

**UPPER TOWNSHIP PLANNING BOARD  
MASTER PLAN REEXAMINATION MEETING MINUTES  
AUGUST 8, 2018**

The Upper Township Planning Board held a public meeting to consider the adoption of Master Plan Reexamination in accordance with NJSA40:55D-89; a Master Plan Amendment for the Housing Element and Fair Share Plan to address the Township's affordable housing obligation in accordance with and pursuant to Southern Burlington County NAACP v. Township of Mt. Laurel, 67 NJ 151(1975), Southern Burlington County NAACP, et al v. Township of Mt. Laurel, 92 NJ 158 (1983), the Fair Housing Act, NJSA 52:27D-301 et seq. and its implementing regulations.

This meeting was held at the Township Hall, 2100 Tuckahoe Road, Petersburg, New Jersey at 5:00 p.m.

**SUNSHINE ANNOUNCEMENT**  
**SALUTE TO THE FLAG**  
**ROLL CALL**

Present: Georgette Costello, Michael Endicott, Jack Griffin, Joseph Harney, Ted Kingston, Gary Riordan, Hobart Young, Robert Young and Chairman James Kelly.

Absent: Mayor Palombo, Scott Morgan.

Also, in attendance were Jeffrey Barnes, Board Solicitor; Paul Dietrich, Board Engineer, Shelley Lea, Board Secretary and Zoning Officer and Tiffany Cuvillo, Planner.

Mr. Dietrich explained that in addition to the master plan reexamination the board is updating some ordinances and the fair share housing plan in accordance with the Mt. Laurel decision and the court approved settlement agreement between the township and the fair housing center dated February 12, 2018.

Paul Dietrich and Tiffany Morrissey, were sworn.

Mrs. Morrissey explained the housing plan needs to be adopted prior to the reexamination report. She referred to the 2018 Master Plan Revisions, Housing Element, Fair Share Plan and Spending Plan. Upper Township has had a Housing Element and Fair Share Plan on file and have worked to create affordable housing units within the community under the round two obligation. The township is moving forward under the round three plan. She addressed the third-round affordable housing obligation 1999-2025 which is 233 units. This number is less than half of what was required during the first two rounds. The fair housing center recognizes that the township does not have adequate infrastructure meaning there is no sewer. There is a sewer service area, so the township can apply for a durational adjustment. This allows the township to create zoning that doesn't go into effect until public sewer or package treatment plants are approved in the areas zoning is proposed. The original plan prepared in 2008 was not certified. This plan included a growth share. This means that anyone coming in to develop had to do their fair share of affordable housing. There was an obligation for both residential and commercial development.

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Mrs. Morrissey explained that the plan creates an overlay zone in the Marmora Center so that only in the Marmora Town Center do you have to address affordable housing. Other areas would have to pay a housing impact fee. This fee is already in effect and any residential unit pays 1 to 1 ½ percent equalized assessed value into a fund. This money is used to create units elsewhere. She stated that the township is no longer scattering the 200 plus units of affordable housing throughout the municipality. It will be concentrated into an overlay zone that only requires it to happen if and when public sewer or package treatment plants are made available in the Marmora Town Center. She stated that the rehabilitation share of 14 units has been satisfied.

Mrs. Morrissey reviewed the durational adjustment. She explained how the bonus credits work at the completion of the plan. This plan includes an additional 4 homes with habitat for humanity and also market to affordable units that would be funded in part with the affordable housing trust fund. She reviewed the Proposed Credits that are part of the durational adjustment.

Mrs. Morrissey discussed the Marmora Town Center which provides the opportunity for up to 295 affordable housing units and creates an overlay zone. This area is currently zoned for residential and commercial development. They had to remove the density transfer requirement from the ordinance to make this possible. The town center will allow for mixed use development of commercial and residential. It will create the opportunity for up to 1,475 total residential units over time. This development is not mandated to occur any specific time. To create a balance to the ratable base there must be a certain amount of commercial space before you can have the full residential. Completed certificate of occupancies are needed for portions of the commercial development before all of the residential can be completed. Some amendments were made to the fair share ordinance and affirmative marketing plan.

