

The October 20, 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 the Amended Housing Element and Fair Share Plan.

Roll Call

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

Minutes

After a brief discussion, it was determined that the minutes from the July 7, 2008 meeting and the August 18, 2008 meeting would be carried to the November 3, 2008 meeting so Mr. Robertson could clarify a concern regarding the consistency between the minutes.

Minor changes were made to the minutes from the September 22, 2008 meeting and Mr. Ciccarone moved to approve the amended minutes and Ms. Hagner seconded, with all in favor.

Discussions

Mrs. Chambers stated that before Mr. Banisch could complete the Housing Element Fair Share Plan, he needed some guidance from the Board.

Mr. Banisch reviewed a memo he had sent to the Board dated October 19, 2008. Mr. Banisch stated that in 2005 a Housing Element was adopted that satisfied the affordable housing obligation. At that time, 95 unit credits had been documented, giving a 16 unit surplus over what was needed at the time.

Mr. Banisch stated the 2008 rules now require over 100 additional affordable units. Mr. Banisch stated that the estimated projected residential growth has adjusted the Township's obligation.

Mr. Banisch stated that the Township's sewer capacity has been committed. In Mr. Banisch's memo, he outlined that COAH will not allow Chatham to defer production of units until sewer capacity becomes available. COAH would require the Township to proactively reach out to seek solutions to the lack of sewer capacity.

Mr. Banisch stated that Chatham Township would have to evaluate sewer capacity options. The remaining sewer capacity, previously allocated for the Giralda Farms development, will be scrutinized by COAH. Therefore, inclusionary options will need to be considered, including possible rezoning of the Giralda Farms property.

Mr. Banisch indicated that while a zoning solution is relatively simple for the Township and does not involve immediate cash outlays, it can result in major costs and impacts to the community.

In summary, Mr. Banisch referred to his memo and discussed various mechanisms to address the obligation other than inclusionary zoning (Table 6 Preliminary Third Round Compliance Strategy) including the use of accessory apartments, market to affordable units, partnering with a non-profit developer on a 100% affordable project, group homes, a rehabilitation program and rental bonuses against the program of inclusionary zoning.

Mr. Banisch also concluded that if Giralda Farms is developed as currently zoned, it will generate a significant affordable housing obligation for the Township. This may require a rethinking of the zoning status quo and require an exploration of the alternative ways that the land and sewer capacity at Giralda Farms might be better used to reduce costs to the Township.

Mr. Banisch stated that the Board needs to decide whether the preferred approach is one where the zoning impacts of the affordable housing compliance are minimized and the community character is minimally affected at a significant cost.

There was additional discussion of the available buildable land within the Township, the developer's fee for commercial versus residential building and the builder's remedy. There was discussion that the whole process of the COAH plan is optional; but, without a COAH-certified plan in place, a builder's remedy lawsuit is a possibility. There was also discussion of the Moore Estates development and the possibility of re-zoning and building residential units at Reckson/Giralda Farms.

Mr. Banisch continued that the rental obligation is 25% of the total growth share (28 units out of 110 total units). For every unit over the 28 that is a rental unit, the Township will get 2 for 1 credit. Mr. Banisch will try to maximize the credits.

Regarding the re-zoning of Reckson, Mr. Banisch stated that right now, Reckson's affordable housing obligation is only \$180,000.00. 750,000 square feet of office space, however, will create an obligation of 130 affordable units for the Township. Therefore, re-zoning Reckson might make more sense. Mr. Banisch stated that a mixed-use residential development with strong residential character, with attached units-type might be worth considering. The Board agreed that this option should be considered.

A revised schedule was developed regarding the Amended Housing Element and Fair Share Plan and includes Mr. Banisch sending a draft of the plan to the Planning Board by October 30, 2008; the proposed plan will be on the agenda for the Planning Board meeting on November 3, 2008 and a public meeting will be held on November 17, 2008. A recommendation for the Amended Housing Element and Fair Share Plan will be sent on to the Township Committee for consideration and action.

Public Comment

Mrs. Chambers opened the meeting to the public. Township resident Bill O'Connor asked a question about re-zoning saying initially Mr. Banisch did not feel Reckson was the best option; Mr. Banisch responded that the goal with the Reckson plan was to eliminate the 130 units of obligation that would be created by the site being developed for 750,000 square feet of office space. Mr. Ciccarone added the obligation was based on a job-creation component; for every 16 jobs created, one unit is required.

Chatham Township resident Dot Stillinger asked if some re-zoning would be necessary to create the accessory apartment for the extra group home planned; Mr. Banisch stated the accessory apartment would need some ordinance to make that legal. The group homes are permitted under state statute.

- - -

There being no further business, the October 20, 2008 meeting of the Planning Board of the Township of Chatham, was adjourned.

Respectfully submitted,

Katherine T. Hollerith
Recording Secretary

