

**BOROUGH OF BERLIN
PLANNING BOARD MINUTES
February 13th, 2017**

REGULAR MEETING: 7:00PM

CALL TO ORDER:

FLAG SALUTE:

SUNSHINE STATEMENT: This meeting is being held in compliance with the “Open Public Meetings Act: and has been duly noticed and published by law.

ROLL CALL:

Mayor Jim Bilella	Class I	Present
Michael McGowan	Class II	Absent
Councilman Dan MacDonnell	Class III	Absent
Cynthia Jennings	Class IV	Present
Ron Sabatini	Class IV	Present
Nick Maccaroni	Class IV	Present
Andrew Simone	Class IV	Present
Dan Pomponio	Class IV	Present
Thomas Dulin	Class IV	Present
Jeannine Schumacher	Alternate # 1	Present
Patricia Cummings	Alternate # 2	Present

REGULAR MEETING:

Chairman Simone informed the board that Councilman Dan MacDonnell is absent due to military leave, and Mr. McGowan is absent due to a family matter. Both alternates will be voting on all applications.

MINUTES:

A motion to approve the minutes from January 16th, 2016 was made by Dan Pomponio and seconded by Mayor Bilella. On roll call vote, those eligible:

Mayor Jim Bilella	Yes
Michael McGowan	Yes
Councilman Dan MacDonnell	Yes
Cynthia Jennings	Yes
Ron Sabatini	Yes

Nick Maccaroni	Yes
Andrew Simone	Yes
Dan Pomponio	Yes
Thomas Dulin	Yes

RESOLUTIONS:

Resolutions #2017-2 Appointing Board Solicitor, #2017-3 Appointing Board Engineer, #2017-4 Appointing Board Planner, #2017-4

A motion to approve resolution 2017-2 through 2017-4 was made by Mayor Bilella, seconded by Cynthia Jennings. On roll call vote all members voted aye.

ZONING OFFICERS REPORT:

January 1st through January 31st 2017

NEW BUSINESS:

Mr. Platt swore in James Clarkin of CME Associates 1460 Route 9 S. Howell, NJ. Mr. Clarkin informed the board of his credentials on the record.

Mr. Platt summarized for the board regarding the Mt. Laurel decision, and the opportunity for fair share housing, low to moderate housing. There are a series of cases and if the town does not comply, a developer can come in under a builder's remedy. The Zoning decision for low to moderate in 1985 N.J. legislature passed the fair share housing act. COAH is an administrative agency for the Master Plan Housing Element from 1987-1993 for round 1, and 1993-1999 for round 2. COAH adopted rules in 2004 and round 3 rules were challenged. The growth share rules were thrown out. In 2014 COAH introduced the 3rd round, 6 members filed action and in March 2015 COAH ceased. Towns came up with a methodology that was used in the first 2 rounds. Professor Kinsey, and the E-Consult report. There is no decision, there are 19 elements. In 1999-2025 would be the 3rd round, giving temporary immunity for a lawsuit that was filed, and the plan is being worked on. We are current with the prior round obligation up to the 3rd round. Present, rehab, and perspective needed to satisfy the 3rd round. The mediation agreement spells out the 3rd round. There are 151 in the prior round, 32 rehab, and 131 perspective with a total of 317. The agreement supersedes the gap decision and further broke down the 3rd round. If the overall number for the region is below 80%, we can get further reductions. Berlin will be able to meet or exceed by 2025, with this plan.

Mr. Clarkin addressed the board. With regards to the overall plan,(exhibit 1) there are demographics which cover population, income, and household income, housing stock, and there is compliance with affordable obligations. In regards to rehab, spending plan, and the affordable housing trust fund, you would rehabilitate 32 units and participate in

Camden County rehab program to identify the units through Triad Associates as the administrator, and rentals spending plan would outline that to hit the 32 units. Mr. Clarkin explained the charting, market to affordable housing for prior round obligations. We get bonus credits for the prior round obligations that have been met. The Market to affordable will identify single family and rental units. There is a minimum per unit that is required. We need 11 units and with Triad we need to hit that in the first 3 years. The Borough will have a 30 year deed restriction on these units. 13% have the low income requirement and we are compliant. There is an affirmative marketing plan by Triad, a spending plan, market to affordable operating manual, and the Borough will need to implement an affordable housing ordinance, and an affirmative marketing plan.

Mr. Platt asked if we are consistent with mediation agreement, and Mr. Clarkin stated yes. Mr. Pomponio asked if the courts approve what we have, and if they don't do we start all over again? Mr. Platt responded little to no chance of that, less than 1%. We would have to build upon what we have. Mayor Bilella responded that last May, he, Mr. Platt, Ms. Beahm, and Mr. Clarkin met with the judge, we have our fair share with plenty of stock in low to moderate housing and previously no credits with no explanation. If a zoning overlay is created, zone it for affordable units with no plan, we still could have additional units required, and no money to do it. It is not sustainable, so we did not do a zoning overlay, the future administration would need to figure out how to comply, and Mayor Bilella did not want to leave it like that. With this plan we are in discussion with property owners. Taking an existing house that already house a low to moderate income and getting credit for it. We settled prior to the court decision, our numbers are lower and considering the gap decision. We were one of the first towns to settle to be compliant, with a number significantly lower, and allows control of zoning laws. Ms. Jennings asked about the spending plan summary, is it through 2025? The development fees are an expectation of what will be collected? Mr. Clarkin stated residential properties we collect 1.5% and commercial is 2.5% we collect more those are projected numbers. We currently have \$498,920 now. Mr. Platt added there is a very low impact on the tax payers. March 31st, the case will be presented to the courts. Mr. Platt added that this hearing was properly noticed.

Resolution # 2017-5 Approving the amendment to the Master Plan Housing Element and Fair Share Plan

A motion to approve Resolution 2017-05 was made by Cynthia Jennings, and seconded by Mayor Bilella. On roll call vote all members voted aye.

OLD BUSINESS:

None

CORRESPONDENCE:

None

PUBLIC PORTION:

None

GOOD OF THE ORDER:

None

ADJOURNMENT OF REGULAR MEETING:

Mr. Pomponio made a motion to adjourn the meeting, and Ms. Schumacher seconded the motion, all in favor, meeting adjourned.

Cc: Bill Behnke, Fire Marshall, Fire Chief
Stacey DiVello, Escrow Financial Department
Michael DePalma, Construction Official
Terry Stagliano, Tax Assessor
Lou DeMarco, Captain, EMS