

**JOINT LAND USE BOARD of  
Woolwich Township  
REGULAR BUSINESS MEETING  
July 16, 2015**

**“MINUTES”**

Chairman Maugeri 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 Maugeri led all present in the Pledge of Allegiance.

Roll call of the Members Present:

**John Casella – Present, John Carleton – Present, John Fein – Present, Mike Iskander – Present, John Juliano – Absent, Chief Marino – Present, Chairman Maugeri – Present, Sue O’Donnell – Present, Deputy Mayor Schwager – Present Randy Rossi – Absent, Bob Rushton – Present.**

Also Present, Mike Aimino – Solicitor, Pam Pellegrini – JLUB Planner.

Next are the Minutes from the Regular meeting of June 18, 2015. Chief Marino made a motion to approve the Minutes as written and was seconded by J. Fein. All were in favor.

Next is Resolution #2015-21 – Granting Waiver of Requirement to post Performance and Maintenance Bonds to Kalpesh Shah for property designated as Block 12, Lot 2.

Deputy Mayor Schwager made a motion to approve and was seconded by J. Casella. Roll was as follows:

**S. O’Donnell – yes, J. Casella – yes, Chief Marino – yes, Deputy Mayor Schwager – yes, Chairman Maugeri – yes.**

Under New Business, Center for Family Services, Inc., preliminary and final major site plan and minor subdivision for Block 4, Lots 3 & 4, located on Auburn Road.

Mr. Kevin Sheehan with Parker McCay was present to represent the applicant – Center for Family Services. Mr. Sheehan stated that the Center for Family Services is in a joint venture with Conifer Realty who will construct and manage the project. They are seeking minor subdivision to create 1 lot out of the 2 existing lots which will be about 7 or more acres. They are also seeking Preliminary Site Plan, not Final, approval for the development of that site for 80 multifamily apartment units on the site. The proposed

use is permitted in the zoning district and under the redevelopment plan. They are also requesting a few variances.

With him is Charles Lewis from Conifer Realty, Mark Malinowski from Stout & Caldwell Engineers, Randy Barranger from Shropshire Associates the Traffic Engineer and George Hibbs from Clarke, Caton, Hintz, the architect. All were sworn in by Mike Aimino.

Chairman Maugeri stated that before they go in to their presentation, the JLUB Attorney would like to give some background as to why they are here tonight.

Mike Aimino stated that he would like to educate the Public and the Board a bit as to why they are here tonight. Affordable housing has its genesis in two landmark cases, in the late 1970's and the early 1980's, they are known as the Mount Laurel decisions. In those decisions the NJ Supreme Court basically said that every Municipality has an obligation to provide affordable housing within their boundaries. As a result of those court cases an entity known as COAH (Council on Affordable Housing) was born which was created to oversee the process. There were 2 ways that were set up to meet this requirement, 1 is you could provide a fair share housing plan that could be approved by COAH or you could take that plan, go to a judge and get a judgment saying that it was a fair and reasonable plan. If you did not get either of these 2 approvals, the Township would be open to what is called a Builders Remedy Suit, in other words, a builder could come in, sue the Town and essentially try to get a Court to impose an affordable housing obligation. Unfortunately in Woolwich, that occurred in 2001 and 2002. What happened were 2 or 3 years of extremely expensive litigation occurred in Woolwich Township which eventually in 2004 resulted in a settlement agreement that was reached, including a fair housing plan that was put together by Woolwich to address their affordable housing obligation. As part of that plan there were 250 units that were going to be built in the Weatherby area, 85 have already been built and are "The Oaks" near the Municipal Building. This project is intended to be the 2<sup>nd</sup> phase, 80 units and there is another 3<sup>rd</sup> phase of 85 units that is expected to come down the road. So this plan and agreement have been here in the Township for nearly 10 years and is an obligation that the Town has to meet in order to fulfill its affordable housing obligations. So, this is not something that has happened last month, this is a process that has taken place over a number of years.

Chairman Maugeri called for a 2 minute recess at 7:13 pm.

