COUNCIL ON AFFORDABLE HOUSING
MAY 13, 2010
MEETING THREE-HUNDRED-FIFTY-FOUR

MEMBERS PRESENT:
Charles Richman, acting chair
Marge DellaVecchia, member
Timothy Doherty, member
Albert Ellis, member
Theodore King, member (telephone)
Suzanne Walters, member
John Winterstella, member

OTHERS PRESENT:
Sean Thompson, acting executive director
Gina Fischetti, Esq., COAH, deputy counsel
George Cohen, Deputy Attorney General (DAG)
Geraldine Callahan, DAG
Pam Weintraub, COAH planner
Keith Henderson, COAH director of planning
Alice D'Arcy, COAH planner
Stacey Smith-Bohn, COAH planner
Matthew Rudd, Esq., COAH
Tom Stanuiikynas, COAH planner
Maria Connolly, COAH planner
Kate Butler, COAH planner
Kevin Walsh, Esq., Fair Share Housing Center (FSHC)
Ken Bedzyinski, Esq., representing Marlboro Township
Victoria Britton, Esq., representing Princeton Township
OTHERS PRESENT
CONT’D: John Malay, Deputy Mayor, Bernards Township
Peter Messina, Engineer, Bernards Township
Holy Schepisi, Esq., attorney for River Vale
Antimo Del Vecchio, Esq., attorney for Henry Bonnabel
Pledge of Allegiance.

Sunshine Statement: The Sunshine Act Statement was read by Charles Richman, Acting Chair, as follows: This is to advise the general public and to instruct that it be recorded in the Minutes, that in compliance with Chapter 231 of the "Open Public Meetings Act," the Council on Affordable Housing (COAH) on May 6, 2010 provided to the Secretary of State, The Star-Ledger, The Courier Post, The Asbury Park Press and The Times, notice of the time, place and date of the meeting.

Public Comment: Ken Biedzinski, Esq., attorney for Marlboro Township, Kevin Walsh, Esq., Fair Share Housing Center (FSHC), and Victoria Britton, Esq., representing Princeton Township, addressed the board.

Approval of Minutes: April 21, 2010
COAH voted to approved these Minutes.

Moved by Marge Della Vecchia and seconded by John Winterstella
A roll call vote was taken.

Aye - Ms. Della Vecchia, Mr. Doherty, Mr. Ellis, Ms. Walters and Mr. Winterstella

Nay - None

Abstain - Mr. King and Mr. Richman

1. Motion on the Papers for a Waiver:
Waiver from N.J.A.C. 5:97-6.9(b)4 Market to Affordable - Bernards Township/Somerset County - Joanne Wiggins, COAH supervising planner, presented Bernards Township's request for a waiver from N.J.A.C. 5:97-6.9(b)4, which would allow it to address a portion of its growth share obligation with a 46-unit market to affordable program. In accordance with N.J.A.C. 5:97-6.9(b)4, the maximum permitted number of units for Bernards is 37 units, based on its 368-unit projected growth share obligation. Bernards Township intends to convert 46 existing market rental units at Crown Court Apartments (Crown Court) to affordable rental units. Crown Court, which was part of the Township's first round certified plan, is an inclusionary family rental development containing 19 low and moderate income units and 77 market units. The Township has allocated $2,600,000 from its affordable housing trust fund to provide a municipal subsidy to convert 23 market-rate rental units to low-income family rental units and 23 market-rate rental units to moderate-income family rental units. A COAH task force convened on May 3, 2010 to review the matter and recommended granting Bernards' the waiver from the provisions of N.J.A.C. 5:97-6.9(b)4. COAH voted to accept the task force recommendation and approve the waiver request.

Moved by Marge Della Vecchia and seconded by Timothy Doherty
A roll call vote was taken.

Aye - Ms. Della Vecchia, Mr. Doherty, Mr. Ellis, Mr. King, Mr. Walters, Mr. Winterstella and Mr. Richman

Nay - none
2. Substantive Certification: Bernards Township/Somerset County
Joanne Wiggins, COAH supervising planner, presented the Township of Bernards request to receive substantive certification of its Housing Element and Fair Share Plan. Bernards Township has addressed its 12-unit rehabilitation share with credits for units rehabilitated subsequent to April 1, 2000. The Township has addressed its prior round obligation with 478 post-1986 credits (including 182 RCA credits), 25 rental bonuses, and a five-unit substantial compliance reduction. The Township is also utilizing 102 post-1986 credits (including 59 RCA credits) to address a portion of its growth share obligation. The remainder of Bernard’s growth share obligation is proposed to be met through the extension of controls on 205 existing affordable family units at The Cedars and Society Hill, the construction of a 20-unit municipally-sponsored age-restricted rental project, the construction of a new six-bedroom group home, a 46-unit market to affordable program at Crown Court, and three rental bonuses. Bernard Township’s Fair Share Plan results in a surplus of 14 units. COAH voted to grant Bernards Township substantive certification.

