

MINUTES
PLANNING BOARD
BOROUGH OF NEW PROVIDENCE
TUESDAY, MARCH 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, Chairman Lesnewich, Mayor Morgan, Robert Sartorius and Denise Torsiello. Absent: Matt Cumiskey and John Keane. 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. RESOLUTION

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.

Mr. Hoefling moved to accept the resolution as submitted. Mr. Sartorius seconded the motion. Members voting in favor: Mr. Hoefling, Mr. Kapner, Mayor Morgan, Mr. Sartorius, Mr. Castagna and Chairman Lesnewich.

F. PUBLIC HEARING - HOUSING ELEMENT AND FAIR SHARE HOUSING PLAN (HEFSP)

Susan Gruel, Borough Planner and Principal at Heyer, Gruel & Associates, was sworn in and provided her credentials as a licensed planner and was accepted as such by the Board. Ms. Gruel highlighted the key elements of the Housing Element and Fair Share Plan (HEFSP) copies of which were distributed to the Board as well as to the County and adjacent municipalities prior to the hearing. Ms. Gruel noted that the plan will be amended to delete two sentences that are not technically significant. The first part of the HEFSP is the Housing Element: The second part is the Fair Share Plan that addresses the Borough's present need,

prior round obligation and prospective need and the proposed mechanisms to meet its affordable housing obligation.

Per the settlement agreement, the Borough's present affordable housing need is 37; prior round need is 135; and, third round need is 316. The Borough has been pro-active in addressing affordable housing and has met the prior round need as identified in the HEFSP and proposes to meet the third round requirement of 316 units using one unit from the existing inclusionary zoning on Mountain Avenue and re-zoning the area northwest of the Murray Hill train station consisting of 79 acres as Affordable Housing (AH) and Affordable Housing Age-Restricted (AH-AR) zones. Of the 79 acres to be re-zoned, 53.5 acres would be zoned for non-age restricted housing ranging from 14 to 18 units per acre with a minimum 20% affordable set-aside. The AH Zone could support 785 units, 157 of which would be affordable housing units. A minimum of 79 of the 157 affordable units would be rental units. 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 AH-AR Zone could support 395 age-restricted units of which 79 would be affordable. The 236 affordable units in the re-zoned area plus the rental bonus credit of 79 units meet the obligation of 315 units: Fair Share Housing agrees that New Providence, through the plan to re-zone, satisfies its Third Round obligation. The plan maximizes the number of bonus rentals and age-restricted affordable units. Judge Cassidy, the Fair Share Housing Corporation representative and Court Master publicly stated that the HEFSP is a good plan.

The Board discussed the resolution adopting the HEFSP. The HEFSP is an element of the Master Plan that the Board needs to adopt. The Board asked if the Master Plan has to be amended after adoption of the HEFSP. Ms. Gruel responded that the resolution as drafted states that HEFSP is consistent with the goals and objectives of the Master Plan. The question becomes one of how the details of HESPF are addressed. Mr. Warner stated that a determination would have to be made as to whether the ordinances to be adopted subsequent to the adoption of HEFSP are going to be done potentially in conjunction with a Master Plan Re-Examination. If not done as part of the Master Plan Re-Examination, the ordinances are subject to a super notice whereby the governing body would be required to notice the property owners of those properties to be re-zoned as well as those property owners within 200 feet of the properties to be re-zoned. The statutory deadline for the Master Plan Re-Examination is not until 2019 but the re-examination can occur before then. If the ordinances are adopted independently from a Master Plan Re-Examination, the super notice would be required following the introduction of the ordinances in mid-May.

The Board also discussed what will happen after the HEFSP is adopted in terms of development. The plan eliminates encumbrances to development of affordable housing, and Ms. Gruel believes that development could happen in the next eight years if there's a market. Compliance reports on the HEFSP will be required over the next ten years.

There was no further discussion among the Board and the hearing was opened to questions from the public. Being none, the hearing was open to comments from the public. There were no comments from the public and the hearing was closed.

Mr. Kapner moved to approve the resolution adopting the 2017 Master Plan Amendment – Housing Element and Fair Share Plan with the noted amendment to delete two sentences in HEFSP of no technical significance. Mr. Hoefling seconded the motion. Members voting in favor: Mr. Hoefling, Mr. Kapner, Mayor Morgan, Mr. Sartorius, Mr. Castagna, Ms. Torsiello and Chairman Lesnewich.

G. REVIEW OF DRAFT IMPLEMENTING ORDINANCES

The Board reviewed two draft implementing ordinances for HEFSP prepared by Heyer, Gruel & Associates: One to change sections of Chapter 310 to support HEFSP and to re-zone certain lots as Affordable Housing (AH) and Affordable Housing Age-Restricted (AH-AR) zones and the other to amend the Borough's ordinance for development fees. Chapter 275, Affordable Housing, which provides a lot of the affordable housing rules, also needs a full update which Ms. Gruel was unable to complete prior to the meeting. This update should be completed by the end of the week and will be distributed to the Board for review prior to the next meeting.

Ms. Gruel has revised the zoning ordinance mostly to add the AH and AH-AR zones. The ordinance also deletes §310-35, entitled "Affordable Housing." The AH and AH-AR zones have been added to Schedule I and the lot and yard requirements for the new zones have been added to Schedule II. The height and lot coverage requirements (Schedule III) for the new districts had to be raised to be consistent with the density of the new zones. The zoning map will have to be revised. A small piece of the TBI-2 zone which will no longer be contiguous to the remaining TBI-2 zone and isn't suitable for development, will be re-zoned to the R-2 Single Family Residential Zone. Mr. Warner noted one correction in Schedule II of the zoning ordinance to change the rear-yard setback in the AH-AR District from the stated 40 feet to 20 feet.

The Borough's Development Fee Ordinance, which was amended in 2008 and created an Affordable Housing Trust Fund, also needs to be changed. Ms. Gruel took some of the language in the Borough's ordinance and incorporated it into the model ordinance for development fees. The proposed ordinance establishes standards for the collection, maintenance and expenditure of development fees and includes a 1.5% fee of the equalized assessed value for residential development as well as a requirement for 50% payment of the development fee at the time of issuance of the building permit. The Affordable Housing Trust fund is used to rehabilitate affordable units and for affordable housing assistance. Lantern Hill will pay 2.5% of the equalized assessed value into the Fund for its Phase 3, the

next two buildings. It did not contribute to the Fund for the first two phases on the corner of Mountain Avenue and South Street because of the moratorium at the time.

The Board agreed that it would like to review the implanting ordinances and rewritten Chapter 275 at the March 14th meeting rather than wait until the April 4th meeting.

H. OTHER BUSINESS

Changes to synch zoning ordinances with the Down Town Master Plan will be done after the implementing ordinances for HEFSP have been completed.

I. OTHER BUSINESS

No other business.

J. MISCELLANEOUS BUSINESS

No miscellaneous business.

K. MINUTES

Mayor Morgan moved to approve the minutes of February 14, 2017, as submitted. Mr. Sartorius seconded the motion and the minutes were approved.

L. ADJOURNMENT

Mr. Hoefling moved and Mr. Kapner seconded the motion to adjourn. The meeting was adjourned at 9:20 p.m.

Respectfully submitted,
Margaret Koontz
Planning Board Secretary