



State of New Jersey
Council on Affordable Housing

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CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

LORI GRIFA
Acting Commissioner

SEAN THOMPSON
Acting Executive Director

COUNCIL ON AFFORDABLE HOUSING
MARCH 10, 2010
MEETING THREE-HUNDRED-FIFTY-ONE

MEMBERS

PRESENT: Lori Grifa, chair
Marge DellaVecchia, member
Timothy Doherty, member
Albert Ellis, member
Theodore King, member
John Winterstella, member
Suzanne Walters, member

OTHERS

PRESENT: Sean Thompson, Acting executive director
Gina Fischetti, Esq., COAH, deputy counsel
George Cohen, Deputy Attorney General (DAG)
Gerri Callahan, DAG
Renee Reiss, COAH secretary
David Reiner, Esq. governor's authorities unit
Keith Henderson, COAH director of planning
Joanne Wiggins, COAH supervising planner
Alice D'Arcy, COAH planner
Ramond Joseph, COAH planner
Pamela Weintraub, COAH planner
Ngozi Obi, COAH planner
Tom Stanuikynas, COAH planner
Dan Burton, COAH planner
Matthew Rudd, Esq., COAH
Dennis Funaro, COAH supervising planner
Stacey Smith-Bohn, COAH planner
Larissa DeGraw, COAH technical assistant
Kathy McGlinchy, COAH program development specialist
Matthew Rudd, Esq., COAH



OTHERS
PRESENT

CONTD: Adam Gordon, Esq., Fair Share Housing Center (FSHC)
Jeffrey Kantowitz, Esq.,
Rick Hoff, Jr., Bisgaier Hoff
Ronald Cucchiaro, Esq., Weiner Lesniak
Tish Colombi, Mayor, Haddonfield Borough
Sharon McCullough, Administrator, Haddonfield Borough
Jeffrey Kantowitz, Esq., Day Pitney
Carrine Piccolo-Kaufer, Township of Hardyston
Chris Boyle
Justin Davis
Joe Crisculolo, Township of Aberdeen
Carmine Spillo, Township of Aberdeen
William Cerra, Township of Aberdeen
Diane Dablas, Esq., Rogut McCarthy
Dan McCarthy, representing Township of Aberdeen
Mathew Clemente, Township of Aberdeen
Dan Suckerman, KRLGates LLP for Aberdeen-Wilson Associates
William Connelly
Gregg Paster, Esq., Attorney Demarest Borough
Tom Collins, Esq., PP, Township of Hardyston
Therese Cubba, Esq.
Mike Jedziniak, Esq., Surenian & Associates
Debbie Boyle
Ed Schmierer, Esq., Haddonfield Borough
Steven Walke, Borough of Haddonfield
William Wolf, Esq., Bathgate, Wegener & Wolf
Craig Giannetti, Esq., GH&C
Michael Bruno, Esq., GH&C

Pledge of Allegiance.

Sunshine Statement: The Sunshine Act Statement was read by Lori Grifa, 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 March 3, 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.

Approval of Minutes: January 13, 2010 and February 16, 2010
COAH voted to approve the January 13, 2010 Minutes.

Moved by Marge Della Vecchia and seconded by John Winterstella

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

Nay – None

Abstain – Ms. Grifa

COAH voted to approve the February 16, 2010 Minutes.

Moved by John Winterstella and seconded by Albert Ellis

Aye – Ms. Della Vecchia, Mr. Doherty, Mr. Ellis, Mr. King, Ms. Walters, Mr. Winterstella and Ms. Grifa

Nay – None

Adoption of Resolution Appointing Sean Thompson, Acting Executive Director of COAH
COAH voted to approve the Resolution appointing Sean Thompson as Acting Executive Director of COAH.

Moved by Marge Della Vecchia and seconded by Timothy Doherty

Aye – Ms. Della Vecchia, Mr. Doherty, Mr. Ellis, Mr. King, Ms. Walters, Mr. Winterstella and Ms. Grifa

Nay – None

Public Comment:

Adam Gordon, Esq., Fair Share Housing Center (FSHC), Rick Hoff, Jr., Esq., Bisgaiier Hoff, LLC, and Ed Schmeier, Esq. addressed the board.

Some substantive certification approvals were voted out of order of the agenda.

