

**MINUTES OF THE JUNE 15, 2021  
MEETING OF THE SOMERSET COUNTY PLANNING BOARD  
HELD AT 4:45 P.M.  
ZOOM VIRTUAL MEETING**

**Call to Order**

The June 15, 2021 meeting of the Somerset County Planning Board convened at 4:45 p.m. This meeting was held as a virtual meeting.

**Pledge of Allegiance**

**Open Public Meetings Statement**

Chairman Navatto, Jr. reported the meeting had been duly advertised in accordance with Open Public Meetings Act as follows:

In accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6 *et seq.*, and the Emergency Remote Meeting Protocol for Local Public Bodies N.J.A.C. 5:39-1.1 through 1.7, adequate notice of this meeting has been provided. The date, time and virtual meeting information for this meeting was published in The Star-Ledger and the Courier News. The agenda and the virtual meeting information was also posted on the County Planning Board website.

**The Roll was called, and the following were in Attendance:**

Bernard V. Navatto, Jr., Chairman  
Chris Kelly, Vice-Chair  
John Lindner, Member  
Sami Shaban, Member  
Commissioner Director Robinson  
Commissioner Paul Drake  
Matthew Loper, Secretary/County Engineer  
Ashok Rakhit, 1<sup>st</sup> Alternate

Ashok Rakhit, 1<sup>st</sup> Alternate, voted in place of Al Ellis, who was absent.  
Marina Stinely, Esq. covering for Joseph DeMarco, Esq., Deputy County Counsel

**Absent**

Albert Ellis, Member  
Erika Inocencio, Member

**Also Present from Staff:**

Walter Lane, Director of Planning  
Anthony McCracken, Assistant Director  
Thomas D'Amico, Supervising Planner  
Laurette Kratina, Chief of Strategic Planning  
Ken Wedeen, Supervising Transportation Planner  
Adam Bradford, Senior Transportation Planner  
James Ruggieri, Principal Community Planner

Nora Fekete, Planner  
Tom Boccino, Principal Planner, Open Space Preservation  
Aarthy Sabesan, Senior Planner-GIS  
Christina Tricarico, Planner-GIS  
Kate Katzer, Principal Planner  
Cynthia Mellusi, Office Manager

### **Approval of May 18, 2021 Planning Board Meeting Minutes**

Chairman Navatto, Jr. asked for a motion to approve the minutes of May 18, 2021 Planning Board Meeting. The motion was made by Chris Kelly and seconded by John Lindner. A Voice Vote was called, and the motion moved unanimously.

### **Discussion/Presentation Items**

#### **Water Quality Management Plan (WQMP) Revision: Future Wastewater Service Areas (FWSA) Map**

Director of Planning Walter Lane summarized the Board's recent discussions regarding a potential amendment to the County Wastewater Management Plan's (WMP) Future Wastewater Service Area (FWSA) Map. The current FWSA Map was submitted to the New Jersey Department of Environmental Protection (NJDEP) on August 24<sup>th</sup> of 2012 and adopted by NJDEP on March 5, 2013. When the FWSA Map was adopted, the WMP Rules state the map would be valid for ten (10) years from the date the map was submitted. Based upon these rules, the FWSA Map is set to expire on August 24, 2022. He reviewed the numerous reasons why the extension is needed (current WMP submissions to NJDEP and the County Investment Framework update). Based upon the discussions with our planning partners, staff feels there is support for requesting a five (5) year extension of the current FWSA Map. Our partners also suggested asking for a ten (10) year extension from the approval date of the current WMP components that were recently submitted to NJDEP. Director Lane review the draft letter that was in the Board's packet. He also briefed the Board on a conversation with NJDEP's WMP Section Chief, Justin Mahon. Mr. Mahon indicated the five (5) year extension was more likely to be favorably considered by NJDEP. The Environment and Utility Committee endorsed the request for a five (5) year extension of the FSWA Map.

#### **Resolution Concerning a Proposed Site-Specific Water Quality Management Plan (WQMP) Amendment for Elion Partners (NJDEP Application No. 1040881)**

Director Lane provided an overview of the proposed Site-Specific Water Quality Management Plan (WQMP) Amendment for Elion Partners. This proposed amendment has been discussed with the Board previously. A warehouse development is being proposed in Franklin Township. A letter was sent last year which outlined the County's support for the proposed amendment. The resolution memorializes the Board support for the amendment and details the Board's reasoning for supporting the amendment. The draft resolution in the Board's packet was reviewed and approved by County Counsel.

Chairman Navatto, Jr. asked for a motion to approve the proposed resolution for the Site-Specific Water Quality Management Plan (WQMP) Amendment for Elion Partners. The motion

was made by Chris Kelly and seconded by Matthew Loper. Roll was called and the motion passed unanimously.

