

**MINUTES - PLANNING BOARD
SPECIAL MEETING
December 12, 2018**

PUBLIC HEARING - ROOM 107

1. STATEMENT OF COMPLIANCE WITH OPEN PUBLIC MEETINGS ACT

Ms. Murray called a public meeting of the Cranford Planning Board to order on December 12, 2018 at 7:41 p.m. in Room 107 of the Municipal Building, 8 Springfield Avenue, Cranford, New Jersey. Ms. Lenahan announced this meeting is in compliance with the "Open Public Meetings Act" as adequate notice of this meeting has been provided by publishing of the Board's annual schedule of meetings in the Westfield Leader and the Star Ledger with the agenda specifying the time, place and matters to be heard having been posted on a bulletin Board in the Town Hall reserved for such announcements and the filing of said agenda with the Township Clerk of Cranford. Formal action may be taken at this meeting.

2. FLAG SALUTE

3. ROLL CALL:

Members Present:

Ms. Murray
Ms. Anderson
Dr. Chapman
Mr. Cossa
Deputy Mayor Dooley
Ms. Feder
Mayor Hannen
Ms. Pedde
Mr. Taylor

Members Absent

None

Alternates Present:

Mr. Aschenbach
Ms. Didzbalis

Alternates Absent:

None

Also Present:

Mark Rothman, Esquire; Ron Johnson, Zoning Officer, Kathy Lenahan, Administrator/Scribe

4. Public Hearing on Adoption of the 2018 Third Round Housing Plan Element and Fair Share Plan Element of the Master Plan. Action may be taken to adopt the 2018 Third Round Housing Plan Element and Fair Share Plan upon the completion of the hearing.

Michael Mistretta from Harbor Consultants appeared and was sworn in. He is appearing for the Township of Cranford as the Affordable Housing Planner. Presented the Housing Plan Element and Fair Share Plan dated 11/30/18. Exhibit M-1 is the Plan and the PowerPoint presentation. Document is in two parts – the Township of Cranford's Master Plan Housing Plan Element and the Township's Fair Share Plan. Reviewed what must be included in both the Master Plan and Fair Share Plan to be compliant.

Stated he is here to discuss how the Town will satisfy its Third Round Affordable Housing obligation. Stated the Township received a Judgment of Compliance and Repose on May 22, 2013 which continues through December 31, 2018. Reviewed the requirements ordered by the Court in two stages: First, make a motion on to how to cure the 20-unit gap on the previous approved housing plan. Second, file a declaratory judgment with the plan attached. Township made that motion on May 24, 2018 to cure the 20-unit gap. On November 20, 2018, the Township filed the declaratory relief action.

Stated a JOR is a judgment of repose from the Court.

Stated the 20-unit gap is a result of the CDA Property, which was to be 360 units which would have included 54 affordable units. Property was purchased by another developer and now there will be 225 units with 34 affordable units, creating the 20-unit gap.

Stated that the Special Master is a Planner appointed by the Court. Oversees the process and gives guidance to the Town. Is an expert in Affordable Housing. Stated they did have meetings with the Special Master regarding the CDA project. Court decided that Cranford had to add 20 units to the RDP – Realistic Development Potential.

Jeffrey Surenian appeared and stated he is the Affordable Housing Attorney for the Township.

Board Member asked him to explain the RDP.

Mr. Surenian described the Fair Share Formula. Also defined what is a "set aside". A set aside is a calculation of the percentage of units per acre and 20% of units to be affordable.

Mr. Mistretta stated Birchwood with 225 units \times 20% = 45 The RDP is 45.

The RDP is 20% of density of project, however when project is a rental, 15% of units have to be affordable. Birchwood produced 34 units due to it being a rental project.

Defined inclusionary development as the affordable housing units being mixed throughout the project.

Discussed the reasons why the Housing Plan Element and Fair Share Plan is consistent with the goals and objectives previously adopted in the Master Plan. Stated the housing plan will capture any and all units which are credit worthy.

Discussed the number of group homes as 22 and the Town has potential of 34.

Presented a PowerPoint presentation. Presentation is in three phases:

- Prior round obligation
- 2013-2018 change of circumstances
- Satisfaction of the RDP

Questions posed by Board ascertain the following:

The overlay area is an area that sits on top of an existing zone (see pages 31 & 32 of report), which would capture units as they become available for development. Some of the conditions edited in conjunction with the Special Master are: apartment size of 700 sq. ft. has been reduced to 600 sq. ft. and the minimum lot size of 5000 sq. ft. is no longer required. Item E has also been struck. Currently a developer could come to the Town and build 20 units per acre and not provide any affordable housing, with this plan there will be a mandatory set aside ordinance (page 33 of report) stating that any residential project of 5 units or more will need to provide affordable housing of 15% rental or 20% for sale units. The overlay area has an established density. Transitional housing will not be allowed since the Township does not get credit for transitional housing. Would need to work with the Special Master to possibly get credits on transitional housing. Properties would need to be deed restricted for a period of 30 years for Cranford to get credit for it as an affordable unit. The ORC Zone on the north side of North Avenue between the river and the parkway is preexisting and currently has the same density. Not increasing the density, just relaxing some of the conditions.

