

**MINUTES OF THE SPECIAL JOINT MEETING OF THE MAYOR AND COMMITTEE
OF THE TOWNSHIP OF WANTAGE WITH THE WANTAGE TOWNSHIP LAND USE
BOARD, HELD AT THE WANTAGE TOWNSHIP MUNICIPAL BUILDING, 888
STATE HIGHWAY 23, WANTAGE, N.J.
ON THE DATE OF DECEMBER 29, 2008**

Mayor Parker Space called the meeting to order on behalf of the Mayor and Committee of the Township of Wantage, and requested the Clerk to call the roll. Upon roll call, the following members of the governing body were present: Mayor Space, Committee members DeBoer and Nuss. The following members were absent: None

Also present Township Attorney, Michael Garofalo, and Township Planner David Troast

Mayor Space stated, "This meeting is being held in compliance with the provisions of the Open Public Meetings Act, Public Laws 1975, Chapter 231. It has been properly noticed and posted to the public, and certified by the Clerk."

Mr. Jim Smith called the meeting to order on behalf of the Land Use Board of the Township of Wantage, and requested the Secretary to call the roll. Upon roll call, the following members of the Land Use Board were present: Mr. Jim Smith, Mr. Larry Bono, Mr. Mike Cecchini, Mr. Fred Hough, Mr. Paul Grau, Mr. Ron Slate, Mr. Bill Gaechter, and Ms. Diane Mylecraine. The following members were absent: Mr. Vander berg. Also present: Board Attorney Glenn Kienz, Board Secretary Stella Salazar, and Alternate #2 Victoria Gill.

Mr. Smith stated, "This meeting is being held in compliance with the provisions of the Open Public Meetings Act, Public Laws 1975, Chapter 231. It has been properly noticed and posted to the public, and certified by the Secretary."

Mayor Space led the assembly in the Salute to the Flag.

CONSENT AGENDA

Mayor Space requested that the members of the Committee Review the Consent Agenda. There being no Committee member present wishing to comment on the proposed Consent Agenda, Mayor Space requested approval of the Consent Agenda.

RESOLUTIONS (Approval for the Following Actions):

Ms. Nuss moved to approve the Transfer Resolution dated December 29, 2008

Mr. DeBoer seconded the motion. Upon roll call,

Ayes: DeBoer, Nuss, Space **Nays:** None **Absent:** None **Abstain:** None

Ms. Nuss moved to approve the Payment of Bills for the meeting of December 29,, 2008

Mr. DeBoer seconded the motion. Upon roll call,

Ayes: DeBoer, Nuss, Space **Nays:** None **Absent:** None **Abstain:** None

Ms. Nuss moved to authorize the Tax Collector to reimburse funds associated with various Blocks and Lots, for the purpose tax appeal refunds, to Tambini, Lawrence & Joyce, for Block 133.05 Lot 18, \$ 25.68; Cuiffitelli, Anthony & Laura for Block 160 Lot 15.02, \$82.27; Thiessen, Roy Alan & Laura Sue, for Block 165 Lot 20, \$90.02.

Mr. DeBoer seconded the motion. Upon roll call,

Ayes: DeBoer, Nuss, Space **Nays:** None **Absent:** None **Abstain:** None

Ms. Nuss moved to authorize the Tax Collector to reimburse funds associated with Block 93.02, Lot 16 for the purpose of a tax sale premium refund, in the amount of \$200.00 to Almar. Mr. DeBoer seconded the motion. Upon roll call,

Ayes: DeBoer, Nuss, Space **Nays:** None **Absent:** None **Abstain:** None

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Ms. Nuss moved to authorize the Tax Collector to reimburse funds associated Block 43, Lot 7.18 for a tax overpayment, in the amount of \$250.00 to Perry Goerner.

