

Chairman DiSalvo called the regular meeting of February 11, 2008 of the Washington Township Planning Board to order at 7:37 p.m.

MEMBERS PRESENT

CLASS IV: Mark Bauerlein, Charles DiSalvo, Kathleen McGroarty, Lou Mont, Eric Trevena
 ALTERNATES: Sam Akin
 CLASS I: Tracy Tobin
 CLASS II: Patrick Monahan
 CLASS III: Howard Popper
 OTHERS ABSENT: Leavens
 STAFF PRESENT: Clerk Kesper, Engineer Hall, Attorney Cofoni, Planner Banisch

Adequate notice of this meeting was sent to the Observer-Tribune and the Morristown Daily Record on January 18, 2008 and posted on the Bulletin Board on the same date. Seven notices were mailed, as there were five requests.

****NO NEW CASES OR WITNESSES SHALL BE HEARD SUBSEQUENT TO 10:30 PM****

Pledge of Allegiance

MINUTES

- Minutes from the January 14, 2008 Reorganization and Regular Meeting

Ms. McGroarty made a motion to approve the minutes, seconded by Mr. Popper. A voice vote was taken; Mr. Akin and Mr. Trevena abstained, all others were in favor and the motion carried.

RESOLUTIONS

NONE

The meeting was opened to the public for items not on the agenda. There were no questions or comments from the public and the meeting was closed to the public.

PUBLIC HEARING/APPLICATIONS -

1. Valley View Chapel – Block 36, Lot 43 – 115 East Mill Road – R-5 Zone
Request for Extension of Time on Resolution 03-07

John Beyel, Applicant's Attorney
Paul Barnish, Applicant

Mr. Akin stepped down as he is an adjacent property owner.

Mr. Beyel reviewed the previous extensions granted by the board and stated that they are still awaiting DEP approval of the Township's Wastewater Management Plan. He stated that he was asking for a one-year extension of time.

Ms. Cofoni stated that the board has the right under MLUL 55-52D to grant the requested one year extension.

A discussion was held on granting a 180 day extension vs. one year extension.

Ms. McGroarty made a motion to approve a one year extension of time to March 26, 2009 on Resolution 03-07, seconded by Mr. Mont. A roll call vote was taken:

Ayes: Bauerlein, DiSalvo, McGroarty, Monahan, Mont, Popper, Tobin, Trevena
Nays: None Abstentions: None Absent: Leavens Ineligible: Akin

2. Homeless Solutions – Block 8 Lot 2.02 – 31 Drakestown Road – OR Zone - .7715 Acres – Request for Preliminary and final site plan with variances for ten units of affordable housing – Completeness Hearing and if Deemed Complete – Public Hearing

Lawrence Cohen, Applicant's Attorney
Daniel Maguire, Applicant

Mr. DiSalvo reviewed for the public the Planning Board's procedure for the hearing on this application and also explained that this was the first time the board was hearing the application and that the board would first be doing a completeness review of the application prior to the public hearing portion.

Mr. Banisch reviewed for the board and public the Council on Affordable Housing regulations and the Township's obligations. He explained the three rounds of certifications of the New Jersey Council on Affordable Housing and explained that the Washington Township had met their obligations under the first two rounds. He explained that under Washington Township's Third Round obligation they are required by the State of New Jersey to provide 117 low and moderate housing units. He stated that this applicant is before the Washington Township Planning Board because they are part of the Township's third round certified plan.

Mr. Banisch stated that this property is located in the Office Research Zone of the Township and that low and moderate income multi-family use is permitted in the zone. He explained other permitted uses in the Office Research and Highway Commercial zone. He noted that the general area of this lot is largely residential. He noted that the more intense non-residential uses are in the area of Route 46. This residential use is in the vicinity of this application.

Ms. Kesper stated that this zone has been in place since at least 1978.

Mr. Banisch stated that the Planning Board is obligated to hear an application that is generally consistent with the requirements of the zone. He explained that the Planning Board is charged to hear and decide an application on what is permitted by ordinance. He explained the design standard waivers and bulk variances that the Planning Board is permitted to grant and approve an application.

Committeeman Howard Popper and Mayor Tracy Tobin stepped down due to a conflict of interest as this is a municipally sponsored housing and they explained that the township has approved the transfer of \$550,000 money from the Housing Trust fund for this project.

