

BURGIS ASSOCIATES, INC.

COMMUNITY PLANNING AND DEVELOPMENT CONSULTANTS

PRINCIPALS:

Joseph H. Burgis PP, AICP

Brigette Bogart PP, AICP

Edward Snieckus PP, CLA, ASLA

*Community Planning
Land Development and Design
Landscape Architecture*

**Township of Mahwah, Bergen County
Highlands Plan Conformance
Record of Public Involvement**

1. Notice, August 10, 2009 Planning Board meeting re: Draft Highlands Element for the Municipal Master Plan.
2. Agenda, August 10, 2009 Planning Board meeting re: Draft Highlands Element for the Municipal Master Plan.
3. Minutes, August 10, 2009 Planning Board meeting re: Draft Highlands Element for the Municipal Master Plan.
4. Agenda, February 26, 2009 Township Council meeting re: Highlands Plan conformance.
5. Minutes, February 26, 2009 Township Council meeting re: Highlands Plan conformance.
6. Agenda, October 15, 2009 Township Council meeting re: Highlands Plan conformance.
7. Minutes, October 15, 2009 Township Council meeting re: Highlands Plan conformance.

**TOWNSHIP OF MAHWAH PLANNING BOARD
NOTICE OF PUBLIC MEETING
DRAFT HIGHLANDS ELEMENT FOR THE MUNICIPAL MASTER PLAN**

PLEASE TAKE NOTICE that the Township of Mahwah Planning Board will receive public comments at its August 10, 2009 public meeting on the Township of Mahwah Draft Highlands Element for the Municipal Master Plan. The Planning Board meeting is scheduled for 7:00 P.M. on Monday, August 10, 2009 in the Council Meeting Room, 475 Corporate Drive, Mahwah, New Jersey.

Copies of the Draft Highlands Element for the Municipal Master Plan are available for public inspection in the Office of the Planning/Zoning Administrative Officer, at 475 Corporate Drive during normal business hours and will be available at the public meeting.

**PATRICIA PUORRO
Administrative Officer**

Posted and Filed 7/27/09

**Cc: Planning Board
Planning Board Professionals
Mayor and Township Council
Township Attorney
Newspaper**

**Township Administrator
Board of Adjustment
Board of Adjustment Attorney
Bergen County Dept. of Planning and Development
Municipal Building Bulletin Board**

**TOWNSHIP OF MAHWAH
PLANNING BOARD REGULAR/WORK SESSION MEETING
475 CORPORATE DRIVE, MUNICIPAL BUILDING
MONDAY, AUGUST 10, 2009 7:00 P.M.
A G E N D A**

I. CHAIRMAN'S OPENING STATEMENT, ROLL CALL, FLAG SALUTE

II. APPROVAL OF BILLS:

7/13/09 Meeting Attendance	Peter J. Scandariato, Esq.	\$200.00
Period-June 2009	Phillips Nizer, LLP	\$297.00
5/18/09 Meeting Attendance	Burgis Associates, Inc.	\$200.00
6/8/09 Meeting Attendance	Burgis Associates, Inc.	\$200.00

III. APPROVAL OF MINUTES: Re-organization meeting of 7/13/09.

IV. RESOLUTIONS FOR MEMORIALIZATION:

- 1) #E-BD-216-239-427- Resolution **granting** the Plot Plan and Soil Movement Permit Application of Neil Aydin, Block 23.03, Lot 13, 79 Bramshill Drive for adoption.
- 2) Dkt. #515-PF-A- Resolution **granting** the Amended Preliminary and Final Site Plan Application of Short Line Bus Tours, Inc., Block 131, Lot 1, Stag Hill Road for adoption.

V. OPEN TO THE PUBLIC – 15 MINUTES

VI. PUBLIC HEARINGS

OLD BUSINESS- CONTINUATION OF PUBLIC HEARING FROM JUNE 8, 2009

- 1) Dkt. #521- Application of George & Deborah Kayal, Bayval Corp. and Laurmark Corp. for Preliminary and Final Major Subdivision Approval and Soil Movement Permit Application, property located at Wyckoff Avenue and Skytop Drive, known as Block 153, Lots 1, 2, 2.01 & 3.