Mr. DeBoer seconded the motion. Upon roll call,

Ayes: DeBoer, Nuss, Space **Nays:** None **Absent:** None **Abstain:** None

Ms. Nuss moved to authorize the Clerk to reimburse funds for a fee paid for a Wantage Flag and then returned as the flag was larger than the resident's American Flag, in the amount of \$20.00 to Jerry Shuart. Mr. DeBoer seconded the motion. Upon roll call,

Ayes: DeBoer, Nuss, Space **Nays:** None **Absent:** None **Abstain:** None

Ms. Nuss moved to confirm the appointment of the Plan Endorsement Citizen Advisory Committee of Wantage Township, as per the following resolution:

RESOLUTION TO CREATE THE PLAN ENDORSEMENT CITIZENS' ADVISORY COMMITTEE

WHEREAS, the Mayor and Township Committee of the Township of Wantage, County of Sussex, State of New Jersey, desire to obtain Plan Endorsement from the State Planning Commission; and

WHEREAS, Plan Endorsement is a voluntary review process developed by the State Planning Commission to provide the technical assistance and coordination of the State to municipalities, counties, and regional agencies to meet the goals of the State Planning Act and State Development and Redevelopment Plan; and

WHEREAS, the State Planning Act recognizes that coordination of State action is necessary to help municipalities develop New Jersey's economy while protecting the natural, historic and recreational resources, providing adequate and diverse housing, and redeveloping our cities and older suburban areas; and

WHEREAS, the purpose of the Plan Endorsement process is to increase the degree of consistency among municipal, county, regional and state agency plans with each other and with the State Plan and to facilitate the implementation of these plans with the primary focus on where and how development and redevelopment can be accommodated in accordance with the State Plan; and

WHEREAS, the State Planning rules and Plan Endorsement Guidelines establish a comprehensive and coordinated planning process in order for a municipality to consider, and update as necessary, master plans, functional plans, development regulations and capital plans to be consistent with the State Plan and achieve plan endorsement; and

WHEREAS, through plan endorsement, master plans, functional plans, development regulations and capital plans should be coordinated and supportive of each other; and

WHEREAS, the State Planning Rules and Plan Endorsement guidelines incorporate, and expand upon, the principles of the Municipal Land use Law in order to help towns plan for a sustainable future; and

WHEREAS, pursuant to the Municipal Land use Law, N.J.S.A. 40:55D-27, the Mayor may appoint one or more persons as a citizens' advisory committee to assist or collaborate with the planning board in its duties, including adoption of, and amendment to, the master plan to guide the use of lands within the municipality in a manner which protects the public health and safety and promotes the general welfare of the community; and

WHEREAS, the Plan Endorsement guidelines and State Planning rules require the appointment of a Plan Endorsement Advisory Committee to guide the municipality through the Plan Endorsement process; and

WHEREAS, the Plan Endorsement Advisory Committee shall consist of between 5 and 10 members, including one representative of the governing body, a Class IV member of the planning board; one representative of a local board, commission or committee who is not a member of the planning board; and two representatives of the public that do not hold a position, employment or office with the municipality.

NOW THEREFORE BE IT RESOLVED that the Township Committee of the Township of Wantage, County of Sussex, State of New Jersey, hereby approves and adopts the following:

The Township of Wantage establishes a Plan Endorsement Citizens' Advisory Committee as follows:

1. William DeBoer – Member of the Governing Body
2. James Smith – Class IV Member of the Planning Board
3. Diane Snure – Representative of a local board, commission or committee
4. Maggie Kolicko - Member of the Public
5. Thomas Davis - Member of the Public

RESOLUTION, continued

The members of the Citizens' Advisory Committee shall serve at the pleasure of the Mayor; and

The Citizens' Advisory Committee shall report findings and conclusions of its actions performed pursuant to the State Planning Rules and Plan Endorsement Guidelines, and make recommendations to the Planning Board on next steps, but shall have no power to vote or take other action required of the Planning Board; and

The Citizens' Advisory Committee shall also report to the Governing Body at least Once every two months on the status of plan endorsement; and

The Citizen Advisory Committee shall be entitled to call to its assistance any personnel of any municipal department or consultant thereto as it may require in order to perform its duties; and

The Citizens' Advisory Committee is established for the purpose of:

- A. Guiding the Plan Endorsement process for the municipality;
- B. Increasing public awareness of, and participation in, the Plan Endorsement process for the community;
- C. Serving as a liaison with the State, county, regional agencies and local officials throughout the Plan Endorsement process;
- D. Assisting the municipality in meeting the deadlines of Plan Endorsement;
- E. Take the lead on completing the municipal self-assessment and submitting the required planning documents to the Office of Smart Growth;
- F. Helping to facilitate community visioning as described in the Plan Endorsement Guidelines and community visioning standards;
- G. Reporting the findings and conclusions of the self-assessment and community visioning to the local planning board for its review; and
- H. Negotiating a draft Action Plan with the Office of Smart Growth, in collaboration with the planning board and governing body, to consist of actions that should be taken to adopt and/or update plans, ordinances and regulations in order to meet the Plan Endorsement requirements;
- I. Facilitating completion of the Action Plan items in order to achieve endorsement by the State Planning commission and enjoy the benefits available to the municipality as a result of the endorsed plan.