Moved by John Winterstella and seconded by Albert Ellis
A roll call vote was taken.

Aye - Ms. Della Vecchia, Mr. Doherty, Mr. Ellis, Mr. King, Mr. Walters, Mr. Winterstella and Mr. Richman

Nay - none

Deputy Mayor John Malay addressed the board. He thanked his staff and COAH staff for their assistance.

3. * Resolution Clarification: April 21, 2010 Princeton Township Waiver Request - George Cohen, DAG presented a resolution clarifying the Council’s April 21 Resolution granting Princeton Township/Mercer County a waiver from N.J.A.C. 5:97-2.5(e). COAH voted to accept the clarification.

Moved by Suzanne Walters and seconded by Marge Della Vecchia
A roll call vote was taken.

Aye - Ms. Della Vecchia, Mr. Doherty, Mr. Ellis, Mr. King, Mr. Walters, Mr. Winterstella and Mr. Richman

Nay - none

4. Motions on the Papers:
a. Motion by CRC Communities at Headley Farms for a Waiver from the Highlands' Scarce Resource Restraint - Clinton Township/Hunterdon County
Mathew Rudd, Esq. presented the motion by CRC Communities at Headley Farms for a waiver of the Highlands Scarce Resource Restraint to allow the development of 21 single family homes on 155.32 acres in a Highlands Conservation Zone, Block 46, Lots 33 and 33.01, Clinton Township, Hunterdon County. A COAH task force convened on May 3, 2010 to discuss the motion and recommended that the waiver be granted. COAH voted to accept the task force recommendation and granted the waiver to CRC from the Highlands' Scarce Resource Restraint.

Moved by Marge Della Vecchia and seconded by John Winterstella
A roll call vote was taken.
Aye - Ms. Della Vecchia, Mr. Doherty, Mr. Ellis, Mr. King, Mr. Walters, Mr. Winterstella and Mr. Richman
Nay - none

b. Waiver from the Requirements of N.J.A.C. 5:97-8.1(d) to Expend Monies from their Affordable Housing Trust Fund – Burlington Township/Burlington County - Alice D’Arcy, principal planner, presented the waiver request by Burlington Township from the requirements of N.J.A.C. 5:97-8.1(d) so that the Township may expend $270,000 of affordable housing trust fund money for 12 supportive/special needs units owned and operated by Family Services of Burlington County. A COAH task force convened on May 3, 2010 to discuss the motion and recommended that the waiver be granted for this project. COAH voted to accept the task force recommendation and grant the waiver request.

Moved by Albert Ellis and seconded by Theodore King
A roll call vote was taken.
Aye - Ms. Della Vecchia, Mr. Doherty, Mr. Ellis, Mr. King, Mr. Walters, Mr. Winterstella and Mr. Richman
Nay - none

c. Waiver from the Requirements of N.J.A.C. 5:97-8.1(d) to Expend Monies from their Affordable Housing Trust Fund for the Township’s Extension of Expiring Controls – Burlington Township/Burlington County - Alice D’Arcy, principal planner, presented the waiver request by Burlington Township from the requirements of N.J.A.C. 5:97-8.1(d) so that the Township may expend $300,000 of affordable housing trust fund money for the extension of expiring controls on 30 affordable sale units. A COAH task force convened on May 3, 2010 to review the motion and recommended granting the waiver for this project. COAH voted to accept the task force recommendation and grant the waiver request.

Moved by Marge Della Vecchia and seconded by Suzanne Walters
A roll call vote was taken.
Aye - Ms. Della Vecchia, Mr. Doherty, Mr. Ellis, Mr. King, Mr. Walters, Mr. Winterstella and Mr. Richman
Nay - none

d. Waiver from the Requirements of N.J.A.C. 5:97-8.1(d) and N.J.A.C. 5:97-8.7(a) to Expend Monies from their Affordable Housing Trust Fund and For Authorization of a Spending Plan Amendment – Princeton Borough/Mercer County - Pamela Weintraub, Principal Planner, presented the waiver request from Princeton Borough from the requirements of N.J.A.C. 5:97-8.1(d) and N.J.A.C. 5:97-8.7(a) so that the Borough may expend $800,000 of affordable housing trust fund money to purchase two homes. One unit will be rehabilitated and transferred to a nonprofit to house a single family. The second unit will be transferred to a nonprofit and converted into a group home with four supportive/special needs units. On May 3, 2010, a COAH task force met to review the waiver request
and recommended approval of the waiver request from the requirements of N.J.A.C. 5:97-8.1(d) and N.J.A.C. 5:97-8.7(a). COAH voted to accept the task force recommendation and grant Princeton Borough a waiver from the requirements of N.J.A.C. 5:97-8.1(d) and N.J.A.C. 5:97-8.7(a).

Moved by John Winterstella and seconded by Timothy Doherty
A roll call vote was taken.