NEW BUSINESS

- 1) Dkt. #459-(A-2)-Amended Site Plan Application with Requested Variance Relief/Waivers
Applicant: Roxanne's Restaurant
Block 71, Lot 6, 150 Franklin Turnpike
- 2) Public Meeting- Draft Highlands Element for the Municipal Master Plan

VII: WORK SESSION:

A. COMMITTEE REPORTS

B. NEW BUSINESS

1) Referral from Governing Body

Proposed Amendment to Chapter 24 Entitled "Zoning"

ORDINANCE NO. 1653- AN ORDINANCE TO AMEND CHAPTER 24 ENTITLED "ZONING" OF THE TOWNSHIP OF MAHWAH CODE AND THE SCHEDULE OF DISTRICT USE REGULATIONS FOR THE GI-80 GENERAL INDUSTRY ZONE AND IP-120 INDUSTRIAL PARK ZONE TO ADD "HEALTH AND WELLNESS CENTERS" AND "FITNESS AND HEALTH CLUB" AS PERMITTED USES IN THOSE ZONING DISTRICTS.

- 2) #TA09-0010; Block 69, Lot 1, 17 Franklin Turnpike, Tenant Space #6: Franklin 711,LLC
- 3) #TA09-0011; Block 69, Lot 1, 17 Franklin Turnpike, Tenant Space #3: Nonna's Pizza
- 4) #TA09-0012; Block 69, Lot 1, 17 Franklin Turnpike, Tenant Space #4: Biz E Bee Cleaners
- 5) Discussion on Proposed Planning Board By-Laws

VIII: ADJOURNMENT:

THIS AGENDA IS SUBJECT TO CHANGE

**MINUTES
TOWNSHIP OF MAHWAH
PLANNING BOARD
REGULAR MEETING OF AUGUST 10, 2009**

I. OPENING STATEMENT

The combined public/work session meeting of the Planning Board of the Township of Mahwah held at the Municipal Building, 475 Corporate Dr., Mahwah, N.J. was called to order at 7:10 P.M. by the Vice-Chairman. The Opening Statement was read according to the Sunshine Law followed by the flag salute and roll call.

These minutes are a synopsis of the meeting. A verbatim audio tape recording is on file with the Board Secretary at the Planning Board Office, 475 Corporate Dr., Mahwah, N. J. Copies of the tapes may be purchased for a fee.

PRESENT: Mr. Brotherton, Mr. DaPuzzo, Mayor Martel, Mr. Jandris, Mr. Spiech, Mr. Rudolph, and Mr. Donigian (arrived 7:55 P.M.), Mr. Sherer and Mr. Williams.

EXCUSED: Dr. Ross, Mr. Crean

ALSO IN ATTENDANCE WERE BOARD PROFESSIONALS:

Planning Board Attorney, Peter J. Scandariato, Esq., Township Engineering Consultant, Michael J. Kelly, P.E. and Planning Consultant, Joseph Burgis, and P.P.

Vice-Chairman Brotherton announced to the public that Docket #521, Major Subdivision Application of George & Deborah Kayal, Wyckoff Avenue has been postponed until September 14, 2009 at 7:00 P.M..

Mr. Robert Inglima, Jr., representing the applicants, **George & Deborah Kayal, Bayval Corp. and Laurmark Corp.**, involving Block 153, Lots 1, 2, 2.01 & 3 for a subdivision application. By letter dated August 10, 2009 he requested the matter be carried from the continued public hearing that was originally scheduled for this evening until the September 14, 2009 meeting of the Planning Board.

APPROVAL OF BILLS

7/13/09 Meeting Attendance	Peter J. Scandariato, Esq.	\$200.00
Period-June 2009	Phillips Nizer, LLP	\$297.00
5/18/09 Meeting Attendance	Burgis Associates, Inc.	\$200.00
6/8/09 Meeting Attendance	Burgis Associates, Inc.	\$200.00

A motion to approve the bills was made by Mr. DaPuzzo and seconded by Mr. Jandris.
A voice vote of "aye" was heard from all Board members.

APPROVAL OF MINUTES: Re-Organization Meeting -7/13/09

A motion to approve the minutes was made by Mr. DaPuzzo and seconded by Mr. Williams.
A voice vote of "aye" was heard from all eligible board members.

RESOLUTIONS FOR MEMORIALIZATION:

A motion to adopt the resolutions was made by Mr. DaPuzzo and seconded by Mr. Williams.
Motion to waive the reading of the resolutions was made by Mr. DaPuzzo, seconded by Mr. Williams.

