. That has been appropriated in the Borough Settlement Agreement with the Fair Share Housing Center.

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- Ordinance #2088 – Harris Steel Site.
  - Similar to the Motorola ordinance, it is site specific. It establishes the zoning specific to this site. Permit seven hundred fifty (750) residential units with a Set-Aside of one hundred fifty (150) affordable units. It establishes the development regulations of the site: parking, site circulation, landscaping, lighting, signage, buffer, etc. The concept plan that is referenced in the ordinance was also has been incorporated in the Settlement Agreement with the Fair Share Housing Center.

Mr. Cucinotta stated that the Boards task is to assess the relationship of these ordinances to the Borough's Master Plan and are inherently consistent with the Housing Element of the Fair Share Plan. As presented at the Public Hearing the night the Housing Element was adopted, these are all recommended and referenced in the Housing Plan. The Harris Steel site has been in the Borough's Housing Plan since the last adopted plan in 2009. It also received Court approval and Substantive Certification. There is an established history for this site for being intended for Affordable Housing. Additionally, the Borough's Master Plan that was adopted in the 2000, establishes as one of its goals to provide for a variety of housing types and ranges of affordability as needed to accommodate the expectant future resident population. It has been an ongoing comment that has been recognized and addressed through the Borough's Master Plan efforts.

Mr. Fisher asked Mr. Cucinotta is he is making his determination of the consistency in his capacity as a licensed Professional Planner? Mr. Cucinotta stated yes. Mr. Fisher continued.... Do you find this consistent with the Master Plan? Mr. Cucinotta stated yes.

Chairman Ackerman stated this whole change was brought about by the State. It does not affect the Borough only, it affects every municipality in the State. In our case, our officials were able to negotiate numbers from the original numbers the state gave downward. We were allowed to incorporate the previous Fair Share Housing Plan as part of this and the overlays are only two (2) new things. The Prudential (Motorola) property and Harris Steel was already in the plan. Mr. Slachetka stated the only two (2) new components of the plan and ultimately reflected in these ordinances is the Motorola site which again was a result of a settlement with the developer of the site and the Fair Share Housing Center and essentially, gave a determination by the Court Master that the site needed to be in the plan or that the Borough had no choice. The ordinance reflects the terms of the Settlement Agreement which is a negotiation between the developer to more specifically define the nature of the development, the design of the development and to ensure there were adequate protection to the adjoining area. A predetermined buffer area and a transition of density as well as all the other design standards. The only purposed revision to the existing plan is the overlay zones. Those were required to be put into the plan because the Borough needed the mechanism to address unmet need. The Vacant Land Adjustment community recognizing the Borough has limited capacity for new development. The Fair Share Housing Center and Court Master required us to take a look at options for putting in overlays in a place like the Downtown. We can match up our approaches to planning and revitalization of the Downtown with the provision of Affordable Housing encouraging new mix use development that would have a component of Affordable Housing as a Set-Aside. We were very careful on how we structured this. The ordinance that Mr. Cucinotta described is an implementation of the two (2) areas in the Borough that we thought was the most appropriate to put the overly option in place from a planning perspective. Unfortunately, we have to include the Motorola site. That ordinance was designed specifically to implement the Settlement Agreement which required a heighten design standards, buffers and density transition to protect the adjoining neighborhoods.

Chairman Ackerman stated if this plan is approved, it goes before the Courts on September 8, 2017. If it is approved, the Borough is covered to 2025.

Council President White reiterated that the Borough is covered to 2025. The Set-Asides that are put into any new development of five (5) units or greater will allow the Borough to 'bank' those units for 2025.

Mr. Slachetka stated we cannot pinpoint what the Borough's obligation will be in 2025. What regulations that will be governing the process.

Chairman Ackerman stated COAH or Mount Laurel has been dead for years. Council President White stated there was fourteen (14) years of gap period. Mr. Fisher stated 1999 to 2015.

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Mr. Slachetka stated that the Borough is one of the few towns that had a plan approved by COAH of the third round regulations that were overturned by the Court. Bulk of the Borough's plan has been in place for a number of years.

Mayor Anesh stated one of the reasons why there is an ordinance for Harris Steel because at that time that's when the Governor was elected and was abolishing COAH. The property was in the plans but there were no ordinances passed. The Governing Body was convinced at that time there was no need to pass an ordinance since COAH was 'up in the air'.

Mr. Fisher stated that having been involved in numerous Mount Laurel actions this would be an excellent outcome for the municipality. Other municipalities have to build thousands of thousands of affordable housing.

Chairman Ackerman stated that other towns are not as well off as the Borough. There are some that are still in the Courts. Mr. Mocharski stated some were selling them off. Chairman Ackerman stated that is not allowed anymore.

