

**Kingwood Township
Housing Board Meeting Minutes
September 9, 2008**

Call to Order

The meeting was called to order by James Burke at 5:15 P.M.

Notice Requirements

Adequate notice of this meeting was provided in accordance with the Open Public Meetings Act by telefaxing a copy of the notice to the Delaware Valley News, Express Times, Hunterdon Democrat, Courier News and the Star Ledger on September 5, 2008. A copy of the notice was also posted in the Kingwood Township Municipal Building and Post Office on September 5, 2008.

In order to ensure full public participation in this meeting, all members of this committee or Board, and also members of the public are requested to speak only when recognized by the Chair so that there is no simultaneous discussion or over talk, and further, all persons are ,the Township. Your cooperation is appreciated.

Roll Call

Present: James Burke
Phil Lubitz
Richard Abbott
James Wells

Absent: Ron Hartpence

Also present at the meeting were David Banisch and Angela Clerico from Banisch Assoc., and Secretary Keller.

Deputy Mayor Burke opened the meeting at 5:15 PM. He noted that the Housing Board is present tonight to discuss the Township's COAH Round Three Affordable Housing Plan. COAH is requiring municipalities to submit updated Housing Elements and Fair Share Plans by December 31, 2008. The Board discussed many different options for their plan.

#2

Housing Officer, Phil Lubitz handed out an article from the Daily Record of August 19, 2008. He noted that he spoke with Michael Armstrong, who is Executive Director of Community Hope. It is a housing organization in Morris County that has been working with Lyons Veterans Administration. They serve many homeless veterans in the area, as are working to find more permanent housing for veterans that leave the transitional program. Mr. Lubitz spoke with Michael Armstrong and learned that they are very interested in expanding their services to Hunterdon County. He noted that they work by putting the financial packages together. He would like to invite Michael Armstrong to attend the next Housing Board meeting to speak to the board members if he is available.

Another piece of information Mr. Lubitz handed out from the Monarch Housing Associates, which is a development organization. He explained that they do not build homes, but they write federal grants and put together the funding packages. He explained that Richard Brown, Director of the program has been involved with housing for thirty years and Monarch Housing has been around for about 15 to 20 years. Richard Brown is interested in mixed use developments. Mr. Lubitz would like Mr. Brown to come speak to the Housing Board to familiarize them with the program.

The Township's Planner David Banisch handed out a memorandum he prepared for the meeting. The memorandum is an update of the NJ Council on Affordable Housing COAH Obligation. Mr. Banisch explained the updated rules and amendments of the Third Round Affordable Housing Obligation.

The following is the attachment of the Memorandum which was discussed:

Memorandum

To: Kingwood Township Housing Board

From: David J. Banisch, PP/AICP
Angela Clerico, AICP/LEED

Date: September 9, 2008

Re: Updated NJ Council on Affordable Housing (COAH) Obligation

Kingwood Township's Third Round Affordable Housing Obligation has been a moving target during the course of the past two months. COAH adopted one set of regulations on August 6, which identified the Township's affordable housing obligation, only to amend the regulations through publication of proposed amendments, which increased the Township's affordable obligation as follows:

#3

As per updated rules, effective June 6, 2008

Updated Affordable Housing Prior Cycle Need:		19	
	Rehab Share:		11
	Growth Share:	59	
Residential:	269 units / 5 = 53.8		
Nonresidential:	75 jobs / 16 = 4.68		
	Total:	78	11

Kingwood Township's Third Round Affordable Housing Obligation:

As per rule amendments, published June 16, Comment period ending August 15, effective date anticipated October 2008

Updated Affordable Housing Prior Cycle Need:		19	
	Rehab Share:		11
	Growth Share:	64.8	
Residential:	284 units / 5 = 56.8		
Nonresidential:	128 jobs / 16 = 8		
		84	11

With the proposed amendments to COAH's adopted rules, COAH has advised municipalities to adopt the posture that the proposed amendments, which are expected to become effective prior to the end of the year, will become final.

The proposed amendments increase the Township's obligation by approximately 6 new construction units to a total of 84 units, including the updated prior round obligation of 19. The eleven (11) rehabilitation units remain unchanged in the proposed amendments.

