

**JOINT LAND USE BOARD
Of Woolwich Township
Regular MEETING
July 17, 2014**

“MINUTES”

Chairman Schwager called the meeting to order at 7:00 pm.

Adequate notice of this meeting had been provided in accordance with the Open Public Meetings Act.

Chairman Schwager led all present in the Pledge of Allegiance.

Roll call of the Members Present:

John Casella – Present, Frank Costantini – Absent, John Fein – Absent, Blair Hannigan – Present, John Juliano – Present, Mayor Maccarone – Absent, Chief Marino – Present, Joe Maugeri – Absent, Sue O’Donnell – Present, Randy Rossi – Absent, Bob Rushton – Present, Alan Schwager – Present.

Also Present, Mike Aimino – JLUB Solicitor and Tim Kernan of Kernan Consulting Engineers.

Next is Resolution #2014-18 Granting Sign Variance Approvals and Waivers to Chestnut Ridge Development. J. Casella made a motion to approve which was seconded by B. Rushton. Roll was as follows:

B. Rushton – yes, J. Casella – yes, S. O’Donnell – yes, Chairman Schwager – yes.

Next are the Minutes from the Regular meeting of June 19, 2014. J. Casella made a motion to approve the Minutes as written and was seconded by B. Rushton. All were in favor except for J. Juliano who abstained.

Chairman Schwager continued, moving on to New Business, this is a Revised TDR Ordinance, which is a TDR Bank Creation. This Ordinance creates a local TDR Bank which could be the single most useful tool that we will have if TDR is going to be successful in Woolwich Township. He has asked Matt Blake, the Director of Community Development to give a presentation on this.

Matt Blake continued with the proposed changes to the TDR Ordinance. Last October, 2013, this Board voted to forward a State required 5-year review of our existing TDR Ordinance which is mandated by the State. One of the recommendations in that review was for the Township to get active in acquiring credits. One of the impediments to that is currently our Ordinance doesn’t allow that. However, the State TDR Act does provide the tools and levers that would enable the Township to actually go out and act ahead of

the emergence of a private market. We are still coming out of the recession and last year, 2013, Woolwich led the pack in NJ and the Greater Philadelphia Metropolitan Area in terms of growth. So it is coming back and a lot of people are feeling very confident that the market is going to emerge for the acquisition of credits for use in the regional center and that this program is going to move forward.

There have been many meetings with the State and one thing that we have learned is that we have to lead and the State will follow. Rather than waiting for a State TDR bank to miraculously emerge and start buying credits to help landowners who are caught in a hardship because they are not going to preserve their land if they are subject to the 15 acre zoning. So what they have recommended and what the State TDR Act provides clear language for will enable the Township to set up a State TDR Bank. It's not a complex thing, it basically is creating a Board of 5 members to manage, facilitate and administer the program. It will allow the Township to determine an average value for TDR credits. This was a main issue that everyone wanted to know from the very beginning when we were at the TDR review process, this will allow us to do it. Not only that but instead of just valuing land based on 15 acre zoning, it will allow us to get to that idea of a dual appraisal that we were promised several years ago. The Township will be able to base the value of the credits on the prior zoning.

So with the help of our appraisers we can create an average value so when a landowner seeks to preserve their land, we can provide a value for those credits and we can purchase the credits. This will solve a lot of problems especially to developers who are reluctant to go up to landowners, they want some assurance, and this will create a clearing house for credits. This will give the Township the means to provide the landowner's assurance to what the credits are valued at and it will allow us to buy and hold the credits so we can meet a variety of goals, whether it be landowner hardship or advancing open space goals.

This is not meant to get in the way of a private market. If we set up a bank and started buying credits today using our open space funds and the developer came to us, we would send him out to those landowners in the sending area who haven't sold credits to the Township. The idea really is to provide a safety net for those landowners in the interim to help stimulate a market and it will help the Township advance its preservation goals. We have preserved a lot of ground in this Township in the past 7 years, over 1400 acres, we have been able to do this because the landowners have been benefiting from these subdivisions that they locked in prior to TDR, so their values were based on the prior zoning. They are all but gone, so our preservation program has come to a grinding stop with one more project in the queue and then it's done.

Also, one thing that has made this program work is that we benefited from a 60% match from the State when we preserve farms. So every dollar we put in we are getting about three dollars in return from the State and the County.

