

April 15, 2010

A regular meeting of the Allendale Planning Board was held in the Municipal Building on April 15, 2010. The meeting was called to order at 8:07 p.m. by Mr. Quinn, Chairman, who announced that the requirements of the Open Public Meetings Act were met by the required posting and notice to publications.

The following members answered roll call: Mr. Quinn, Mr. Barra, Mr. Bernstein, Mr. Sirico, Mr. Herndon, Mr. Fliegel, Mr. Walters, and Mr. Sasso. Mr. Yevchak, Ms. Sheehan and Mr. Zambrotta were absent. Also present was Mr. Dunn, Board Attorney.

Mr. Quinn said the minutes of February 18 had previously been approved. Mr. Quinn requested that the following statement be added to the March 18 minutes. In regard to the Time of Decision rule, Mr. Quinn said it was his view that the clock would start at the time the application was deemed complete. On a motion by Mr. Sirico, seconded by Mr. Barra, the minutes of the March 18 meeting were approved as amended.

Mr. Quinn said the resolutions appointing professionals will be dealt with later in the meeting.

Mr. Quinn announced that the public hearing for the proposed amendment to the Housing Element and Fair Share Plan of the Borough's Master Plan is scheduled for this evening. He said Mary Beth Lonergan is present this evening and she will explain the process in more detail.

Mary Beth Lonergan said she is a Senior Associate with the firm of Clarke Caton Hintz. She said she is a New Jersey licensed professional planner. She said as the Chairman noted, the Borough has received third round substantive certification from the Council on Affordable Housing (COAH). The Borough had prepared its third round plan and received certification and that plan addressed COAH's three-part affordable housing obligation: 4 unit rehabilitation share, 137 unit prior round obligation, and 20 unit adjusted 3rd round gross share obligation. The 20 unit gross share obligation was reduced from 54 initial projected units from COAH because much of the growth in the Borough over the next few years is from prior round activity.

Ms. Lonergan said this evening the Board is dealing with a fairly simple amendment to the certified plan and the amendment will cover two main categories. One of the component parts of addressing the first and second round obligation (prior round obligation) was the settlement with the Garden Homes or Whitney inclusionary development. As part of the initial third round plan which was certified by COAH, the Borough had proposed that all 23 of the affordable housing units would be built on site. An objection was filed by Garden Homes and mediation occurred and that resulted in a settlement with an amended developer's agreement and mediation agreement with Garden Homes that permitted some of the units to be transferred off site onto the Foreit site which she will be referring to as the Crescent Common site. She believes that is the name the Borough has chosen for the affordable housing units to be developed on that site. A portion of the Garden Homes units were approved by COAH to be transferred to this Crescent Common site and units will be produced as special needs and supportive housing units. This

plan amendment is to technically clear up the plan to reflect that 11 of the units will be produced on the Crescent Common site and 12 still will be produced as rental units on the Whitney/Garden Homes site.

Ms. Lonergan said the second part of the amendment is to really address additional units coming over from Garden Homes. The Borough thought it was necessary and purchased the Roberts property. It is a small expansion of the Crescent Common site. The Roberts property is almost completely renovated at this point into three special needs bedrooms. The Roberts property is approximately .4 acres and in total the Crescent Common site will be approximately 2.5 acres.

In addition to accepting the additional housing units, the prior mix of units on the Crescent Common site has slightly changed. Instead of some age restricted units there will be a mix of family rental units, sale units and additional special needs and supportive housing. This entire amendment and the transferring of units is really only increasing the total unit count on the Crescent Common site from what was certified by COAH. They had certified 19 units on the site and now there will be a total of 22 actual units including the Roberts property. The different mix of housing types will allow the Borough to be eligible for five third round rental bonuses which is a big help for the Borough to have as surplus for additional growth that may occur.

Lastly, the spending plan of the Borough has been amended to include the Roberts property as part of the expanded Crescent Common so that the Allendale Housing, Inc., the developer for the Crescent Common complete affordable housing development will be able to access Federal, State and County monies as well as for the Borough to be able to utilize its affordable housing trust account monies to support the development of the affordable housing there.

Ms. Lonergan concluded that through the Borough's affordable housing development fee ordinance, the Borough has over a number of years collected affordable housing development fees and those fees are earmarked for affordable housing purposes, so money is being spent on affordable housing efforts including plan preparation and much of the work on Orchard Common or now on Crescent Common will not be from general revenue but from this dedicated affordable housing source. She said everyone has heard or read of the tremendous upheaval in the world of COAH and affordable housing. At this stage it is important that the Borough received third round certification and that certification will protect it from affordable housing litigation known as builder's remedy or exclusionary zoning litigation for ten years. She believes that at this point COAH has certified 90-100 municipalities. She said the Borough will be in the driver's seat no matter what occurs in the future with COAH and it will be months, if not years of turmoil with the new Governor wanting to overhaul COAH. The Courts still have not issued their decision on the challenges to COAH's current rules and the legislative branch wants to take a stab at overhauling COAH. She believes the three different branches and various affordable housing advocacy groups will be battling for some time, but the Borough has a certified plan. Ms. Lonergan said she will be happy to answer questions from the Board or the public.

