

SPECIAL MEETING AUGUST 8, 2017

**SPECIAL JOINT COMMITTEE & PLANNING BOARD MEETING
AUGUST 8, 2017
6:00 P.M.**

Mayor Brown called the meeting to order at 6:00 p.m. read the following statement and led the flag salute.

NOTICE OF THIS MEETING WAS GIVEN BY NOTICE PUBLISHED IN THE ATLANTIC CITY PRESS, ON JULY 29, 2017, AND POSTED AT TOWN HALL.

Roll Call:

Committee Present: Gary Franklin, Larry Riffle, Christopher Silva, John Walther, James Brown

Municipal Clerk / Planning Board Secretary: Kimberly Johnson

Solicitors: Tracy Siebold

Planner: Tiffany Cuvillo

Planning Board Present: Mayor Brown, Mike Carrigan, Gary Franklin, Christine Mazzarella, Carmen Merlino, Roger Muessig, Mary Nevius, Jack Gravlin, Kristi Hanselmann, Charles Muller

Planning Board Absent: Frank Seney

Solicitor: Tim Maguire

Engineer: Jay Sciuillo

Master Plan Discussion: Ms. Siebold explained the Affordable Housing Laws in New Jersey are and have been influx and as of March 10, 2015, the Court ruled that Council on Affordable Housing (COAH), was not functioning and stripped them of their powers and granted those to the Trial Courts to address the obligations. She reported the Courts have been processing Declaratory Judgements that municipalities have filed, Mullica being one. One of the requirements is to determine what the Affordable Housing Obligation is and that has still not been determined. Ms. Siebold explained she negotiated a settlement agreement with the Fair Share Housing Center. She further explained the Court and Fair Share Housing recognizes that Mullica Township has no sewer and/or water which are generally required for Affordable Housing and the Pinelands restrictions.

Ms. Tiffany Cuvillo gave the following presentation: Mullica has been involved in Affordable Housing Plans since 1991, has never skipped around and his continued to adhere to the rules and regulations. In 2008, the municipality adopted a Round Three Housing Element and Fair Share Plan. There are three rounds of Affordable Housing Obligations, Round 1, which the municipality had a vacant land adjustment; Round 2, vacant land adjustment which carried forward with no new units; Round 3, Growth Share Obligation, was never endorsed because COAH fell apart. This settlement will cover Round 3 and 4 to cover the municipality's protections under the Court Order. This plan utilizes vacant land adjustment and take credits for existing units that were identified in 2008, which include units constructed between 1980-1986 which meet affordable housing guidelines; occupied by persons that are low/moderate income. Surveys were sent to over 180 homes and the residents of Mullica Woods Adult Housing Community, of the responses received 16 qualified, which are confidential. Mr. Muessig asked what effort was made. Ms. Cuvillo stated two mailings were done and personal contacts by Mayor Brown to the Mullica Woods Association. The following group homes accounted for credits: Arc of Atlantic County and Career Opportunity Development, adding to the total of 32 credits for Affordable Housing. The obligation is 40 units from Rounds 1 and 2 and we have satisfied 32. Fair Share Housing has Mullica at 164 units and has agreed to reduce that to 115 and due to certain legislature 50% of that 115 can be transferred by the Pinelands Commission outside of Mullica. The two other components to this plan is one to develop a Development Fee Ordinance and adopt a 20% set aside Ordinance for major subdivisions.

SPECIAL MEETING AUGUST 8, 2017

The Development Fee Ordinance assess a housing impact fee on developments. The Municipal Land Use Law was amended to have a mandatory 2 ½% housing impact fee on all non-residential development. If the Ordinance is adopted locally, the monies are utilized for Mullica residents, if not the monies go to the State. The 20% set aside Ordinance should be adopted for any residential development that is a major subdivision with more than five units. Therefore, if they were to create 30 units they would set aside 20% set. This should not impact the municipality as Mullica has not recently had any major subdivisions. Mr. Muller asked if a 20 home development would require 20% for affordable housing. Ms. CuvIELLO stated this is currently required in the Pinelands CMP, to set aside 2 units out of 20, or payment in lieu. Mr. Gravlin questioned the in lieu payment. Ms. CuvIELLO explained it needs to be utilized for units not for rehabilitation. Mr. Silva questioned the table on page 12 for the ethnic breakdown, noting it does not add up. Ms. CuvIELLO explained for census data, if you add the following columns, Other, Two or More Races and Hispanic or Latino, you can be White and Black or African American and still be Hispanic, noting it will not sum up to 100%.

