

ROCKY HILL PLANNING BOARD
Minutes of the September 12, 2006 Meeting

Present: R. Ayrey, R. Batchelder, C. Cann, G. Morren, C. Pihokken, T. Roshetar, R. Whitlock, A. Youtz, J. Yuchmow

Absent: J. Hasser, G. Oakley

Also present: V. Kimson, S. Kimball 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

June 29, 2006 – postponed to next meeting.

RESOLUTION

- a) Pulte Homes (Schafer Tract)
Preliminary/Final Subdivision
Princeton Avenue; Block 10, Lot 19

V. Kimson, Esq., stated that the applicant has advised that there is the possibility of a water line connection to an existing line on Princeton Avenue. The applicant has indicated that they will explore this option and come back before the Board with an amended site plan application limited only to the water line location.

Motion was made by R. Whitlock and A. Youtz seconded the motion to approve the resolution for Pulte Homes. The vote was 5-0 in favor. Motion carried.

For: Batchelder, Morren, Pihokken, Whitlock, Youtz

Against: None

Abstain: None

R. Batchelder stepped down from the following discussion.

DISCUSSION: MASTER PLAN AMENDMENT

Susan Kimball, Planning Consultant for the Board, stated that the projected growth share obligation is nine affordable housing units, which represents development that is to occur from two sources. The first involves the construction of 34 units for the Pulte development and the second represents five units generated from the commercial portion of development of the Scassera property. She stated that there is no plan to develop that parcel at this time so there is no immediate time frame by which the obligation must be met, but it is included in the growth share obligation as possibly being built-out by 2013. She advised that this is just a projection; the affordable units are not required until a certificate of occupancy is issued for the market-rate development. The nine unit obligation would be satisfied by an accessory apartment program. Ms. Kimball recommended that the municipality retain a qualified administrator very soon. COAH monitors how much development has taken place by requiring annual reports about building activity and implementation of the plan. On the third anniversary of the approval of the plan there will be a formal review by COAH and adjustments to the plan can be required at that time.

Regarding the fair share plan, Ms. Kimball stated that Borough Council discussed this and it was determined that the accessory apartment program may work well in Rocky Hill. The accessory apartment program offers monies to homeowners. There are a number of large homes historic in nature and these are the types of homes that homeowners may consider building an addition in order to provide an accessory apartment. Ms. Kimball stated that she called COAH and they will look at Rocky Hill to determine if this approach is realistic. She stated that if COAH wants a study or a more detailed description of this program, this can be done. COAH typically requires many follow up submissions before approval is granted. The accessory apartments would also qualify as satisfying the rental unit obligation and would generate rental bonuses if successful. Ms. Kimball stated that rent for an affordable housing unit is calculated at 30% of the COAH income limits for low income households. For an individual to qualify for low income housing a maximum annual income of \$33,530 is required for a one person household and \$38,820 for two people. The administrator will develop a pool of qualified prospective tenants and run credit checks on the individual and refer the eligible party to the homeowner. The fees associated with administering the program can be paid for with the money taken in for development fees. She advised that the homeowner has normal rights that any landlords has and could most likely refuse to rent the unit to a particular tenant but they can not discriminate and if it is continuous this will be a problem. Ms. Kimball stated that a regional marketing strategy is needed and Ms. Kimson stated that it should be statewide. Ms. Kimball advised that the housing coordinator maintains a list of those people interested in affordable housing and they refer to that list to advise the current status of affordable housing need. Ms. Kimball stated that she recommended that realtors work along with the administrator. Sufficient parking should also be available on site and since conditional use approval is needed the Planning Board will review each application. A one-time subsidy payout of \$20,000 is offered to homeowners and a deed restriction would be placed on the property for 30 years in order to abide by COAH controls. R. Whitlock asked if the person returns the money, could the deed restriction be reversed? Ms. Kimson stated that she is unsure and Ms. Kimball stated that she did not think this was permitted. Ms. Kimson stated that she will look into a buy back option and perhaps this could be included in the language. Ms. Kimball

stated that an accessory apartment is proposed to be limited to 750 square feet in size in the draft ordinance.

J. Yuchmow stated that he is concerned about the increase in liability and asked if the individuals insurance would be affected, Ms. Kimball stated that she did not know about insurance issues but the program is voluntary on the part of the homeowners. She stated that there are several ways to meet the affordable housing obligation including purchasing a house and converting it to affordable housing. Another approach would be to transfer up to one-half of our obligation to another municipality. Rezoning a property for market rate affordable housing is another approach. A municipality can withdraw from COAH at any time but without this jurisdiction you are open to litigation in the future. She advised that some municipalities have decided not to participate in the third round. Ms. Kimson stated that the housing plan should satisfy the Mt. Laurel obligation.

Financing was then discussed, Ms. Kimball stated that COAH requires the Borough to appoint a housing liaison who much be a Borough employee or services could be provided under an interlocal services agreement with another community. The liaison's responsibility is to offer the public contact information and files reports with COAH. A dedicated phone line could be set up to handle the requests and development fees would pay for the phone line. The Borough's growth share projection must be consistent with the state growth projections through 2015. The Borough's projections are based on zoning and build-out of remaining land that is anticipated to be developed by 2014. Ms. Kimball concluded by stating that there should be 13 items submitted for this review and those items are noted at the end of the draft document. If the board is satisfied with the document then a public hearing must be scheduled before December 4th. Chairman Pihokken stated that the public hearing will occur in October. Ms. Kimball stated that since the Board did not have any changes to the draft ordinance, the draft dated 8/31/06 should be sent to the County and advertised for a hearing.

The meeting was then opened to the public.

Philip Hayden, Washington Street, asked if a homeowner accepts the COAH accessory apartment provision and receives a credit of \$20,000 is there a provision between the market value rent and the COAH rent? Ms. Kimball stated that if the administrator accepts this provision and if the person has an income of \$10,000, 30% of that income would be for the rent and a Section 8 voucher is available to cover the remaining rent for that unit. Mr. Hayden stated this encourages reuse of excess space on the property or within the home and also encourages preservation. He stated that this can also provide a 10-20% tax credit for the renovation of the property and recommended the historic preservation tax credit program be meshed with the affordable housing program. Mr. Hayden asked about pre-existing nonconforming apartments. Ms. Kimball stated that the non conforming use is permitted to continue but the apartment would not be considered for a COAH unit.

Being that no one else wished to address the Board, the public portion of the meeting was closed.

The next meeting is scheduled for Tuesday, October 10, 2006.

Motion was made by T. Roshetar and J. Yuchmow seconded the motion to adjourn the meeting at 9:00 p.m.

Respectfully submitted,

Kerry A. Philip
Secretary