

MINUTES  
PLANNING BOARD  
BOROUGH OF NEW PROVIDENCE  
TUESDAY, FEBRUARY 7, 2017

A. CALL TO ORDER 8:05 p.m.

B. PUBLIC NOTICE: This is a Public Meeting of the Planning Board of the Borough of New Providence, County of Union, and State of New Jersey. Adequate notice of this meeting has been given in accordance with Public Law 1975, Chapter 231, in that an Annual Notice or Revision was made in conformance with Section 13 of the Act.

C. ROLL CALL: Present: Gene Castagna, Bill Hoefling, Gary Kapner, John Keane (late), Chairman Lesnewich, Mayor Morgan and Denise Torsiello. Absent: Matt Cumiskey and Robert Sartorius. Also present: Steve Warner, Board Attorney; Susan Gruel, Borough Planner; Keith Lynch, Director of Planning and Development; and, Margaret Koontz, Secretary.

D. PLEDGE OF ALLEGIANCE

E. NOMINATION AND ELECTION OF BOARD ATTORNEY

The Chairman asked for nominations for Board Attorney. Mayor Morgan nominated and Mr. Hoefling seconded the nomination of Steve Warner, Esq. as attorney to the Planning Board. Mr. Kapner moved to close the nominations and Mayor Morgan seconded the motion. The Secretary cast one unanimous vote for Steve Warner as Attorney for the Planning Board.

F. RESOLUTION AWARDING CONTRACT TO PLANNING BOARD ATTORNEY

The Board reviewed the resolution awarding the contract to the Planning Board Attorney and found it to be acceptable. All voted in favor.

G. UPDATE ON AFFORDABLE HOUSING

A copy of the Housing Element and Fair Share Housing Plan was distributed to the Board prior to the meeting. The Plan shows the areas proposed to be re-zoned for affordable housing. Susan Gruel updated the Board on the status of the Plan and settlement agreement. The Plan, which calls for re-zoning to create additional areas by the Murray Hill train station for non-age restricted and age-restricted affordable housing, was vetted at a Fairness Hearing before Judge Cassidy on January 13, 2017. The Judge and Court Master both agreed that it is

one of the best resolved plans they have seen. The representative from Fair Share Housing concurred.

Ms. Gruel summarized the Plan. The Borough has satisfied its prior round requirement of 135 affordable units. Round 3 has been refined and establishes a requirement of 135 affordable units. As identified in the Plan, 79 acres of unconstrained developable land northwest of the Murray Hill train station are proposed to be re-zoned for affordable housing 53.5 acres of which are proposed to be developed for non-age restricted housing ranging from 14 to 18 units per acre with a minimum 20% affordable set-aside. The higher density is proposed closest to the train station. The remaining 25.5 acres would be re-zoned for multi-family age-restricted housing with a density of 15-16 units per acre with a minimum 20% affordable set-aside. The areas identified are not overlay zones. The areas will be re-zoned and new construction will have to conform to the new zoning requirements and not to the existing requirements. Existing uses/businesses can remain in the re-zoned areas as long as they like and will be considered existing non-conformances: Changes to the properties in the re-zoned areas will have to go to the Board of Adjustment for a variance(s).

Although the judge hasn't memorialized the order, the intent of the order is clear in the record and Ms. Gruel recommended that the Board start the process of adopting the Plan. The Board has 120 days from the date the order is memorialized to adopt the Plan which must be vetted at a public hearing. The Board established March 7, 2017, for the public hearing. An ordinance to provide for amendments to the zoning ordinance must also be introduced within 120 days. A compliance hearing will be held in mid May at which time the court will "bless" the Plan which will give the Borough ten years of repose. The Plan will be monitored during that ten-year period. The Court Master and Fair Share Housing are interested in what developers may propose especially as it relates to shifting the boundary(ies) for age-restricted versus family housing or vice versa.

Ms. Gruel will have the re-zoning ordinance done within the next month. The Board will have time to review it prior to recommending the ordinance to Council. Council has to introduce the ordinance prior to the compliance hearing in mid May.

The Board discussed possible public reaction to the Plan noting that there could be some opposition from current property owners. Ms. Gruel suggested that the Board, if interested, could look at mixed uses in the zones as long as the affordable housing numbers remain the same. Neither the Court Master nor Fair Sharing Housing indicated that it would oppose mixed use in the areas.

Ms. Gruel is not sure that any periods of repose have been granted yet and hasn't heard of any municipalities that are ready to build affordable units. She added that the Borough can also listen to developers about affordable housing development in areas not zoned as such.

Ms. Gruel will prepare a calendar with the next steps. Mr. Warner will prepare a resolution adopting the Housing Element and Fair Share Housing Plan in advance of the March 7<sup>th</sup> public hearing in the event that the Board votes on the Plan at that meeting.

#### H. 2016 YEAR IN REVIEW

The Board reviewed the Year in Review and found it to be acceptable as submitted. The Secretary is preparing the annual report for the Board of Adjustment which will be forwarded to the Planning Board once approved by the Board of Adjustment.

#### I. UPCOMING HEARING

Guillermo Ortiz Ayala, 22 Murray Hill Square, Block 222, Lot 13.32, C-1Zone, for amended site plan approval to expand a front porch/entry point that will encroach into the 15' front-yard setback.

The Board briefly reviewed the upcoming application scheduled for February 14, 2017.

#### J. OTHER BUSINESS

Changes to the ordinances to synch them with the Down Town Master Plan are being drafted. These should be ready in March for the Board to formally review at a meeting in April.

#### K. MISCELLANEOUS BUSINESS

Two potential applications are on the horizon. One for the redevelopment of the former Friendly's site on South Street and the other for the properties at 1280 and 1286 Springfield Avenue (former Madonna Quinn properties) which have been sold. The former Friendly's property is a long-term lease.

#### L. MINUTES

Mr. Keane moved to approve the minutes of January 10, 2017 as submitted. Mr. Hoefling seconded the motion and the minutes were approved.

#### M. ADJOURNMENT

Mr. Hoefling moved to adjourn the meeting, and Mayor Morgan seconded the motion. The meeting was adjourned at 8:50 p.m.

Respectfully submitted,  
Margaret Koontz, Planning Board Secretary