

**WALL TOWNSHIP PLANNING BOARD
MINUTES - REGULAR MEETING
MUNICIPAL MEETING ROOM
AUGUST 3, 2009**

Chairman Aromando called to order the regular meeting of the Wall Township Planning Board at 7:40 P.M. Members present were Ralph Addonizio, Laurie Aromando, second alternate George Bednarski, Michael Clayton, Timothy Clayton, first alternate Kristin Coman, Dominic DiRocco, Timothy Farrell, Mary Hearn, Todd Luttmann, George Newberry, Attorney Hirsch, Engineer Rooney, Planner Bergailo, Planning Board Secretary Lang, Planning Board Recording Secretary Schinestuhl and Court Reporter Arnone.

Chairwoman Aromando announced the meeting was being held in accordance with the "Sunshine Law" and a resolution adopted on January 12, 2009.

SALUTE TO THE FLAG

Chairwoman Aromando stated COAH is the only item on for tonight. We thought it was time to bring the public up to date on the plan. Round III starts 2004 – 2018. The final rules did not come into place until fall of 2008. That is why this Board approved a COAH plan in December 2008. The Township Committee made agreements to amend the plan. Our projected obligation is 667. We can do 25% seniors – 167, 25% rental units – 167. The remainder can be done any way. Age-restricted did not count as COAH. 167 rental units will count as 333.

Ms. Bergailo explained Phase I. During the first phase the objective is for the township to address its accrual. The accrual to date is about 203 units. As for the rest we don't know what those numbers will be.

Chairwoman Aromando said out of 667 we can do 167 senior units is there any reason we can't do that first. Ms. Bergailo said that is the plan to do seniors first. Chairwoman Aromando said that would be the least impact on the schools.

Ms. Bergailo said since the May 18th meeting the plan we discussed at that meeting is the same. Habitat for Humanity – one family, Atlantic Avenue – total 36 family, Colfax – existing 26 credits, Sunnyside – still in the plan. Sunnyside has an approved assisted living and we will get eight units. All the sites are the same but the town is working with property owners and working toward acquiring what is needed. There is an agreement with Sunnyside; Bearmore will have an extension of their units, senior project on Holly that may be 150 units whatever is feasible financially. Chairwoman Aromando said that is municipally owned property. Ms. Bergailo said correct.

Ms. Bergailo explained the Township purchases the property then sends out requests for proposals. It was done with the Mews. Units not used for Round III can be carried on to Round IV.

Chairwoman Aromando said if we purchase the property does it lock us into that property. Ms. Bergailo said it can be amended. If something falls through it can be substituted for another site.

Chairwoman Aromando said if this Board accepts the plan wouldn't that be rezoning the property. Attorney Hirsch said if the amended plan is accepted and it requires a change of zone the Township Committee would amend the zoning ordinance. Ms. Bergailo said only if inclusionary the Township Committee has to rezone. Rezoning is only required when doing inclusionary – 75% market and 25% affordable. Ms. Bergailo said we are not proposing any inclusionary sites.

Mayor Clayton said no one can see ten years down the road. Things may change with COAH. We are not going to get that far ahead.

PUBLIC

Katherine Handlin said these lands are donated. Ms. Bergailo explained when a township does 100% affordable the town purchases the land and it is donated to the developers which are non-profit. Because it is expensive to build a building and deed restrict it, sometimes they get money from the Federal Government or get subsidized.

Ms. Handlin said the town will still buy the land it is not donated to the town. Ms. Bergailo said the town will buy it and donate it to the developer or they can retain the land and give the developer a long term lease.

Ms. Handlin said the town is buying the land. Ms. Bergailo said it depends on the financing that the developer has. They specialize in affordable housing.

Ms. Handlin asked how much this is going to cost the taxpayer. Ms. Bergailo explained we can spend no money and let them build inclusionary and they will get density bonuses. If we do that the developer can build 10,000 units in Wall. The intent is cost driven. Build as few units as possible. Family rental count two for one.

Chairwoman Aromando said one of her main concerns was that if the builder is building the units they want us to give them market rates. One of the first developers wanted us to give them 400 units. I did not want inclusionary. We should purchase and build them ourselves.

Ms. Hearn stated if market rate units are built that creates more units in the future.

Chairwoman Aromando said when you build market rates and we give him 400 units they would have to build another 100 COAH.

Mr. DiRocco said affordable housing is a State imposed tax increase. It is policy driven. This is a State driven State Mandate tax increase.

Gail Quinn said nothing will be built until needed. By December 31st I thought COAH required that a total plan be submitted. Do we have the right under COAH rules to submit a partial plan? Chairwoman Aromando said our only obligation is Phase I. We notified them we are going to amend the plan.

Ms. Quinn said she was under the impression that when we sent in our amendments we had to submit what is going to be replaced and what is going to happen. Mayor Clayton said that has not changed. We have to submit everything but it is dealt with in phases. Chairwoman Aromando said Mr. Surenian's legal advice was to do it in Phase I, Phase II and Phase III.

Ms. Quinn said she has read all of the COAH information we had to submit a total plan. Ms. Bergailo explained we are going to submit the sites for the total plan. What we are going to phase in is contracts of purchase for the sites. There are agreements on sites that we don't have to build on until later in the plan.

Chairwoman Aromando asked if we have to put in Phase II and III. Ms. Bergailo said that is the COAH's attorney's interpretation.

