

TOWN OF NEWTON
PLANNING BOARD
SEPTEMBER 21, 2016
MINUTES

The regular meeting of the Newton Planning Board took place on the above date. Chairman Le Frois read the Open Public Meetings Act and requested Mrs. Citterbart to call the roll. Mrs. Citterbart stated there was a quorum.

SALUTE TO THE FLAG: Was recited.

OATH OF OFFICE:

None

ROLL CALL: Was taken

Attendance: Mr. Flaherty, Mr. Hardmeyer, Mr. Ricciardo, Mr. Russo, Mrs. Diglio, Mr. Levante, Ms. Larsen, Chairman Le Frois

Excused: Mr. Marion

Professionals present: David H. Soloway, Esq. of Vogel, Chait, Collins & Schneider; Jessica Caldwell of J. Caldwell & Associates

THE SUNSHINE STATEMENT: Was read.

CONSIDERATION OF MINUTES

August 17, 2016

A motion was made by Mr. Ricciardo and seconded by Mrs. Diglio to approve the August 17, 2016 meeting minutes.

AYE: Mr. Flaherty, Mr. Hardmeyer, Mr. Ricciardo, Mr. Russo, Mrs. Diglio, Mr. Levante, Ms. Larsen, Chairman Le Frois

The motion was carried.

HISTORIC RESOLUTIONS

None

RESOLUTIONS

The Mitchell Agency (#PBSPV-8-2016)
Block 9.06, Lot 1
29 Trinity Street

Resolution granting a minor site plan & variance relief for an electronic message board sign.

Mrs. Diglio made a motion to approve the resolution. Motion seconded by Mr. Ricciardo.

AYE: Mr. Hardmeyer, Mr. Ricciardo, Mr. Russo, Mrs. Diglio, Mr. Levante, Ms. Larsen, Chairman Le Frois

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Motion carried.

OLD BUSINESS

None

NEW BUSINESS

Reexamination of the Town of Newton Master Plan Pursuant to N.J.S.A. 40:55D-89 specifically with respect to adoption of a revised Housing Element and Fair Share Plan.

Ms. Caldwell introduced the plan and stated: We have a reexamination of the Master Plan in order to facilitate adoption of the Housing Element and Fair Share Plan. Just by way of introduction, it was at the end of last year that we were here for a prior review of a draft of the Housing Element and Fair Share Plan that was prepared primarily because the Supreme Court struck down the Round Three Rules for Affordable Housing. The Town of Newton had a Housing Element submitted into COAH but was under review, similar to many other municipalities, waiting for the Court decision to be made. When it was struck down, in order to continue with protection under COAH from builders remedy lawsuits, we submitted to the Court for approval of Substantive Certification. We did review that last December and the Board approved the Housing Element and Fair Share Plan to be submitted to the Court and it was. It was approved by the Court and we received Substantive Certification for 10 years until 2025. One piece of that is to adopt a new Housing Element and Fair Share Plan. We're doing that as part of a Master Plan Reexamination because we do have one new zone proposed within the Housing Plan. We did some housekeeping items while we were doing the Master Plan Reexamination. There are five parts to a reexamination under Municipal Land Use Law (MLUL). One is what were the major land development problems and objectives that were in play when we did the last Master Plan Reexamination? The last one was in December 2014. Since then because of the court case, the new issue that was raised was the need to submit to the court for affordable housing. In terms of what happened since the last Master Plan Reexamination report, we have revised our Housing Element in 2005, 2008 and 2010. So we were in the process and because of the change in process we went to the courts. The prior plan was done in 2010, so we weren't able to access the 2010 census data, it hadn't come out yet. So we were able to incorporate that into the new plan as well as 2009 and 2014 estimates. The new plan has the most accurate and up to date data for the municipality. In terms of recommendations to the Master Plan, we did review the Housing Element. We updated it and are proposing to adopt it as part of the court case. In regards to development regulations that we looked up, we are proposing an affordable housing overlay zone as part of the Housing Element and Fair Share Plan. We incorporated the McGuire Redevelopment Plan, Merriam Gateway Redevelopment Plan, and Amendment to the Master Plan as an update to the development work we've done since the last plan. In terms of the actual plan submitted before you, we are having a public hearing tonight which was noticed. We have within the Housing Element demographic characteristics: employment, information on housing stock, housing need within the community. We know the population has dropped slightly within the municipality. Housing units are roughly the same in terms of what we've had over time. What's not shown in our data is that we have several housing developments that were recently approved so those are coming on line. So we are showing more developments in the near future. We also have the recently RPM Development project which will create 65 units of affordable senior housing.

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As a summary of what we're proposing as our Fair Share Plan: we adopted Dr. Kinsey's obligation for the municipality. He showed a present need of 72 units and a prospective need of 83 units for a total affordable housing obligation of 155 affordable units. We are actually proposing more than that. In the plan we have them as being proposed so if they don't come to fruition we will still have plenty of credits.

In redevelopment areas we have the Paterson Avenue Redevelopment area which calls for construction of 71 dwelling units and has affordable housing set aside with 19 units. We have the Hicks Avenue Redevelopment area which is slated for 9 units of affordable housing credits. Then we have the Merriam Gateway Redevelopment project which would have 12 credits to affordable housing. We have 40 credits in the redevelopment areas. We have the RPM Development which is 65 age restricted units. There is a maximum on age restricted applying to the obligation. We are getting 15 units of credit for Round 3. However, the remainder of the credits can carry over to future rounds.

Mrs. Diglio questioned: Paterson Avenue was changed back to light industrial. Krogh's is going in there and there are multiple different businesses.

