

**Township of Egg Harbor
Planning Board
Special Meeting**

March 26, 2013

Solicitor: Christopher Brown, Esq., (Ted Strickland Esq., in attendance)

Engineer: James A. Mott, P.E., of Mott Associates (no representative in attendance)

Planner: Vincent Polistina, P.P., of Polistina and Associates, (no representative in attendance)

A special meeting of the Planning Board of Egg Harbor Township was held on the above date, 5:30 p.m., prevailing time, Egg Harbor Township Hall, Egg Harbor Township, New Jersey. The Chairperson opened the meeting by reading the statement in compliance with the Open Public Meetings Act.

Roll Call Taken as Follow(s):

Manuel E. Aponte, Vice-Chairperson, present
Township Committeeman Carman, present
Milas Cook, Alt. #I, present
Charles Eykyn, present
James Garth, Sr., Chairperson, vacation
Frank Kearns, present

Robert Levy, Vacation
Mayor James J. McCullough, Jr., out-of-town
Peter Miller, Township Administrator, present
Paul Rosenberg, another engage.
MD Shamsuddin, Alt. #II, another engage.

SUMMARY MATTER(S):

Discussions of matters pertaining to the Board:

- SECTION I:** a. **Egg Harbor Township Ordinance No. 10 of 2013:** an ordinance to amend the code of the Township of Egg Harbor, Chapter 225 Thereof Entitled "Zoning", Specifically to add a new subsection 225.49.1 Entitled "Affordable Housing Regional Growth Zone 12"

Vice-Chairman Aponte stated the Board is conducting this meeting in order to determine if this ordinance is consistent with the Master Plan and make recommendation to the Township Committee concerning the same. Vice-Chairman Aponte stated there is no application being presented this evening and this Board is not conducting a public hearing. He indicated any comments from the public are better suited for the Township Committee Meeting scheduled on this matter tomorrow at 4:00 p.m.

Again, he stated tonight the Board is examining this ordinance for consistency to the Master Plan. He advised Ordinance 10 of 2013 is scheduled for the Township Committee meeting tomorrow night at 4:00 p.m. and the public should voice their concerns at that meeting.

Township Administrator Miller stated the Planning Board has adopted the housing element and the fair share plan of the master plan, which was submitted to the Court based on a builders remedy law suit. He indicated that as part of the master plans certain lands were provided for affordable housing. He indicated this tract of property has been proposed for the last several years for some type of development, which included housing for the disabled. He stated at this point the Township is moving forward targeting veterans groups and attempting to provide affordable housing for them within the Township.

Motion Eykyn/Kearns to recommend Ordinance No. 10 of 2013 to Township Committee for review and approval finding it is compatible and consistent and meets the requirements of the Master Plan. Vote 7 Yes: Aponte, Carman, Cook, Eykyn, Kearns, Miller, Rosenberg.

SECTION II:

- a. **General public discussion**

Motion Rosenberg/Eykyn open general public discussion. Vote 7 Yes. Aponte, Carman, Cook, Eykyn, Kearns, Miller, Rosenberg.

Anthony Drollas, Esq., with the firm Capehart and Scatchard, advised he is representing John Burner, who lives on Cottonwood Avenue where this rezoning is proposed. Township Administrator Miller stated he is concerned there maybe a conflict with Attorney Drollas. He advised Capehart and Scatchard is the firm the Township utilizes for the Joint Municipal Insurance Fund. Attorney Drollas stated he does not believe this presents a conflict. Township Administrator Miller advised he is not going to stop him, however, this needs to be clarified before the meeting tomorrow night.

Attorney Drollas stated there are a few things he observed and a few issues he would like to raise. He indicated first. The Board provided the minimum notice the law requires. Attorney Drollas stated he understands it is the Board's position to recommend ordinance and deem it consistent with the master plan. He further noted that under those circumstances the Board is to transmit their recommendation to Township Council for tomorrow. However, the Board is obligated to have a report that includes any issues with the Master Plan and the Zoning Ordinance.

Township Administrator Miller stated a report will be issued and will be available. Attorney Drollas stated there should have been something before the Board made a decision. He indicated the report is not a summary recommendation it must state it is consistent with the Zoning Ordinance and with the Master Plan. He advised this is a procedural issue.

Attorney Drollas advised he does not have anything of substance from the Board that shows any substance that the ordinance is consistent. He indicated this document has to show why the planning and zoning experts believe it is. He indicated we do not have this report today and maybe not tomorrow either. He asked the Board to look at this matter that has drawn a number of people out. He stated he believes the Board should go further to promote the purposes of zoning. Attorney Drollas stated the Board needs to ask if the affordable housing is in harmony with the other land uses in the area.

