

**FRANKFORD TOWNSHIP LAND USE BOARD**  
**AUGUST 16, 2006 – 6:00 P.M.**  
**MINUTES OF THE REGULAR MEETING**

**CALL TO ORDER**

The meeting was called to order by the board Vice Chairman, Mr. Ayers, by announcing that notice appeared in the New Jersey Herald and the New Jersey Sunday Herald in accordance with the requirements of The Open Public Meetings Act.

Flag Salute

**ATTENDANCE**

Those Present were: Mr. Ayers, Mr. Hahn, Mr. Risdon, Mr. Gstattenbauer, Mr. McDowell, Mr. Martin, Mr. Smolen, Mr. Dolan. Also present were Mr. Clark and Mr. Collins, the board attorneys and Mr. Pellow, the board engineer.

Those absent: Mr. Zappile (excused), Mr. Larson (excused) and Mr. Romania (excused).

**BOARD BUSINESS**

**COAH – Pre-Mediation Report:**

Appearing before the board was David Troast, the Board Planner, and Veena Sawant of H2M.

Mr. Troast reviewed the report received from COAH dated July 17, 2006. He indicated that one of the questions that COAH is questioning is the center. They are questioning the viability of the center, the numbers in the center as far as the growth potential. They have done their calculations based on the Master Plan that was submitted as part of this submission back in December, 2005. They have made assumptions that there will 1,000 units in the town center, which is by no means correct, which the township will disprove COAH of this. They are assuming that the township has to come out with a housing plan that deals with the entire build out of the center, which is also incorrect. The COAH rules state that the township has to come up with a housing plan from 2004 to 2014. He does not feel the center will be built out in that time frame. He is assuming that the potential building to be built in this time period to 2014 is the Sussex Commons approval of 350,000 square feet, plus their growth share obligation and the Lorterdan project. This is what he will project the township's obligation on in the charts that are in his Housing Plan and Fair Share Plan. This assumption will change all of the numbers in this plan.

Mr. Troast indicated that the second criticism that was brought against the plan, the town has a center, and you are only doing growth share in the center and you have growth that will occur outside of the center, plus some obligations from a previously approved subdivisions. They want to know where the township is making up some of those off units that you can not get constructed. For example, a 3 lot minor subdivision, the township will collect fees for the created lots, but the applicant is not going to build a unit. COAH wants to know how the township is going to deal with this situation and indicates the plan is not specific enough. He feels this is the biggest question, because this is actually one of the objector's comments. Mr. Troast indicated that he has 3 choices for the township to resolve this issue:

1) Under the rules for Rounds 1 and 2, the township is allowed to RCA out 50% of your obligation. He indicated that this is his recommendation to the board. The township has 27 units as COAH perceives as credit, the township will carry 6 units from the Heritage project into Round 3 based on their analysis. He further indicated that he rounded up on one of the credits for the rental bonus and COAH rounded down. This is how the township came up short on the prior round obligations. The prior round obligation is 29. He is recommending that the township take as many as you can possibly afford from Heritage and push those credits to Round 3 as an excess for Growth Share to accommodate those units that COAH is saying is going to happen in this 10 year period.

**BOARD BUSINESS CONT.**

**COAH – Pre-Mediation Report cont.:**

He indicated that an RCA is an agreement to a receiving community, which must be in the Region 1 area. You pay them approximately \$35,000 per unit. They take care of the unit and the township's obligation is gone. You can not do that with Growth Share. With Growth Share you must build those units in your municipality. He feels the township should RCA out as many as you can possibility afford. He recommends that the township do at least 2 RCA's to cover up the shortfall under Rounds 1 and 2. His strong recommendation is to tap out the money in the trust fund now to pull some of those existing credits in Rounds 1 and 2 as a buffer to Round 3.

2) He indicated the township could participate with group home organizations. He has made some contact with advanced housing. They do have some vouchers for 2006 yet where they are federally subsidized where they will buy a house in your community and convert it to a group home. However, they need a 25% match which the township will have to come up and they need some money to make sure that the building is accessible and meets their requirements. The typical number for this is approximately \$100,000 to \$115,000. The credits are based on bedrooms. He feels the problem with this option at this time is that the township does not necessarily have their rental bonus. In Rounds 1 and 2 the rental bonus is already used up with the existing group home. Under Growth Share, the Third Round, you must have 25% rental and over that 25% of your Growth Share need you then can get 2 for 1. The township is not at this point yet.