THEREFORE, BE IT FURTHER RESOLVED that the Clerk of the Township of Wantage shall transmit a copy of this Resolution and the notice as required in the State Planning Rules to the State Planning commission.

Mr. DeBoer seconded the motion. Upon roll call,

Ayes: DeBoer, Nuss, Space **Nays:** None **Absent:** None **Abstain:** None

Ms. Nuss moved to approve Change Order No. 1 to the Guide Rail and Safety Ends Project on Central School Road, amounting to reduction in total contract price of \$388.75.

Mr. DeBoer seconded the motion. Upon roll call,

Ayes: DeBoer, Nuss, Space **Nays:** None **Absent:** None **Abstain:** None

FINAL HEARING FOR ORDINANCE 2008-18: DEVELOPMENT FEES

Mr. Kienz inquired if the governing body would wish to have a motion from the Land Use Board endorsing this proposed ordinance.

Mr. Garofalo stated that while such an endorsement was not a legal requirement for adoption of the ordinance, an endorsement made voluntarily by the Board would certainly be appropriate and appreciated.

Mr. Cecchini moved to endorse the proposed Ordinance 2008-18 to the governing body for consideration of final adoption. Mr. Bono seconded the motion. Upon roll call,

Ayes: Bono, Cecchini, Smith, Grau, Gaechter, Hough, Slate, Mylecraine, Gill

Nays: None **Abstain:** None

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Mr. DeBoer moved to adopt on final reading, Ordinance 2008-18, entitled “AN ORDINANCE CREATING DEVELOPMENT FEES IN THE TOWNSHIP OF WANTAGE, COUNTY OF SUSSEX, STATE OF NEW JERSEY”. Ms. Nuss seconded the motion.

Prior to final roll call, Mayor Space opened the meeting to the public for any questions or comments regarding this proposed Ordinance.

Mr. Thomas Davis, Walnut Street, inquired regarding applicability of Development Fees for situations in which a fire has destroyed a home and needs to be rebuilt.

Mr. Kienz and Mr. Garofalo explained that recent action by the State Legislature has exempted development fees from being applied throughout New Jersey for situations involving natural disasters, such as fires.

Ms. Nuss expressed her philosophical disagreement with the general process of COAH and development fees.

There being no one else present wishing to address the governing body at this time, Mayor Space closed the meeting to the public and requested a roll call vote on the motion.

Upon roll call,

Ayes: DeBoer, Nuss, Space **Nays:** None **Absent:** None **Abstain:** None

HOUSING ELEMENT AND FAIR SHARE PLAN

Wantage Township Planner David Troast offered a Presentation of the Proposed Housing Element and Fair Share Plan for Wantage Township.

Members of the Land Use Board and Mr. Troast engaged in discussion regarding various aspects of the proposed Housing Element and Fair Share Plan. Mr. Cecchini requested a clarification on the 2.5% development fee calculation for non-residential structures. Mr. Troast responded. Ms. Gill expressed disappointment with the State for eliminating credits to do Rehabilitation projects, since this would reduce or eliminate any incentive for pursuing such projects even when a need exists. Mr. DeBoer inquired regarding the length of deed restriction on an affordable home. Mr. Troast stated it was 30 years. General review and discussion continued.

By consensus, the Board agreed that the suggested ordinance for “Modifications to the RE-5 Zone District”, which would provide incentives to developers through adjusted density approvals, was not ready for consideration and should be removed from the plan. Mr. Troast so noted for the record that this would be removed from the plan.

Mr. Smith opened the meeting to the public to hold a Public Hearing on Proposed Housing Element and Fair Share Plan. Mr. Smith encouraged any member of the public present this evening to come forward and ask questions or make comments regarding the proposed plan.

Ms. Marie Springer of Vernon Township and Wantage Township resident Christine Feoranzo inquired regarding whether or not the plan should include provisions for Trailer Parks and other options as a source of affordable housing.