1. Substantive Certifications

a. Haddonfield Borough/Camden County

Alice D'Arcy, Principal Planner, presented Haddonfield Borough's request to receive substantive certification of its Housing Element and Fair Share Plan. Haddonfield's affordable housing

obligation consists of a rehabilitation obligation of 29 units, a 192-unit prior round obligation made up of a 37-unit Realistic Development Potential (RDP) and a 155-unit unmet need, and an adjusted, projected growth share obligation of zero. Haddonfield proposes to address its 29-unit rehabilitation obligation through the Camden County rehabilitation program, possibly supplementing it with a municipal program. The Borough will address its 37-unit RDP with 26 post-1986-credits (Kings Court, Lincoln Commons and Bancroft Neurohealth), 10 proposed family sale units at the Bancroft Redevelopment site, 10 proposed family rental units at the Bancroft/CIS development and nine rental bonuses. This creates a surplus of 16 units, which Haddonfield will apply to the unmet need along with 23 surplus units from Lincoln Commons, 10 proposed units from the Acme redevelopment area, 35 proposed units from the PATCO redevelopment area and five proposed units from the PNC Bank redevelopment area (total of 89 units toward unmet need of 155). Although Haddonfield currently has an adjusted growth share obligation of zero, the Borough will apply 23 units toward a future obligation, specifically: five units from Lincoln Commons and 18 units from the proposed CIS family rental development. With the Council's granting of third round substantive certification, the scarce resource restraint in effect in Haddonfield since November 22, 2004 is lifted. Fair Share Housing Center (FSHC) filed an objection to Haddonfield's plan. After two mediation sessions and numerous emails and phone calls between the Borough and FSHC, the parties were unable to reach an agreement on all issues. On January 27, 2010, the mediator concluded that there were not contested issues of material fact remain in regards to Haddonfield's HE/FSP and substantive certification should be granted. During the 14-day comment period, FSHC submitted a comment which was similar to the original objections filed in March 2009. These comments were addressed and do not alter the Compliance Report. COAH voted to grant Haddonfield substantive certification and lift the Scarce Resource Restraint that has been in effect in Haddonfield since November 22, 2004.

Mayor Colombi thanked COAH staff for their assistance through the certification process.

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, Ms. Walters, Mr. Winterstella and Ms. Grifa

Nay – None

a. Demarest Borough/Bergen County

Ramond Joseph, Senior Planner, presented Demarest Borough's request for the grant of substantive certification of its Housing Element and Fair Share Plan. Pursuant to Appendix B of N.J.A.C. 5:97, Demarest Borough has a rehabilitation share of four units. Pursuant to N.J.A.C. 5:97-5.2, the Borough received a vacant land adjustment of 43 units that resulted in a reduced new construction obligation or realistic development potential (RDP) of 23 units and an unmet need of 43 units. The Borough's third round plan includes a request for a growth projection adjustment, which reduces its net projected growth share obligation to 20 affordable units. Demarest is addressing its rehabilitation share by participating in the Bergen County Home Improvement Program. The Borough is addressing its 23-unit prior round obligation with nine credits from a previously approved Regional Contribution Agreement (RCA) with the City of Hoboken, four credits from an age-restricted inclusionary development at the Alpine Country Club, and five rental units and five rental bonuses from an accessory apartment program. The Borough is addressing its 20-unit growth share obligation with 12 rental units and five rental bonuses from the Hardenburgh Avenue 100 percent affordable development and three age-restricted rental units from a market-to-affordable

program. Demarest proposes to address its unmet need and potential growth share opportunities with surplus units from both the accessory apartment and market to affordable programs. COAH voted to grant Demarest Borough substantive certification.

Gregg Paster, Esq., Borough Attorney and William Connolly, Council President, thanked the COAH staff for their assistance during the certification process.

Moved by Albert Ellis and seconded by Timothy Doherty
A roll call vote was taken.

