

BOROUGH OF SUSSEX  
MEETING MINUTES  
PLANNING/ZONING BOARD  
March 23, 2015

1. CALL TO ORDER by Chairman Richard Klein.
2. ROLL CALL – MEMBERS PRESENT: Chairman Klein, Councilwoman Kathy Little, Brad Case, Frank Darvey, John Rand  
ABSENT: Mayor Jonathan Rose, Steve Danner, Bruce Kristiansen, Karen Vander Veer  
PROFESSIONALS PRESENT: Ken Nelson, Mike Vreeland, Dave Brady
3. STATEMENT OF COMPLIANCE – Chairman Klein stated “This meeting is in compliance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq. It has been properly advertised and certified by the Secretary.”
4. FLAG SALUTE AND MOMENT OF SILENCE – Chairman Klein invited everyone to stand for the Pledge of Allegiance and a moment of silence.
5. APPOINTMENT OF ATTORNEY  
Chairman Klein informed the Board Members that he and Brad Case interviewed Dave Brady last week and feel that he is more than qualified. A motion to appoint David Brady, Esq. as the Planning/Zoning Board Attorney for 2015 was made by Kathy Little, second by John Rand.  
Upon roll call vote:  
Ayes: Klein, Little, Case, Rand, Darvey  
Nays: None  
Absent: Rose, Danner, Kristiansen, Vander Veer  
Abstentions: None
6. APPROVAL OF MINUTES – A motion to approve changes to the minutes of the February 23rd, 2015 meeting was made by Brad Case, second by John Rand with all in favor.  
A motion to approve the corrected minutes of the February 23<sup>rd</sup>, 2015 meeting was made by Kathy Little, second by John Rand.  
Upon roll call vote:  
Ayes: Klein, Rand, Darvey, Little, Case  
Nays: None  
Absent: Rose, Danner, Kristiansen, Vander Veer  
Abstentions: None
7. NEW BUSINESS
  - a. Cellco Partnership d/b/a Verizon Wireless  
84 East Main Street, Block 506 Lot 1  
PZ 2015-01  
*Completeness Review*

Mr. Richard Schneider of the Law Firm of Vogel, Chait, Collins and Schneider on behalf of the applicant appeared before the Board to present an overview of the application. The

applicant wants to install a small network node with a two (2) foot antenna and two equipment cabinets

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which would be mounted to the wall of the building and some accessory equipment. Experts who will appear before the Board on behalf of the applicant will be a Radio Frequency Engineer, a Site Plan Engineer and a Professional Planner.

Chairman Klein noted that Mr. Vreeland, the Board Engineer, submitted a report and had no objections to the waiver requests. However, the report noted that the survey provided did not meet the minimum requirements but could be produced before our next meeting. The applicant's attorney was informed of the fact that Public Places need to be considered and ruled out as potential installation sites.

Mr. Case recused himself from voting. A motion to deem the completeness of the application and approve the waivers requested was made by Kathy Little, second by John Rand.

Upon roll call vote:

Ayes: Klein, Little, Rand, Darvey

Nays: None

Absent: Rose, Danner, Kristiansen, Vander Veer

Abstentions: None

8. OPEN AND CLOSE TO THE PUBLIC

The meeting was opened to the public. There being no members from the public, the meeting was closed to the public.

9. COAH

Chairman Klein asked Mr. Nelson to explain the COAH situation and noted that some townships are still working on it irregardless of what is happening. Mr. Nelson said that very early in his career the Mount Laurel decision was decided which created this affordable housing and now forty (40) years later, we are back to square one because the Supreme Court has thrown it all back into the courts. COAH stands for Council on Affordable Housing which is or was a State Agency given the responsibility of the affordable housing obligation after many years of litigation involving developers and individual municipalities. COAH came up with an elaborate formula and determined what each municipality's obligation was in the State of New Jersey and then Planners

prepared housing plans which became certified. If a town had a Certified Housing Plan, they were then immune from litigation by a developer. If a town did not go that route and were sued by a developer, then a builder's remedy came into play and the developer was allowed to build at a higher density so that some of the units could be affordable housing. Governor Christie wanted to eliminate COAH because it became such a bureaucratic nightmare but the Legislature wouldn't allow it so it went back to the courts.

Attorney Brady said that the Mount Laurel decision stood for the conclusion that each municipality has a constitutional obligation to include low and moderate income housing.

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Builder's remedy was the result meaning that builders would sue saying that the zoning was exclusionary and would obtain permission to build at a higher density to include these low and moderate income housing units. COAH was set up under the Fair Housing Act, a governmental agency, to take these decisions away from the courts. There were specific Judges assigned to do Mount Laurel litigation. There were several rounds of rules, the third one being very problematic. Chairman Klein recalls working on a commercial building and the COAH fee was based on the square footage of the building so for a 6,000 square foot building, it resulted in a \$23,000 payment. COAH essentially became defunct even though it technically existed.

Municipalities are in three categories: those that have their certification, those in the process of getting their certification or those that have not applied to COAH at all. Attorney Brady explained the process for each situation. Ken Nelson stated that the Master Plan includes a Housing Plan which was ready to be submitted but it wasn't submitted because everything was stopped during that time. Discussion continued regarding concerns especially for the Redevelopment Area.

#### 10. REDEVELOPMENT DESIGNATION

Planner Nelson is working on the project for both Sussex Borough and Wantage Township for the Planning/Zoning Boards and the Councils. Chairman Klein has spoken with the Wantage Chairman and they agreed that this should be a joint effort and the two towns should work together.

#### 11. BILLS/VOUCHERS

A motion to approve a bill and voucher from Nelson Consulting re: Cellco was made by John Rand, second by Kathy Little.

Upon roll call vote:

Ayes: Klein, Little, Case, Rand, Darvey

Nays: None

Absent: Rose, Danner, Kristiansen, Vander Veer

Abstentions: None

#### 12. ADJOURNMENT

A motion to adjourn was made by Kathy Little, second by John Rand with all in favor.

Meeting adjourned at 8:24 P.M.

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Blanche Stuckey, Planning/Zoning Board Secretary

Date of Approval