**Planning Board Meeting
August 10, 2009**

Roll call vote showed the following: Messrs. Brotherton, DaPuzzo, Jandris, Rudolph and Williams voting “aye”. Mr. Spiech “abstained”. Mr. Sherer voting “nay”.

Resolution to be adopted at the September 14, 2009 meeting.

Mayor Martel resumed his seat with the board.

**Public Meeting
Draft Highlands Element for the Municipal Master Plan**

Mr. Burgis proceeded with his presentation. He asked that the record reflect that this was not a public hearing on this module. The purpose of this public meeting is to provide the public with an update as to where the township is today and to have any public input. The Highland Council requires every municipality that is participating in their plan conformance assessment holds two public meetings on these modules during the course of this process. There is no action required to be taken by the Planning Board at this point in time. The board is obligated by the Highland’s Council to take action no later than December 8 of this year as to whether or not the township wants to buy into the plan conformance process. The Township of Mahwah is one of 88 municipalities that is subject to the Highlands Planning Act.

Mr. Burgis gave a brief history on the Highlands Act which was enacted back in 2004 and explained its purpose. The Highland’s Act created the Highlands Water Protection and Planning Council (the “Highlands Council”) and charged it with crafting a comprehensive master plan for the Highlands Region. The Highlands Regional Master Plan was adopted by the Highlands Council on July 17, 2008 and became effective on September 8, 2008.

He stated there are seven different modules or studies that they are preparing for this process. The Highlands anticipated that this process would lead to an easy decision on the part of each municipalities as to whether they want to buy in. From his experience working with these modules, he clearly saw where it did not do that. It does provide a tremendous amount of data, but they are finding that most of the boards and council are being overwhelmed by the information and the data alone does not allow them to make a conclusion. To address that issue, they are putting together a matrix which will help the Planning Board and Township Council at the end of the process weigh the pluses and minuses and help them make a decision as to whether or not the township wants to buy into the program. Technically, it is not part of this process, but Mr. Burgis thought it needed to be done to help the township in their decision making process. The Regional Master Plan encompasses well over 1,300 square miles in the 88 municipalities. The Highlands Act designates about half of the seven-county region as Preservation area (415,000 acres) and the other half as Planning Area (445,000 acres). The Act requires that jurisdictions having lands in the Preservation area conform to the Highland RMP with respect to that area, while for lands located in the Planning Area, conformance is voluntary. The Township of Mahwah has a little over 9,700 acres in the Preservation area and 7,100 acres are in the Planning area. He explained that the Township is obligated by the statutory regulations in the preservation area. It is with the acreage in the planning area that they must decide whether or not they want the more restrictive regulations to apply there as well.

He stated the module the Planning Board is discussing this evening is module number 5. It basically identifies all of the goals and objectives of the various plan elements that the Planning Board will have to adopt over the next year and half to adhere to all of the Highlands regulations. The Highlands Plan identifies eight specific plan elements that include things that are already in the Town’s Master Plan. The goals and objectives are very similar to the Township Master Plan. But there is greater emphasis on environmental issues.

**Planning Board Meeting
August 10, 2009**

The Township of Mahwah is broken up into three primary highland zones. The first zone is the Protection Zone which is the most restrictive area, the second zone is the Conservation Zone which relates to agricultural lands and farming land buffer areas adjacent to agricultural lands and the third zone is the Community Zone that is basically the mostly developed portions of the community.

He identified the three areas at issue that the board would need to have a detailed discussion at a later date. One is the issue of Transfer of developer's rights. The highland regulations is actively encouraging municipalities that are in the planning areas to give consideration to becoming receiving municipalities whereby the municipality would receive additional development from preservation area communities. The township would get additional funding and in certain instances get added points for other funding mechanisms that are state funded programs.

Mr. Burgis stated that in knowing the developed character of Mahwah, he was not certain that it represents a positive element for the township. He encouraged the board to read the sections in the document and then the board can discuss those issues at a later work session. The second issue is the section on Cluster development. They had identified in the document two areas where it applies to Mahwah and that is in the PRD-4 and PRD-6 Zones. They are fully developed zone districts with attached residential development which has some areas set aside as permanent open space in those developments. Because those zones are fully developed, Mr. Burgis did not see a need to separately designate these as cluster zones for the purposes of the highlands. The third issue relates to the township's housing obligation, which is a critical item. COAH has given Mahwah a housing obligation in excess of 800 units of affordable housing. A large portion of that obligation is addressed through existing housing. He ran through the township's numbers and felt that they can clearly justify a much lesser obligation then that given the fact of the township's fully developed character and the environmental constraints that affect the other vacant properties in the municipality.