Mrs. Morrissey discussed the Spending Plan. This plan deals with how any money would be spent from the affordable housing trust fund. This plan includes projections based upon the current balance and past revenues that have been received. The plan allows the township to use 20% of the total fees collected for administrative expenses and 30% for affordability assistance and the remaining 50% can be used for new housing programs as long as they are listed in the plan. Affordability assistance is when the township can provide financial assistance to help anyone in a deed restricted affordable housing unit.

Mr. Dietrich testified that one market to affordable home that was done received some affordability assistance to help with their down payment. This is usually a zero percent loan and is not payable back to the township until they sell the house.

Mrs. Morrissey discussed the 2018 Master Plan Reexamination Report. She stated that storm water management controls have been added using NJDEP best management practices as appropriate. Draft ordinances from the Pinelands Commission will need to be implemented. There is a recommendation in the report to adopt and be consistent with the Pinelands CMP. She stated that the proposed changes to the land, subdivision, site plan and zoning code are included and address flood elevation standards, accessory buildings, signs, lighting, change of use and building permit standards. The changes remain consistent with the land use plan and master plan and are designed to create clarification and controls and implement various changes to the flood elevations. We are acknowledging the ordinance and implementation issues are consistent with the master plan.

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Mr. Dietrich stated that the board made a recommendation to township committee in December of 2017 to adopt certain ordinance revisions, however the township did not act on them. These changes are included in the report.

Mrs. Morrissey stated that another recommendation is to look at dark sky lighting and car recharging stations as part of multi-unit residential and non-residential development. There is a recommendation to update the affordable housing ordinances, affirmative marketing plan and development fee ordinance in accordance with the recommendations and ordinance pursuant to the approved housing element and fair share plan. This includes an amendment to the zoning map to create the Marmora Town Center District.

The meeting was open to the public.

Linda Bateman, 14 E. Tecumseh Road, Strathmere, was sworn. She is the president of the Strathmere Improvement Association. She asked if the \$6,000 put aside during the budget for the Strathmere mini master plan has been used. She stated that for several years the improvement association has asked for more adherence with the building code and fewer variances being granted. She stated they are losing tress, natural habitats and dark skies. She is concerned the large homes being built in Strathmere are over taxiing the septic systems. She feels that allowing the larger homes is changing the sense of community and family. She stated that Strathmere has no enforcement. Her fear is the only people who will be able to live in Strathmere will be millionaires. Mrs. Bateman and the board discussed forming a workshop committee to discuss topics such as the building in Strathmere.

The meeting was closed to the public.

Mr. Dietrich stated that revisions need to be made to the draft ordinance in the master plan reexamination. On page 13 of the reexamination report under Marmora Town Center, a correction needs to be made to propose a ratio of 30% residential and 70% non-residential. Two revisions need to be made in the ordinances. Section 20-4.7d will be revised to delete e.1, e.2 will become 1 and e.3 will become 2. Section 20-3.2, a new zoning map will be included that was revised 8-13-2012. On schedules b and c a revision date of 8-13-20 will be added.

A motion was made by Mr. Kingston and seconded by Robert Young, to adopt the 2018 Upper Township Master Plan Reexamination Report and Fair Share Housing Plan. In favor: Costello, Endicott, Griffin, Harney, Kingston, Riordan, Hobart Young, Robert Young, Chairman Kelly.

Mr. Dietrich stated this report will submitted to township committee and will be on the August 27, 2018 agenda for first reading. A resolution to accept the planning board's recommendation for the fair share plan and spending plan will be adopted.

### **ADJOURNMENT**

A motion to adjourn was made by Hobart Young and seconded by Robert Young. The meeting was adjourned at 6:34 p.m.

Submitted by,

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Shelley Lea

Board Secretary