Mr. Kienz and Mr. Troast offered responses, indicating that in the interest of expediting a sound plan in a very short window of time, the proposal has concentrated on uses that are consistent with the current zoning ordinances, would meet septic requirements of the State of

New Jersey, and provided the options most commonly utilized in Northwest New Jersey communities.

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Mr. Bob Kohle, Judge Beach Road, inquired regarding how much state aid the Township receives from the State of New Jersey. Mr. Doherty stated he would get that information and provide it to Mr. Kohle. Mr. Kohle asked what the implications would be for affordable housing obligations if Wantage Township and Sussex Borough were to merge. Mr. Doherty informed that the consultants to the Consolidation Study Commission have been in contact with the Council on Affordable Housing and the New Jersey Department of Community Affairs, and are being told that the cumulative effect of the affordable housing obligation is a direct addition: take the Wantage Township obligation and the Sussex Borough obligation and add them together, and that would be the obligation of the newly merged community. Mr. Kohle asked for a clarification regarding the growth share obligation formula. Mr. Troast offered a response, informing that for every four new houses built, 1 affordable housing obligation is created.

Ms. Margaret Kolicko, August Lane, inquired regarding various aspects of the waivers being requested in the proposed plan. Mr. Troast offered responses to this question.

Mr. Thomas Davis, Walnut Street, expressed reservations regarding the proposed amendment to the RE-5 Zone Ordinance. Mr. Kienz clarified that this concept was removed from the plan being considered.

Mr. Kohle asked for explanation regarding the implications of the 30 year deed restriction on an affordable housing unit, in scenarios where the owner moves. Mr. Kienz explained that the deed restriction stays with the property.

Ms. Springer asked for explanation regarding the implications of adjustments to market value if improvements are made to a deed-restricted affordable housing unit. Mr. Troast explained that the deed restriction precludes the normal process of seeking increased equity through improvements. Improvements could be made, but not as an investment enhancement.

Ms. Feoranzo expressed a belief that the entire COAH process is counterproductive and ineffective, and inquired regarding whether any concerted effort is being undertaken to oppose the concept.

Mr. Kienz explained that the New Jersey League of Municipalities has undertaken a comprehensive challenge with hundreds of municipalities, including Wantage Township, standing in opposition to the current process. However, given the current statutes, regulations and court decisions, it would be contrary to the best interests of Wantage Township to take no action at this juncture, and that is what has prompted the special joint meeting and public forum on this proposed plan.

There being no one else wishing to address the Board at this time, Mr. Smith closed the meeting to the public and requested a motion to adopt the proposed Housing Element and Fair Share Plan.

Mr. Grau moved to adopt the proposed Housing Element and Fair Share Plan, as presented by Mr. Troast, with the exclusion of the proposed amendment to the RE-5 Zone ordinance, as per the following resolution:

WHEREAS, the Land Use Board of the Township of Wantage, County of Sussex, State of New Jersey, adopted its current Master Plan pursuant to N.J.S.A. 40:55D-28 on February 26, 2003 with subsequent revisions on May 10, 2003, December 14, 2005 and August 22, 2006, and
WHEREAS, the Master Plan includes a Housing Element, pursuant to N.J.S.A. 40:55D-28(b)(3), which has been revised to address the Township's affordable housing obligation under Round Three of the regulations of the New Jersey Council on Affordable Housing; and
WHEREAS, N.J.A.C. 5:97-2.1(a) requires the adoption of the Housing Element by the Land Use Board and endorsement by the Governing Body; and
WHEREAS, N.J.A.C. 5:97-3.1(a) requires the preparation of a Fair Share Plan in accordance with the Housing Element of the Master Plan; and

WHEREAS, N.J.A.C. 5:97-3.1(b) requires the adoption of the Fair Share Plan by the Land Use Board and endorsement by the Governing Body; and

RESOLUTION, Continued

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Land Use Board of the Township of Wantage held a public hearing on the Housing Element and Fair Share Plan on December 29, 2008; and

WHEREAS, the Land Use Board has determined that the Housing Element and Fair Share Plan are consistent with the goals and objectives of the Township of Wantage's Master Plan dated on February 26, 2003 with subsequent revisions on May 10, 2003, December 14, 2005 and August 22, 2006, and that adoption and implementation of the Housing Element and Fair Share Plan are in the public interest and protect public health and safety and promote the general welfare.

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of the Township of Wantage, County of Sussex, State of New Jersey, that the Land Use Board hereby adopts the Housing Element and Fair Share Plan dated December 29, 2008 with a proviso that the COAH Spending and Marketing Plans would be subsequently reviewed.