At this juncture, COAH is requiring municipalities to submit updated Housing Elements and Fair Share Plans (HE/FSP) by December 31, 2008.

Kingwood Township's initially filed HE/FSP for the 3rd Round (2004-2014) fully satisfied an obligation of 33 affordable units. The approaches described in the plan remain valid, and included the construction of affordable rental housing on two Township owned properties, an Easter Seals group home and accessory apartments.

#4

The Township has engaged in discussions with Habitat for Humanity to construct a total of eight (8) new construction, owner-occupied dwelling units on an 8-acre portion of Block 19, Lot 5.01, commonly known as the Ukarish Farm. On September 8, we attended a meeting with the Township Attorney, Township Engineer and representatives of Habitat for Humanity to identify the requirements for Habitat to construct the 8-units of affordable housing. Habitat's requirements are as follows:

1. Township to provide the a fully approved and improved subdivision as follows:
 - o Fully approved 8-individual lots, ranging in size of approximately .7 to 1.3 acres in area;
 - o Individual potable water wells for each lot;
 - o Septic system for each lot;
 - o Fully designed and constructed stormwater management system for the subdivision;
 - o Fully constructed cul-de-sac road; and
 - o \$5,000 contribution per lot.

The Township professionals are currently engaged in addressing the details outlined by Habitat for Humanity to construct this eight unit subdivision of affordable housing.

Accessory apartments. The Planning Board has begun to request that applicant's provide affordable accessory apartments in conjunction with subdivision approval, and has recently produced two such units of affordable housing that may be counted toward the Township's affordable housing obligation. It is expected that the Planning Board will continue the practice of accumulating affordable rental accessory apartments in the future.

Revised rules:

Recent legislation signed by the Governor in August, combined with COAH's revised rules and proposed rule amendments, identify the following requirements for a municipalities' fair share plan:

1. Regional Contribution Agreements have been eliminated.
2. Payments in lieu of construction will be fixed according to the region in which the municipality is located. Kingwood Township is in Region 3, for which the payment in lieu of construction is fixed at \$145,903 (N.J.A.C. 5:97-6.4.c.3.).
3. Payments in lieu of construction may only be charged under growth share ordinances for residential development that require an affordable inclusionary component.

4. These types of ordinances, which permit either 20% affordable housing construction in the development or payments in lieu of construction are required to permit development at a minimum presumptive density increase over existing zoning of 40% for Planning Areas 3, 4 and 5. For Kingwood Township's 7-acre zoning, this will result in a density or minimum lot size of 5-acres. Other incentives such as reduced lots sizes may also be required (5:97-6.4.b.2.iv.);
 5. Nonresidential development will no longer be subject to growth share ordinances. All nonresidential development will now be subject to a 2.5% development fee on the increase in equalized assessed valuation;
 6. A minimum of 25% of the 3rd Round obligation constructed in the municipality must be rental affordable housing (N.J.A.C. 5:97-3.11.(b)2.);
 7. A minimum of 50% of the 3rd Round obligation constructed in the municipality must be *family unit affordable housing* (defines as a residential dwelling available to the 4 general public and not restricted to any specific segment of the population) (N.J.A.C. 5:97-3.9);
 8. At least 50% of the rental housing obligation addressed within the municipality must be met with family housing in the Fair Share Plan (N.J.A.C. 5:97-3.4.(b)). Rental housing may be a combination of the following:
 - An affordable rental development,
 - Accessory apartments,
 - Rental units through a market to affordable program;
 - Supportive and special needs housing; and/or
 - Agreements with developers to construct and administer affordable rental units as part of an inclusionary development or redevelopment area.
- COAH defines 'family unit' as a residential dwelling available to the general public and not restricted to any specific segment of the population) (N.J.A.C. 5:97-3.9);
9. Age-restricted housing is capped at 25% of the prior round and growth share obligation (N.J.A.C. 5:97-3.10(c)1.&2.)