Someone from the audience asked where Mr. Surenian was. Mayor Clayton said there will be a few more meetings. This is a question and answer from the Planning Board's view point. We did not invite Mr. Surenian this time. Chairwoman Aromando said he did know about this meeting. Attorney Hirsch explained the amendment was not ready to be presented to the Board for a vote. There are negotiations going on so there is a certain amount of information that can't be exposed. Some of those things he is not free to speak about. He asked that this meeting not go forward because nothing has changed since the last meeting. There will be more information before this comes up for a meeting.

Robin Cervantes said we have been hearing about the amendments since last December. When is it going to happen? Chairwoman Aromando said we have not had a sub-committee meeting since May.

Mayor Clayton explained our attorneys are working on it and litigation is on-going. That is taking some time. There have been some road blocks. It is just taking a little longer than anticipated. The Master has given an extension.

Ms. Bergaglio said Mr. Surenian is scheduling a meeting to go over the time line.

Chairwoman Aromando said she has not been informed of anything and she thinks the Planning Board and the public should be informed.

Mayor Clayton said we are going to have a meeting between the Township Committee and the Planning Board. We are looking at some time around November. We have our nine sites and we have our amendments and our attorney is in litigation and in on-going talks. We have to be patient.

Heather Weber, 2017 Tally Ho, asked if it is possible that the Judge accept the plan as is. Ms. Bergailo said it is not probable. Ms. Weber asked can they accept it as is. Ms. Bergailo said the court is going to wait for our amendment. Even if the court did adopt the old plan they can't make us implement it.

Attorney Hirsch said the master will not pull the rug out. They know we are working diligently. It is getting there but it is taking time.

Mr. Farrell asked after the plan is approved by the Township Committee and Planning Board there still will be the opportunity to make changes over time. Mayor Clayton said that is correct.

Jamie Anderson asked if the litigation is hold things up. Mayor Clayton said no we have nine sites and we don't know if all nine are going to go smoothly. It is some of the new sites we are having to hash out prices and financing.

Deputy Mayor Newberry said the meeting tonight was very informative. We don't want to rush and then find out we could have done better. We get three amendments. We don't want to use those up. We don't want to look like we are delaying. We still have to show we are complying with the law. Timing will be everything. At this time it probably looks like not a lot has been happening. Some things have to do with negotiations. It is moving forward.

Mayor Clayton said he will contact Mr. Verruni and set up one or two meetings with the public and the Township Committee and COAH to meet. We will schedule an informative meeting with Jeff Surenian where we can give a little more of an update as to where we are at.

Chairwoman Aromando said we are booked until October 2009. Mayor Clayton said we may have a special meeting. He said he hopes by then we will have a little more information.

Chairwoman Aromando said she will block out the October 19th meeting. We will make sure Mr. Surenian comes to that meeting.

Claire Morrison said Wall Township is more concerned with phasing than what is required.

Mayor Clayton said no. Chairwoman Aromando explained we have more than Phase I listed in the plan.

Gail Quinn said it was her understanding that negotiations were only for Phase I. There were four sites listed. Deputy Mayor Newberry said all those have to be negotiated. He said it is his understanding we have to have the whole plan together. We have to speak with the owner and tell him what will go on the site.

Ms. Morrison said contracts have to be presented by December. Deputy Mayor Newberry said he does not know the date line. Ms. Bergailo said Phase I has to be presented by December.

Mr. Farrell said only Phase I is the concern right now.

Ms. Morrison asked what a non project builder is. Ms. Bergailo explained a lot of builders have built affordable housing or non profit. They are set up a certain way in the tax system. They

have to file their gains in a certain manner. It doesn't have to be a non-profit. The Mews was for profit.

Ms. Morrison asked what percentage of building project is done by non-profit builders. Ms. Bergailo said she doesn't know. Chairwoman Aromando said it depends on the site. Deputy Mayor Newberry said non-profit builders are not just in the construction business. The people that manage the Mews built it for a profit. Methodist Presbyterian do it as a break even. It doesn't benefit us.

Heather Weber asked non-profit is not going to pay property taxes but profit will. Deputy Mayor Newberry said for profit has an agreement on taxes. Chairwoman Aromando said COAH units get special tax credits.

John Litowinsky asked what are the changes the current COAH mandates will have if the governor goes in a different direction. Chairwoman Aromando said COAH may not disappear. 667 units was based on Jon Corzine. Another governor may want something different.

Mr. Litowinsky said what do we do after we buy all those properties. Mayor Clayton said that is why we are trying to phase these in. Governor Corzine said he wants to do something with reducing these numbers. If there is a change we don't want to buy hundreds of acres. We are making sure, that is why we are phasing it in.

Mr. DiRocco said it is going to be interesting. We don't know what is going to happen. We'll wait as long as we can. We will take it slow and cautious. This whole system can change. The RCA's may come back.

There being no further business to come before the Board, a motion was made, seconded and unanimously approved to adjourn the meeting at 9:00 P.M.

Respectfully submitted,

Betty Schinestuhl
Recording Secretary

August 3, 2009
Back into workshop.

ACTION AIRBRUSH – Mrs. Lang said the building has already been constructed. We discussed this at the last meeting. They took the windows out. They brought these plans in late Friday. There are 14 less windows. He also changed the shape of the windows.

Attorney Hirsch explained when they built this they left out something like 14 windows. There are 14 less windows than what was approved. Mr. Hoffmann didn't think he should approve it administratively.

The Board decided if Action Airbrush did not want to do what was approved they have to come back to the Board.

The meeting ended 9:05 P.M.