

City of Northfield Planning Board
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Minutes: January 22, 2015

Notice of this meeting had been given in accordance with Chapter 231 Public Law 1975, otherwise known as the Open Public Meetings Act. Notice of this meeting had been given to The Press, posted on the bulletin board in City Hall, filed with the City Clerk, and posted on the City website, stating the date, time and place of the meeting and the agenda to the extent known.

This SPECIAL meeting of the Northfield Planning Board, held on Thursday, January 22, 2015 in Council Chambers, City Hall, Northfield, was opened by Chairman Richard Levitt at 7:02 p.m. and the following members were present or absent as noted:

Timothy Anderson-absent
Mayor Erland Chau-absent
Jim Leeds
Dr. Richard Levitt
Lou Milone-absent
Sgt. Paul Newman
Henry Notaro-absent
Councilman Frank Perri
Ron Roegiers
Derek Rowe
Clem Scharff-absent
Jim Shippen

Matthew Doran, Professional Engineer
Norman Zlotnick, Solicitor

The meeting opened with the roll call.

Ms. Tiffany CuvIELlo addressed the Board to discuss the Fair Share Housing Plan. She said this is a public hearing for formal adoption of the Plan as a Master Plan element. She asked the Board to ignore a revision to the plan which included a new five bedroom group home, which was emailed, as Mr. Jedziniak said it was a substantial amendment to the plan which would require advertising. She will bank the group home for now.

The current obligation is 190 new credits and 14 rehab credits and the plan includes census data as related to the City of Northfield and this comprises a large section of the plan. The main part is the Fair Share plan and is made up of exhibits where we looked to provide opportunities for affordable housing, what the obligations are made up of, and how the City is able to meet these obligations. She discussed the rehab units and said they have been met through the Atlantic County Improvement Authority

which has a program to help lower income homeowners to rehab their properties through a forgivable loan system. Ms. CuvIELlo said that 16 were rehabbed by the County and only 14 were needed to meet the obligation. The rest of the previous round units are new units or construction from 1987 to 1999 totaling 190 units. This does not address the third round obligation and only looks at prior round numbers. Prior credits dating from 1980 to 1986 require a Credits Without Control Survey and this was covered at the last meeting. The homeowners must comply with completing the survey and must meet income levels for affordable housing. They could possibly be counted as prior cycle credits. Ms. CuvIELlo thinks there may be about 120 units and the Building Department is categorizing and identifying them through CO's that were issued. They will not all qualify or comply and the City may get between 2% and 5%. The numbers were not completed for the plan at this time due to time constraints. When completed, they will be added to the plan along with the Cedarbridge group home by amendment.

Ms. CuvIELlo discussed existing sites, namely group homes. The units are counted by number of bedrooms. One has a 30 year deed restriction and one has not returned the survey work. There may be an additional 4 bonus credits here and there is the fifth group home on Cedarbridge with five bedrooms which will be added by amendment later.

Ms. CuvIELlo discussed next the city owned properties. She discussed property on Burton Avenue which contains uplands and a drainage area. It has been removed from the plan. The property on Maple Avenue is now being considered as one unit with the possibility of being counted as two later. There are two properties on Jackson Avenue and Fuae Avenue. They are undersized, but compatible with the neighborhood. These properties are all set as Habitat for Humanity units for a total of three credits. The City owns lots on Dolphin Avenue with one backing up to Atlantic County Public Works and another lot across the street. These one acre lots are both being considered as age restricted properties for a total of 40 units at 20 units per lot.

