

May 1, 2007

The regular meeting of the Andover Township Land Use Board was called to order at 7:34 p.m. on Tuesday, May 1, 2007 by the Chairman Stan Christodlous.

Present: Members	Gerald Huelbig, Class II Gail Phoebus, Class III Stan Christodlous Lois deVries Suzanne Howell Michael Lensak
Secretary	Mary Spector
Absent:	Thomas Walsh, Diana Boyce, Michael Crane, Ron Raffino

### **FLAG SALUTE - RULES - OPEN PUBLIC MEETINGS ACT**

**SALLY DOBSON** – Block 1, Lot 617, Forest Lake Drive, R-0.5 Zone, minor subdivision/lot line adjustment, carried from March 20, 2007. The Chairman announced that this application will be carried to the meeting of May 15, 2007.

**OPEN TO PUBLIC** – The Chairman opened the meeting to the public for discussion of items not on the agenda. Diane Gillespie referred to a brochure from an organization called Coalition for Affordable Housing and the Environment (CAHE) which stated that large scale development is not necessary to achieve the required affordable housing in a municipality. Gillespie emphasized that these developments are out of place in the Township. She also noted an article about Habitat for Humanity stated they are using solar energy and other sustainable construction measures. Gillespie recommended that the Township have a subcommittee on green building as well as COAH.

Carla Kostelnik referred to proposals from developers for package treatment plants. She noted the County Planning Director had mentioned that the County plan doesn't support off-site treatment plants. She thought the Township should oppose any measures that allow accepting sewage from other towns. Jeff Wolk noted the golf course property was under water after the last large storm. He asked why the Township would create a traffic disaster on this environmentally sensitive property. Wolk stated he thinks it is a bad policy for the Township planner to meet with the developer's professionals at this stage. The Chairman noted it is a standard practice.

Phoebus stated she agrees with Gillespie's comments concerning COAH. She stated the Board and the Township Committee are working at coming up with creative measures to meet this obligation. She noted they have to show the State that the Township is making a sincere effort. There was further discussion about meeting the COAH obligation. Tony Massaro suggested that municipalities in the County get together and speak to political representatives so

that towns can get credit for low-income housing that already exists. Christodlous noted this approach has been tried.

**BUILD OUT ANALYSIS** – DeVries introduced Joanna Slagle from Banisch Associates for a presentation of the Build-Out Analysis prepared by their firm. Slagle stated one purpose of the build-out analysis is to build a foundation of information to address the issues being raised here by the public such as forms of development inappropriate to the area. She noted this study is a method to determine what full build-out would look like, based on current zoning. Slagle stated the study was done by using the Township's GIS data to analyze over 2,500 blocks and lots. They overlaid state regulated areas such as wetlands and flood plains and added current zoning regulations such as lot size, frontage and setbacks. Using this information they could determine how much of the Township land is constrained and what can be built. Slagle noted the results are sometimes overestimated, based on assumptions that have to be made. However, the results do show in general terms whether the current zoning will get the town where it wants to go. She noted it is a tool to use when looking toward the future.

Slagle reviewed the methodology for the analysis. She noted in residential zones they calculated the number of new units, population and school children and how much water demand would be needed at build-out. These totals came to 1,953 units, 5,467 people, 2,249 potential school-age children and water demand of 683,550 gallons per day (GPD). For the non-residential zones they used potential floor area for calculations. Total potential non-residential development came to 3,287,556 sq. ft. and water demand would be 410,944 GPD. Slagle stated development is not happening quite as fast now as before because of new state regulations. She noted fill-in development can impact the character of a community by altering the look of a neighborhood. She stated the PUD and Mt. Laurel zones were difficult to analyze. They also looked at the PRC zone and came up with a range of numbers for that area.

Slagle noted the large tracts in the R-2.0 and I zones are of most concern regarding build-out. With full build-out water demand would be more than 1,000,000 GPD. Slagle stated the Township is moving in the right direction. She mentioned if the constrained areas are removed from the developable area it gives the Board more control. She noted 43% of the I zone is constrained. The report suggests that the Township consider advocating green building and sustainable design. Slagle noted resource conservation will be important in the future. The report also recommends a hydrogeological study and a fiscal impact analysis. Christodlous noted it would be good to put the report on the website. He stated the Board will take action to adopt the Build-Out Analysis as a technical appendix when the Land Use Plan is adopted.

Lensak stated the report is an eye-opener. He suggested a traffic impact analysis should also be considered. He asked about water usage and sewer and gray water. Slagle stated the numbers they used in the analysis were taken from the DEP regulations for average household usage. Lensak noted that impervious coverage also has an impact. Slagle noted this is a huge concern and could be incorporated in future ordinance work. Lensak stated he agreed with Massaro that it's important to contact the politicians about these issues. He also advocates the move toward green building, noting he has solar collectors on his house. He stated the public needs to put pressure on the state to help move in that direction. Phoebus asked about Slagle's recommendations on further reports. Slagle stated the hydrogeology report would be most

beneficial right now for planning purposes. She explained the hydrogeology expert gets his own data using existing wells. Massaro noted such a report could hurt some local people as well as cut down on development. He suggested the Township should purchase the golf course that is being considered for development. DeVries noted if the limestone quarry is developed and the aquifer polluted it would cause a serious problem. She thought a regional solution is needed.