Aye – Ms. Della Vecchia, Mr. Doherty, Mr. Ellis, Mr. King, Ms. Walters, Mr. Winterstella and Ms. Grifa

Nay – None

b. River Vale Township/Bergen County

Kate Butler, Principal Planner, presented River Vale Township's request for the grant of substantive certification of its Housing Element/Fair Share Plan. River Vale has a zero unit rehabilitation share, a 121-unit prior round obligation and a 28-unit growth share obligation. The Township proposes to address its 121-unit prior round obligation with 48 post-1986 credits and 30 rental bonuses, 19 proposed family for-sale units within inclusionary zoning projects (eight at River Vale Developers and 11 at Mesker inclusionary), and 24 proposed municipally-sponsored age-restricted rental units at Kirk. River Vale will address its 28-unit growth share obligation with 31 units in municipally-sponsored projects (24 family rental units at Mesker municipally-sponsored and seven age-restricted rental units at Kirk), seven rental bonuses at Mesker family rental, and one family for-sale unit at Mesker inclusionary, which creates an 11-unit surplus. COAH voted to grant River Vale Township substantive certification.

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, Ms. Walters, Mr. Winterstella and Ms. Grifa

Nay – None

d. Manalapan Township/Monmouth County - ADJOURNED

e. Pine Beach Borough/Ocean County

Alice D'Arcy, Principal Planner, presented Pine Beach Borough's request for the grant of substantive certification of its Housing Element and Fair Share Plan. Pine Beach's affordable housing obligation consists of a third round rehabilitation obligation of zero, a 41-unit prior round obligation made up of a 0-unit Realistic Development Potential (RDP) and a 41-unit unmet need, and an adjusted, projected growth share obligation of ten. Pine Beach proposes to address its unmet need with one unit from an inclusionary development, three group home bedrooms, and an overlay zoning ordinance. The Borough will address its 10-unit growth share with a five-bedroom group home and five additional bedrooms in two group homes and a proposed inclusionary, municipally sponsored development. Fair Share Housing Center objected to Pine Beach's plan. After informal negotiation, the parties were able to reach an agreement on the issues and FSHC withdrew its objection on that basis.

Mayor Boyle thanked COAH staff for their assistance during the certification process.

Moved by Marge Della Vecchia and seconded by Theodore King
A roll call vote was taken.

Aye – Ms. Della Vecchia, Mr. Doherty, Mr. Ellis, Mr. King, Ms. Walters, Mr. Winterstella and Ms. Grifa

Nay – None

Adoption of Resolution Memorializing Delegations of Authority to the Acting Executive Director of COAH
COAH voted to approve the Resolution Memorializing Delegations of Authority to the Acting Executive Director of COAH, Sean Thompson.

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, Ms. Walters, Mr. Winterstella and Ms. Grifa

Nay – None

2. Motions on the Papers:

a. Waiver from Scarce Resource Restraint by Bryn Mawr Investments Co. – Meadows at Cross Keys – Winslow Township/Camden County

Matthew H. Rudd Esq. presented of a motion by Bryn Mawr Investments Co., a developer, seeking an exemption from the Winslow Township Scarce Resource Restraint on sewer capacity in the Sicklerville sewer area for the first phase of a commercial development. A task force met on January 28, 2010 and discussed the motion. The task force recommended that the exemption be granted with the condition that the proposed Phase 1 development on Block 404, Lot 5.04 and Lot 5.06 with a retail/pharmacy and restaurant, be permanently serviced by on-site septic systems as approved by the Winslow Township Zoning Board of Adjustment. The first phase of construction provides a separate self-sustaining septic system for the retail/pharmacy and for the restaurant. Therefore, the on-site sanitary septic systems were anticipated by the Winslow Township Zoning Board and will not adversely impact the scarce resource restraint on sewer capacity in Winslow. COAH voted to grant Bryn Mawr Investments Co., a waiver from the Scarce Resource Restraint imposed on Winslow Township.

Moved by Albert Ellis and seconded by Timothy Doherty
A roll call vote was taken.

Aye – Ms. Della Vecchia, Mr. Doherty, Mr. Ellis, Mr. King, Ms. Walters, Mr. Winterstella and Ms. Grifa

Nay – None

b. Minor Technical Amendment: Hardyston Township/Sussex County- Sean Thompson presented Hardyston Township's motion for a minor technical amendment to its third round certified plan. The Township received third round substantive certification on May 14, 2009. On

November 18, 2009, Hardyston submitted a motion requesting a minor technical amendment to address 50 percent of the very low-income units required pursuant to N.J.S.A. 52:27D-329.1 as family very low-income units through the Township's existing market to affordable housing program. The Township proposes to provide 11 of its 21 very low-income unit requirement through its existing market to affordable program and monies from its housing trust fund account. COAH voted to grant Hardyston a minor technical amendment to its grant of substantive certification as stated above.