A Board member asked Ms. Lonergan to explain how this helps the Board to meet its housing needs goals. Ms. Lonergan said COAH had certified a total of 19 units on the former Foreit site of which 5 were special needs housing units, 4 were going to be senior affordable units, 7 family sale units and 3 family rentals. By this amendment, the Borough is allowed to avail itself of third

round rental bonuses which really were not in the mix. The Borough is eligible for 2 for 1 bonuses now with this amended mix. Specifically, the mix will now be 5 units of special needs housing and that includes the 3 bedrooms at the Roberts House. That is solely going to be addressing the prior round obligation transferred over from the Whitney Garden Homes site. In addition, the Borough will be developing another 5 units – 2 bedrooms each of special needs supportive housing to adjust the third round growth share obligation. COAH requires as part of the third round a certain number of family units open to the general public. There are 6 units of family sale housing, 3 units of family rental housing and 3 units for MS (multiple sclerosis) housing for a total of 22 units.

Mr. Quinn pointed out that the acquisition of this property and the Roberts property was all done through grants and other funding that is not part of the Allendale taxpayer burden. Ms. Lonergan said not only the acquisition but the full development of the affordable housing should not tax the resident taxpayers.

Mr. Fliegel asked Ms. Lonergan to speak about the revised implementation schedule that was passed out at the work session on Monday. Ms. Lonergan said COAH requires a monitoring of the actual growth to see how many affordable housing units are generated by that actual residential or non-residential growth. COAH had previously certified as part of the Borough's initial third round plan an implementation schedule which took care of the first chunk of affordable housing units that the Borough needed to provide which included the Whitney Garden Homes units. COAH requires municipalities to bring the balance of the prior round obligation to the forefront in the third round to be tackled right away. Because it made sense for the Borough to want to have extra rental bonuses, special needs housing was proposed and it will be built all at once. She said that is really the only change in the implementation schedule. The Borough still has additional units being projected to come on line in 2015.

Mr. Herndon asked about the level of support needed for these special needs housing occupants. Ms. Lonergan said there will be a contractual agreement with a service provider and it really depends on the type of resident for the services they need and this is not on the shoulders of the Borough administration. It is really on the service provider. If the Borough is working with the Multiple Sclerosis Society they will have providers helping with different types of services that type of resident might need. Mr. Herndon said he was thinking about increased ambulance services. Ms. Lonergan said the numbers are still relatively small, especially knowing that the prior obligation has gone from 137 down to 20. Mr. Herndon said the evacuation plans in the event of a fire emergency would be of importance to him. Ms. Lonergan said the municipality, especially the Planning Board or Construction office should be working out those kind of arrangements with the providers and that is something that they would expect. Mayor Barra commented that all of these units have sprinkler systems.

The meeting was opened to the public for comments. Mr. Dunn said this portion of the meeting is a public hearing pursuant to notice issued by the Borough. It has been properly published in the Record with 10 days notice which is a requirement for an amendment to the master plan and housing element and fair share plan. Notice to adjacent municipalities and the County has also been given within the required 10 days.

Steven Talarico, 7 Delta Court, was sworn. He said he is very glad to hear that there are residential sprinklers in the building. That is very important especially when there will be handicapped people living there. He said the only disappointment is that this site wasn't called Delta Commons.

There being no further comments, the meeting was closed to the public.

Mayor Barra said that we are all very proud of the way the housing on Orchard Common looks. He added that the final look of the buildings at the Foreit site has not been determined but he is sure they will be every bit as good looking as the Orchard Common housing. He believes the units will be an enhancement to the neighborhood, to property values and to the Borough. He said the residents of Delta Court will be kept in the loop going forward as it is the most impacted because of its proximity. Right now there are no plans that there will be any egress or ingress from Delta Court onto this site.

Resolution to adopt an amendment to Allendale Borough's COAH-certified Housing Element and Fair Share Plan was introduced by Mr. Herndon and seconded by Mr. Sirico. On roll call Mr. Barra abstained. All other Board members present voted in favor. (Copy attached and made a part hereof). Mr. Dunn commented that the Planning Board's interest in this is as an amendment to the master plan and the certification and amendments thereto have to be done by the Governing Body. This resolution is referred to the Governing Body for that purpose.

Resolution was introduced by Mr. Herndon and seconded by Mr. Sirico to appoint Edward Snieckus of the firm of Burgis Associates, Inc. to provide professional planning services to the Board for the year 2010. On roll call, all members present voted in favor. (See copy attached and made a part hereof.)

Resolution was introduced by Mr. Herndon and seconded by Mr. Fliegel to appoint John Yakimik of the firm of Dewberry to provide professional engineering services to the Board for the year 2010. On roll call, all members present voted in favor. (See copy attached and made a part hereof.)

Resolution was introduced by Mr. Herndon and seconded by Mr. Walters to appoint Timothy J. Dunn, II, of the firm of Dunn and Browne, LLC to provide professional services of Attorney to the Board for the year 2010. On roll call, all members present voted in favor. (See copy attached and made a part hereof.)

Mr. Quinn said he spoke to Mr. Snieckus today about the May meeting. The minutes had indicated that for the next meeting the Board would go over the open space plan and the sustainability element but he also spoke to him about the central business district. Mr. Snieckus confirmed that he can attend both meetings. Mr. Quinn suggested that the Board move to the subject of the central business district and then to the sustainability and open space plan. Mr. Barra agreed that it is a good idea to address the central business district and get that moving. It will be addressed on either Monday or Thursday. Mr. Quinn will determine which evening is best for the Chamber of Commerce members to attend.

On a motion by Mr. Sasso, seconded by Mr. Herndon, the meeting adjourned at 9:04 p.m.

Respectfully submitted,

Barbara Knapp