Mr. Cecchini seconded the motion. Upon roll call,

Ayes: Bono, Cecchini, Smith, Grau, Gaechter, Hough, Slate, Mylecraine, Gill

Nays: None Abstain: None

On behalf of the governing body, Mr. DeBoer moved to adopt a resolution entitled "Resolution, Township of Wantage, Township Committee, Petitioning the New Jersey Council on Affordable Housing with An Adopted Housing Element and Fair Share Plan" as per the following resolution:

PETITIONING THE NEW JERSEY COUNCIL ON AFFORDABLE HOUSING WITH AN ADOPTED HOUSING ELEMENT AND FAIR SHARE PLAN

WHEREAS, the Land Use Board of the Township of Wantage, County of Sussex, State of New Jersey, adopted a revised Housing Element of the Master Plan and a Fair Share Plan on December 29, 2008; and

WHEREAS, a true copy of the resolution of the Land Use Board adopting the Housing Element and Fair Share Plan is attached pursuant to N.J.A.C. 5:96-2.2(a)2.

NOW THEREFORE BE IT RESOLVED that the Township Committee of the Township of Wantage, County of Sussex, State of New Jersey, hereby endorses the Housing Element and Fair Share Plan as adopted by the Wantage Township Land Use Board; and

BE IT FURTHER RESOLVED that the Township Committee of the Township of Wantage, pursuant to the provisions of N.J.S.A. 52:27D-301 et seq. and N.J.A.C. 5:96-3.1 et seq., submits this Petition for Substantive Certification of the Housing Element and Fair Share Plan to the Council on Affordable Housing for review and certification; and

BE IT FURTHER RESOLVED that a list of names and addresses for all owners of sites in the Housing Element and Fair Share Plan has been included with the petition; and

BE IT FURTHER RESOLVED that notice of this petition for substantive certification shall be published in the official newspaper of the Township pursuant to N.J.A.C. 5:96-3.5 within seven days of issuance of the notification letter from the Council on Affordable Housing's Executive Director indicating that the submission is complete and that a copy of this resolution, the adopted Housing Element and Fair Share Plan and all supporting documentation shall be made available for public inspection in the office of the Wantage Township municipal clerk's office located at 888 Route 23 South, Wantage, New Jersey, 07461, during the hours of 8:30 a.m. to 4:30 p.m. on Monday through Friday for a period of 45 days following the date of publication of the legal notice pursuant to N.J.A.C. 5:96-3.5.

The motion was seconded by Ms. Nuss. Upon roll call,

Ayes: Nuss, DeBoer, Space **Nays:** None **Absent:** None **Abstain:** None

On behalf of the governing body, Mr. DeBoer moved to adopt a resolution entitled "Resolution of the Township Committee of the Township of Wantage Signifying an Intent to Bond in the Event that There is a Shortfall in Funding Sources to Create a Realistic Opportunity for the Development of Low and Moderate Income Housing."

The motion was seconded by Ms. Nuss. Upon roll call,

Ayes: Nuss, DeBoer, Space **Nays:** None **Absent:** None **Abstain:** None

OPEN PUBLIC SESSION

Mayor Space opened the meeting to the public for any questions or comments.

William Gettler, Gemmer Road, congratulated the governing body on being the only municipality in Sussex County that did not use taxpayer dollars to pay for the Atlantic City Convention; expressed his views on the tax burden; expressed his views about letters to the editor printed in the New Jersey Herald; and expressed his views regarding an article published in the newspaper regarding the Consolidation study.

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There being no other items for consideration at this time, Mr. DeBoer moved to adjourn the meeting on behalf of the governing body. Ms. Nuss seconded the motion. Upon roll call, **Ayes:** DeBoer, Nuss, Space **Nays:** None **Absent:** None **Abstain:** None

Mayor Space declared this meeting to be adjourned on behalf of the governing body.

Mr. Cecchini moved to adjourn the meeting on behalf of the Land Use Board. Mr. Bono seconded the motion. Upon roll call,
Ayes: Bono, Cecchini, Smith, Grau, Gaechter, Hough, Slate, Mylecraine, Gill
Nays: None **Abstain:** None

Mr. Smith declared this meeting to be adjourned on behalf of the Land Use Board.

James R. Doherty, Administrator/Clerk