

**WOOLWICH TOWNSHIP JOINT LAND USE BOARD  
SPECIAL BUSINESS MEETING  
JANUARY 31<sup>ST</sup>, 2019  
MINUTES**

Chairman Maugeri called the meeting to order at 7:03 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.

Mike Aimino swore in Sal Barbagallo.

Roll call of JLUB members present:

**Sal Barbagallo- Present, Matt Blake - Present, John Casella – Present, Dave Glanfield – Present, Carolyn Grasso - Present, Mike Iskander – Present, John Juliano - Present, Mayor Marino - Present, Deputy Mayor Matthias - Present, Chairman Maugeri - Present, Bob Rushton - Present, Beth Sawyer- Present, Alan Schwager - Present.**

Also present: Mike Aimino – Solicitor, Tim Kernan –Planner, Jim Hartling- TDR Expert

Next are the minutes from the Re-Organization meeting and Regular Meeting of January 17<sup>th</sup>, 2019. Mike Iskander made a motion to approve the minutes as written and was seconded by Bob Rushton. All were in favor except Beth Sawyer and Sal Barbagallo who abstained.

Next on the agenda was the TDR Five Year Review.

Chairman Maugeri recused himself and Vice Chairman Bob Rushton took over.

Before beginning, Mayor made an opening statement.

In summary, Mayor Marino promised to work with Township Committee on addressing certain issues by initiating a targeted Master Plan Reexamination.

Mayor Marino stated that the Board is not being asked to vote on the continuance of the TDR program, but instead determine whether to accept the report's findings as produced by the professionals.

Jim Hartling and Tim Kernan reviewed the TDR Five Year Report.

At the conclusion of the review Beth Sawyer asked if there is a tie between TDR credits and affordable housing.

Tim responded it depends on which receiving area you are referring to. The Auburn Road Village receiving area has an affordable housing component and there's a TDR credit component; so both are required to develop the Auburn Road receiving area.

John Juliano asked about credits being moved versus credits being retired. That fact that the Township holds them, does that really retire the credits and does that truly meet the test?

Mr. Hartling responded the test as it was established was intended to make sure that towns did not use this program to freeze peoples zoning in a way in which they could not get value for their land. Specifically in the provisions they've provided the creation of the kind of bank that you did in the last five years as one of the means the make sure that you have a vehicle for moving the credits. There is a related issue that you are raising which is important and that is, in going forward over the next five years, the town cannot be in a position where it sells its credits in a way in which it makes it impossible for private owners to sell their credits. So the management of the bank for this period of time is going to be important because you want to make sure over the next few years a significant share of those remaining 640 credits are able to be sold. It's an interrelated matter but in terms of the specific question you raised, the procedures have always envision the possibly of a bank as being an approach to make sure you can move credits during periods in which were a lack of ability to do direct purchase.

John Juliano stated we've had ten years and credits haven't moved. This was started in 2008 and I don't think that there has been a private transaction.

Mr. Hartling stated the extended period of time to get the sewer in place has delayed things but having said that, you have over the past 10 years, implemented the alternative mechanisms to make sure the owners of sending area parcels have the opportunity to sell their credits if they felt they needed to.

John Juliano asked what's to prevent a developer from going right to the Township to buy credits before going to a property owner.

Mr. Hartling stated there's going to have to be policies in which the bank examines opportunities.

Alan Schwager asked why the report reference the credits as retired and not moved. It seems misleading to me.

Mr. Hartling stated retired from ownership of the private entities. The issue gets to what was the legislative concern when they created this test. And their concern was that private property owners would have vehicles to sell their credits. They are technically retired but they are held by the bank which will ultimately have to sell them.

Mr. Schwager stated if you get to the threshold by using the word moved, which is an accurate term, why not use to word moved in your report versus retired.

Mr. Hartling responded I'd say within the technical jargon of this it covers both circumstances.

There was further discussion about the accuracy of the report and word choice.

Mr. Hartling stated they will take a look at the use of the word retired and they will have to take a look at it in the context of the test that the state has given.

Mr. Schwager asked why we are using a two and a half year old REMA.

Mr. Hartling responded it's more complicated than just updating a report. It's making series of decision and this last time it occurred it took basically two and a half years to go through the process and create the adjustments. Secondly, we looked at whether we can update the REMA right now. The exact conclusions of what happens in the affordable housing settlement really impacts that.

There was more discussion about the REMA.

With no more questions from the Board members, Vice Chairman Rushton stated that we are not required to open this meeting to the public; however I think that we should.

John Casella made a motion to open the meeting to the public which was seconded by Mike Iskander. All were in favor.

Richard Hoff of the law firm Bisgaier Hoff was there on behalf of Mark Minitti who is a property owner in the sending area.

Mr. Hoff opened with response to some statements made by the Board members and professionals. Mr. Hoff continued with reasons as to why TDR will never work and why Woolwich should get rid of the program.

Following Mr. Hoff's statement there was discussion among the Board members and professionals.