Wolk complimented Slagle on the study and echoed the call for a regional solution. He asked how the build-out data would impact changes to the Master Plan. The Chairman noted they don't have the information to answer that question yet. Slagle stated the Master Plan changes have been waiting on the COAH solutions. There was further discussion about the implications of the build-out data. Wolk pointed out build-out would triple the number of school children and the Township would need more schools to accommodate the growth. Slagle stated they didn't consider the proposed Town Centers in this analysis. Vic Capo noted the Township is at a critical juncture. The Board needs to think about concrete steps to take next, such as consideration of COAH bonuses and the constraints calculations. Christodlous affirmed they are moving in this direction.

**LAND USE APPLICATION CHECKLIST** – Discussion on final version of revised checklist. The Chairman noted there are some minor changes proposed. The Board Engineer and Attorney have approved those changes and Germinario has prepared the ordinance to go with the revised checklists. A motion was made by Lensak, seconded by Phoebus, to recommend the revised checklists to the Township Committee for approval. In favor: Howell, Lensak, Phoebus, deVries, Huelbig, Christodlous. Opposed: None. Motion carried.

**STEEP SLOPES ORDINANCE** – Review of steep slope ordinance amendment to find it consistent with Master Plan. Germinario noted the minor change which the Board had recommended to the Committee previously. A motion was made by deVries, seconded by Howell, to find the steep slopes ordinance consistent with the Master Plan. In favor: Howell, Lensak, Phoebus, deVries, Huelbig, Christodlous. Opposed: None. Motion carried.

**VOUCHERS** - See Schedule A. A motion was made by Phoebus, seconded by Howell, to approve the vouchers submitted. All in favor. Motion carried.

**OPEN TO THE PUBLIC** – The Chairman reopened the meeting to the public. Diane Gillespie raised the question of the preliminary site plan checklist #5, item no. 27 referring to energy conservation, which does not appear on the revised checklist. Christodlous stated that item will be added to a checklist in the future. DeVries noted it is a part of the environmental ordinance requirements. Gillespie also asked about the qualifying map for lot averaging. She was referred to the revised ordinance on that matter.

**NEW BUSINESS** – DeVries stated she had several recommendations to propose to the Township Committee. The first is to recommend that the Township provide funding for a hydrogeology report as noted in the Build-Out Analysis. It was the consensus of the Board that this would be a good idea and Phoebus stated she would report this recommendation to the Committee. DeVries' second recommendation was that the Board ask the Township Committee

to explore the possibility of bonding for Regional Contribution Agreements (RCAs) to meet part of the COAH obligation. She noted 50% of the Township's prior COAH obligation can be handled in this way, which would be 23 units, and she offered financial data to support the idea of using RCAs for this purpose. She suggested the Chief Financial Officer could do a report to further document the feasibility of bonding for this purpose. A motion was made by deVries, seconded by Lensak, to request the Township Committee to authorize the Chief Financial Officer to do a comparative financial analysis between bonding now for \$850,000 to provide 50% of the Township's COAH obligation as RCAs vs. the cost for building a new school and annual operating costs for both 250 school children and 500 school children. In favor: Howell, Lensak, Phoebus, deVries, Huelbig, Christodlous. Opposed: None. Motion carried.

DeVries pointed out that \$350,000 was listed as a line item in the Township budget for COAH units. She noted 10 COAH units could be bought with this amount and she suggested the Board ask the Committee to create an ordinance to allow the purchase of RCAs with these funds. A motion was made by Phoebus, seconded by Lensak, to recommend to the Township Committee that they develop and enact an ordinance to allow purchase of RCAs to meet the COAH obligation. There was discussion about the budget. Phoebus clarified the motion is simply to develop the necessary ordinance to spend funds for COAH units. Huelbig stated there is a difference between spending \$350,000 outright and bonding for this expense over a period of years. No further discussion. In favor: Howell, Lensak, Phoebus, deVries, Huelbig, Christodlous. Opposed: None. Motion carried.

Mike Lee asked about the COAH time limits and required number of units. Christodlous explained that the new COAH regulations haven't been published yet. There was further discussion about COAH requirements. Christodlous noted the Plan Endorsement process will take at least two years. Huelbig brought up that the County has stated that wastewater treatment can't go off-site. He suggested that the Township should be thinking along the same lines. He thought it would be good to recommend to the Township Committee that they consider an ordinance that would somehow limit the area of service for a developer's wastewater treatment facility. Christodlous noted that an ordinance might not be necessary because the Township establishes the wastewater treatment area boundaries when approval is given for a new facility. Huelbig further suggested it might be helpful for the Township to look into it. Board members agreed and Phoebus will take that suggestion to the Committee.

**MATERIAL RECEIVED, GENERAL INFORMATION** - See Schedule A.

**RESOLUTIONS** – Resolutions adopted during this meeting are made a part of these minutes by referral to the specific file.

**ADJOURNMENT** - Time 9:45 p.m. A motion was made by Phoebus, seconded by Howell, to adjourn. All in favor. Carried unanimously.

Respectfully submitted,

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Stan Christodlous, Chairman

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Mary Spector, Secretary