Ms. CuvIELlo focused on private property and referred to the MGS property on Cresson Avenue and the reason why we are here tonight. The property will provide for 265 multi-family dwellings with 40 affordable units. Bonus credits can be taken for the units, but they must be occupied. Bonus credits can be amended later and reduce unit numbers in other areas of the city. It all depends on numerous factors such as whether the units are built, how many are occupied, and what the future obligations will be. She then discussed the Arthur Henry property which is in the R-1 zone. The site could accommodate 80 units with 16 affordable. Age restricted is permitted and no variance is required. Dr. Levitt asked that should action to develop as single family homes occur, would we need to withdraw these units from the housing plan. Ms. CuvIELlo said the plan will be amended. There are two other properties that Ms. CuvIELlo described as being in an overlay zone which creates an opportunity to construct mixed use development. These areas are the Driving Range on Tilton Road owed by the Gurwicz Family which contains wetlands behind the range and the CBZ Estate which contains both uplands and wetlands. The mixed use could involve commercial business on the first floor and residential living on the second and third stories. The residential units could be multi-family condos which are either rented or owned. The overlay zone would have 40 total units with 8 COAH units.

The next area discussed was the Country Club site which could accommodate 360 mixed housing units of condos and townhomes with 72 affordable housing units. The area is near the driving range and around the clubhouse and totals 21 acres of open space. Dr. Levitt asked if this development would impact the golf course. Ms. CuvIELLO said she made sure to make this specific in the Ordinance change and would not impact the entire golf course. Golf villas and suites are already permitted in the Ordinance and are only allowed on Block 175, Lot 48 (the golf club totaling over 100 acres) and Block 179.01, Lot 1.01 (open space near English Lane totaling less than 5 acres). Dr. Levitt stressed that the Ordinance includes that the golf course be maintained. Ms. CuvIELLO said she will make sure that what was originally included for the Country Club is still intact. She added for comparison that the Gurwicz organization originally asked for 400 units on 21 acres. Mr. Perri noted that the Country Club numbers are triple what is in the Country Club Ordinance now. Ms. CuvIELLO said this is a living and breathing document and it will change.

Ms. CuvIELLO continued by stating that she looked at the Oak Avenue School site, but it is currently operational and that would not fare well with the court. She tried to incorporate a little extra in the plan as she created recommendations for the Ordinance such as a requirement for any major subdivision involving five acres or more and ten or more lots, to use a variable lot size while maintaining an average lot size. This provision would allow for 10% low or moderate income units. Dr. Levitt thought this could affect the Arthur Henry site.

Ms. CuvIELLO said she is making every effort to move forward and eventually a Special Master will be looking at this to see how this will move into the future as we wait for new numbers from COAH. She addressed why the City cannot simply go with all age restricted units. The City is limited to 25% age restricted units which are allowed. There is an excess of age restricted units in the plan totaling 56 units with 16 on the Arthur Henry site and 40 on the Dolphin Avenue lots. This allows for a surplus of 8 units which are carried to the future obligation.

Ms. CuvIELLO continued by stating that the plan shows 197 units with 7 surplus units and 3 credits and 10 units going into future rounds. We can look for amendments to the plan later with the Credit without Control Survey and the 5 units from the group home on Cedarbridge Road and then the densities can be addressed if needed. At this time we need to meet the deadline realistically.

Ms. CuvIELLO discussed the drafting and adoption of an Ordinance to collect an Affordable Housing Fee. An Ordinance must be adopted to collect the funds and keep them in a fund so the State doesn't take it. It will mean more residential tax and someone in the city will need to monitor all this and the fund can be used to offset salaries for professionals. The fee would amount to 2.5% of an addition or the assessed value, including land and improvement of new construction, but she added that it would not be necessary to charge for additions.