Ms. Caldwell stated: We kept it in the plan and added the use for the industrial. For getting credit for the municipality we zoned it for that. So we can still use it in our plan but we proposed more than what is required. It's a bit arbitrary to leave it out because it is a possibility. Similar to other redevelopment areas, for example Hicks Avenue, they have some issues so it may not develop in the time frame for certification in 2025 unless a traffic light gets built.

Mr. Le Frois questioned: Can you describe what the different Rounds are?

Ms. Caldwell stated: Prior rounds are before 1998. The current Round is Round 3 which is 1999 to 2025. There's some dispute as to how the obligation gets calculated over that time. The Supreme Court deemed that it would be over in 2025.

So for RPM Development we have 15 units of credit, carrying over the remainder of the units until the Fourth Round. We have special needs and supportive housing. We have a SCARC supportive housing that gets us 8 credits. We have the Grande Villaggio with 8 credits. We have Water Street and North Park Drive which is a new addition to our housing plan. It's essentially the hill behind Kohl's and Home Depot. That property is currently zoned for the same commercial development as Kohl's and Home Depot. The property owners asked us if we would consider putting an affordable housing overlay zone on the property, which we did. We essentially proposed a multi-family affordable housing overlay which would generate 24 credits for the municipality.

On page 50 there is a review of what the affordable housing overlay zone would look like. We also have a present need obligation which is rehabilitation of existing units. So we have 72 units that we need to address through new units or rehabbed units. We have quite a few new units proposed. We have 21 units through Small Cities Grants and use of our Housing Trust Fund.

On page 52, there is a summary. I didn't mention the prior rounds, but we were certified for the prior rounds through a SCARC Group Home, Birth Haven Group Home, Bristol Glen Assisted Living had a unit and the Merriam Gateway Inclusionary Project. So that was the certification for the prior round. In the completed units are Bristol Glen Assisted Living with 6 credits, Progressive Health Residential Health Care with 5 credits and Samaritan Inn with 14 credits.

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The remainder are proposed except for RPM which is under construction. In the SD-9, by the hospital, we have had an inclusionary zone which is carrying over 71 credits of family for sale and 22 credits of family rental. In the redevelopment areas we have Paterson Avenue for 19 credits, Hicks Avenue for 9 and Merriam Gateway for 12. We have Newton Town Centre with 15, SCARC for 8, Grande Villaggio for 8, and Water Street and N. Park Drive for 24. Our total proposal is for 213 credits. Our Third Round obligation is for 83. So we have 130 excess credits to apply to our rehabilitation obligation as well as our Fourth Round. So we have 51 credits that we are applying to our rehabilitation plus the 21 that we've completed for a total of 72.

Ms. Caldwell stated that we are in very good shape. The court commended us on this plan and approved it subject to the Planning Board approving it tonight.

Mr. Ricciardo questioned: On page 1 "a growing County within the constraints of the Town's resources" and again on page 5, but when you look at the demographics on page 6 it is going down. Should we just say "within the County" instead of "within the growing County"?

Ms. Caldwell stated: That is actually one of the goals from the Master Plan that was done in 2008. So it is quoting that goal. At the time the County was growing and now it's declining. So it would have to be revised in the Master Plan.

Mr. Ricciardo stated: The coversheet needs to be changed for the Planning Board.

Ms. Caldwell stated: I spoke to Mr. Soloway a few days ago and he gave me several add-ins; nothing that changes the substance of the plan, but it did include that.

Mr. Hardmeyer stated: On page 53, in the conclusion it has 2015. Should it be 2025?

Ms. Caldwell stated: Yes. It should be 2025.

Mrs. Diglio questioned: There are two Katie's Houses. Do they count?

Ms. Caldwell stated: Yes. They should be added.

Mrs. Diglio stated: One Katie's House is on Moran Street across from the Health Food Store and the other is at the corner of Lawnwood and Mason. There are two disabled individuals in each home.

Ms. Caldwell stated: So that would be another 4 credits.

Mr. Hardmeyer questioned: If another new home is never built in Newton before 2025, what happens if we haven't fulfilled our obligation? Are we fined?

Ms. Caldwell stated: No. We are supposed to plan for it. But if the market doesn't create the units, it's not part of our obligation. Our obligation is to zone for and create the ability to build these units, which we have done.

Mrs. Diglio questioned: Is Progressive Health the facility on Stuart?

Ms. Caldwell stated: Yes.

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Mrs. Diglio stated: There is also another facility on Trinity. It is called AVE Care.

Ms. Caldwell stated: If it's for Alzheimer's assisted living it's more of a nursing home rather than affordable housing. But I can look into it.

Mr. Ricciardo stated: Paragraph 3 of the resolution should be stricken from the resolution as we don't have a storm water management plan.

Ms. Caldwell stated: I agree. We will strike it from the resolution.

Portion opened to the public. None stepping forward, portion closed.

Mrs. Flaherty made a motion to adopt the resolution with the third paragraph stricken from it. Mrs. Diglio seconded the motion.

AYE: Mr. Flaherty, Mr. Hardmeyer, Mr. Ricciardo, Mr. Russo, Mrs. Diglio, Mr. Levante, Ms. Larsen, Chairman Le Frois

Motion carried.

DISCUSSION – None

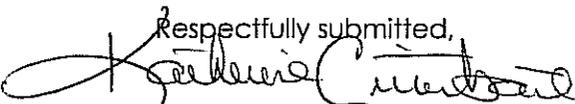
CORRESPONDENCE - Reviewed

EXECUTIVE SESSION - None

PUBLIC PORTION - None stepping forward

ADJOURNMENT

Mr. Flaherty made a motion to adjourn the meeting. Motion seconded by Mr. Ricciardo. The meeting was adjourned at 7:30 PM with a unanimous "aye" vote. The next meeting will be held on October 19, 2016 in the Council Chambers of the Municipal Building.

Respectfully submitted,

Katherine Citterbart
Planning Board Secretary