He received a CD from the Highlands which identifies their assessment of Mahwah's housing obligations. The Highlands was charged through an executive order from the Governor to put together housing need numbers for every municipality in the Highlands region. If the municipality were to buy into the highlands plan, then the township would be able to use their assessment of housing obligation and not obligated to follow the COAH housing need numbers.

In reviewing the highlands numbers, they project based on their build out assessment of water and sewer availability in Mahwah township, that the township's residential growth from the year 2004 through 2014 would only be an additional 174 dwelling units. When you factor in the 20% set aside which would be required for affordable housing that means that the township residential growth in those years would only account for an additional 35 housing units. The non-residential growth was projected, based on their assessment the township would wind up with an additional 611 jobs in Mahwah between 2004 and the end of 2018. That was based on non-residential development that was already approved between January of 2004 and mid 2009. The 611 jobs would translate into another 38 affordable housing units. So the township would end up with a total obligation based on the highlands obligation analysis of 73 units, which is a far cry from the greater number of 800 units that COAH had given the township.

As Mr. Burgis stated earlier, the board will be going through this matrix to decide the benefits versus the detriments of participating in the highlands plan. That differential is a significant factor in the board's deliberations.

The fourth issue Mr. Burgis stated had to do with the issues of variances. The Highlands rules state that variances in areas that require septic systems or have water and nitrate depleted areas, any use variance and specific bulk variances would be required to obtain board approval and highlands council approval before an approving action would be final.

**Planning Board Meeting
August 10, 2009**

So when the township is weighing all of their issues that is another fact to consider, that the township is losing some control on those variance applications.

At the conclusion of his presentation, Mr. Burgis advised the board that a separate work session would be needed to review this document in much greater detail and some of the other modules as they get completed.

He explained that the board's decision was simply to decide whether or not the township wants to participate in the Highland's program for the Planning area which is basically the area that is East of Route 202. The township is obligated by law to adhere to the Highland's regulation for the Preservation area.

Mr. Donigian arrived at 7:55 P.M.

At the request of the board, Mr. Burgis reviewed the timelines involved. The board was obligated to hold this public meeting for public comments. Prior to October 1st, the Planning Board is obligated to hold a public meeting on the Housing Plan to get public input. Prior to December 8th, the board is obligated to make a formal determination as to whether or not the township will be participating in the process. Basically, over the year 2010, the township will be preparing a lot of formal documents that will have to be adopted and implemented.

At the end of the board discussion, the meeting was opened for public comments.

A motion to open the meeting to the public was made by Mr. DaPuzzo and seconded by Mr. Rudolph.

No public comments were received.

A motion to close the meeting to the public was made by Mr. DaPuzzo, motion seconded by Mr. Williams. All voted in favor.

Mr. Burgis will report to the Highlands Council that the Planning Board held the first public meeting. He requested a copy of the meeting minutes to send back to the Highlands Council.

He is preparing the data on the Housing Element which is Module #3. An informational public meeting should be held sometime in September.

WORK SESSION:

A. COMMITTEE REPORTS

1) NEW BUSINESS

Referral from Governing Body

Proposed Amendment to Chapter 24 Entitled "Zoning"

ORDINANCE NO. 1653- AN ORDINANCE TO AMEND CHAPTER 24 ENTITLED "ZONING" OF THE TOWNSHIP OF MAHWAH CODE AND THE SCHEDULE OF DISTRICT USE REGULATIONS FOR THE GI-80 GENERAL INDUSTRY ZONE AND IP-120 INDUSTRIAL PARK ZONE TO ADD "HEALTH AND WELLNESS CENTERS" AND "FITNESS AND HEALTH CLUB" AS PERMITTED USES IN THOSE ZONING DISTRICTS.

Mr. Burgis, Mr. DaPuzzo and Mr. Jandris were excused from participating in the Board's discussion on proposed Ordinance #1653.

