

**MINUTES OF THE JOINT SPECIAL MEETING OF THE HARDYSTON TOWNSHIP
PLANNING BOARD AND THE HARDYSTON TOWNSHIP COUNCIL HELD
AUGUST 11, 2005**

CALL THE MEETING TO ORDER: The Honorable Mayor Kievit called the meeting to order at 7:00 p.m. and read the Statement of Compliance.

STATEMENT OF COMPLIANCE: Pursuant to the Open Public Meetings Act, Chapter 23 1, P.L. 1975, adequate notice as defined in section 3D of Chapter 21 P.L. 1975, has been made to the New Jersey Herald and is also posted on the bulletin board at the Hardyston Township Municipal Building.

ROLL CALL:

Hardyston Township Council

Leslie Hamilton – Present
Jim Armstrong – Late - 7:35 p.m
William Lasinski – Excused
Wayne Ross – Excused
Ken Kievit – Present

Hardyston Township Planning Board

Leslie Hamilton – Present
Jim Armstrong – Late - 7:35 p.m
Randy Roof – Excused
Robert Neubig – Excused
Carl Miller – Present
Ed Zinck – Present
John Monell – Present
James Homa (Alternate No. 1) – Present
Brian Kaminski (Alternate No. 2) – Excused

OTHERS PRESENT: Fred Heyer, P.P., Susan Gruel, P.P., Colleen Fitzgerald, P.P., Robert P. Guerin, P.E., P.P., Thomas F. Collins, Esq., Marianne Smith, Township Manager, and Anne-Marie Wilhelm, Land Use Administrator

DISCUSSION: Marianne Smith, Township Manager, provided an overview of the township's Council on Affordable Housing (COAH) obligation and the status of the township's Housing Trust Fund. She stated that the Ordinance was revised to include a 1% mandatory development fee for both non-residential and residential development and that this fee could be raised to 2%. Ms. Smith clarified that the ordinance stipulates that any existing developments that come in for a modification or an extension of approval must abide by the Growth Share Ordinance. She stated this ordinance requires the developer to build, within the development, one unit of low-mod housing for every eight units of market-rate housing. She stated that any Certificate of Occupancy generates the 1% fee and that this fee is based on the assessed value or sale price of the unit.

Attendees reviewed the *Draft Affordable Housing Plan and Options for Meeting Third Round Housing Obligation*, prepared by Colleen Fitzgerald, P.P. In the matter of the township's obligation to provide low-income and moderate-income housing, Ms. Fitzgerald explained her calculations of same and stated that the Town will incur an obligation to provide 243 low-mod units over the next 10-year period as well as an additional 10 units from the previous round of obligation plus 3 units from the prior write down/buy down program that was not implemented. It was clarified that the gross number of units owed equals 256.

Ms. Fitzgerald noted that the 2004 obligation was calculated using the number of CO's issued. She stated that TCO's can not be counted. Ms. Fitzgerald agreed to check the figures. She also agreed to

check the numbers in the matter of Four Winds Plaza, Inc. She explained that the Council on Affordable Housing (COAH) will monitor compliance at 3, 5, and 8-year intervals and that failure to comply may result in the loss of substantive certification. Ms. Fitzgerald presented that if all the low-mod units are built in town, up to 50% could be senior (122 units); 25% of the gross must be rental (61 units); and 50% must be family low-mod units. Mr. Heyer stated that in terms of cost and impact to the municipality, it would make the most sense to maximize the number of units sent out because the units sent out cost \$35,000 a piece and they are forever removed from the obligation. He noted that an affordable unit in town creates a negative tax impact for decades.

Mr. Collins provided an overview of the Mount Laurel decision and the Supreme Court's interpretation of state housing policy. It was noted that the units can not be restricted to township residents. Fred Heyer clarified that there is no cap on the number of residents to be awarded units. He stated the units can not be reserved for or limited to residents. It was noted that a lottery could be used to distribute the low-mod housing when it becomes available. He explained that failure to obtain COAH certification would expose the township to builder's remedy suits.

Attendees discussed generalized strategies to meet the COAH obligation. It was noted that 50% of the obligation could be farmed out via Regional Contribution Agreements (RCA) where \$35,000 per unit is forwarded to a designated receiving district, usually located in an urban area. It was noted that this money is required to be segregated in the Housing Trust Fund. Additional options discussed included the formation of a rental subsidy-rental/buy down program; the formation of partnerships with non-profits that would build and maintain low-moderate housing projects; the sale, construction, or rental of in-town/low-mod/age-restricted housing; the reinstatement of the buy down/write down program; the use of mandatory set-asides, and the creation of incentives to encourage low-moderate development such as tax incentives and density bonuses. It was noted that the use of certain options would mandate an amendment to the Master Plan as well as the ordinance.

Attendees discussed restrictions imposed on development by the Highland's Commission. It was noted that Hardyston Township growth numbers are large in comparison to other towns in the County.

Following discussion and acknowledgement of time constraints, attendees directed the planners to further review the viability of utilizing RCA's for 50% of the obligation; the viability of a rental program and the potential to gain bonuses for exceeding the minimum rental requirements; affordable senior housing; of the reinstatement of the write down/buy down program; and to explore non-profit partnerships. Further, Ms. Fitzgerald agreed to review the data, generate cost analyses for the different options, and report her findings to the Board. A tentative meeting date of September 8, 2005, at 7:00 p.m. was set.

PUBLIC PARTICIPATION:

Having no further matters for discussion, Mayor Kievit opened the meeting to the public. Mr. Frank Lacatena questioned the applicability of the 1% development fee to individual homeowners. Marianne Smith, Township Manager, clarified that the fee applies to all developers.

No other members of the public addressed the group. Mayor Kievit closed the meeting to the public.

ADJOURNMENT: A motion to adjourn was made by Leslie Hamilton and seconded by Jim Armstrong. All were in favor. The motion carried. The meeting adjourned at 9:30 p.m.

Minutes respectfully submitted by:

Anne-Marie Wilhelm