Mr. Cohen reviewed the application for completeness and stated that in the Boards' professionals correspondence they have deemed this application generally complete. He presented the contract between the Governing Body and Homeless Solutions.

Mr. Hall reviewed his letter of February 1st and recommended the application be deemed complete as long as the legend is provided on the plans to be signed if an approval is granted. He stated that the applicant has asked for a waiver on the development impact statement.

Mr. Banisch agreed and stated that because this is a previously developed site it does not raise environmental impact issues.

Mr. Cohen stated that the property is currently developed with a single family dwelling with outbuildings. The building will be razed and rebuilt on the existing footprint.

Mr. DiSalvo suggested waiving the Development Impact Statement for completeness only and submit the development impact statement in the future if it is determined necessary.

Mr. Cohen addressed the waiver from the developers' impact statement and asked the board what portion they would want to have. He reviewed the requirements of the developer's impact statement under Township Ordinance 175 27 Q.

Ms. McGroarty made a motion to deem the application complete waiving the development impact statement for completeness only to be reviewed during the public hearing again to determine if it is necessary and the legend as well, seconded by Mr. Bauerlein. A voice vote was taken; all were in favor and the motion carried.

Ayes: Akin, Bauerlein, DiSalvo, McGroarty, Monahan, Mont, Trevena
Nays: None Abstentions: None Absent: Leavens
Ineligible: Popper, Tobin

Ms. Cofoni reviewed the letter from H. Scott Uhrmann dated February 7, 2008 requesting an adjournment because there was only the legal ten day requirement given and his opinion that more notice should have been provided. She explained case law has ruled that complexity and the knowledge of the application are things the board could consider and it is within the board's authority to continue or adjourn. She stated that this application is no more complex than any other application the Board typically hears. It was her opinion that this does not rise to the level of complexity to make a determination to adjourn the hearing.

Mr. Cohen opposed the adjournment and stated that it would be prejudicial to the applicant as the applicant has met their statutory requirement.

Mr. Bauerlein made a motion to hear the application this evening, seconded by Ms McGroarty. A roll call vote was taken:

Ayes: Akin, Bauerlein, DiSalvo, McGroarty, Monahan, Mont, Trevena
Nays: None Abstentions: None Absent: Leavens
Ineligible: Popper, Tobin

Mr. Cohen explained that this is an application for ten affordable housing units for rental purposed that the applicant, Homeless Solutions, would maintain the property. This application would fulfill some of the Township's affordable housing requirement. He explained that Washington Township has an adopted housing element and this property was part of the housing element. He noted that Washington Township is unique to have a certification from COAH – one of four Townships that have a certified plan. He further stated that Homeless Solutions is a unique organization that can meet this need.

Mr. Cohen explained that the ordinance to permit the use proposed by the applicant was passed in 2006 and that an agreement was signed in 2006 between the Township Committee and the landowner. He explained that the municipality has collected funds from developers for years and that have been put into an affordable housing trust. \$550,000 in funds from this trust fund would be used for this site.

Mr. Cohen stated that the application is not before the board to discuss the use, as the proposed development is a permitted use for this property. The

applicant is before the Planning Board to review the site plan details of the development. He reviewed the bulk variances that the applicant would be asking for and again stated that this is a site plan application only. He explained that the people who would be living in this development must meet income restrictions and that there would be leases. He stated that generally the demand is so high for this type of housing that there is a lottery. He noted that the ordinance allows 70% of impervious coverage and this project has 45% coverage.

Daniel McGuire was sworn in by Attorney Cofoni.

Mr. McGuire stated that he was the Director of Homeless Solutions. He stated that Homeless Solutions is a 529 Title Corporation. He stated that they operate an 82 bed homeless shelter in Hanover and transitional housing in Morris Township and that they also build and operate affordable housing. He stated that in 2004 they won an award for the 15 unit affordable housing they built in Morris Township. He reviewed other affordable housing they have built or maintained in Morristown and other areas. He explained that homeless shelters are different and separate from their affordable housing. He explained their motto -Sustainable is affordable - and that they invest in higher quality materials and that all their projects are energy star and green building rated. He referred to a photograph of One James Street in Morris Township, which was marked A-1 and described the materials used and that it was a 15 unit complex with five in each of the five buildings and that the project was completed in 2004. He stated that it is completely owned and operated by Homeless Solutions.