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, Ms. Walters, Mr. Winterstella and Ms. Grifa

Nay – None

c. Minor Technical Amendment: West Amwell Twp/Hunterdon County
Maria Connolly, Principal Planner, presented West Amwell Township's motion for a minor technical amendment to its third round certified plan. The Township received third round substantive certification on May 14, 2009. On November 24, 2009, West Amwell submitted a motion requesting a minor technical amendment to include two very-low income family units through its existing accessory apartment program. COAH voted to grant West Amwell the minor technical amendment to its certified plan.

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, Ms. Walters, Mr. Winterstella and Ms. Grifa

Nay – None

d. Exemption from Highlands Scarce Resource Restraint Hanover Twp. – Leonard Leider and Edward Carr – Hanover Township/Morris County
Matthew H. Rudd Esq., presented a motion submitted by Leonard Leider and Edward Carr, contract purchasers of the estates of Henry and Helen Hansch (the Estates) which is a residential property in formal probate. They are seeking an exemption from the Highlands Scarce Resource Restraint in order to settle the estate of the decedent. The contract purchasers advise that they are able to subdivide the existing two lots into four or more lots. They advise that this proposed subdivision of the site is in full conformance with Hanover Township's land use ordinances, without the need for any variance. Leider and Carr maintain that a subdivision of the site is necessary to settle the estate of the decedent. COAH voted to grant the exemption from the Highlands Scarce Resource Restraint, pursuant to exemption #35, noted in COAH's letter of clarification dated December 17, 2008, with the condition that the subdivision of this site shall provide at least one affordable housing unit in the event that at least five lots are created.

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

Aye – Ms. Della Vecchia, Mr. Doherty, Mr. Ellis, Mr. King, Ms. Walters, Mr. Winterstella and Ms. Grifa

Nay – None

e. Waiver from Highlands Scarce Resource Restraint – Mike Mastellone, Block 2104, Lot 3.02 Hanover Township/Morris County

Gina Fischetti, Esq. presented a motion submitted by Mike Mastellone for a waiver of the Highlands Scarce Resource Restraint for a minor subdivision of Block 3104, Lot 3.02 be granted. Mr. Mastellone is requesting to subdivide existing Lots 3 and 4.01 into three lots. COAH voted to grant Mr. Mastellone the waiver from the Highlands Scarce Resource Restraint, since the subdivision will be creating only one new lot which meets the minimum size requirements of the R-15 zone. The lot is not large enough to meet the threshold number of five units to require the construction of an affordable unit. Hanover has demonstrated to COAH in past Scarce Resource Restraint waiver requests that it has sufficient water and sewer capacities to address its entire COAH growth share projection.

Moved by Theodore King and seconded by Marge Della Vecchia
A roll call vote was taken.

Aye – Ms. Della Vecchia, Mr. Doherty, Mr. Ellis, Mr. King, Ms. Walters, Mr. Winterstella and Ms. Grifa

Nay – None

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f. Waiver from Highlands Scarce Resource Restraint – Lakeland Marine Base, LLC – Jefferson Township/Morris County

Gina Fischetti, Esq., presented a motion by Lakeland Marine Base for a waiver of the Highlands Scarce Resource Restraint for the construction of a miniature golf course. A task force convened on January 28, 2010 to discuss the motion and recommended that the motion be granted as the property is located within an environmentally sensitive area that does not have adequate septic demands created by multiple dwellings. COAH voted to grant Lakeland Marine Base, LLC's request for a waiver from the Highlands Scarce Resource Restraint since the area is not suitable for the construction of affordable housing as it is served by an individual septic system and a private well, is an environmentally sensitive site that would make residential development difficult and costly, and has already been approved by the Jefferson Zoning Board. Jefferson Township will be responsible for any non-residential affordable housing obligation which results from the development of the miniature golf course pursuant to the Fair Housing Act, N.J.S.A. 52:27D-301 et seq.