Aye - Ms. Della Vecchia, Mr. Doherty, Mr. Ellis, Mr. King, Mr. Walters, Mr. Winterstella and Mr. Richman

Nay - none

e. Waiver from the Requirements of N.J.A.C. 5:97-8.1(d) and N.J.A.C. 5:97-8.7(a) to Expend Monies from their Affordable Housing Trust Fund – Denville Township/Morris County – Stacey Smith-Bohn, principal planner, presented a motion for a waiver from Denville Township from the requirements of N.J.A.C. 5:97-8.1(d) and N.J.A.C. 5:97-8.7(a) so that the Township may expend $253,000 of affordable housing trust fund money for construction of six affordable townhouse units. On May 3, 2010, a COAH task force met to review the waiver request and recommended approval of the waiver request from the requirements of N.J.A.C. 5:97-8.1(d) and N.J.A.C. 5:97-8.7(a). COAH voted to accept the task force recommendation and grant Denville Township a waiver from the requirements of N.J.A.C. 5:97-8.1(d) and N.J.A.C. 5:97-8.7(a).

Moved by John Winterstella and seconded by Timothy Doherty
A roll call vote was taken.

Aye - Ms. Della Vecchia, Mr. Doherty, Mr. Ellis, Mr. King, Mr. Walters, Mr. Winterstella and Mr. Richman

Nay - none

f. Correct Error in Prior Calculation of Borough’s RDP and Request COAH to Establish a Priority of Sites as Park Ridge Attempts to Amend its Housing Element/Fair Share Plan – Park Ridge Borough/Bergen County – Mathew Rudd presented a motion received by Met Homes, an objector, to recalculate the realistic development potential (RDP) and seek priority of sites to satisfy the Borough of Park Ridge's affordable housing obligation. A COAH task force convened on May 3, 2010, to discuss the matter and recommended that Met Homes' motion be denied without prejudice subject to the completion of mediation in this matter. COAH voted to accept the task force recommendation and deny the motion without prejudice.

Moved by John Winterstella and seconded by Suzanne Walters
A roll call vote was taken.

Aye - Ms. Della Vecchia, Mr. Doherty, Mr. Ellis, Mr. King, Mr. Walters, Mr. Winterstella and Mr. Richman

Nay - none
5. Oral Argument:
Waiver from Requirements of N.J.A.C. 5:97-6.7(d)(5) to Receive One 45- and one 60-day Extension for Submission of Documents Required Within 45 days of Township’s March 2010 Certification - Township of River Vale/Bergen County. Kate Butler, principal planner, provided an overview of River Vale’s waiver request for an extension of time to submit developer’s agreements required by its substantive certification on March 10, 2010. The Township claims that the immediate submission of these overdue documents constitutes a financial hardship. River Vale asks for 45 days for one project and 60 days for another.

Holly Schepisi, Esq., representing River Vale and Antimo Del Vecchio, Esq. representing Henry J. Bonnabel, a land owner in River Vale addressed the board.

A task force was appointed to review the matter.

Moved by John Winterstella and seconded by Marge Della Vecchia
A roll call vote was taken.

Aye - Ms. Della Vecchia, Mr. Doherty, Mr. Ellis, Mr. King, Mr. Walters, Mr. Winterstella and Mr. Richman

Nay - none

6. Motion Decision(s):
a. Waiver from N.J.A.C. 5:97-8.1(d) to Spend Affordable Housing Trust Fund Monies – Marlboro Township/Monmouth County – A COAH task force convened on May 3, 2010 to review this matter. Maria Connolly, principal planner, presented the task force recommendation that Marlboro’s waiver request for reimbursement of pre-development costs expended on the Ticetown Road site be denied with prejudice, and the request for costs related to the expenditure of funds for pre-development costs for site investigation and exploration of the Amboy Road site be denied without prejudice. The Council strongly used Marlboro to put the new site in its repetition and spending plan.

Moved by John Winterstella and seconded by Theodore King
A roll call vote was taken.

Aye - Ms. Della Vecchia, Mr. Doherty, Mr. Ellis, Mr. King, Mr. Walters, Mr. Winterstella and Mr. Richman

Nay - none

7. *Issuance of an Order to Show Cause - Saddle River Borough/Bergen County

Larissa DeGraw - Adjourned

The following Delegations of Authority were approved by Sean Thompson, COAH acting executive director: Spending Plans - Bernards Township/Somerset County

There being no further business to discuss, the public meeting of the Council on Affordable Housing adjourned at 3:45 p.m.
Moved by John Winterstella and seconded by Marge Della Vecchia

Aye - Ms. Della Vecchia, Mr. Doherty, Mr. Ellis, Mr. King, Mr. Walters, Mr. Winterstella and Mr. Richman

Nay - none

I, Gina Fischetti, DO HEREBY CERTIFY, that the foregoing is a true, and correct copy of the Minutes of the May 13, 2010 Public Session of the Council on Affordable Housing.

Gina Fischetti, COAH Deputy Counsel