

ROCKY HILL PLANNING BOARD
Minutes of the August 8, 2006 Meeting

Present: C. Cann, J. Hasser, G. Morren, C. Pihokken, R. Whitlock, A. Youtz, J. Yuchmow

Absent: R. Ayrey, R. Batchelder, G. Oakley, T. Roshetar

Also present: V. Bollheimer and K. Philip

Statement Of Adequate Notice

Pursuant to the Sunshine Law, a notice of this meeting's date, time, place and agenda was mailed to the news media, posted on the Municipal bulletin board and filed with the Municipal Clerk. The meeting was called to order at 7:30 p.m.

Chairperson's Comments: No comments or correspondence were provided.

Open Public Comment Period: The meeting was then opened to the public, being that no one wished to address the board the public portion of the meeting was closed.

Approval of Minutes

March 30, 2006 – Motion made by R. Whitlock and J. Hasser seconded the motion to approve the minutes of March 30, 2006 as amended. The vote was 7-0 in favor. Motion carried.

April 11, 2006 – Motion was made by G. Morren and C. Cann seconded the motion to approve the minutes of April 11, 2006. The vote was 5-0 in favor. Motion carried.

April 20, 2006 – Motion was made by J. Hasser and A. Youtz seconded the motion to approve the minutes of April 20, 2006. The vote was 7-0 in favor. Motion carried.

May 11, 2006 – Motion was made by J. Hasser and R. Whitlock seconded the motion to approve the minutes of May 11, 2006. The vote was 7-0 in favor. Motion carried.

July 11, 2006 – Motion was made by R. Whitlock and G. Morren seconded the motion to approve the minutes from July 11, 2006. The vote was 6-0 in favor. Motion carried.

RESOLUTION

- a) Mary Jacobs Library - Signage
Preservation Plan, Washington Street

Motion was made by R. Whitlock and A. Youtz seconded the motion to approve the resolution as amended for the library signage. The vote was 6-0 in favor, motion carried.

FOR: Cann, Morren, Pihokken, Whitlock, Youtz, Yuchmow

AGAINST: None

ABSTAIN: None

DISCUSSION: MASTER PLAN AMENDMENT

C. Pihokken stated that a subcommittee was appointed earlier this year consisting of G. Morren, R. Batchelder, the Borough Council attorney and himself. V. Bollheimer, Esq., attorney for the

Board stated that for COAH recertification a report had been presented before Borough Council in July and Susan Kimball, Planner to the Board, is here to provide an overview. She stated that the Planning Board's role is to look at recommendations being made and make sure they are consistent with the master plan. Ms. Kimball stated that the Planning Board will adopt a new housing element and refer it to the governing body and they would need to endorse the element and petition COAH for recertification. The subcommittee discussed various options to see what direction the Borough should go. She stated that the provision of affordable housing in the Borough is pursuant to the Fair Share Act which is in response to litigation about affordable housing and exclusionary zones. If a community wishes to protect itself from litigation it would prepare a housing plan and the State would estimate how many affordable housing units would be required. The approved plan would help in the case of litigation. In 2001 Rocky Hill developed a Fair Share Housing Plan for 27 low and moderate income units. The Fair Share Act allows a municipality to transfer out of its obligation with another municipality by building the units in a willing community. A municipality can transfer up to half of the obligation and to date; Rocky Hill has planned for and fulfilled our entire affordable housing obligation for 1st and 2nd rounds. She stated that the third round has three components, a rehab obligation (fulfilled according to the State), group homes obligation (completed) and a growth share component. For this component COAH provides a formula based on growth to determine how many units would be required. This calculation is for all construction, including commercial. Development fees are used to fund this obligation.