Mr. McGuire explained that their projects are funded through government grants, donors and developer fees. He stated that fees from Washington Township and other funding sources, county and state home funds, federal home loan bank, and NJ housing financing would be used for this project and that Homeless Solutions would be putting in \$200,000 to start the project.

Mr. McGuire stated that Homeless Solutions would own and manage the property with facility manager and staff to maintain the building. The leases would be in compliance with state and fair housing laws. He stated that Homeless Solutions actively outreach in the area of the development so that those in need in the area apply for the housing. In addition to meeting income guidelines their applicants must pass criminal and credit background checks. There are annual leases and a community outreach specialist person from Homeless Solutions organizes programs of interest for the tenants such as home buying training, health related screening and their outreach specialist is available for one on one consultation. He explained that this has been a very successful program and that they have a very low turn over rental program.

Mr. McGuire reviewed the income guidelines. He explained that based on current COAH standards and funding guidelines and consistent with the Township Plans for income mix, half the units would be for very low income

and the other half for low and moderate income. He explained that a person qualifying for the one bedroom very low rent apartment would make approximately \$18,000 per year pay \$387 in rent and that on the high end the three bedroom moderate income apartment would have a household income of up to \$48,000 and would pay \$1,091 per month in rent. He said the people who ultimately live in these apartments may already be living in the Township. He stated that the property would be deed restricted in compliance with COAH and the Township so they apartments could not become market rate units for at least thirty years. He explained that there would be no difference in the renting of these units and any other rental units in the Township except for the income requirement. He stated he would speak with anyone in the audience and that they could reach him at danmcquire@homelessolutions.org.

Mr. McGuire explained that the ten units have a distribution requirement by COAH and their plan follows this guideline which results in:

- 2 – 1 bedroom apartment
- 6 – 2 bedroom apartment
- 2 – 3 bedroom apartment

Mr. McGuire answered Mr. Banisch that he must take applications from other than Washington Township residents and stated where they are required by law to post the rental availability. He explained that Homeless Solutions initiates with the partner community to do outreach in that township so that Township residents are aware of the housing and generates a large local interest.

Mr. McGuire explained that the proposed Work Force Housing is different from the homeless shelter and transitional housing and that it is three different business divisions of Homeless Solutions – separate and apart but all part of the 501C.

Mr. McGuire explained that criminal records disqualify renters. He explained the tenant review procedure and that after income guidelines are confirmed they look at credit ratings for credit stable tenants. They have the right to turn people down. There would not be an on site office or superintendent because of the size of the development. A Property Manger is employed by Homeless Solutions in Morristown and is well versed on tenant law. Maintenance of the property is scheduled just like any other rental property; they have maintenance vendors for scheduled maintenance and would contract for trash removal, lawn mowing, snow plowing, etc.

Mr. McGuire answered Mr. Hall that the Morris Township site is approximately 1 acre.

The board asked questions of Mr. McGuire.

Mr. McGuire answered that Homeless Solutions anticipate being the owner of the property for years to come.

Mr. Cohen stated that there is nothing in the law that would stop them from selling to another entity, but any new owner would be obligated to meet the requirements that are being talked about this evening. As part of the funding sources the criminal and credit checks would also be required.

Mr. McGuire stated that the apartments could become condo but because the Township is contracting for rental to fill their COAH requirements, it would remain rental units.

Mr. Cohen added that the ordinance requirement is that the units would be rental.

Mr. McGuire stated that Homeless Solutions has strict guidelines against subleasing and they know who is on the lease. A tenant cannot sublet to anyone else.

Mr. McGuire stated that the total household income is used to qualify. They would not place three people in a one bedroom apartment.

Mr. McGuire stated that the rent is a formula to include the ability to pay for utilities. The amounts stated previously this evening were after utilities.

Mr. McGuire stated that if someone were arrested and convicted of a crime that they would be denied tenancy and if they were already renting they would be in violation of the lease and they would be evicted.

Mr. Cohen stated that any children would be attending Washington Township schools and that the site is currently serviced by HMUA water and sewer and would continue to serve the development.

Mr. McGuire stated that the credit and criminal checks cover all adults in the unit. Security deposits are required.

Mr. Cohen stated that the income amounts change yearly and are set by the State and the rents are maximum rents that could be charged.