3) Increasing the obligation for the set aside in the center. Right now the current Ordinance in the center, which is proposed, is 12 ½% basic Growth Share. You can increase that up to 15% or 20%. He feels that there is controversy over this. One of the objections is that they do not want it over 12 ½% because they feel like they need enhanced densities in order to meet this obligation. He indicated that if the township chooses this option, then you must get total plan endorsement and acceptance by the State Planning Commission. Mr. Clark indicated that this option will make it more dense and intense in the center and it would be harder to get.

Mr. Troast reviewed the main points of the letter:

1) The township needs to file for Plan Endorsement within 90 days which is impossible. What he is setting up currently is to have an initial plan endorsement meeting with the office of Smart Growth to show that we are complying with this requirement.

2) COAH is expecting the TDR Ordinances to be drafted with 90 days, which is also impossible.

Mr. Clark reviewed H2M's memo regarding the Build-out analysis for Frankford Center. The report indicates that there are 356 Total unit build out which include 44.50 COAH units and 18 COAH units for Sussex Commons obligation which is a total build out of 374 total build out for the center which is much less than the 1,000 build out calculated by COAH. The number for the build out in the environs outside the center will be 50 for a total build out of 424. Mr. Pellow indicated he does not feel these numbers are correct and need to be revised.

Mr. Clark indicated that a sub committee should be formed to go to the Office of Smart Growth as a committee for a pre-application meeting.

Mr. Collins indicated that he suggest the township take option one of Mr. Troast's suggestions and try to maximize the current funds that are not growth share funds and the future ones that come in and try to project that out over a 10 year period and try to maximize the number of RCA's you can achieve using the Rounds 1 and 2 up to a

**BOARD BUSINESS CONT.**

**COAH – Pre-Mediation Report cont.:**

maximum of 12. Also, you can spend Growth Share funds for things like the group homes.

Mr. Clark indicated that the Developer's Fee money is the only money that can be used for RCA's. The money collected under the Growth Share Ordinance must be used to build something or rehab something in the township.

Mr. Troast suggested that the township should look at the resources of the community as to how much you are willing to possibly bond RCA's so that the township is ahead of the game and the township will collect the 1% under the developer's agreement to pay down the bond. Mr. McDowell questioned if any township has done this. Mr. Collins indicated that most townships that have done RCA's have bonded them because until recently you could not use the housing trust fund to purchase the RCA's. Mr. Clark indicated that the developer's agreement for High Ridge is approximately \$350,000 which will go into the housing trust fund. Mr. Collins indicated that if the township can show that, in fact, they will receive the funds and it is predictable and acceptable to COAH that proof does not have to be bonded. Mr. Ayers indicated that he felt that it would be better to bond the 12 RCA's now because the \$35,000 figure may be increased in future years and the expense that additional housing units in the town could create.

Mr. Clark indicated that our Housing Plan must be amended to show that the township is going to do RCA's which will move some of the other credits up to 12 over to Round 3.

Mr. Collins indicated that in Rounds 1 and 2 you can RCA's up to 12 units and Round 3 you can RCA's up to 50% of what actually gets constructed in town. Mr. Troast indicated that you can not use Growth Share money to do this. Therefore, it would be difficult to do RCA in the third round.

Mr. Collins indicated that a subcommittee should be formed with the professionals included (Mr. Clark, Mr. Collins, Mr. Troast, Mr. Pellow, and Janice Talley) that will go to COAH and the Office of Smart Growth to try and coordinate the time deadlines given in the report because they are not realistic. Mr. Ayers indicated that the sub committee already formed is Mr. Romania, Mr. Martin, and one committee person. Mr. Clark indicated that the mediation team is Mr. Hahn, Mr. Romania, Mr. Troast, Mr. Laemers (or Mr. Valenti), Mr. Pellow and Mr. Clark.

Mr. Collins, Mr. Troast and Ms. Sawant left the meeting at 7:00 p.m.

Mr. Clark reviewed with the board section VII. Additional Information Requested portion of the report with the board. He indicated that the township professionals will furnish the information requested in this section of the report to COAH as requested.

The board agreed to take options 1 and 2 of Mr. Troast's suggestions.

**ADJOURN:**

A Motion was made by Mr. Risdon and seconded by Mr. Smolen to adjourn the meeting. All were in favor. The Motion was carried.

Respectfully submitted,

SHARON M. YAROSZ  
Land Use Administrator