The State TDR Bank has been sitting on 5 million dollars and they've told us in writing and in meetings that if we move forward with creating our own bank under the provisions of the State TDR Bank, then we would be eligible to provide for a cost share when we go out and purchase credits. The State TDR Act will allow us to utilize 80% cost share from the State TDR Bank.

Mr. Blake stated that he deals with the landowners that come in and want to leave a legacy and they have been waiting and want to sell their credits. With this cost share, we are in a position to help many of them quickly.

That is the bulk of what is proposed in this Ordinance, there a lot of other little minor cosmetic issues that need tweaking.

We have retained the services of a Special TDR Council, Bill Harrison. He was one of the architects of the State TDR Act so we have a lot of confidence in him.

If this Board recommends advancing these changes to the Township Committee, it is very possible that we might have an Ordinance in place next month that will establish a TDR Bank. It's also possible that we can begin purchasing credits before the end of the year, which would help many residents that have been waiting for a long time to leave a legacy and get out of hardship and meet community goals at the same time.

J. Juliano asked how confident Matt is on how quickly something can be realistically done with this. Matt stated that this is the beauty of this because it puts us in the driver's seat. It could take several months for the State cost share to come on line but we know with traditional preservation projects we often front the money as does the County with the promise that they will reimburse us after the fact. Maybe it is structured that way and maybe they can bring the money to the table a lot sooner. Having a local bank gives us more leverage and tools that even the SADC has. Even if that money went away, this is not a wasted effort; we can still buy credits with a 5 cent tax.

Chief Marino asked if it is limited to the landowners in the sending area. Matt stated that any property that is over 10 acres is most likely in the TDR inventory and subject to 15 acre zoning.

J. Casella asked why this wasn't offered when we first signed up for TDR. Matt stated it was always there, but we got busy and stuck on the idea that the State was going to help us and then the recession hit. What is important that now, when we need it most it is there for us and the State is helping us set up the apparatus.

Chairman Schwager stated for the record that there is no public in attendance at this meeting.

Chairman Schwager stated that what he found very attractive by establishing a TDR Bank it allows us to get 80% of our money back vs. 60%. He stated what our charge is because this is technically an Ordinance of the Master Plan; we have to make a recommendation to Township Committee to adopt this Ordinance either as it is or if we feel there are any changes to be made.

T. Kernan stated that he believes the membership has to be discussed, perhaps there might need to be someone from the outside, a local bank or realtor, maybe not just Township employees that are members of the local bank board.

He continued stated that this TDR Ordinance was adopted now almost 6 years ago but the State Planning Commission endorsed 7 years ago when the housing market was strong. So at the time, perhaps, we never thought that the Township would have to step in and act as a bank because we figured developers were going to go directly to landowners or farming community and all the Town would need to do is record the transaction and the easement so that the land was Deed restricted from future development.

J. Casella asked what this would do to water and sewer. Matt stated that stimulating this market and indicating to the development community that it is moving forward, it will help facilitate the jump start of sewer conveyance and capacity in the center. The Township is closer than it's ever been to a solution that's far better than all the competitors.

Mr. Aimino added that he has one issue with the creation of the Board. His concern is that the Committee should have some flexibility if there is a desire to remove someone or to change someone especially if there is a volunteer that isn't quite working out.

J. Juliano asked who makes the determination on who is qualified to sit on the Board. M. Aimino stated that it would be Township Committee's decision.

A brief discussion ensued over the membership of the TDR Bank Board.

With nothing further to discuss, B. Rushton made a motion to recommend this Ordinance to Township Committee which was seconded by J. Juliano. Roll was as follows:

B. Rushton – yes, J. Juliano – yes, J. Casella – yes, Chief Marino – yes, B. Hannigan – yes, R. Rossi – yes, S. O'Donnell – yes, Chairman Schwager – yes.

Chief Marino made a motion to authorize M. Aimino to notify the Mayor and Committee that we want to move forward with this which was seconded by R. Rossi. All were in favor.

With nothing further to discuss, J. Casella made a motion to adjourn which was seconded by Chief Marino. All were in favor.

The JLUB meeting adjourned at 7:37 pm.

Respectfully submitted,

Christina M. Marquis
Joint Land Use Secretary

***Minutes not verbatim
Audio recording on file***