

The September 22, 2008 meeting of the Planning Board of the Township of Chatham was called to order at approximately 7:30 p.m. by acting Chairperson Lydia Chambers. The Open Public Meetings Act Statement was read into the record. The agenda for the meeting included a discussion on COAH, Council on Affordable Housing.

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Roll Call

Board members present included Mr. Browne, Mr. Caprioglio, Mrs. Chambers, Mr. Ciccarone, Ms. Hagner, Mrs. Kenny, Mr. Hurring and Mr. Sullivan. Board professionals present included attorney Bill Robertson and planner Frank Banisch.

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Announcements

Mrs. Chambers welcomed new Planning Board member Kevin Sullivan, who will serve as Alternate #2.

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Discussions

COAH

Mrs. Chambers asked Mr. Robertson to give a brief update of COAH.

Mr. Robertson stated the third round rules were adopted with modifications and towns now know what they are dealing with in terms of their obligations. Each town will have to file and submit their plan to COAH by December 31, 2008.

Mr. Robertson said that Mr. Banisch had prepared a memorandum to give the Board an idea of the Township's obligation. The idea is to have a discussion about realistic possibilities for meeting that obligation.

The plan will have to be approved by the Planning Board at a public meeting, in which public comment will be taken, and the approved plan will be forwarded to the Township Committee. The Township Committee would have to vote to approve the plan and then the Township Committee would have to submit the plan to COAH.

Mr. Robertson advised that the significance of the time frame is that if it is not submitted within the timeframe, the Township potentially could lose its substantive certification and the Township would be exposed to a builder's remedy, which has potentially serious consequences.

Mr. Browne asked about a lawsuit towns have joined in on promoted by the League of Municipalities challenging the new rules; Mr. Robertson said there is litigation contesting the rules that were adopted in July. Mr. Ciccarone stated that Chatham Township has made an initial contribution to the lawsuit. Mr. Browne asked if the Township's build-out analysis was reconciled with the new rules of the State and asked what the differences are; Mr. Banisch stated the greatest difference was in the flawed identification of land that was actually not developable, (highway interchanges, cemeteries, etc.)

Mr. Banisch stated the obligation the Township has now, which will be changed by the new rules, includes three parts: the Rehabilitation Share, the Fair Share and the Growth Share.

The Rehabilitation Share pertains to units occupied by low to middle income households that are somehow deficient in a major system (inadequate heating, roofing). In Chatham Township, there is a 19 unit obligation.

The Fair Share number refers to the fair share of the regional share need that was revised up to 83 units and these units are governed by rules from a prior round.

The Growth Share now includes tear downs, as if no house was there before, and vacant lots. Chatham Township has 95 credits towards this share, but 117 are required by the legislation; 55 will need to be family units and 14 units must meet the requirements to be affordable to persons of very low income. Group homes count as very low income rental housing.

Mr. Banisch stated the goal in meeting the obligation is to use the least intrusive method so as to maintain the community character. Mr. Banisch's plan included 5 items:

1. Accessory structures: Up to 10% (11 units) of the Growth Share is allowed in the form of accessory structures, which represents Township funding of \$25,000 per unit, of which 20% of that money can cover the administrative costs of the program.
2. Paying for deed restrictions on existing apartment buildings might be an option.
3. Partnering with a non-profit developer.
4. Group home units
5. Rehabilitation units

Mr. Banisch continued that in 45 days after submission, COAH has to come back with a letter indicating whether or not enough information was provided. This begins a process that takes between 6 months to one year to receive certification.

The concept of the builder's remedy was discussed. Mr. Ciccarone expressed doubt that there were large enough pieces of land to accommodate a builder's remedy scenario.

Discussion ensued on the developer's fee ordinance. Mr. Robertson suggested that he, Mr. Banisch and Mr. Ruschke should take a look at any of the properties that were approved from 2006 through today and identify what the pertinent number in the growth share ordinance is and prior to the issuance of a C/O, that those amounts are collected. Mr. Robertson said that in the interim, the development fee ordinance needs to be considered as an alternative. There was a suggestion that a developer fee ordinance should be before the governing body.

Mrs. Chambers asked about the next step in the process. Mr. Banisch said refining the Fair Share Plan components was a priority. It was determined that the public hearing to review the proposed COAH submission should be held on October 20, 2008. Mr. Banisch will submit a draft on October 6, 2008 and public notice will be given on October 7, 2008. Upon Planning Board approval, the submission must then be sent on to the Township Committee for their review, approval and submission.

There being no further business, the September 22, 2008 meeting of the Planning Board of the Township of Chatham was adjourned.

Respectfully submitted,

Katherine T. Hollerith
Recording Secretary