Board Solicitor Strickland stated a report can be provided before tomorrow's Township Committee Meeting, which begins at 4:00 p.m. Attorney Drollas stated the contents of the report must be provided before the action. Township Administrator Miller advised the Fair Share and Housing Element has been around since 2008. Township Committeeman Carman stated the Township Committee can disregard any recommendation of the Planning Board. He stated they do not have to agree. Board Solicitor Strickland asked Attorney Drollas if he believes there is anything unlawful. Attorney Drollas stated the report has not been issued. If the report is not issued and not considered, it would be an unlawful action. Township Administrator Miller stated if there is no report in hand before the Township Committee then the Township Committee would postpone the ordinance.

Kenny Jarros, 3006 Cottonwood Avenue, Egg Harbor Township, New Jersey, sworn in: Mr. Jarros stated as a community we feel this is being jammed down our throats. He stated the residents came to Cottonwood Avenue because they love Egg Harbor Township. He asked if the zoning master plan is showing affordable housing going on inside an RG-2 zone how is that community going to benefit ours.

Mr. Jarros stated, all things aside. The Township is targeting disabled veterans. However, it may not be. He indicated affordable housing is low income housing and how is it going to benefit the residents in the area who have spent \$400,000.00 on their homes. He indicated the proposed building could be 50' ft. tall. Mr. Jarros stated when he constructed his home he wanted it a foot higher and he could not. He stated he does not want to see a 50' ft. building.

Mr. Jarros stated there are better places where this project can go. He stated low income housing is a stone's away from a \$300,000.00 to \$400,000.00 homes. He advised the lots that are available for this project were purchased by the Township. He asked why they cannot be used for single-family homes, which would be consistent with the neighborhood. Mr. Jarros stated this is not a good spot for an apartment project.

Mr. Jarros stated traffic in this area is a concern. He also noted that the Township school system is being stressed out. He advised there are already 70 kids getting buses in this area and now this apartment is going up. Mr. Jarros stated the basin within his development does not work and West Jersey Avenue floods. He asked where the water will go for the apartment complex.

Mr. Jarros stated there will be flooding, it will place huge stress on our school system with more children and tax payers are picking up the tab for low income housing. He stated a master plan is a positive thing it is for the Township's future growth or otherwise. He indicated he sees no benefit by changing the zoning. He stated he does not see a financial gain and it does not make the Township prosperous.

Mr. Jarros stated everyone is aware of what happens in Somers Point. He indicated this facility will be targeting disabled veterans, however, they already live in this community. He stated this is a false pretense. He asked how will this site target veterans. He indicated if that does not happen this complex will be a crime trap like what happened in Somers Point. He stated if the veterans do not come in then the overflow from Pleasantville, Atlantic City and other communities will. He stated the existing residents want their kids to live here. He stated we cannot degrade our Township.

Mr. Jarros stated Willingboro was a beautiful place to live and then it was torn apart. He stated the affordable housing will bring people and problems that do not live in this township. Mr. Jarros stated the residents in this area all own their own land. He indicated this place can go. He stated he believes he is speaking for most people who live in this area.

Township Committeeman Carman stated this Board does not have the power to change the ordinance. He advised Mr.

Jarros needs to present his concerns tomorrow. Mr. Jarros stated he knows so of the members of this Board personally and you hold the key to the master plan. He stated there are a lot of other places this can go. Vice-Chairman Aponte stated there is no application before the Board this evening. He indicated the concern with the size of the proposed facility, the traffic, and storm water should be presented to the Township Committee. He advised if there were application to come before the Board they would have to present all this information, which would also include an impact study. Vice-Chairman Aponte stated this Boards responsibility tonight was to find Ordinance 10 of 2013 is consistent with the master plan and make a recommendation.

Mr. Jarros stated this Board is the key to the community and the residents do not want it to be the next Princeton, New Jersey. He stated the Board needs to look at the master plan a little better. He stated you have beautiful homes and then apartment buildings.

Township Administrator Miller stated in 1975 there was a law suit, which resulted in the creation of low to moderate income housing having to be incorporated within each town within the State. He advised in 1982 Mount Laurel II was settled and in 1986 COAH came into existence. He advised the Township has to provide 736 units of low to moderate income housing. He stated this can be achieved by targeting the disabled, seniors and veterans. He advised the Township does believe they meet their requirements based upon the fact there are 2,000 mobile home units within the existing mobile homes parks, however, COAH does not count this and the Township has to develop a plan. He stated no matter what parcel of land the Township chooses there will be residents present with similar concerns.