The meeting reconvened at 7:17 pm.

J. Fein asked Mr. Aimino what was the advantage the Township has by having a plan vs. a Builders Remedy. Mr. Aimino stated when you are under the gun of a Builders Remedy, you are under certain pressures from a Court to reach a settlement that you may not want to reach. You have more flexibility to make the plan the way you like it as opposed to a Court imposed plan.

J. Casella asked if there were credits. Mike Aimino stated that there are certain credits throughout the Town but they are clearly not enough to meet our total obligation.

Mr. Sheehan stated that Mr. Hibbs, who was sworn in earlier will not be testifying tonight.

Mr. Charles Lewis, the Senior VP with Conifer Realty continued telling the Board that they are in a joint venture with The Center for Family Services on this project. Conifer is a full service real estate development company. Their primary emphasis is developing rental housing. They have been in existence for over 40 years and have developed over 14,000 apartments in New York, Pennsylvania, New Jersey, Ohio and Maryland, with 3000 of those apartments being in NJ. They have won several awards for their projects. Mr. Lewis continued with an explanation what makes this project affordable housing. He also stated that in order to get quality tenants in the property they do a criminal background check, credit check, they check with prior landlords and they also have minimum income requirements. They have to be able to afford it before it is rented to them.

Mr. Lewis continued stating that there will be a 2800 sf club house which contains management offices, laundry facilities, fitness room, and a computer room. This is limited to use of the tenants.

Mr. Mark Malinowski from Stout & Caldwell Engineers continued stating his credentials to the board before continuing. The Board accepted Mr. Malinowski as an expert in his field. He continued with a detailed presentation of the project.

An aerial photo showing the property lines/subdivision lines overlaid on it was marked into the record as A1.

A color rendering of the site plan was marked in to the record as A2.

They are 265' off of Auburn Road and there is also a landscape buffer of 35'.

The residential building elevation was marked in to the record as A3.

The elevation of the clubhouse was marked in to the record as A4.

Mr. Malinowski continued discussing the landscaping, they are looking for a variance to install 2 ½" caliper trees instead of 3 ½" because they don't believe they will be able to get the amount of trees needed in the larger caliper.

The placement and size of the development sign was discussed.

S. O'Donnell asked what the projected time frame from start to finish for this project would be. Mr. Lewis stated that it will take about 12 months to build with 90 to 120 days after completion for move in.

Mr. Randy Barranger from Shropshire Associates gave his qualifications to the Board. The Board accepted Mr. Barranger as an expert in traffic engineering.

Mr. Barranger continued with the Traffic report prepared for this project.

Ms. Pam Pellegrino continued with the review letter prepared by Tim Kernan on July 10, 2015. Ms. Pellegrino was in favor with the variances requested but asks that the applicant work with the planner regarding the landscaping. The required parking spaces were discussed. RSIS requires 160 spaces where the Township Ordinance requires more. Deputy Mayor Schwager asked if they could tweak the number for more spaces. Mr. Lewis stated that they will work with the planner and engineer to find additional spaces.

J. Fein asked about emergency vehicles and if they can get around without issues if all the parking spaces were filled. Mr. Malinowski stated yes they can.

Mr. Steve Nardelli continued with his review letter dated July 13, 2015.

The applicant has agreed to or will comply with the comments in Mr. Nardelli's letter.

J. Casella made a motion to open to the public and was seconded by B. Ruston. All were in favor.

Mr. Steven Sirko of 2203 Lexington Mews was sworn in by Mr. Aimino. Mr. Sirko asked about the lot in the front of the parcel and was told that this applicant does not own that parcel. Mr. Sirko asked where the third phase will be going. Mr. Aimino stated that it hasn't been decided yet. Mr. Sirko asked who decided that they can build this here and if they talked to this Board prior to coming here. Deputy Mayor Schwager stated that they absolutely knew about it. He explained to Mr. Sirko about the required amount of affordable housing that is required in the Township.

