



TOWN OF CLINTON

INCORPORATED APRIL 5, 1865

43 Leigh St., P.O. Box 5194

Clinton, N.J. 08809-5194

(908) 735-8616 FAX (908) 735-8082

PLANNING BOARD

Minutes of the Town of Clinton Planning Board meeting held on May 16, 2006 at 7:30pm in the Municipal Building at 43 Leigh Street Clinton, New Jersey 08809

Present:

Gallagher
Hendricksen
Jones-Holt
Kovach
McGuire
Schaumburg
Tranquilli
Wiant

Absent:

Cagno

Attorney William Caldwell, and Beth McManus from Clarke, Caton & Hintz were present.

Chairman Hendricksen called the meeting to order at 7:30pm and read the "Administrative Statement" and the "Statement of Adequate Notice":

"Meetings are held on the first Tuesday of each month. Applications must be filed at least 21 days prior to the meeting date. In order to ensure that all applications receive complete and thorough consideration of the board, all meetings will adjourn no later than 10:30pm with all items not concluded to be carried over to next month's agenda".

"Adequate notice of this meeting has been provided indicating the time and place of the meeting with the proposed agenda, which notice was posted, made available to the newspapers and filed with the clerk of the Town of Clinton in accordance with Section 3(d) of the Public Laws of 1975".

Approval of Minutes:

A Motion was made by Mrs. Kovach, seconded by Mr. Tranquilli, to approve the minutes of May 2, 2006.

Mr. Wiant requested that the minutes be amended to incorporate a more detailed discussion on the affordable housing plan.

An amended motion was made by Mrs. Jones-Holt, seconded by Mrs. Kovach, to amend the minutes and vote on the approval of the minutes at the next meeting.

All Ayes. Motion Carried
Abstain: Hendricksen

Housing Element & Fair Share Plan:

Beth McManus stated that tonight she was here to discuss the Housing & Fairshare Plan, which all board members have received a copy of. Beth McManus advised the board that a plan was submitted to COAH in 2005 which COAH had requested several amendments and gave the town a 90 day extension to submit

the revised items. Due to a change of planners and some revised numbers COAH extended their extension until the end of May 2006. Tonight if the plan is adopted it will be sent to the Governing Body for their endorsement next Tuesday evening and if the plan is not endorsed the town will be in jeopardy of a builders remedy lawsuit.

Beth McManus advised the board that there are three components to the plan, the housing element, fairshare plan and the spending plan. The growth share projections during the third round calculate at 34 affordable units 19 from residential growth and 15 from nonresidential. Beth advised the board the plan incorporates 20 municipality sponsored rental units, which will satisfy a portion of the prior round obligation and the entire growth share obligation. The proposed site for the 20 rental municipality sponsored units will be located on Block 27 Lot 1, which is referred to as the "Summit Manor Tract". The site consists of 53 acres located in the Industrial Zone, the town proposes to purchase, or if necessary condemn, 10 acres of the site and construction of the project must start three years from petition when the Governing Body accept the plan.

Mr. Hendricksen inquired if the growth element changes within the next three years, is there any reason to start construction on these units and Beth McManus responded yes construction must start in order to meet the remaining prior round obligations and any anticipated development.

Mr. Wiant questioned why are we building in advance of need, Beth McManus responded that COAH will require the town to move forward with the construction.

Mrs. Jones-Holt advised the planner that she was confused about the numbers on the amount of affordable housing the town had to supply because the report from COAH suggested the town had plus 12 units in the prior round and all they needed was some documentation to support the 12 units, and the anticipated shortfall was 8 units, so are we 8 units short or 20? Beth McManus responded that the prior report was based on some incorrect information supplied about Twin Ponds, the numbers submitted in the prior round suggested Twin Ponds was providing 10 units on site and unfortunately an amended resolution approved a \$200,000 payment in Lieu. Mrs. Jones-Holt commented that the Twin Ponds project has to come back to the board so perhaps providing the units on site may be the case. Mayor Schaumburg inquired if Twin Ponds comes back before the board and had to build the 10 units on site would the town have the opportunity to amend the plan, Beth responded absolutely the plan is flexible in were the town always has the right to amend the plan if new activity happens in town that would warrant the change.

Mayor Schaumburg inquired about the anticipated cost of construction on the 20 units and Beth responded approximately \$100,00 per unit.

Mr. McGuire inquired if the town could purchase 5 acres and put an option on the remaining 5 acres, Beth McManus was unsure but thought that may be acceptable if you can prove to COAH that the town has control on the option.