Mr. Jarros stated in Mt. Laurel there was a trailer home park proposed next to \$750,000.00 homes. He indicated the park was moved because they found a sector of the community where it fit. He stated there are other places this can go within the community, but off Cottonwood Avenue is not one.

Township Administrator Miller advised a family of four (4) making \$60,000.00 a year are the individuals whom this can be available to. He stated the veterans must re-adjust after coming back. He stated they must work and if they do not pay rent they will be evicted. He advised this will be a place to start and allow them to stay in community. He advised the Township is trying to comply with the State requirements. He advised the allowance for a 50' ft. building is to have a reduction of the footprint of the building. He indicated there is a 100' ft. setback and there is a 40' ft. buffering of trees. He indicated the trees will be a persevered area. He indicated the buffering will encompass the parking area. He advised the Township is trying to protect the neighbors, as best as we can. Township Administrator Miller stated the Township has to provide housing and they have to create standards.

Township Administrator Miller stated Governing Body is resistant to affordable housing, based upon the fact that we have 2,000 mobile homes. He advised the Township was sued in 2007 and have been under a court order. He stated Governing Body believes they have done their Fair Share with providing affordable housing and they believe they are upholding the constitution of New Jersey.

Mr. Jarros stated the Township purchased the properties to place this facility here. He suggested the Township purchasing property in West Atlantic City.

Will Boggs, 508 Jefferson Avenue, Egg Harbor Township, New Jersey, sworn in: advised he had a home in Atlantic City and they never placed a 50' ft. building next to him. He stated he purchased his home in the Township to live the American Drive and give to his children. He stated he is concerned with a 50' ft. building being placed here for lower income families.

Mr. Boggs stated this will be effecting all living in this area. He stated this will increase the crime rate. He stated he works hard and does not want his broken into or his car. He advised the crime rate is going to be off the Richter Scale. He stated veterans may come in, but they will leave and then we will end up with overflow.

John Oliveri, 4 Truman Avenue, Egg Harbor Township, New Jersey, sworn in: He asked what "targeted" mean. He stated there is no report to review and he wants to see before 4:00 p.m. meeting. Township Administrator Miller stated under the COAH requirements can consider veterans, seniors or the disabled. He stated residents can include husband, spouse and children. He advised there maybe two (2) and three (3) bedroom units. Mr. Oliveri asked if targeting is guaranteed. He asked if you are going to open up to anyone else. He stated nowhere in the ordinance does it say it is guaranteed.

Township Committeeman Carman stated he will be asking for that change. Mr. Oliveri asked if there will be a dedicated bus stop for public transportation on West Jersey Avenue. Vice-Chairman Aponte stated that can be asked tomorrow to Township Committee. Township Administrator Miller stated he can advise there will not be one. Mr. Olivia stated this ordinance is too general and want specifics seems like the Board is rushing decisions.

Teddy Gendron, 27 Gallant Fox Lane, Egg Harbor Township, New Jersey, sworn in: Mr. Gendron asked what the urgency to do a special meeting, just for this to the Committee tomorrow night. He stated the Board represents the residents

not the State of New Jersey and as the Township we should express ourselves. He stated it appears everyone is steadfast that this is where it is going to be. However, it needs better access to services and it will disrupt a community.

Mr. Gendron stated he knows Willingboro and watch that community from the best schools in the State to what it is now. He advised he watch it do down fast. He stated his mother still lives there and the house next door to her is for sale for \$97,000.00. He stated it is four (4) bedrooms. He indicated anywhere else it would be \$250,000.00.

Mr. Gendron stated it is hard to control people in a high rise apartment building. Again, he asked why a special meeting. Township Administrator Miller stated last Monday at the end of the Board meeting it was not discussed. The Public Hearing for the ordinance is scheduled for tomorrow night and a recommendation needed to be sent.

Mr. Gendron stated he feels this is being shoved down the resident's throats and we are being bullied by the State. He advised the Township should look for a suitable area.

Nicole Leone, 203 Rutter Avenue, Egg Harbor Township, New Jersey, sworn in: Ms. Leone advised low income Americans can be anyone. She advised you cannot discriminate. She stated veterans can be targeted more than anyone else but can be any. Ms. Leone stated she grew up in Brooklyn and they moved children here. She stated if you place parks within the facility it will be a problem. She stated people will be doing drugs here.

