

**MAYWOOD PLANNING BOARD
SPECIAL MEETING MINUTES**

November 19, 2015

A special meeting of the Maywood Planning Board was held on Thursday, November 19, 2015 in the Council Chambers of the John A. Steuert, Jr. Municipal Complex, 15 Park Avenue, Maywood, New Jersey at 7:30 P.M. “This Meeting was called pursuant to the provisions of the Open Public Meetings Act. Notice of this meeting was published in the Our Town newspaper on or about October 29, 2015. In addition, copies of this notice were posted on the bulletin board in the Maywood Municipal Building at 15 Park Avenue, filed with the Borough Clerk and distributed to all persons, if any, requesting copies of the same pursuant to said act.”

Flag Salute

Call to Order: The meeting was called to order at 7:33pm with the following members present: Chairman Frank Lichtenberger, Vice Chairman Paul Kuhn, Secretary Charlotte Panny, Mayor Adrian Febre, Councilman Rick DeHeer, John Montel, Harry Hillenius and Anthony Klymenko. Also present were Board Attorney Kara Kaczynski and Board Planner Michael Kauker.

Approval of Minutes: Vice Chairman Paul Kuhn made a motion to accept the minutes from the November 5, 2015 meeting. Councilman Rick DeHeer seconded the motion. All eligible members present voted in favor of the motion.

Bills: Vice Chairman Kuhn made a motion to accept payment of the bills. Harry Hillenius seconded the motion. All members present voted in favor of the motion.

Correspondence:

- 1) 10/26/15 letter from Kevin Melchior Re: 24 Stelling Avenue Encroachment
 - o Board Attorney Kara Kaczynski will follow up with Zoning Officer James Mazzer
- 2) 11/2/15 letter from Patrick McNamara of Scarinci Hollenbeck Re: Housing Element and Fair Share Plan

Resolutions:

Mady Dental
930 Spring Valley Road
Block 2, Lot 1
Calendar #2015-13
Sign Application

Vice Chairman Kuhn made a motion to accept the resolution. Harry Hillenius seconded the motion. All members present voted in favor of the motion.

Angelo's Greek Taverna
245 Maywood Avenue
Block 124, Lot 54.01
Calendar #2015-14
Sign Application

Vice Chairman Kuhn made a motion to accept the resolution. Secretary Charlotte Panny seconded the motion. All members present voted in favor of the motion.

Hearing: None

Informal Hearing: None

Old Business:

- 1) Presentation of Kauker & Kauker, LLC Housing Element and Fair Share Plan
 - a. Michael Kauker began his presentation by updating the Board on the most recent events
 - i. On 10/29/15, Superior Court Judge Menelaos W. Toskos issued a case management order:
 1. The municipality is required to submit a "Summary of Plan" by 11/26/15 to the designated Special Master
 - a. The "Summary of Plan" is a simple worksheet designed to identify the municipality's fair share obligation rather than a comprehensive Housing Element and Fair Share Plan
 - b. Mary Beth Lonergan is the Borough's Special Master
 2. Interested parties would need to submit objections or comments to the Special Master and the Borough by 12/17/15
 3. The Special Master will submit her report to the court by 1/26/16 and a case management conference would be scheduled after that date
 - ii. E-consult has replaced Dr. Burchell as coordinator of the municipal consortium and will supply each municipality's fare share numbers on 12/31/15
 1. Special Master Mary Beth Lonergan recommended that the Borough use the Round 3 fare share numbers prepared by Dr. Burchell since a Judge in Hunterdon County has recently accepted these numbers are valid
 - a. The Round 3 numbers were not formally approved by COAH
 2. Round 2 numbers were formally accepted by the Supreme Court

- a. Round 2 had no limit on the amount of Low and Moderate Income Senior Housing that would count towards a municipalities' fair share obligation
 - b. As such Lydecker Manor's 135 Low and Moderate Income Senior Housing Units would count 100% towards Maywood's fair share units
 - 3. Round 3 set a limit on Low and Moderate Income Senior Housing counting towards 50% of a municipalities' fair share obligation
- b. Mr. Kauker then presented a draft "Summary of Plan"
 - i. Round 3 designated the Borough's obligation for rehabilitation as 45 units
 - 1. Mr. Kauker recommends that Zoning Official James Mazzer conduct a windshield study to determine the accuracy of this number
 - a. This would take into consideration that houses have been updated over the years
 - b. The windshield study would identify deficiencies that would indicate the need for rehabilitation based on visual observation
 - c. Needs to be conducted by early 2016
 - d. Mr. Kauker will follow up with Zoning Officer Mazzer
 - 2. Programs to facilitate rehabilitation must be available and can be funded through a development fee ordinance
 - a. Mr. Kauker recommends assessing to commercial and development for 1.5% of the sale value of the project rather than any residential fees
 - ii. Prior round 3 obligation of 28 Low and Moderate Income Units
 - 1. 135 unit prior cycle credit
 - a. Lydecker Manor has 136 units total, but 1 unit doesn't qualify as Low and Moderate Income because the superintendent resides there
 - iii. 107 unit surplus (135-28=107) GAP Period 1999-2015
 - iv. 2015-2025 Round 3 obligation is 13 units
 - 1. Acceptable interim numbers until E-consult releases their numbers
 - v. Despite the existing surplus, Patrick J. McNamara, Esq. of Scarinci Hollenbeck recommends providing for inclusionary housing
 - 1. Recommended by the Board to Mayor and Council
 - a. An ordinance that would require 20% of units for any multi-family residential development approved over the next 10 years would be designated as Low and Moderate Income

