

**Planning Board Minutes
Town of Belvidere
Warren County, New Jersey
July 24, 2014**

Harold Halvorsen opened the regular meeting of the Belvidere Planning Board with the Pledge of Allegiance and read the following notice in compliance with the Open Public Meetings Act: In accordance with Chapter 231 of the Public Laws of 1975, notice of this meeting was given by way of notice filed with the Star Gazette and/or the Express-Times, filed in the Municipal Clerk's Office and posted in Belvidere Town Hall, 691 Water Street, Belvidere NJ.

Roll Call:

Present - Michael Belby, David Dech, Andreas Eisenberger, Lawrence Gregan, Harold Halvorsen, Michael Luna, Charles Makatura, William Murphy, Linda Stettler, Charlotte Warnick
Absent - Patricia MacCallum

Approval of Minutes:

A **motion** was made by Charlotte Warnick, seconded by David Dech with Harold Halvorsen and Michael Belby abstaining and all others voting "yes" to adopt the June 23, 2014 meeting minutes of the Belvidere Planning Board.

New Business:

A **motion** was made by Charlotte Warnick and seconded by Michael Belby to adopt Resolution No. PB2014x01.

RESOLUTION NO. PB2014x01

TOWN OF BELVIDERE

PLANNING BOARD

RESOLUTION REGARDING

**COMMENTS TO NEW PROPOSED COUNCIL ON AFFORDABLE HOUSING
THIRD ROUND SUBSTANTIVE RULES (PROPOSED CHAPTER 5:99)**

WHEREAS, the Town of Belvidere Planning Board held a joint meeting with the Town of Belvidere Town Council on July 24, 2014 and discussed the current status of the Town's Affordable Housing obligation; and

WHEREAS, a recent New Jersey Supreme Court ruling on September 27, 2013 upheld and endorsed a prior Appellate Division ruling that struck down Council On Affordable Housing's (COAH) third round growth share methodology. The decision affirmed that COAH must publish new third round rules and municipal affordable housing obligations; and

WHEREAS, COAH introduced new Third Round Substantive Rules (Proposed Chapter 5:99) on April 30, 2014 which are intended to replace the invalidated growth share rules (Chapter 97) and are scheduled to become effective on November 17, 2014; and

WHEREAS, the new proposed rules were thereafter published by COAH in the June 2, 2014 edition of the New Jersey Register and which contained revisions since the initial release by

COAH on April 30, 2014; and

WHEREAS, Public comment on the rules will begin in June and extend through August, 2014; and

WHEREAS, the Town of Belvidere Planning Board has concerns regarding the adoption of the new proposed rules in the form presented and objects to same;

NOW THEREFORE BE IT RESOLVED, that the Town of Belvidere Planning Board urges the Town Council, other municipality governing bodies and municipal planning Boards to take the necessary action to oppose the adoption of the new proposed rules and to contact their respective legislators to oppose same;

BE IT FURTHER RESOLVED, that the Town of Belvidere Planning Board provides the following general comments as to the proposed rules and their impact upon the Town in opposition to the adoption of the proposed rules:

1. The list of mechanisms to address the fair share of prospective need does not include Market to Affordable programs nor Accessory Apartment programs. This is problematic for the Town of Belvidere since the 2010 Housing Element and Fair Share Plan that the Town adopted proposed both a Market to Affordable program and Accessory Apartment program to address the Town's obligations under the then rules. These mechanisms were ideal for the Town since there is insufficient vacant land and there is an existing rental market in Town with rental rates that are consistent with COAH requirements. The Town did not have to rezone any property as part of the housing plan that was previously adopted because of its ability to use these mechanisms. If the rules are not amended to allow such mechanisms, the Town will have to overhaul its housing plan and look at other mechanisms including designating inclusionary site(s) to its detriment.

2. The new rules do not contain clear criteria for taking credit for surplus units under the Prior Round (Note: the Town has 60 surplus units at this time). The rules need to be updated to provide criteria for allowing the surplus units to be used against the Third Round obligation. The use of the surplus units would help the Town to obviate part or all of its Third Round obligations under the new rules and mitigate the impact caused by the proposed elimination of certain mechanisms to address the fair share of prospective need (see 1 above).

3. The new rules require the preparation of an economic feasibility statement of each vacant site identified in the vacant land inventory to determine the maximum set asides that would be economically feasible . In addition, the new rules require an economic feasibility study for a potential community residence (i.e. group home). These studies are very expensive and will consume valuable municipal funds to the Town's detriment.

BE IT FURTHER RESOLVED, that the Town of Belvidere Planning Board specifically adopts and endorses the comments contained in the July 24, 2014 correspondence of the Town Engineer/ Planner, Paul M. Sterbenz, P.E., P.P. to Sean Thompson, Acting Executive Director, NJ Council on Affordable Housing.

Roll call:

Ayes - Michael Belby, David Dech, Andreas Eisenberger, Lawrence Gregan, Harold Halvorsen, Michael Luna, William Murphy, Charlotte Warnick

Nays - None

Abstentions - Charles Makatura, Linda Stettler

Absent - Patricia MacCallum

Previous Business:

Linda Stettler and Charles Makatura recused themselves from the following discussion.

Paul Sterbenz advised the members on Town Council's request for the Board's review of the current height limit in the fence ordinance.

Harold Hess commented from the floor that he disagreed with any height limit changes to the fence ordinance.

Discussion ensued among the members that the current five foot limit was burdensome to the homeowner and that the Town Council should amend the current ordinance allowing a six foot limit.

A motion was made by David Dech and seconded by Lawrence Gregan to advise the Belvidere Town Council that the Planning Board agrees that the current fence ordinance should be amended to a 6 foot height limit.

Roll call:

Ayes - Michael Belby, David Dech, Andreas Eisenberger, Lawrence Gregan, Harold Halvorsen, Michael Luna, William Murphy, Charlotte Warnick

Nays - None

Abstentions - None

Recusals - Linda Stettler, Charles Makatura

Absent - Patricia MacCallum

Paul Sterbenz advised the members on the "Summit at Belvidere" sub-committee meeting with William Krame. Mr. Krame is considering changing from his current proposal to "flat" units. Mr. Krame will meet with the sub-committee again with a list of specific changes for consideration.

A motion was made by Charlotte Warnick, seconded by Lawrence Gregan and carried to adjourn the meeting of the Belvidere Planning Board at 8:18 PM.

Respectfully submitted,

Teresa A. Yeisley, Board Secretary