Beth McManus also advised the board that in the prior report the numbers included a group home on Leigh Street that was not in operation long enough to be worthy of credit. COAH rules require the facility to be in operation for at least 10 years and the group home was only open for 8 years. Mr. Hendricksen responded that the group home on Leigh Street was open for a lot longer then 8 years. Mr. Wiant added that the home was open for at least 20 years. Beth McManus stated that her documentation does not reflect that but she will certainly check into the timeframe. Mr. Wiant inquired if it was determined the group home was open for over 10 years would that get us 5 credits? Beth McManus responded yes as long as you comply with a few other affordability controls.

Mr. Tranquilli inquired if Twin Ponds was not built what would that do to the number of units the town would have to supply? Beth McManus responded that it would reduce the growth share obligation to 28. Mr. Wiant asked what would happen if it was built inclusionary, Beth McManus responded that they would provide 5 units on site and the town would have to build 18 municipality sponsored units. Mr. Wiant responded that if we can receive 5 credits for the group home then that would bring the obligation down to 13 units. Beth McManus responded that COAH will not accept a plan predicated on assumptions, COAH has been lenient in extending timeframes to the town and at this juncture is ready to issue a denial of the plan if non compliant. If COAH issues a denial the town will lose its protection from COAH and the town will be subject to a builders remedy lawsuit. Attorney Caldwell added that every piece of property no matter what zone would be at risk if the plan were not endorsed by COAH.

Mr. Tranquilli inquired about the history of the past plan default and Beth McManus stated that the group home did not have adequate affordable controls and the loss of credits from Twin Ponds all accounted for some part of the default.

Mr. Hendricksen inquired if any research had been done into RCA's. Beth McManus pointed out that as far as the RCA is concerned in the previous plan a receiving community was never contracted, at this point the town has to meet its rental obligation and to find a town to take rental units is very difficult and typically far more expensive. Mr. Wiant inquired if it would be more expensive than \$100,000 a unit, Beth McManus responded no however; this would not be a feasible option at this time.

Mr. Gallagher commented there is a great need to get certified through COAH, our choices are limited and one of the big items in the plan is the 10 acres that the board needs to consider and perhaps we can have some discussion on the 10 acres that might help us.

A Motion was made by Mrs. Kovach, seconded by Mayor Schaumburg, to open the meeting to the Public for questions:

All Ayes. Motion Carried.

Mr. Doug Paul, 15 Fieldstone Drive, inquired if the town had fully pursued the RCA options and if the town has inquired if the property owner of the Summit Manor Tract is willing to sell 10 acres to the Town. Beth McManus stated that the RCA option was not a feasible plan at this time, that it was imperative that the town put together a solid plan and much of the town's obligation are rentals, it would be very difficult and expensive to find a receiving town to accept rentals. Mr. Paul inquired if the town had looked at existing homes, Beth McManus responded that it would cost a minimum of \$200,000 to purchase a home, plus the renovation costs and the town would have to purchase multiple homes, which would be very expensive and difficult to administrate.

Mr. Gallagher inquired if the Wargo Tract had been looked at, Beth stated the property is small and has some constraints on the site therefore; the Summit Manor Tract would be more suitable.

Ms. Whitney Wetherill, 36 West Main Street, inquired why this site was chosen and stated she was concerned with the safety issues of children living in this area. Beth McManus responded that they had looked at other vacant properties, which some already have existing approvals on and after her research this site was the most appropriate.

Mr. Jack Harrison, Spruce Run Road, asked Beth to share her background and expertise in regards to dealing with COAH and Beth McManus gave a brief history of her background.

Karen Insel, 46 Center Street, inquired if apartments that had tenant rental assistance through the state were included in the COAH numbers, Beth explained that section 8 tenants were not eligible to be included in the affordable housing numbers. Karen inquired on how the numbers and credits were derived and Beth McManus went through the chart on page 23 with the public to show them how the numbers were calculated. Karen Insel inquired how the project will be funded and Beth stated that typically the

town purchases the land and seeks funding through the state for construction or they work with a non-profit group who can acquire their own financing.

Mr. Wiant inquired if \$100,000 was a good estimate; Beth McManus responded that the figure is based on other estimates they had completed for other towns.

Mr. Tranquilli inquired how successful other towns have been in receiving funding and Beth responded that she has worked for other towns that have received funding from the state and non-profit organizations.

Mr. Kolln, 25 Halstead Street, questioned where the numbers were coming from, Beth responded that for every 8-market units, 1 affordable unit must be provided and every 25 jobs created, 1 affordable unit must be provided.

Mr. Robert Smith, 10 Water Street, inquired why Riveredge Property on Leigh Street was not considered as a potential site, Beth responded that the property is within the 100-year flood plain, which COAH will not permit. Mr. Smith stated that if you are going to condemn the property why not go for the Twin Ponds site, which could accommodate all the housing, and if there were any kids they would be within walking distance to the school. Beth McManus responded that was not a recommended site due to prior approvals that the site has.