The meeting was opened to the public for questions only. The following members of the public made statements and asked questions of Mr. McGuire and the Board:

David Perkins – Mt. Olive
Michael Hack – 9 Pocahontas Drive
Kevin Dorlin – 4 Kemple Lane Mt Olive
Joe Misaradi - 6 Pocahontas Drive
Melissa Lynch – 60 East Avenue
Terry Mason – 192 Mine Hill Road
Josephine Morel-149 Mine Hill Road

Christopher Tada – 37 Powhatatan Way
Alan Segal – 6 River Drive
Barry 25 Parkway Drive
Joseph Grosinski – 129 Mine Hill Road
Tom Perry - Powhatatan Way
Nina Dorlin – 4 Kemple Lane
Amaurys Roque -135 Mine Hill Road
Frank Roy -139 Mine Hill Road
Chris DeMao – 117 Mine Hill Road
Susan- 177 Mine Hill Road
John Grexo – 17 Parkway Drive
Christopher Tava- 37 Powhatatan Way
Kimberly Garcia - 25 Drakestown Road
Noreen Debrot -4 Powhatatan Way
Greg Zelinsky – 1 John Street
Charles Qunonas -29 Powhatatan Way
Andrea Kelly – 33 Drakestown Road

The above residents expressed concerns and asked questions about:

- The site plan
- The testimony by Mr. Cohen and asked that his records be struck from the record and to strike Mr. McGuire's testimony if it cannot be determined who is speaking
- Questioned Mayor Tobin and Committeeman Popper stepping down and how the Planning Board could hear the application
- Office Research status since 1978 does not apply to this piece.
- Here to stop the project money should be used to put the project where it belongs.
- Why did not the people not know about the 2006 zoning issue.
- Asked about the experience, training and education of the property manager
- Jaded zoning because of the location in the Township and asked when it would be put on Naughtright Road
- About the arrogance of the board – the public does not understand the process.
- If convicted of criminal activity, how soon could they be evicted
- About the density on less than $\frac{3}{4}$ of acre
- Concerned about police fire schools traffic concerned about urban environment and number of people living there.
- Asked about other possible locations
- On Site security
- About statistics on crime from these facilities
- Concerned no recreation play area for children.
- DEP permits
- About criminal back ground checks and who does the checks
- Why another building is not being added to peach tree village to handle this need

- About crime statistics data and if they keep data about criminal activity in their complexes.
- About transportation for the affordable housing
- Asked if Mr. McGuire would be comfortable living next to this type of development
- Asked if the social worker who helps transition into market housing would be on site
- Asked about the lottery to rent
- About property values being lowered with this use in the area and asked for information on this
- Asked for Environmental Commission review and that the development impact statement be provide
- Asked if there would be ongoing drug screening of the residents
- Asked if a demo permit has been issued
- Asked about parking
- Asked how Homeless Solutions would fill future vacancy
- About Board protocol and when the audience could present testimony
- What happens if the applicant does not receive approval
- Asked about the variances.
- About the location and transportation
- Asked about multifamily in single family area.
- Asked about how long Homeless Solutions has been in the rental business and the location of the property manager and social workers
- Asked about the percentage of people from this area and what is the area.
- Questioned affordable vs. subsidized housing
- Asked who in the Township will manage Homeless Solutions from making this transitional or shelter
- Asked about the salary of the CEO of Homeless Solutions being approximately \$100,000 and asked if that's what are other salaries.

The board and applicant responded to the above questions.

Mr. DiSalvo stated that the board hears all applications on the merits of the their particular case.

Ms. Cofoni stated that the notice regarding the 2006 zone change was a Township Committee issue.

Mr. McGuire explained that the property manager has experience in previous positions in the industry. There are no certifications and no college requirements. Homeless Solutions hires personnel based on experience managing properties and their personnel have experience in tenant law, but are not attorneys. He answered the public that Homeless Solutions has denied renting to applicants in the past but that he did not have the number of people turned down and that Homeless Solutions does not continually do criminal

checks. He explained that tenants are income certified annually and they inspect units throughout the year.

Mr. McGuire stated that someone with a history of substance abuse would be denied tenancy. There would be a policy in place for this property. Tenant Law allows Homeless solutions to evict people because of criminal convictions or substance abuse.

Mr. DiSalvo informed the public that questions regarding the site plan such as parking and density would be answered during subsequent testimony.

Mr. McGuire stated that Washington Township's housing plan has a variety of means to address their affordable housing needs and this site is just one of them.