Ms. Kimball stated that the subcommittee met two times and she spoke with a COAH representative after the meetings and expressed what the subcommittee discussed. COAH will do a formal review on the 3rd, 5th and 8th anniversaries of the approved plan to make sure that we provide the number of affordable housing units that are required. Ms. Kimball stated that Rocky Hill is largely developed so there is not much construction activity. She stated that she does not need to project a trend because there is no trend in Rocky Hill. Our projections must be consistent with COAH projections. She stated that nine units are required by the end of the third round obligation which will expire 2013. She stated that COAH is encouraging every town to adopt a growth share ordinance. Available funds can be used to cover the costs associated with this or a resolution must be adopted to commit to funding for this project. Ms. Kimball advised that \$180,000 is the total hard costs for the 9 units at \$20,000 each. Affordable housing can be required to be constructed on site if four market rate units are constructed.

She stated that an administrator must be hired to run and promote the program and to work with the homeowners about providing affordable housing options. Regional outreach is required for affordable housing. Accessory apartments are one option and the homeowner must accept a deed restriction for 30 years. Ms. Kimball stated that the land use plan has a recommendation for accessory apartment buildings with a limit on the bedroom size. She advised that she spoke with COAH about accessory apartments and six accessory apartments would equal 10 affordable housing units although COAH would like a guarantee for the funding of all nine units. An accessory apartment building can be constructed with all the units and a plan would be needed up front. Development fee monies can be used to perform infrastructure improvements. Up to 20% of the money can be used for the administrator's salary. She recommended that when the program starts \$5000 per unit should be set aside for the administrator's salary. At least one

accessory apartment must be constructed by the third year (first review) of approval or COAH could make the municipality amend their plan.

Chairman Pihokken asked if an affordable housing plan must be implemented once the housing plan is approved and Ms. Kimball stated that this is required once a certificate of occupancy is issued. Ms. Bollheimer stated that if a municipality fails to meet the affordable housing obligation they may lose control of planning the development of a property if a developer comes in with a plan for affordable housing units. If Council chooses to participate they have to determine the mechanism that will be used for this obligation. She advised of two options, they can rezone the property to build five affordable units somewhere outside of the airport hazard zone or they can preplan the development of a property.

She stated that she recommends we market a program and find an administrator to oversee the program. In addition to the administrator, a housing liaison must be appointed. She has been the housing liaison for the Borough but someone new should be appointed because the new COAH rules require this person be an employee of the Borough. R. Whitlock stated that a liaison from an adjacent municipality can use hired as the liaison. Ms. Kimball stated that an ordinance is needed to create the housing liaison position and the administrator. Accessory apartments could fall under conditional use approval so the Planning Board would oversee the review. The administrator will be the contact for the municipality; they will supervise the housing liaison and make sure that COAH reporting is done. The administrator must be able to represent that there is enough water and sewer capacity for these units so we are able to meet the criteria for accessory apartments. When a development application is submitted, the administrator will review the application to determine if it is feasible and then work with the Building Official once it is clear that something will be developed with the issuance of a certificate of occupancy. She advised that the spending plan must be updated and noted other documentation that is needed:

- A resolution requesting approval of the spending plan.
- Resolution for funding the costs.
- A parking ordinance.
- Resolution for the housing liaison and agent.
- Resolution appointing the housing liaison.
- Resolution for the administrator.
- Resolution that we will pay the money for the administrator's services.
- Update of Master Plan and affordable housing regulations.

Ms. Bollheimer stated that the Planning Board is responsible for the housing element; all other matters will be reviewed and approved by Borough Council. Ms. Kimball stated that she would like to present a draft housing plan for review at our September meeting. She will be away in October and a public meeting could occur prior to her return in November. She advised that the draft should also go to the governing body and joint meetings will be needed. By December 25th Borough Council must have a resolution endorsing the housing element and send the plan to County along with the resolution.

Motion was made by R. Whitlock and G. Morren seconded the motion to recommend preparation of an amended housing element. The vote was 7-0 in favor. Motion carried.

For: Cann, Hasser, Morren, Pihokken, Whitlock, Youtz, Yuchmow
Against: None
Abstain: None

Ms. Kimball advised that she will send a memorandum to the Mayor and Borough Council identifying the role of the housing liaison and administrative agent and if an accessory apartment program is included in the plan then a liaison for this will be needed. This also must be formalized in the ordinance.

The meeting adjourned at 9:30 pm.

Respectfully submitted,

Kerry A. Philip
Secretary