List of Mechanisms for Addressing the Fair Share Obligation

- Rehabilitation (N.J.A.C. 5:97-6.2) – minimum \$10,000 per unit and include one or more major building systems (minimum of 10 required);
- ECHO (Elder Care Housing Opportunity) units (N.J.A.C. 5:97-6.3) – maximum of 10 units permitted;

#6

- Zoning for inclusionary zoning (N.J.A.C. 5:97-6.4) see summary discussion in #2 above re growth share and payments in lieu of construction.
- Redevelopment (N.J.A.C. 5:97-6.6) – designated Redevelopment Areas in accordance with the New Jersey Housing and Redevelopment Law;
- Municipally sponsored and 100 percent affordable developments (N.J.A.C. 5:97-6.7);
- Accessory Apartment Program (N.J.A.C. 5:97-6.8) – maximum of 10 units permitted; minimum subsidy required of \$20,000, minimum affordability control period of 10-years required;
- Market to Affordable Program (N.J.A.C. 5:97-6.9) – minimum subsidy of \$25,000 per unit required, no more than 10 for sale and 10 rental units permitted, may be increased depending on success of program;
- Supportive and special needs housing (N.J.A.C. 5:97-6.10) – includes: residential health care facilities; group homes for the developmentally disabled or mentally ill; permanent supportive housing; and supportive shared living housing. Long term health care facilities including nursing homes, and Class A, B, C, D, and E boarding homes do not qualify. Bedroom is the unit of credit; occupancy limited to one individual per bedroom;
- Assisted Living Residence (N.J.A.C. 5:97-6.11) – licensed by the NJ Dept. of Health and Senior Services, NJ Dept. of Human Services;
- Affordable Housing Partnership Program (N.J.A.C. 5:97-6.13) – contract with another municipality in the region to construct affordable housing, limited to 50% of the obligation, no credit given to more than one municipality for the same unit; -COAH advises that this is to be eliminated along with the elimination of the RCA's.
- Extension of Expiring Controls (N.J.A.C. 5:97-6.14) – unit must meet prior cycle or post 1986 credits; controls must be expiring during the 1999 through 2018 period, must meet all code standards,
- Other Innovative Approaches (N.J.A.C. 5:97-6.15) – municipality may propose alternative innovative means of addressing the affordable housing obligation.

Bonus credits – allowable only after the minimum rental requirement for the obligation is met (minimum 25% of obligation; 50% of family unit obligation).

#7

NJDEP updated wastewater management planning rules found at N.J.A.C. 7:15, identify what municipalities must now use as the maximum permitted density for residential development in areas dependent on individual on site septic systems (see attached map, entitled HUC 11 Delineations for Kingwood Township. Growth share ordinances may now be implemented, provided they respect the maximum densities identified by NJDEP, and further, should include requirements for clustering to reduce the cost for production of affordable housing.

The Township could consider the use of mixed use nonresidential/affordable housing projects as a component of the affordable housing plan. Certain zoning districts located along Route 12 may be appropriate candidates for such an approach to providing affordable housing for the Township. We trust that the Board will find this information useful in its consideration of this matter.

There was a lengthy discussion on Habitat for Humanity, and how they are working on constructing (8) new owner occupied dwelling units on (8) acres of Block 19, Lot 5.01 the Ukarish Farm. It was discussed what has already been done on the property to prepare for this project. There is also a plan to accumulate affordable rental accessory apartments in the future.

Mr. Banisch handed out and reviewed maps of zoning and tax class, and HUC 11 Delineations outline as of September 2008.

Mr. James Wells discussed several options for housing. Deputy Mayor Burke discussed researching the possibility of using the apartments that currently existing on properties, and the options for applying them for the Township's plan. He explained the definition of an accessory apartment. The Housing Board will be working further on this project.

Mr. Banisch explained that at the Township Committees December meeting, they should adopt a resolution endorsing the Housing Fair Share Plan petition for the Council on Affordable Housing. He noted that the Planning Board will be adopting a Housing Element and Fair Share Plan in November in order for the Township Committee to adopt a plan in December. Mr. Banisch feels the Housing Board must have a draft plan in October and, therefore, feels it is important for the Housing Board to meet at the end of September.

The Housing Board all agreed to meet on Tuesday, September 23, 2008 at 5:30 PM, and Tuesday, September 30, 2008 at 5:00 PM.

Mr. Banisch suggested everyone put together a memo as to what they gathered at this meeting, and to discussed the details on September 23.

The meeting was adjourned at 6:45 PM.

Respectfully submitted,

Cynthia L. Keller, RMC
Secretary