**A4939/S3641 Directs DCA to Establish an Online Database of Affordable Housing Settlement Agreements and Other Declaratory Judgment Actions**

Director of Planning Walter Lane summarized the discussion from a recent Housing and Demographics Committee Meeting regarding these proposed bills which would establish an online database of affordable housing settlement agreements and other declaratory judgment actions online database of affordable housing settlement agreements and other declaratory judgment actions. The Housing and Demographics Committee was supportive of this legislation. A draft letter was included in the Board's packet. The Board approved sending the proposed letter to the primary sponsors of the bill and the entire Somerset County legislative delegation.

**Planning Director's Report**

Director of Planning Walter Lane provided an overview of work underway in the Planning Division. He briefed the Board on the following items:

- Director Lane informed the Board the County has opened the County Administration Building for public access. He stated he would like to switch back to in person meetings of the Board in the coming months, possibly in September.
- A representative from the New Jersey Department of Environmental Protection (NJDEP) will be attending the July Planning Board meeting to present on the NJ Climate Resiliency Strategy. Our comments were on the draft resiliency strategy were received by NJDEP. He stated he would like to invite our planning partners to this presentation.
- A Planning Partners Forum was held on June 8<sup>th</sup> and was well attended. Over thirty (30) attendees heard a presentation by the US Census Bureau.
- The Land Development and Planning Awards nomination form was sent out to our Planning Partners and a press release will be sent out shortly. It is anticipated a special Board Meeting will be held in September to present the Land Development and Planning Awards.
- A meeting to relaunch the Green Leadership will be held on Thursday, June 17<sup>th</sup> in the evening to reengage with the County's Green Teams.
- Director Lane was on a panel at the NJ Future/APA-NJ Annual New Jersey Planning Conference to discuss the County's Walk, Bike, Hike Study. Over eighty-four (84) people joined the virtual session.
- Letters detailing the New Jersey Economic Development Authority's 21<sup>st</sup> Century Redevelopment Program. This grant provides up to \$50,000.00 to counties and/or municipalities to develop plans to repurpose vacant or underutilized commercial properties. This program is very similar to the work we undertook as part of the Supporting Priority Investment in Somerset County initiative.

## **Action Items/Informational Items**

### **June 2021 Land Development Report and Approval of the May 2021 First Time Submissions**

Thomas D'Amico, Supervising Planner, referred to the report in the Planning Board Packet. At the June 9, 2021 meeting of the County Planning Board Land Development Committee the Committee reviewed a number of items as well as the first-time submissions for the month of May 2021. The meeting was held via Zoom.

#### **Hamilton Street Development, LLC** Franklin

Nora Fekete report that the County Planning Board received an application regarding the Hamilton Street Development project and generated a review letter January 13, 2021. The application is in front of the Zoning Board of Adjustment for use variance and preliminary and final major site plan approval in the Township of Franklin. A new three-story apartment building with a footprint of 3,540 square feet is proposed with zero front yard setback along Hamilton Street (County Route 514). There are a total of nine apartments proposed within the building. All existing structures on the site including pavement will be removed. The property is located on the corner of Miller Avenue and Hamilton Street.

Requirements outlined in the County's January 13, 2021 review letter with reference to right-of-way requirements are: Hamilton Street (County Road 514) is classified as a Minor Arterial in the County Master Plan, as such; the County requires a right-of-way dedication of 33 feet from the physical centerline of the road. However, 33 feet from centerline dedication would place the proposed building right on the County right-of-way. In the aforementioned County Planning Board report, we required the proposed building shall be shifted a minimum of one foot away from County right-of-way.

In order to address any possible inconsistencies, the dedicated area must extend to the centerline of the County Road. The area that is being dedicated must be clearly identified on the plan as "*Area Dedicated to Somerset County for Roadway Purposes*". This office received a letter from the applicant's engineer on June 2, 2021 in response to the County Planning Board's January 13<sup>th</sup> review letter pertaining to the right-of-way stating that the revised plans do not show a one foot offset from the existing County right-of-way line. The location of the building is in compliance with the Township's Hamilton Street Business District which allows a zero lot line setback. Relocating the building would result in the sidewalk in the back of the property not meeting the Township's width requirement without reducing the side yard buffer which would then result in a violation of the Township's Ordinance. The Land Development Committee discussed the sidewalk width and right-of-way issue at length and requested that Land Development staff ascertain the status of the project at the local level. This application will be revisited at the next meeting.

#### **Liv Devco, LLC**, Franklin

The applicant is applying to the Franklin Township Zoning Board of Adjustment for a use variance and preliminary and final major site plan approval for the Liv Devco project. All existing structures and pavement will be removed. A new three-story building with a footprint of 16,281 square feet is proposed on the property with zero setback along Hamilton Street (County Route 514). A total of 15 apartments are proposed within the building. The use variance is for the

residential apartments on the first floor. Twenty-eight parking spaces are proposed, along with access from Hawthorne Drive. A dumpster enclosure was included to collect refuse from the building.

### **First Time Submissions**

The Committee reviewed all first-time submissions for the month of May 2021. During the month, the County Planning Board reviewed a total of 28 submissions. There were 107 new lots proposed and four new lots created. Of the site plans proposed during the month there was 2,136 square feet of non-residential building space proposed as well as 245 multi-family units. There was \$11,330 in development review fees paid to the County Planning Board. Bernard Navatto, Jr., did not participate in any discussion or take any action on the Division Café site plan project in Somerville.