Ms. CuvIELLO said the Board will need to vote to approve the Housing plan tonight and send it to the Governing Body who will endorse the plan and forward it to the Special Master appointed by the court for review. Noticing will be sent to affected property owners who can object, accept, or file comments. The Special Master review should be complete in 90 days and a Certification would be granted. The Special Master can also

require amendments and Mr. Leeds asked how involved that process would be. Ms. CuvIELlo said notice would be sent to surrounding City Clerks and the County. She suggested re-examining the Master Plan as it relates to the Housing Plan and Mr. Zlotnick said he would discuss this with her and would rather see an amendment to the Master Plan as the City re-examined the plan in 2012 and is not required to do so for ten years. Dr. Levitt suggested the Country Club golf course be deed restricted once any development had begun. Ms. CuvIELlo said anything in the Country Club Ordinance is still there; she did not remove anything. She refocused on where the housing can occur and at a higher density. Councilman Perri asked about specifics. Ms. CuvIELlo referred to the maps at the back of the plan and Block 17, Lot 48 is the area designated for development and it is referenced in the Ordinance. Mr. Leeds asked about the time frame for the Special Master. Ms. CuvIELlo said that depends, but it will be a time frame that is fair. Mr. Zlotnick said he has worked with Phil Caton in the past and he is very smart, well versed, and practical. He said he expects good things to come out of this process. Ms. CuvIELlo said he works privately and is not an employee of the State. The Special Master is paid half by the city and half by MGS up to a certain amount. Mr. Perri asked about variable lot sizes and Ms. CuvIELlo read directly from the Ordinance saying that the average lot size is still 10,000 sf.

Ms. CuvIELlo said Fair Share Housing will object if the city does not address future opportunities. Mr. Perri asked what would happen if the Country Club doesn't want to build anything. Ms. CuvIELlo said they would have to defend why they did not want to develop. Mr. Zlotnick said in his experience, owners see this as a business opportunity. If they understand the process it is to their advantage to comply. Dr. Levitt added that areas in similarly affected towns have not begun any development from Fair Share plans. Mr. Zlotnick agreed and said this is because of economic conditions and builders are not putting up money for construction and the population is decreasing. Mr. Roegiers said the State just wants a plan in place. Ms. CuvIELlo added that we are not mandating that the maximum number of units be built. Mr. Roegiers said amendments can be addressed and made and Mr. Shippen agreed and said we would not necessarily have to start all over. Ms. CuvIELlo commented that the City cannot force a private property owner to build the maximum number. Mr. Perri stated that the original intent was to build a hotel and banquet facility back in 1996 and the future growth of the City is what he is concerned about. Mr. Zlotnick said special reasons for a use variance of that kind at this stage would be hard to achieve. Mr. Leeds asked about vacant land adjustments. Ms. CuvIELlo said she has been through much debate and what you need to qualify. For some sites, the expense would be high for the little you get back in unit numbers. She said COAH will look at all vacant land. They may decide other sites would create an opportunity such as driving ranges, public golf courses, and nurseries. If COAH comes back with high numbers, then a vacant land adjustment would be looked at, but not at this time. At 190 units, the City is too close to what can actually be satisfied. Mr. Perri commented on vacant land on East Mill Road. Ms. CuvIELlo said that site is mostly uplands according to the tax map, but according to GEO mapping from the State, it is wetlands. Both Mr. Perri and Ms. CuvIELlo agreed that the land is not totally wet, but at this time, it is just not needed for the count. Mr. Shippen reminded that they are not building right now, and Mr. Perri said he is just trying to answer to his constituents and he would like the four acres on East Mill Road looked at. Ms. CuvIELlo said a wetlands analysis would need to be done and it can be looked at later. For only four to five COAH units, it will not affect the Country Club numbers substantially. Mr. Perri said he needs to present the Country

Club issue to Council. Ms. CuvIELlo said as the Ordinance reads now, the villas could be built anywhere at the Country Club site as long as they keep the golf course intact. She felt it would be better to limit this type of development to the driving range and uplands area. She read from the new Ordinance that the golf villas and townhouses would be limited to Block 175, Lot 48 and Block 179.01, Lot 1.01 and the golf suites or time shares could still be scattered around. The single family homes, totaling no more than thirteen, could be on one acre lots. Mr. Doran said when it becomes an Ordinance, a zone line can be drawn on the map in the next phase, but at this point, it is just an area. Ms. CuvIELlo said she can try to make the language more specific.