Ms. Leone stated she volunteers at the schools and this proposal is ridiculous. She asked if Rutter Avenue is included with this proposal. Township Administrator Miller stated the Township owns most of the land between Rutter and Eisenhower. He indicated there have been discussions, but Rutter has not been chosen. He indicated this ordinance deals with six (6) acres of land as described. He stated there is another proposal for affordable housing on Winnipeg Avenue and there were also residents present and standing room only. He advised the Township Committee did listen to the residents and they reduced the ordinance.

Ms. Leone asked if that area was zoned for affordable housing. Township Administrator Miller stated no. He stated along Winnipeg there is far greater density proposed. Ms. Leone stated she had her car broken into and with this coming in down the street it is a concern

Antonio Leone stated he moved his children, wife and Mother to this area. He advised the residents were told of the cost for a family of four (4). He indicated he has a decent job and it is still not enough. He indicated he had to work two (2) jobs to give his family the best he can.

Mr. Leone stated he purchased in this area because of the density, the transportation, and it being close to his work in Atlantic City. He stated he knows the economy is bad and with this property values are not going to be of any value. He stated his family is involved in schools and sports. He stated this area of the Township is for single-family homes. He stated to build this building and cutting down trees is an issue. He advised they are being shoved in a box. Mr. Leone stated he does not think it is right to rezone because it is convenient for the Township. He stated this is a community and an apartment building is being shoved at us. He stated hands down he does not want it.

Linda Gerner, 3004 Cottonwood Avenue, Egg Harbor Township, sworn in: Ms. Gerner stated she is the proud Granddaughter of a veteran. She stated she does not want a 50' ft. building in front of her house. She stated this ordinance has devastated her. She asked how the members would feel if this was their community within the Township. Ms. Gerner stated her children play on Cottonwood. She advised this will ruin the street and she indicated the bus stop in this area is already a nightmare without adding more. Board Member Rosenberg suggested that there appears to be a concern with some type of element coming in, so children will not be able to play on the street if building goes up.

Ms. Gerner stated she is concerned with traffic. She stated this is her community and the Township Committee will have standing room only tomorrow. She stated she is afraid of the unknown.

Raj Gulati, asked what Mr. Rosenberg's roll is on the Board. Vice-Chairman Aponte stated all present are Planning Board Members. Mr. Gulati stated with respect to the question you asked Ms. Gerner. Mr. Gulati stated the members are unknown to me and they may be afraid of me.

Mr. Gulati stated his Father came to this County and could not work. He stated his family had three (3) brothers and lived in an apartment house. He stated his Father would walk each one of the children outside every day because it was a bad area. Mr. Gulati stated this Board has to be the resident's ears and voice and heartbeat. He stated the Members have to project their tax payers.

Cindy Justice, Ivins Avenue, Egg Harbor Township, New Jersey, sworn in, Ms. Justice advised she is not part of this community. However, she is a little confused. She asked if the ordinance has passed. Vice-Chairman Aponte stated the ordinance is before Township Committee tomorrow night.

Ms. Justice asked if this could be placed in any other different location. Township Administrator Miller stated the proposed ordinance is specific to this site and this ordinance is only for the properties on Cottonwood Avenue. He advised the proposed change is zoning for this to be allowed. He indicated the Township must create a new zone for affordable housing with the standards. Ms. Justice asked if we have to have 700 housing units in Township? Township Administrator Miller stated there are proposed townhomes off Winnipeg and that zoning has been changed, he advised there is another affordable housing zone off Fire Road. He stated the Township has to look for places and work with developers in order to site this housing. He indicated most of the development will occur North of Ocean Heights Avenue so there is availability to sewer and water.

Ms. Justice stated she is frustrated that we are mandated. Township Administrator Miller advised that it has been ruled three (3) times that we have to do this. He indicated the Township did nothing from 1986 until 2007. He indicated the Township has believed we do supply the affordable housing, however, the Court has stated we are wrong.

Township Administrator Miller stated at one point there was a proposal do away with affordable housing based on the percentage of children receiving free lunch in the school system. He stated the Township was below these numbers. He stated the Township's frustration is that we have mobile home parks and we do offer affordable housing. He further noted the Township may have to spend millions of dollars for this to occur. He stated the Township did purchase three (3) of the proposed parcels for \$1,300.00 and then acquired another three (3) for less than \$5,000.00 in order to purchase area for buffering.

Ms. Justice asked if the Township had put more effort in meeting the affordable housing requirements. Township Administrator Miller stated the Township had taken the law suit to the appellate division. He indicated under the new COAH rules they originally wanted the Township to provide 2,300 units, however, the appellate court capped at 1,000 and provided credit for 273 of the 1,000 units. He stated the Township does not have the round III rules with COAH, however, the Township does feel even with the credit this is an onerous number.