Jeffrey Surenian discussed the difference between the overlay zone and a mandatory set aside ordinance. The overlay zone was designed to address the unmet need. Trying to create an incentive. The mandatory ordinance is for areas not in the overlay zone. This ensures that a developer satisfies the obligation it generates. Mandatory ordinance is town wide. Discussed the role of the Special Master. Stated Plan must be approved by the Judge and everything is subject to change.

Mr. Rothman asked Mr. Mistretta a series of questions based on his experience as a professional planner regarding the Plan that is before the Board this evening.

Mr. Mistretta responded yes to all the questions posed by Mr. Rothman. Stated the Plan he has presented tonight is a solid plan.

Mr. Surenian asked Mr. Mistretta several questions regarding the Plan before the Board this evening.

Mr. Mistretta responded yes to the questions posed by Mr. Surenian.

Board members asked Mr. Surenian what are the constitutional obligations of the Town.

Mr. Surenian stated each town has a constitutional obligation to provide affordable housing. COAH establishes the standards. Described the housing cycles. Stated there has been changed circumstances and as a result, the adjusted number climbed from 5 to 85 and the judge added 20 more due to the gap from the Birchwood project. If we comply voluntarily, there is protection and the Town can make choices that are best for the community. If we do not, then the judge will write the plan. Stated Round Three goes till 2025.

Questions posed by Board to Mr. Mistretta ascertained the following:
The plan presented tonight was a critic between the Special Master and the Planner. Comments made by the Special Master about the plan makes it more compliant. Stated there is a letter from the Special Master about the recommendations that were made and recommending moving forward with this Plan. The job of the Special Master is to report to the Judge. He or she works for the judge not the town.

Ms. Murray asked the Public if anyone had questions for this witness, with the following appearing:

Karen Capone – 37 Arlington Road – Asked questions about the relaxed standards in the ORC Zone and about the differences between what exists today and the proposed relaxed standards.

Mr. Mistretta reviewed the items in the report dated 11/30/18 that have been relaxed, specifically, Items D, E, F. Stated Item G lists new conditions. Stated there is no change to any other bulk standards.

Rita LaBrutto – 104 Arlington Road – Asked when did the Planning Board discuss changing the ORC to 20 units per acre and who made that change. Stated it was never on a Planning Board agenda.

Mr. Rothman stated that the ORC would come before the Planning Board for consideration, but the Township Committee adopts the ordinance. If Planning Board did consider it and did not respond, the Township Committee could act after 35 days having deemed it a recommendation.

Ms. LaBrutto asked Mr. Mistretta about putting mixed use on Hamilton Avenue. Asked about the intention of the ORC and that the ORC was meant to be friendly to the residential areas bordering North Avenue. Asked about Woodmont backing to railroad and the ORC backs to residential. Asked about a developer coming in and getting rid of the Victorian homes and changing the character of the town. Asked about changing the overlay to the opposite side of the street that backs to the railroad. Asked about how many acres are between Springfield and the parkway.

Mr. Mistretta stated he is not putting mixed use on Hamilton Avenue, he is only relaxing the conditions in the zone. Not changing the use. Stated a developer could come in tomorrow and submit an application for the same density as what is proposed in the plan. If the Board wants him to consider looking at the area across the street, he will. Stated the ORC Zone is 24.52 acres.

Don Smith – 21 Oneida Place – Asked about the density and how is the number determined and is the overlay area potential for development down the road. Asked what happens if no one comes forward to develop the properties between now and 2025. Asked about after 2025, is there any thoughts about round four or round five.

Mr. Mistretta stated if it is an approved project, the density has already been determined by units per acre. Prospective projects are a proposed density. Stated you have to determine unmet need and find areas in the Township that you can capture.

Mr. Surenian stated that the Town has an obligation to create a realist opportunity for realist development potential. Discussed sound planning.

Kathy Allegro – 17 Shetland Drive – Asked about the inclusionary housing component in G2 of 20% for sale and rental units. Asked about the 105 being a realistic development potential and about the rental bonus credits.

Mr. Mistretta stated that in the overlay area it is 20% for sale or rental units. Stated if you do rentals you do get a bonus credit. It is a way to incentivizing rentals. Family rental units mixed in is a preferred way of satisfying your obligation.

Mr. Surenian stated that the percentage could change over the course of the process. Stated that 105 is a very solid number.

Frank Krause – 20 Pittsfield Street – Asked about motion being extend through March of 2019.

Mr. Surenian stated Town will still claim the rental bonus. Judge added 20 units to the RDP, instead of 85 it will be 105 units. Net impact is 10 units.

Rita LaBrutto – 104 Arlington Road – Asked about the Myrtle Street properties and the credits. Asked why not a two-family home. Asked about height of 42 units and about a parking garage. Asked about the vacant land adjustment.