Dr. Levitt opened the public session specific to comments on the Ordinance only. Mr. Tom Polistina of 15 Wilson Drive was sworn in by Dr. Levitt. Mr. Polistina asked about the drainage basin on Burton Avenue and if it could be modified to accommodate underground drainage so that properties could be located above it in order to eliminate the taking of private property. Mr. Doran said the process would be a long one including DEP permits and to use wetlands would mean locating wet lands somewhere else. Ms. CuvIELlo said this would only add one unit to the numbers as the lot is wide at the front and narrow at the back. Mr. Polistina asked about the deadline, and if not met, what the consequences would be. Mr. Zlotnick said the City could be sanctioned by the court and can lose all protections that were negotiated with Mr. Gurwicz. Mr. Polistina asked about the costs associated with the City designated properties and would the City have to develop them. Ms. CuvIELlo said they could be donated or purchased according to financing. Mr. Polistina said he understands you can't put undo costs on the developer, but asked about the City's costs for infrastructure. Ms. CuvIELlo said capacity must be available for sewer. The developer is responsible for the improvements; the city provides the capacity. Mr. Polistina said there are rumors throughout Northfield that the City would incur those costs. Mr. Zlotnick said that is not true. There was no one else who wished to speak and Dr. Levitt closed the public session.

Mr. Zlotnick said in diverting from the agenda, Resolution PB2-2015 of the Planning Board of the City of Northfield, Atlantic County, New Jersey, to Adopt the City's Prior Round Housing Element and Fair Share Plan, was prepared by very able COAH attorneys, and he has read it thoroughly and it is satisfactory. Mr. Perri had concerns there is no on site drainage on the front lot and suggested there be a restriction that they will put in their own drainage. Ms. CuvIELlo and Mr. Doran said that the back piece of land will be subdivided off and will be developed separately as two lots. They will be zoned the same and the Ordinance was written for the increase in development. They have to provide their own drainage.

Mr. Shippen made the motion to approve the resolution and Mr. Roegiers seconded.

The roll call vote was as follows:

Mr. Anderson-absent, Mayor Chau-absent, Mr. Leeds=yes, Mr. Milone-absent, Sgt. Newman=yes, Mr. Notaro-absent, Councilman Perri=yes; under protest, Mr. Roegiers=yes, Mr. Rowe=yes, Mr. Scharff-absent, Mr. Shippen=yes, Chairman Levitt=yes. The motion to approve the resolution carries.

Mr. Zlotnick addressed Resolution PB1-2015 Authorizing Execution of a Developer's Agreement with Max Gurwicz and Sons, Inc. for an Inclusionary Development Property located at Block 17, Lots 4, 7, 8, 9, 10, 11 & 12. The resolution binds both sides to abide by the agreement with regard to the project. MGS will develop the site in a certain way and the City will take the steps necessary to provide the maximum COAH numbers possible for this site and the agreement relates back to the date originally signed by the Chairman. There will be protection from Builder's Remedy lawsuits and MGS agrees to pay for half of the Special Master fees up to \$10,000.

Mr. Shippen made the motion and Mr. Roegiers seconded. The roll call vote was as follows: Mr. Anderson-absent, Mayor Chau-absent, Mr. Leeds-yes, Mr. Milone-absent, Sgt. Newman-yes, Mr. Notaro-absent, Councilman Perri-yes, Mr. Roegiers-yes, Mr. Rowe-yes, Mr. Scharff-absent, Mr. Shippen-yes, Chairman Levitt-yes. The motion to approve the resolution carries.

Dr. Levitt thanked Tiffany CuvIELLO for an incredible document produced in a short period of time.

Dr. Levitt closed the meeting at 8:24 p.m. with a motion from Mr. Shippen and a second from Mr. Roegiers.

Respectfully submitted,

Robin Atlas, Secretary to the Board