Mayor Anesh stated that the initial plan was for the overlay zones. That was in line with the Governing Body and Planners were looking to do to make it a walkable Downtown. Put the overlay zoning in place and to go under a Vacant Land Adjustment to satisfy our next obligation for COAH. Once the developer stepped forward and stated that there is this piece of property that he had that was available and was willing to develop for housing. No longer could we say or defend that Vacant Land Adjustment was our only option. As you know you have this large piece of property "available for development". Brought a lot of the history to the Court Master that the land owner was marketing for commercial use. Not that this property couldn't. In fact, GE Healthcare across the street was looking at that property but unfortunately went somewhere else. We had several commercial operations that inquired about the property through Council President White, through the Economic Development Committee and also the developer directly. Their experience with the owner of the property is that he was not willing to sell it or do any type of commercial development. We do not know why he kept marketing it as a commercial property. The developer's secretary told some people that he was not willing to sell the property. We were trying to make that case. The property was not in need of redevelopment. That didn't matter. After speaking with our attorneys and Court Master, the best outcome for that is that we may lower the number of Affordable Units that the Borough would have to build. We were not going to be able to exclude that property in our plan. Our best case scenario was to end up somewhere lower than the 84 units... but most likely higher. Either way, the property would have to be in there. The risk going forward is that more and more viable commercial properties will come forward and become residential.

Mr. Mocharski asked what is happening with the several acres on the Edison side? Are we going to end up with more because of that? Council President White stated the Borough separated that out for that reason. Only going to negotiate for our side. The goal was to get the number down as low as possible.

Mr. Fisher stated if they want to use the access through the Borough, they would have to come to the Zoning Board. Chairman Ackerman stated that the Borough does not have to give Edison access to Borough roads.

Chairman Ackerman opened the discussion to the audience. No comments or concerns.

Mr. Fisher reads the draft resolution for Ordinance #2085. Chairman Ackerman calls for a motion to approve the Resolution. Mr. Mocharski made motion, seconded by Council President White. Those in favor: Mayor Anesh; Council President White; Mr. Grzenda; Mr. Houghton; Mr. Mocharski; Vice Chairman Pedersen and Chairman Ackerman. Opposed: None.

Mr. Fisher reads the draft resolution for Ordinance #2086. Chairman Ackerman calls for a motion to approve the Resolution. Mr. Mocharski made motion, seconded by Council President White. Those in favor: Mayor Anesh; Council President White; Mr. Grzenda; Mr. Houghton; Mr. Mocharski; Vice Chairman Pedersen and Chairman Ackerman. Opposed: None

Mr. Fisher reads the draft resolution for Ordinance #2087. Chairman Ackerman calls for a motion to approve the Resolution. Mr. Mocharski made motion, seconded by Vice Chairman Pedersen. Those in favor: Mayor Anesh; Council President White; Mr. Grzenda; Mr. Houghton; Mr. Mocharski; Vice Chairman Pedersen and Chairman Ackerman. Opposed: None

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Mr. Fisher requests that the Board Secretary delete the blank page 3 and repaginating of page 1 and 2. Mr. Fisher reads the draft resolution for Ordinance #2088. Chairman Ackerman calls for a motion to approve the Resolution. Mr. Mocharski made motion, seconded by Mr. Houghton. Those in favor: Mayor Anesh; Council President White; Mr. Grzenda; Mr. Houghton; Mr. Mocharski; Vice Chairman Pedersen and Chairman Ackerman. Opposed: None

Chairman Ackerman stated that these four (4) Ordinances are to be referred back to the Council for September 5, 2017 meeting.

**Old Business:** None

**Committee Reports:**

- A. **Street Naming Committee** – Bob Ackerman – report progress.
- B. **Environmental Committee** – Rich Houghton & Bryan Bythell - report progress.
- C. **Council Reports** - Council President White
  - Update on Environmental – there was an ordinance and resolution passed for Sustainable New Jersey for the potential of more grant money for Green projects. Ordinance passed unanimously on the first reading. The second reading is September 5, 2017. A Public Hearing will be conducted at that time. Council President White thanked the Green Team for working together and getting it to the Council in time to participate in the program.
  - Raymour Flanagan Outlet opened on Saturday. This is one of their newest platforms... it is not clearance merchandise. This is outlet merchandise. They have their own buyers that shop for quality but more budget conscience products.
  - Craft Beer Restaurant – coming to the former Radio Shack.
  - MVC – Treasury Department is looking to sign a lease at one (1) of two (2) locations in South Plainfield.
- D. **Mayoral Updates** - Mayor Anesh – report progress.

**Minor Site Plan:** None

**New Business:** None

**Correspondence:** None

**Audience Comments:** None

**Executive Session:** None

**Adjournment:** 7:50 pm.

Respectfully Submitted,  
Joanne Broderick  
Planning Board Secretary