Ms. Margaret Hill of 26 Embassy Drive was sworn in by Mr. Aimino. Ms. Hill asked about this project being rental units and the people renting not paying property taxes what will the projected increase in people's property taxes to accommodate the children in this high density housing. Deputy Mayor Schwager stated that although the tenants will not be paying taxes, the property owner will.

Ms. Margaret Reynolds of 39 Danbury Road was sworn in by Mr. Aimino. Mr. Reynolds is concerned with the impact on the property taxes. Is this property owner paying his share of taxes or a reduced rate? Deputy Mayor Schwager stated it will be a reduced rate. She asked the applicant to repeat the number of 1, 2 & 3 bedroom units. Deputy Mayor Schwager stated it was 16 – 1 bedroom units, 40 – 2 bedroom units and 24 – 3 bedroom units.

Mr. Joseph Testa of 2401 Lexington Mews was sworn in by Mr. Aimino. Mr. Testa asked if it has been addressed that we need other things in this Township aside from

more houses, more families, and more traffic. He is also concerned with the taxes and the impact on the police and fire.

Deputy Mayor Schwager stated that this is part of the Master Plan, when Summit Ventures came in to Woolwich Township in 1998; they got a General Development Plan to build 4500 residential units. The COAH units are part of this.

Mr. Testa asked if these tenants will be receiving tax abatements. Mr. Fein stated that this would not affect the Township because we collect property taxes and the owner will be paying property taxes.

Ms. Margaret Hill who was already sworn in asked if they are for profit or not for profit. Mr. Sheehan stated that Conifer is a "for profit" developer. Ms. Hill as if they are for profit why do they get a tax abatement and who makes that determination. Mr. Lewis stated that they are in partnership with the Center for Family Services which is a non-profit as part of the joint venture and they seek low income tax credits from the State of New Jersey. Ms. Hill asked about commercial business coming in to help with taxes.

With no other public comment J. Casella made a motion to close public and was seconded by S. O'Donnell. All were in favor.

Mr. Sheehan gave a brief closing statement asking the Board to Grant the Minor Subdivision and the Preliminary Site Plan approval with the Variances for the landscaping and sign. The use that they are proposing is a permitted use in the zoning district and the redevelopment plan. This 100% affordable project is an inherently beneficial use. The variances are relatively minor and they do comply with all the bulk requirements and density requirements. The Positive criteria is the affordable housing for low to moderate income families in compliance with the COAH obligations the negative is relatively minor since the setbacks are 200+' from Auburn Road and 400+' from Center Square Road. The Fair Housing act does require Boards to give greater leeway to reasonable variances when they are requested for affordable housing projects.

Chairman Maugeri called for a 5 minute recess at 8:42pm.

The meeting reconvened at 8:49pm.

Chairman Maugeri stated that the only sticking point he sees judging from the conversation tonight is the parking. He would like to stress that they find some extra parking spaces. The applicant agreed.

With nothing further to discuss B. Rushton made a motion to approve the subdivision and preliminary site plan with the following variances: for landscaping, a variance to approve the caliper of trees from 3 ½ to 2 ½; approve the 5' to 6' evergreen trees; the variance for the 18" spread of planting; the mix of plantings around the basin; the mix of plantings in the buffer and the sign variance to go from 12 sf to 26 sf and all the waivers and conditions agreed upon including to work with the Engineer on parking and any

other agreements made on the record. J. Casella seconded the motion. Roll was as follows:

**B. Rushton – yes, S. O’Donnell – yes, J. Casella – yes, Chief Marino – yes, J. Fein – yes, Deputy Mayor Schwager – yes, M. Iskander – yes, J. Carleton – yes, Chairman Maugeri – yes.**

Mr. Sheehan asked that since the Resolution will not be adopted until the next meeting can they have a letter from the Secretary or Attorney stating that this was verbally approved by the Board. Chairman Maugeri agreed.

With nothing further to discuss, Chief Marino made a motion to adjourn and was seconded by J. Fein.

The JLUB meeting adjourned at 8:52pm.

Respectfully submitted,

Christina M. Marquis  
Joint Land Use Secretary

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