Ms. CuvIELLO explained as required the plans are submitted to the Pinelands Commission and other agencies for their review. However, we have been notified by the Pinelands that they will not certify due to the 50% transfer by the Pinelands Commission. She explained the Pinelands is contending that they cannot accept the assignment of a municipality's affordable housing obligation and would not authorize the transfer. Ms. CuvIELLO submitted to the Board and Committee provisional plan based upon the Pinelands comments. This plan would have an unmet need of 106 units versus 66. This provision takes out the 50% transfer, from the original number of 164 we would receive a 40% discount which would bring the number to 98 plus 40 would equal a total obligation of 138 less the 32 units, leaving an unmet need of 106. She explained that she and Ms. Siebold worked vigilantly to accept the vacant land adjustment without a lot of mapping. She believes the municipality will not have to contend with that any time in the near future given the Pinelands regulations and lack of sewer. Ms. CuvIELLO advised that it is wise to adopt the provisional table as well in the event the Court is unable to compel the Pinelands to accept the 50% transfer. Mr. Muller expressed his concern with adopting a Resolution without the authorization to negotiate on our behalf. Ms. Hanselmann asked what if the town does not stay the same and we install sewer. Ms. CuvIELLO stated if we received sewer the municipality would have to make sure anyone who built units would have to have a 20% set aside. Mr. Silva asked if the 2.5% commercial is dedicated solely to the rehabilitation of houses. She responded we can utilize them to create new units, to fund the revolving loan process and utilize 20% to pay administrative expenses. Mr. Silva asked if it is prudent to consider residential as well. Ms. CuvIELLO stated at this time she was not in favor of hurting the locals (who are traditionally building), noting Mullica does not have that many developers. Mr. Maguire stated that would also effect residents to improve their properties and it would be a disincentive.

Ms. Siebold explained what will happen after the plan is approved. She will have a conference call with the Court Master, Judge Johnson and Fair Share Housing to hold a Fairness Hearing. That Hearing will go through our plan and the Court will make a judgement as to whether it is fair and reasonable to the protected class. That judgement will go before the Court for a Plenary Hearing for public comment. Provided it is found fair and reasonable Mullica will receive a Judgement of Repose, which under COAH, was known as Substantive Certification. This will grant the municipality an immunity, noting we cannot be sued under builders remedy lawsuit from now until 2025. Mr. Maguire explained if this is not approved it removes all zoning requirements and we would not have protection from a builders remedy. (Mr. Franklin arrived).

Public Discussion: Mayor Brown opened to the public. No public comment.

Mr. Maguire suggested that we adopt what was presented and that we adopt the provisional with the authorization of Ms. CuvIELLO and Ms. Siebold to go forward and make amendments, if necessary, concerning the unmet need not to exceed 106 units.

SPECIAL MEETING AUGUST 8, 2017

Planning Board Resolution #7-2017 / Approve Amendments to Housing Element and Fair Share Plan: Chairman Muller entertained a motion to approve; so moved by Mr. Muessig seconded by Ms. Hanselmann. RCV: Yeas: Mayor Brown, Mr. Carrigan, Mr. Franklin (noted he was late, but reviewed the entire plan and Resolution), Ms. Mazzarella, Mr. Merlino, Mr. Muessig, Ms. Nevius, Mr. Gravlin, Ms. Hanselmann, Mr. Muller.

Committee Resolution #111-2017 / Endorse Amendments to Housing Element and Fair Share Plan: Mayor Brown entertained a motion to adopt; so moved by Mr. Silva seconded by Mr. Walther. RCV: Yeas: All voted yes.

Planning Board Resolution #8-2017 / Approve Provisional Amendments to Housing Element and Fair Share Plan: Mr. Muller entertained a motion to adopt the following: Resolution to authorize the professionals to go forward and negotiate the final unmet need number not to exceed 106 units; and the final number will be incorporated into the Master Plan upon approval of all parties; so moved by Mr. Merlino seconded by Mr. Franklin. RCV: Yeas: Mayor Brown, Mr. Carrigan, Mr. Franklin, Ms. Mazzarella, Mr. Merlino, Mr. Muessig, Ms. Nevius, Mr. Gravlin, Ms. Hanselmann, Mr. Muller.

Committee Resolution #111.A-2017 / Endorse Approval of Provisional Amendments to Housing Element and Fair Share Plan: Mayor Brown entertained a motion to adopt the following: Resolution to endorse the provisional amendments and to authorize the professionals to negotiate the unmet need not to exceed 106 units if and when it is necessary; so moved by Mr. Silva seconded by Mr. Walther. RCV: Yeas: All voted yes.

Mayor Brown entertained a motion to adjourn; so moved by Mr. Silva seconded by Mr. Walther. RCV: Yeas: All voted yes. Mr. Muller entertained a motion to adjourn; so moved by Ms. Mazzarella seconded by Mr. Gravlin. RCV: Yeas: All voted yes.

Respectfully submitted,

Kimberly Johnson, Municipal Clerk