Mr. Larry White, 40 Haver Farm Road, inquired if the town purchased the land would the town have to hire maintenance staff which would increase the town's operational costs and if the town doesn't go this route and risk the lawsuit the developer would then have to foot the bill instead of the town. Beth responded that a builder could potentially put 4 units per acre and in terms of the Moebus Tract that would result in over 100 homes. Mayor Schaumburg added that if we decided to take our chances and not approve this plan it could result in over 200 children added to the school system which the taxpayers would pay for.

Mr. Hendricksen inquired why the property by the library was not considered and Beth McManus responded 10 acres for 20 units was more appropriate, the site has good access to town via the walking path, direct access to RT 78 and close to the shopping area for residents who do not have a car.

Mr. Jack McBurney, 38 Haver Farm Road, inquired if the board agreed with the amount of COAH units that had to be provided and Mr. Hendricksen stated he can't speak for the board but based on the formula he felt the numbers were accurate.

A Motion was made by Mayor Schaumburg, seconded by Mrs. Jones-Holt, to open the meeting to the public for comments:

All Ayes. Motion Carried.

Attorney Rylak, advised the board that he was here tonight on behalf of Mr. Brian Hekemian from Summit Manor who was also present. Attorney Rylak commented that he would be grateful if the board held off on making a decision so that a mutual agreement could be derived between Mr. Hekemian and the town. Attorney Rylak commented that he felt the \$100,000 figure was a low estimate, and suggested to the board that the town will be in condemnation, which would raise the cost significantly. Attorney Rylak commented that this plan takes a group of isolated people and removes them away from Clinton and access into town, which disassociates them from the rest of Clinton. Attorney Rylak stated that he understood the problem with COAH however; this plan takes a prime piece of property that would give the town a good tax base. Attorney Rylak added that Mr. Hekemian is willing to work with the town to come up with a fair and sensible plan that would not burden the taxpayers.

Doug Paul, 15 Fieldstone Drive, commented that avoiding a builder's lawsuit has to be a priority but

asked the board to consider looking at other properties.

Whitney Wetherill 36 West Main Street, stated that she strongly urges the town to work with Mr. Hekemian to keep the town out of the landlord business.

Bernadette Andrejco, 15 Hunts Mill Road, commented that it saddened her to think we would put residents so close to the sewer plant.

Karen Insel, 46 Center Street, commented that she agreed with an earlier comment that houses should be with other houses; she was concerned with the smell and felt that the property by the library should be considered. In addition, she felt the board should consider designating some of the affordable units to senior housing, which would fill a need in the area.

Larry White, 40 Haver Farm Road, would like the board to reconsider taking one of the few ratables left and turning it into a cash liability.

Jack McBurney, 38 Haver Farm Road, asked the board to consider alternative tracts of land.

Bill Kreutel, 42 Haver Farm Road, urged the board to look at other properties within the community.

Nora Klippstein, 32 Marudy Drive, commented that she was concerned with children living on this site.

Dan Shea, 17 Messig Road, commented that he felt this was a segregation issue and adopting this plan would take a tax ratable option off the table. He asked the board to consider using the property by the library or the Twin Pond property.

Mrs. Megan Jones-Holt inquired why Beth McManus felt the other sites were inadequate and Beth McManus responded some of the other sites have environmental constraints and limits in site size.

Attorney Rylak inquired if it was a possible to hold another special meeting on the 22nd to give Beth McManus a chance to contact COAH for an extension request and Beth responded that she was not sure COAH would grant an extension at this time.

Mr. Gallagher inquired if changes could be made while COAH was reviewing the plan and Beth McManus responded yes the town could amend the plan up to three times.

Matt Holt suggested that Hunterdon County has tremendous representation and suggested that the Mayor take a trip in person with one of the representatives to ask for an extension in person. Mayor Schaumburg asked Beth if she felt this would be successful in gaining an extension and Beth responded she did not feel it was in the town's best interest and felt that COAH would not be willing to grant an extension.

There being no further comments a Motion was made by Mr. Gallagher, seconded by Mrs. Kovach, to close the meeting for questions and comments to the public:

All Ayes. Motion Carried.

Chairman Hendricksen asked the board members if they had any comments:

Mr. McGuire stated that he felt their was a misconception about the possibility of a builders lawsuit and he felt that if the town was decertified it would be a high probability that a major developer would have knowledge of it by the next day and Clinton would be a target for a suit.