Mike Aimino stated that Mr. Hoff has given the Board and the audience somewhat of a false impression as to what the Board can do tonight. He stood in front of the Board asking you to basically kill TDR. That is not what we are here for and that is not what this Board can or could ever do. We are here for a very specific statutory obligation, it's two fold. The statute is very specific that if you haven't reached the 25% then it obligates the governing body to then take the steps to cancel TDR. But the fact of the matter is, through the specific aspects of the statue, that 25% has been made. That's one aspect of what we are here for. The other aspect of the statute is the Board

supposed to look at the TDR ordinance and the REMA and determine whether or not TDR remains and economically viable program in the Township. If the Board says yes it is, you move forward. Understanding also at the same time the Governing Body has already done this exact same review and has approved everything. If the Board says they do not think it's an economically viable program any longer, what happens is the Governing Body is supposed to take a look at the TDR ordinance and the REMA and revise it. It doesn't say it kills TDR. So what I want the people in the audience and the Board to understand is that this Board can't cancel TDR today. The Governing Body is the one that is going to decide if TDR is going to stay in effect or not.

Marie Minitti of 2036 Oldmans Creek Road stated that she feels this is discrimination. The way its set up, the receiving end can do whatever they want because they can sell. The sending district has nothing. They can't sell unless you sell to a farmer. So what do you expect people in the sending area to do? They can't retire. You're allowing one part of the farmers, depending on where they are, to sell, retire, whatever they need to do and yet the other part can't do anything. All we have is an empty dream of what's supposed to happen with no guarantee of when it's supposed to happen.

Jordan Schlump of 10 Welshire Blvd stated that he thinks the REMA needs to be attacked in a timely manner that is going to give the people in the audience something to understand what the value is. Another thing is that if their land is going to be rezoned to 6 acres per the state regulation on the WIMP, I think they need to know that.

Anne Dorsit of 169 Russell Mill Road stated my understanding about the auction money, and I talked to a number of people at SADC, Steve Brudder, he is in the farmland preservation part of the SADC. He says according to his reading, according to the SADC's reading of the agreement, they want to see the TDR's maintain a value. The important component is that you keep enough receiving to take those TDR's eventually. And as long as you do that they consider their money well spent and well invested and they're not going to ask for it back.

Tom Sorbello 216 of Porches Mill Road asked if this goes through at the present time, is it another five years before you would go over the plan again.

Mike Aimino responded that statutorily they are only required to do it every five years. But what the Mayor and the professionals are indicating is that it's going to be reviewed before that.

Mr. Sorbello stated at the present time there is no value in the TDR's at all. I think you're doing the smart thing by evaluating it in a shorter period of time and I think that you can use your good judgment to do the right thing.

With no further comment from the public Mike Iskander made a motion to close public which was seconded by John Juliano. All were in favor.

Mike Iskander asked what exactly are we voting on tonight if the Governing Body has already approved the report.

Mike Aimino stated there are several ways you can proceed. You can adopt the report as written, you could adopt parts of the report and make recommendations that you disagree with. Basically your statutory obligation is did you meet the 25% and if you feel it's still an economically viable program. Or you can recommend to the Governing Body that they should review TDR.

Mike Aimino stated the statute is poorly drafted because there is no indication of what would happen if there were diverse opinions sent to the state.

Carolyn Grasso asked that since the Governing Body as already adopted the resolution, does that influence what this Board adopts?

Mike Aimino stated this is the poorly drafted part of the statute. It doesn't say. This Board is not bound by what the Governing Body has done.

Ms. Grasso stated she thinks the people have spoken as far as deciding if this program is economically viable.

Sal Barbagallo asked if anyone knows how many towns participate in the TDR program and if anyone has reached out to see how successful they have been.

Mr. Hartling responded that Woolwich has generally been in the lead with the exception of Chesterfield.

Deputy Mayor Matthias stated this resolution is just to adopt the report. What tools do we have open to us such as rezoning or redevelopment laws to address some of the residents' concerns?

Tim Kernan responded certainly rezoning. We could tweak sending and receiving areas through that. Redevelopment is something to look to in the Regional Center.

Mayor Marino stated this is in our lap and we have to do what's right.

There was a brief discussion of the possibility of tabling the report.

Matt Blake stated the state has an expectation of 5 years. They are lenient and work with the municipalities. This would be taking us into uncharted territory and that would bother me so much except that we have 5 million dollars into the bank, we have the 2 million that we don't want to lose out on. And so I don't want to mess around with a

huge amount of money that affects all the tax payers. The bigger concern is that the state infrastructure bank fund, which is a much larger sum of money, has predicated its favorable financing on viable TDR receiving areas. So if we don't have that ability to go after that funding, then the cost of the sewer, potentially on the tax payers or however it's paid for, could increase anywhere from 6 to 8 million dollars. That a huge sum of money. So we have to be very careful about voting something down without appreciating the repercussions. I would rather see that we stick to the limited test that's before this body and have a little bit of trust in what this Mayor and this staff have said. Changes are coming and were going to honestly look at this program.

John Juliano made a motion to table this report to the second meeting in February and again at that time we will discuss and try to get a better handle on this. Seconded by Mike Iskander. Roll call was as follows:

**Matt Blake- No, John Casella- Yes, Mike Iskander – Yes, John Juliano- Yes, Mayor Marino- Yes, Deputy Mayor Matthias- Yes, Bob Rushton – Yes, Alan Schwager- Yes, Dave Glanfield – Yes.**

Alan Schwager made a motion to table resolution #2019-11 which was seconded by Dave Glanfield. All were in favor.

With nothing further to discuss Alan Schwager made a motion to adjourn which was seconded by Beth Sawyer. All were in favor.

The JLUB meeting adjourned at 8:56 PM.

Respectfully Submitted,

Julie Iacovelli

Joint Land Use Secretary

***Minutes not verbatim***

***Audio recording on file***