Mr. Mistretta – Stated we own land on Myrtle Street and looking to do two group homes and a mixed-use project. Stating putting two group homes will capture 8 units and address a need. Trying to mix group homes into the community. Stated height depends on how much actually gets developed and that every surface parking space is replaced one for one. Discussed surface parking and downtown businesses. Vacant land analysis was 5.

Don Smith – 21 Oneida Place – Asked about an expanding of special needs housing. Asked about the March 2018 letter from PSE&G and who did it go to. Stated Hartz said they did not receive a letter from PSE&G.

Mr. Mistretta stated to expand they would need to go through the approval process and get approval by the Township Committee. Stated letter from PSE&G went to the Township.

Mr. Rothman stated that the offer is speculative from PSE&G.

Frank Krause – 20 Pittsfield Street – Asked if this is the only hearing.

Mr. Rothman stated the notice included tonight and tomorrow night.

Board member asked about areas on North and South Avenues on other side of the parkway and why they are not included in overlay.

Mr. Mistretta stated they tried to stay in areas with 20 units per acre. Would need to see what the permitted uses are for those areas. Could be expanded if that is the recommendation of the Board.

Board member asked about Cranford's constitutional obligation to comply with a Fair Share Housing Plan and if this plan meets that obligation.

Mr. Surenian stated yes and if it is accepted by the Board, they will submit the plan to the Court.

Kathy Allegro – 17 Shetland – What is the next step.

Mr. Surenian stated the Township needs to adopt a resolution endorsing the Plan, if Board approves it. Then it is filed with the Court and there are negotiations.

Rita LaBrutto – 104 Arlington Road – Asked about the properties beyond the parkway next to the railroad tracks. Asked if it is possible to look at moving some of the overlay zone away from where it borders residential areas.

Board member stated that property is slated to be a Wawa.

Mr. Mistretta stated he would like to look at those areas and the permitted uses today and see if they can expand or modify those areas.

Mr. Rothman stated he is introducing correspondence from Hill Wallack, LLP. The author is Stephen Eisdorfer, Esq. who is present at this meeting. Letter is dated December 11, 2018 and addressed to the Chairman. Correspondence is accepted and marked as HW 1.

Ms. Murray asked if there are any public comments on the Plan. There were no public comments.

**5. DELIBERATION OF RESOLUTION #2018-11
Public Hearing on Adoption of the 2018 Third Round Housing Plan
Element and Fair Share Plan element of the Master Plan. Action may be
taken to adopt the 2018 Third Round Housing Plan Element and Fair Share
Plan upon the completion of the hearing.**

Ms. Murray reviewed the testimony presented.

Board comments consisted of the following:

Town has a constitutional obligation and a time constraint. It is a solid plan. Professionals tell the Town that it meets our constitutional obligations. Planner has done an excellent job. Town needs a plan to integrate not only our own affordable housing but to accommodate what is

coming on our borders. Plan is very good considering the constraints that the Town is under. Nothing is going to be perfect. Goal is to do what needs to be done to keep our town somewhat the way we want it, by complying with our obligations for affordable housing. Member stated they were on the Board in 2013 and was not easy. This time we are in control of process, not the Court. It is a compliant, solid plan. Consistent with our Master Plan. In favor of Cranford directing this process. Credible plan and helps the Town meet its obligation. Still has concern about the overlay area. Does not seem to match with the Master Plan regarding the church and Victorian homes. Important that process continues. Should be a Township directed process. Town has created more affordable housing units by our own process then by massive development. It is a credible plan.

Motion to adopt the 2018 Third Round Housing Plan Element and Fair Share Plan of the Master Plan was made by Ms. Anderson and seconded by Ms. Feder with the following voting in favor of motion: Ms. Murray, Ms. Anderson, Dr. Chapman, Mr. Cossa, Deputy Mayor Dooley, Ms. Feder, Mayor Hannen, Ms. Pedde and Mr. Taylor.

Ms. Murray read the resolution adopting the Third Round Housing Plan Element and Fair Share Plan.

Motion to accept the formal resolution was made by Ms. Anderson and seconded by Ms. Feder with the following voting in favor of motion: Ms. Murray, Ms. Anderson, Dr. Chapman, Mr. Cossa, Deputy Mayor Dooley, Ms. Feder, Mayor Hannen, Ms. Pedde and Mr. Taylor.

8. PUBLIC PORTION

Don Smith – 21 Oneida Place – Asked if the Freeholders in Union County provided any direction about the massive development.

Mr. Rothman stated the County was notified of this meeting and the meetings at the County are open. No response was received from the County for this meeting.

Rita LaBrutto – 104 Arlington Road – Stated this was not a collaborative effort and the Town was not involved. There was no mapping provided as to what was going into the zones. Township Committee worked with a planner and decided what the Town will look like. There should have been an affordable housing committee and involved the residents. Disappointed. Planner does not know the Town as well as residents know the Town. Overlay could have been done without affecting residential areas.

Ms. Murray announced there will not be a meeting tomorrow evening.

There being no further business, a motion to adjourn the meeting was regularly made, seconded and passed. The meeting concluded at 10:50 p.m.

Donna Pedde, Secretary