Ellena Mascio, 114 W. Kennedy Drive, Egg Harbor Township, New Jersey, sworn in: Ms. Mascio asked if the Township has affordable housing currently. Vice-Chairman Aponte stated we do, however, the Court does not agree. Township Administrator Miller stated there are eighty (80) re-habilitated homes, the Township has entered into agreements with "Caring" and the Township does have group homes run by "ARC", he indicated there is a settlement agreement for the project on Winnipeg Avenue and there will be around 60 units (townhomes) proposed for that development.

Ms. Mascio stated she feels the residents of the Pinecrest development feel as they are being slandered. She stated her brother-in-law is a veteran and her nephew is currently serving in Japan. She stated the Township needs to call this development what it is. She stated there is no guarantee of whom will live here. Township Committeeman Carman stated he will propose the change that it be 100% veterans and that a clause is inserted within all documents. He advised the Township has been fighting COAH for a number of years. He stated currently we are under a special master with the court.

Township Committeeman Carman stated when this development was brought up he was concerned developer may not be able to fill. He indicated it is the veterans that make this proposal partible. He advised the Township has been fighting for awhile.

Ms. Mascio asked if the Township will receive federal funds for this boom in development in order to provide affordable housing. Township Committeeman Carman stated the Pinelands has designed the Township a regional growth area and we received no funding. Ms. Mascio asked if the Township is going to help with the over populated school system. She stated her daughter is six (6) years old and does not have a full day kindergarten. She stated there are too many children now. Board Member Kearns stated in order to provide a full day kindergarten another school costing millions of dollars would have to be constructed.

Township Administrator Miller stated the Township's goal is to have this facility be 100% veterans. He indicated the Township is working with the wounded worriers and the Township has a veteran's advisory board. He stated this is the group the Township is targeting. Ms. Mascio stated she wants a guarantee that in five (5) to ten (10) years it will still be the same.

Julie Diep, 119 W. Kennedy Drive, Egg Harbor Township, New Jersey, sworn in: Ms. Diep stated with respect management of this facility will have a lot do to with what occurs. She stated there is no guarantee. She stated it appears everyone is at the wrong meeting, but the residents are unclear of the process.

Board Member Aponte stated it is important for the residents to speak their minds. He indicated the residents, however, must speak with the Township Committee concerning this ordinance. Township Administrator Miller stated the residents must raise their concerns at the Township Committee. He stated the Township Committee will deliberate

on whether or not they can make a decision on the information that has been provided. He stated the Township Committee may make a decision tomorrow night concerning the ordinance. He stated if they do not they may carry to another meeting night. He stated the Committee will consider suggestions such as lowering the building to maybe 40' ft. He stated there is a whole host of considerations that may be suggested based upon what the neighbors say. Township Committeeman Carman stated if the Committee needs more time they may continue the ordinance for another two (2) to four (4) weeks. He stated he knows there are positive steps.

Township Administrator Miller advised the Township works with the residents. He stated many members of this board and the Committee have been here for years and do not take the comments of the residents lightly when they make decision. He stated the Township is under a Court Order to provide affordable housing, however, the Township Committee tries to balance the concerns of the neighbors. He stated there are no pre-conceived decisions.

Ms. Leone asked what other properties are being looked into. Township Administrator Miller stated there are no others pending. He stated the agreements with "ARC" are for single-family homes that are group homes. They are individual homes not development projects. Ms. Leone stated there are HUD homes in each of the developments now. Township Administrator Miller stated this has not happened yet. He indicated all new developments will have a 20% set aside for the construction of affordable housing.

Sandara DeMarco, 4 Lenape Drive, Egg Harbor Township, New Jersey, sworn in. She stated the Woodlands and Stanley Homes are low income units will this be the same. Township Administrator Miller stated it is not the same. He advised COAH requirements are not Section 8 housing. Ms. DeMarco stated she would like to thank whoever placed the letter in her mailbox concerning this situation. Vice-Chairman Aponte asked if Ms. DeMarco has anything additional. Ms. DeMarco stated there will be an increase in drugs, crime and guns in this area. Township Administrator Miller stated there is no greater risk with the addition of this building.

Motion to Eykyn/Rosenberg to close general public discussion. Vote 7 Yes. Aponte, Carman, Cook, Eykyn, Kearns, Miller, Rosenberg.

Motion Eykyn /Rosenberg to adjourn at 7:45 P.M. Vote 7 Yes. Aponte, Carman, Cook, Eykyn, Kearns, Miller, Rosenberg.

Respectfully submitted by

Theresa Wilbert, Secretary