Chairman Navatto, Jr. asked for a motion to approve the June 2021 Land Development Report and Approval of the May 2021 First Time Submissions. The motion was made by Chris Kelly and seconded by John Lindner. The Roll was called and the motion passed unanimously.

### **Preservation Update**

Thomas D'Amico, Supervising Planner, reported that the County is currently in the process of updating the County Open Space Preservation Plan, the Comprehensive Farmland Preservation Plan and developing a new historic preservation plan. The County has contracted with Heritage Strategies to coordinate the report along with the New Jersey Conservation Foundation to develop the Open Space Plan, Land Stewardship Solutions to develop the Farmland Preservation Plan and Barton Ross and Partners to develop the Historic Preservation Plan. The GIS mapping is being handled by Washington College with assistance from the Planning Division's GIS section. As far as we know this is the first time that a Preservation Plan involving Open Space, Farmland and Historic Preservation has been completed.

The Preservation Plan is composed of four main volumes. The first is the unified plan information volume which is relevant to all three of the plan updates. This consists of an Introduction to the entire plan, a Landscape Context and History, a Land Use Planning Context which looks at the various planning regulations and programs at all levels of government, a summary of the Open Space Preservation Plan, a summary of the Comprehensive Farmland Preservation Plan, a summary of Historic Preservation Plan, a Public Outreach and Education chapter, a chapter titled Gaining Tourism Benefits for Somerset County's Preserved Assets which is a chapter that discussed tourism and finally Moving Forward: Conclusion & Implementation Strategy.

The Plan has the three individual preservation plans for Open Space, Farmland and Historic Preservation. It is composed of four sections so that an individual can, if they wish, can read the introduction section and the particular plan they are interested in. It has been a major effort by our consultants, the County professional staff and our Steering Committee to prepare and review all of these documents. All four major components of the plan have been completed and reviewed by the Steering Committee. There are still a few revisions to the Farmland Preservation Plan that have to be completed. We have received the brief introduction chapters for the Open Space Preservation Plan, Farmland Preservation Plans and Historic Preservation Plan. The County has now received the entire revised draft document.

There are numerous maps which are to be included the plans. We have received the final GIS map package from Washington College and The County Planning Board's GIS Section will completing the final changes to the maps. These are being finalized at this time. Staff expects to have the entire plan available for public review in mid-summer July or August at the latest. A public meeting to discuss the plan as well as the appropriate public hearing will be scheduled in the coming months and the entire plan will hopefully be adopted by the County Planning Board as part of the County Master Plan.

### **Somerset County Road Corridor Safety Analysis Sub-Regional Study**

Ken Wedeen, Supervising Transportation Planner, reported since last month's Planning Board meeting Planning and Engineering staff met with the consultant team over two days and reviewed the comments from the five RSA audits and observations and potential safety recommendations presented by the consultant team.

The consultant team is preparing draft RSA reports for the five corridors. These draft reports will be submitted to the county and NJTPA by the end of June for review. Once the reports are reviewed the consultant will make the initial set of revisions. The revised draft reports will be then distributed to the TAC committee prior to the 3<sup>rd</sup> and final TAC meeting scheduled for the last week in July first week or first week in August. After the final TAC meeting any comments from the TAC committee will be included in the draft RSA reports. The consultant will prepare materials for the final public meeting to be held on September 15<sup>th</sup> or 16<sup>th</sup>.

The consultant will include any comments or revisions from the final public meeting, the TAC committee meeting, municipalities and county reviews and will prepare the final report for submission to the NJTPA by October 29<sup>th</sup>. The NJTPA will review the final report and Somerset County will review any NJTPA comments and include those comments and revisions in a final report submission by November 30<sup>th</sup>. The study will be completed by December 31, 2021.

Mr. Wedeen also reported Planning staff continues working on the RFP for the Somerset County Master Plan Circulation Element Update. Staff hopes to have the draft RFP completed by the end of June.

### **Wastewater Management Plan Update**

Director of Planning Walter Lane reported the New Jersey Department of Environmental Protection (NJDEP) has indicated Septic Management Plan (SMP) Component will be going to public notice for adoption very shortly. After discussions with NJDEP, Director Lane was able to have NJDEP rescind their request for additional changes to the SMP Component.

### **Public Comment**

Chairman Navatto opened the meeting to the Public. There being no comments, the meeting was closed to the Public.

### **Committee Reports**

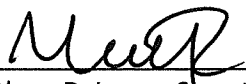
Committee Report were included in the Packet.

**Next Meeting Date:** July 20, 2021 @4:45pm (virtual)

**Adjournment:**

There being no further business before the Board, Chairman Navatto asked for a motion to Adjourn. The motion was made by Chris Kelly and seconded by Commissioner Director Robinson. A Voice Vote was called, and the motion moved unanimously.

Respectfully submitted,

  
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Matthew D. Loper, Secretary