2. Demonstrates to the Court that the Borough is committed to Fair Share Housing
3. Mr. Kauker believes that the Maine Evergreen property is appropriate for multi-family residential development
 - a. Assumes that the Board will approve 10 units per acre multiplied by 3 acres equals 30 units total
 - b. 6 units represents 20% of the total units as Low and Moderate Income
- vi. 24 unit credit:
 1. 5 units from the Maywood Center for Health and Rehabilitation long-term Medicaid beds
 2. 19 units from the 4 existing group homes in Maywood (19 bedrooms)
- vii. Chairman Lichtenberger asked why the Borough should provide for inclusionary housing when there is an existing surplus
 1. Mr. Kauker explained that criteria for eligibility has changed over the years and the Lydecker Manor units may not always qualify at 100%
 2. He also noted that E-consult's numbers have not yet been released
- viii. Board Attorney Kaczynski asked about the housing obligation in relation to the redevelopment area along Route 17 based on the creation of new jobs
 1. Mr. Kauker explained that the appellate division rejected that concept
 2. Additionally, the remediation level may not allow for residential development, but he will discuss this further when updating the Board on the Route 17 Redevelopment Plan
- ix. Secretary Panny asked questions in an email to Mr. Kauker and he addressed her questions:
 1. Is there a means to obtain credits for residential housing or units that have been solarized/winterized and become more energy efficient with or w/o grant funding formerly offered thru B.C. Community Development? (i.e. 95 E. Passaic St. - 2-family?)
 - a. No, COAH has not extended credit based on that kind of improvement
 2. DCA offers a HomeSaver Loan Program to make mortgages more affordable for those who cannot keep up their payments. If Maywood has any participating homeowners, might that be construed as "making their home affordable" & count toward our housing credits?
 - a. COAH does not recognize the HomeSaver Loan Program

3. Likewise, if any Maywood homeowner received government financial reimbursement for 'Hurricane Sandy' damage, would their home be deemed a credit?
 - a. This program does not meet the criteria for Low and Moderate Income property
4. Maywood has no more 'vacant' or 'undeveloped' land. Do we receive any credits or consideration for that situation?
 - a. A vacant land adjustment would apply if the municipality has an obligation that it cannot meet
 - b. Since Maywood has a surplus, this would not apply
5. Last go-round, Maywood had 'insufficient parkland' to address existing community needs - adding affordable housing units results in more residents & an ever increasing need for park & recreation acreage! Vicious circle! Is that a factor?
 - a. This is part of the vacant land adjustment and would not apply to our current situation
6. Will large mixed use development along Rt. #17 & anticipated 'redevelopment' of Maine Evergreen dictate inclusion of affordable units for anticipated employees hired to fill newly-created jobs...what is the impact of jobs (if any) created by HUMC Giants' Health Club? Does that affect our calculations?
 - a. The Borough would not be required to do inclusionary housing since we have a unit surplus
7. Will we retain our original credits for Lydecker Manor senior housing or has the game plan been changed where they no longer count? Or, does only a percentage count?
 - a. Based on round 2 regulations, Lydecker Manor's 135 units count 100% as Low and Moderate Income
8. With the development of Maywood Center for Health & Rehab. come calculations for credits for long-term nursing home care residents & Alzheimer's patients. Is that statistic included? Any consideration granted for My Home Adult Daycare services?
 - a. Yes, 5 units from Maywood Center for Health and Rehabilitation long term Medicaid units qualify
9. My understanding from Chairman Lichtenberger is that we have a credit of 16 for bedrooms created by 'group homes' for the developmentally disabled in Maywood.
 - a. The 4 group homes have 19 beds total

10. DCA offers a program of 'foreclosure assistance' to eligible homeowners. Have we determined if any Maywood homeowners benefitted from that program & in so doing provide Maywood with a housing credit?
 - a. COAH does not recognize this program
11. Do we have an accurate account of Section 8 recipients & qualifying affordable apartments in Maywood? I believe there are many qualifying units on Essex Street!
 - a. Mr. Kauker explained that he does have that information
12. Has any Maywood housing been retrofit for adaptive use by returning H/C veterans?
 - a. The \$12,000 grant/loan rehab program is designed and approved by Mayor and Council
 - b. This program can be structured to provide additional benefits to returning veterans
13. Since there hasn't been a housing element plan since 2006, are we required to do one now for the Master Plan?
 - a. Yes. Since the information used to create a Housing Element and Fair Share Plan is also needed to produce a Master Plan, now would be the appropriate time to update the Master Plan
- x. The next steps are:
 1. "Summary of Plan" submitted by 11/26/15 to the Special Master Mary Beth Lonergan
 2. Interested parties would need to submit objections or comments to the Special Master and the Borough by 12/17/15
 3. The Special Master will submit her report to the court by 1/26/16 and a case management conference would be scheduled after that date
- xi. Chairman Lichtenberger was concerned about limiting the development of the Maine Evergreen property if there was an inclusionary housing ordinance
 1. Mr. Kauker explained that it is up to the Board to recommend inclusionary housing and based on the Board's feedback, he will omit it going forward
 2. Inclusionary housing can be added back if the need arises
- xii. The 24 unit credit less the round 3 obligation (13 units) raises the Borough's total surplus to 118 units (107+11=118)
 1. This omits the inclusionary housing for Maine Evergreen

New Business:

1) 2016 Proposed Meeting Dates

- a. Councilman DeHeer made a motion to accept the 2016 Meeting Dates. Vice Chairman Kuhn seconded the motion. All members present voted in favor of the motion

Open to the Public: None

Adjournment: A motion to adjourn was made by Harry Hillenius. Secretary Panny seconded the motion. The meeting was adjourned at 8:52pm.

Respectfully submitted,

Tara Grunstra
Planning Board Recording Secretary