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, Ms. Walters, Mr. Winterstella and Ms. Grifa

Nay – None

g. Waiver from Highlands Scarce Resource Restraint – Gerard Ferrari, Block 6, Lot 9, 418 County Route 579, Alexandria Township/Hunterdon County

Gina Fischetti, Esq., presented Gerard Ferrari’s motion for a waiver of the Highlands Scarce Resource Restraint for a minor sub-division of the property located at Block 6, Lot 9, Alexandria Township/Hunterdon County. The Council voted to grant the waiver for the subdivision of Block 6, Lot 9, for the creation of Block 6 Lot 9.03 and the development of a single-family residential dwelling. The construction of the single-family home on Lot 9.03 will not impede the ability of Alexandria to meet its affordable housing obligation. The resolution does not authorize any allocation of sewer or water usage to any other location other than the single-family home on Block 6 Lot 9.03.

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, Ms. Walters, Mr. Winterstella and Ms. Grifa

Nay – None

3. Waivers

Waiver to Credit Existing Project with Altered Low/Mod Split - Secaucus Town/ Hudson County

Kate Butler, Principal Planner, presented Secaucus Town’s request for a waiver of the low/mod split requirements at N.J.A.C. 5:80-26.3(a). A task force convened on January 5, 2010 and reviewed the request and recommended to approve the waiver request for a waiver from N.J.A.C. 5:80-26.3(a) to permit the Town of Secaucus to receive prior round family for-sale credit for the 12 affordable housing units at Riverside Court. C OAH voted to accept the task force recommendation and approved the waiver.

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, Ms. Walters, Mr. Winterstella and Ms. Grifa

Nay – None

4. Regional Contribution Agreement (RCA) Project Plan Amendment

Wayne Township/Passaic County and Paterson City/Passaic County RCA and Hawthorne Township/Passaic County and Paterson City/Passaic City RCA

Kathy McGlinchy presented a RCA project plan amendment for Paterson City to fund 18 special needs units in the Paterson Park project. Paterson committed \$1,200,000 of RCA funding for the project, which consists of the new construction of permanent and supportive rental housing for disabled and homeless veterans and other households with disabilities. \$700,000 is committed from excess funds from the Way RCA and \$500,000 from an amendment to the Hawthorne RCA. COAH voted to approve the RCA Project Plan Amendment.

Moved by John Winterstella and seconded by Suanne Walters

A roll call vote was taken.

Aye – Ms. Della Vecchia, Mr. Doherty, Mr. Ellis, Mr. King, Ms. Walters, Mr. Winterstella and Ms. Grifa

Nay – None

5. Oral Argument:

Motion on Behalf of C&M Real Estate, LLC & RCM Group, LLC (Collectively RCM) Regarding Aberdeen Township's Refusal to Abide by Terms of an Executed MOU Resulting From COAH Mediation – Aberdeen Township/Monmouth County

Michael Bruno, Esq. and Craig Gianetti, Esq., representing RCM and Daniel McCarthy, Esq., attorney representing Aberdeen appeared for oral argument regarding RCM's request for an Order to Show Cause as to why Aberdeen Township will not abide by the terms of the Memorandum of Understanding executed with RCM on December 17, 2009, based upon a settlement agreement reached at COAH mediation. The matter was referred to a task force. The following COAH members volunteered to participate in the task force: Timothy Doherty, Suzanne Walters and John Winterstella.

Moved by Albert Ellis and seconded by John Winterstella

A roll call vote was taken.

Aye – Ms. Della Vecchia, Mr. Doherty, Mr. Ellis, Mr. King, Ms. Walters, Mr. Winterstella and Ms. Grifa

Nay – None

Delegations of Authority: The following Delegations of Authority were approved by the Acting Executive Director:

Development Fee Ordinance Amendment

Spending Plans

Nutley Township/Essex County

Cresskill Borough, Bergen County

There being no further business to discuss, the public session of the Council on Affordable Housing adjourned at 11:30 a.m.

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, Ms. Walters, Mr. Winterstella and Ms. Grifa

Nay – None

CERTIFICATION

I, Renee Reiss, DO HEREBY CERTIFY, that the foregoing is a true, and correct copy of the Minutes of the March 10, 2010 Public Session of the Council on Affordable Housing.

A handwritten signature in black ink that reads "Renee Reiss". The signature is written in a cursive style with a large initial "R" and "R".

Renee Reiss, Council Secretary