Mr. Gallagher commented that plan presented tonight was drafted two weeks ago he felt the planner has been working on other alternatives which could be implemented if necessary at a later time and it was in the town's best interest to move forward with the plan presented.

Mr. Wiant commented that he was less certain about the plan presented and felt that there was no need to rush something through that was clearly flawed. Mr. Wiant stated that he was not certain if the need presented is a true need and with more time perhaps the board could widdle away at some of the need. Mr. Wiant was concerned that the plan would damage a piece of property by diminishing the uses of the property, which could supply ratables. Mr. Wiant added that he does not believe this plan is consistent with the master plan because the housing element changes the zoning on the Industrial Tract and the Moebus Tract. He would like the board to look at other tracts perhaps the Wargo Tract and the site next to the library, which would be integrated into the community. Mr. Wiant also was not convinced that it would be easy to change the plan at a later date and for a number of reasons will not vote to approve.

Mayor Schaumburg stated that there is no guarantee COAH will approve the plan but it is guaranteed that if we don't submit the plan we will open up Clinton to a builders remedy lawsuit. We cannot play Russian Roulette with the town. We will be looking at other options and we will be working with Mr. Hekemian and if the plan is approved we still have the option to amend the plan.

Mr. Tranquilli commented that he would like the luxury of more time but unfortunately we don't have it. The site has been referred to as "smelly" and also a "prime location" keeping in mind the location of the affordable units is the same location as the single-family homes across the site. It was represented that the owner of the site is a developer and if we delay it could work to his benefit. The thought of using another property could also remove a ratable. The bottom line is we have been pinned into this decision and we have to rely on the information provided to us by our planner.

Mrs. Jones-Holt commented that this report was only presented two weeks ago which is not enough time to make an informed decision, the plan is not economically feasible to the town and I'm not comfortable voting for something that is not right.

Mrs. Kovach commented that working with COAH for the last year I know for a fact that COAH has been extremely generous with the town and I don't think they would grant another extension based on past conversations. I think the plan is a solid plan that COAH can look at and based on the feedback we can continue to look at other options, that it would not be to the towns benefit not to submit a plan by the end of the month.

Mr. Gallagher requested that on the last paragraph on page 18 of the housing element that the word minor should be deleted.

Chairman Hendricksen commented that although he feels something has to be done to meet the requirements however I'm against putting housing in the Industrial Tract. The concern with this area is access to the town; the walking path would need improvements if the residents were to gain access into town, which could be very expensive. By placing the housing at the front end of the industrial tract all traffic would have to go thru the residential zone, which would be unfair. Realizing that we need to move forward I feel there are better places to put the housing and I am not in favor of the plan presented tonight.

Attorney Caldwell read the resolution to adopt the amendment to the Master Plan and adopt the amended Housing Element and recommend to the Town Council the adoption of the Fair Share Plan. (resolution attached).

A Motion was made by Mr. Tranquilli, seconded by Mrs. Kovach, to adopt the Resolution.

Beth McManus requested that the resolution be amended to include that when the amended Housing Element and Fair Share Plan, has received certification by COAH it will be consistent with the Master Plan.

An amended Motion was made by Mr. Tranquilli, seconded by Mrs. Kovach, to adopt the resolution with the change and recommend the adoption to the Governing Body:

Roll Call Vote:

Ayes: Gallagher, Kovach, McGuire, Schaumburg, Tranquilli

Nays: Hendricksen, Jones-Holt, Wiant

5-3, Motion Passed.

Public Comment:

Whitney Wetherill inquired why the town is paying for a plan that does not follow the Master Plan.

Matt Holt inquired why the Moebus Tract and the Industrial Tract was projected to be residential in the future. Beth McManus responded that it was her understanding that the tracts would be more likely to be developed residential in the future and as of today no zoning changes have been made and this plan does not obligate the changes in the future.

Mr. Hekemian stated he was concerned with the boards recommendations to convert the industrial tract to residential, which under the current zoning would only allow for 58 houses on a 57 acre tract. He felt that putting houses on his tract makes no planning sense and questioned if this location was chosen to box out future development on the site. Mr. Hekemian stated that part of the plan talks about rezoning the property and added that he is willing to work with the town but not willing to work with putting 58 houses on the tract and he stated it would be a difficult purchase. Beth McManus responded the only thing the plan obligates the town to do is built the 20 affordable units.

Voucher Approval:

A Motion was made by Mr. Wiant, seconded by Mrs. Kovach, to approve the attached voucher list:

All Ayes. Motion Carried.

There being no further business a Motion was made by Mrs. Kovach, seconded by Mr. McGuire, to adjourn the meeting at 11:00pm.

Respectfully submitted

Allison McGinley
Planning Board