Mr. DiSalvo stated that this is the only area in which the Washington Township is working with Homeless Solutions.

Mr. McGuire stated that Washington Township set the number of rental units for the property. He acknowledged that this is the size and type of development that Homeless Solutions looks for and has experience managing. He stated that Homeless Solutions is not considering on site security.

Mr. McGuire stated the building in Morris Township was built in 2004 and looks the same today and that it is not in a residential neighborhood but is surrounded by recreation fields, a DPW and a middle school. He stated he would arrange for a site visit or the public could drive past individually.

Mr. McGuire confirmed that there could be up to 40 people living on site.

Ms. Cofoni planning board is not charged with working arbitrary, but objectively.

Mr. Mont stated that the Board has not heard testimony on how many children or even if there is a play area provided on the property, as we have not heard the application yet.

Mr. McGuire testified that in the experience of Homeless Solutions there have not been a high number of children. The site plan maximizes open space on the site but he did not have an answer if a play area was proposed or where children could find recreation in the area.

Mr. DiSalvo reiterated to the public that there have not been any Planning Board approvals granted.

Mr. McGuire answered the public that Homeless Solutions has been managing housing since 1996. They operate transitional housing in Morris Township. Also in Morris Township they have operated a 15 unit apartment complex since

2004. They also operate an 82 bed facility as a homeless shelter. He explained that leases are renewable on an annual basis. The Homeless Solutions staff, including the property manager and outreach personnel, has their offices located in Morristown. He reviewed his fair housing requirements for posting the apartment and the outreach with the Township to generate interest in the community for this housing and the lottery used for tenants if more apply than they can accommodate. The social workers are on staff.

Mr. Banisch answered the question of subsidized vs. affordable housing. He explained that normal market forces couldn't make affordable housing. The money from the Township is from the housing trust fund that was specifically created to subsidize this type of housing.

Mr. McGuire subsidies are upfront, to build the facility. Some tenants could be Section 8 voucher recipients. He explained that the Homeless Solution budgets assume they are not Section 8 voucher holders.

Mr. DiSalvo stated that any changes to the use or site plan that may be approved by this Board would have to come back to Board for review and re-approval.

Mr. Cohen stated that Homeless Solutions must submit the tenant list and income verification on annual basis to the Township.

Mr. McGuire stated that Homeless Solutions is one of the largest of this type of organization and has a four star rating for non-profits. He stated that their CEO has been recognized for her work.

Mr. McGuire stated that the property manager does the background checks with the typical vendors that provide this service. When Homeless Solutions becomes aware of a criminal activity they will take the necessary steps for eviction.

Mr. McGuire answered the question on transportation that they expect in this area that even low or moderate income people drive and have cars. He answered the public that, yes, he would feel safe if he lived next to this type of housing.

Mr. Cohen stated that the applicant is not required to supply data on property appraisal information.

Mr. DiSalvo answered the public that they would have a chance to present testimony after the applicant finishes presenting their case.

Mr. McGuire stated that Homeless Solutions has not yet applied for a demolition permit. He stated that they have multiple opportunities to check on the number of tenants in a unit. They have been successful in tenant

remediation of violations and have not had to evict and resolved the issue as well as filing all legal papers. He explained that tenants police themselves.

Ms. Cofoni answered the public that the use of the property would be deed restricted as family residence.

Mr. DiSalvo stated that there would be a formal site walk of the property. He stated that Board Members know where this property is located.

Mr. McGuire stated that at this time they are contractor purchasers of the property and if they do not get the required approvals they would not be purchasing the property. He stated that in rental housing they have evicted one person with a known criminal activity after they were in the unit. He reiterated that they do not allow anyone to rent if they have a criminal record and if they find out that there has been, they will be asked to leave.

The meeting was closed to the public for this evening.

The meeting was adjourned to March 10th at 7:30 p.m. and the public was advised that this was their only notice, that they would receive nothing further in the mail.

***DISCUSSION /
CORRESPONDENCE***

Discussion items were adjourned to February 27th after the Highlands Presentation

Mr. Tobin and Mr. Popper stated that they would not be at the meeting of the 27th because of a Township Committee meeting.

Mr. Trevena made a motion to adjourn, seconded by Mr. Mont. A voice vote was taken; all were in favor and the meeting was adjourned at 10:50 p.m.

Virginia R. Kesper, Clerk