**AMENDED: 2/24/09*

**TOWNSHIP OF MAHWAH
COMBINED WORK SESSION AND PUBLIC MEETING AGENDA
THURSDAY, FEBRUARY 26, 2009**

**Council Chambers – Municipal Complex
475 Corporate Drive, Mahwah, New Jersey**

8:00PM

COUNCIL PRESIDENT'S STATEMENT and SALUTE TO THE FLAG

ROLL CALL: ____ Alderisio; ____ DaPuzzo; ____ DiGiulio; ____ Hermansen;
____ Kidd; ____ Larson; ____ Roth

PUBLIC PORTION (Each speaker shall be limited to 5 minutes. The Public Portion shall be a maximum of 30 minutes.)

WORK SESSION

SUBMISSION OF BILLS AND CLAIMS

ENGINEERING (Boswell-McClave)

- 1a. Declaration of Default; Passerino Subdivision; Fardale Avenue and Smokehouse Lane Dkt. #403)
- 1b. Verbal Status Report

TOWNSHIP UTILITY ENGINEER (Malcolm Pirnie)

- 2a. Loan Application; New Jersey Environmental Infrastructure Financing Program
- 2b. Verbal Progress Report

ADMINISTRATION

- 3a. Municipal Planner; Status Report
 - 1. Master Plan
 - 2. COAH
 - 3. Highlands Plan Conformance
- 3b. Mayor's Proclamations
 - 1. Read Across America Day – March 2, 2009
 - 2. Peter and Roxanne Mastorakos – Outstanding Mahwah Citizens
- 3c. Mayor's Appointment; Administrative Officer/Zoning Officer
- 3d. Municipal Pool Fees; Discussion
- 3e. United Water Bulk Sale Revision Agreement
- 3f. Fixed Asset Threshold
- 3g. Authorization; Professional Services - Municipal Planner – Highlands Plan Conformance
- 3h. Transfer; 2008 Appropriation Reserves
- 3i. Authorization to Enter Into Proprietary Contract; Simplex/Grinnell
- 3j. Bond Purchase Contract (For Information Only)

TOWNSHIP COUNCIL AND MUNICIPAL CLERK

- 4a. Resident's Request for Home to be Designated as Historic; 40 Armour Road
- 4b. Proposed Plastic/Paper Bag Tax (Roth)
- 4c. Proposed Bill Requiring Physicals for Firefighters (Alderisio)

TOWNSHIP COUNCIL AND MUNICIPAL CLERK (Continued)

- 4d. Firefighter Applications
 - 1. Peter J. Cotter to Fire Company #2
 - 2. Ryan J. Mann to Fire Company #5
- 4e. Rezoning Request; 7 King Street; Block 82, Lots 20 through 25, 27 and 28
- 4f. Raffle Applications
 - 1. PTA Wanaque School (On Premise)
 - 2. PTA Wanaque School (Off Premise)

PUBLIC MEETING

APPROVAL OF BILLS AND CLAIMS

APPROVAL OF MEETING MINUTES

Budget Work Session Minutes of February 5, 2009

REPORTS OF TOWNSHIP COUNCIL and MUNICIPAL CLERK

TOWNSHIP COUNCIL; COMMENTS, COMMUNICATIONS AND REPORTS OF SUBCOMMITTEES

REPORTS OF MAYOR AND BUSINESS ADMINISTRATOR

MAYOR'S PROCLAMATION

Read Across America Day – March 2, 2009

Peter and Roxanne Mastorakos – Outstanding Mahwah Citizens

PUBLIC PORTION (Each speaker shall be limited to 5 minutes and the Public Portion shall be a maximum of 30 minutes).

ORDINANCES – PUBLIC HEARINGS

- #1637 Ordinance Amending Section 2-25 of the Township Code Regarding “Fees” to Establish Fees for Clothing Donation Bin Applications
- #1638 Ordinance Amending Section 16-6 of the Township Code Entitled Water Rates and Charges
- #1639 Ordinance Amending Chapter VII and Schedules I and II of the Township Code to Add Additional Parking Restrictions for Winter Place and Winter Terrace

CONSENT AGENDA There will be no separate discussion of these items. If any discussion is desired by Council, that particular item will be removed from the Consent Agenda.

- #044-09 Declaration of Default; Passerino Subdivision; Fardale Avenue and Smokehouse Lane Dkt. #403)
- #045-09 Authorization to Submit Loan Application for New Jersey Environmental Infrastructure Financing Program
- #046-09 Mayor's Appointment; Administrative Officer/Zoning Officer

CONSENT AGENDA (Continued)

- #047-09 Authorization for Mayor and Municipal Clerk to Execute United Water Bulk Sale Revision Agreement
- #048-09 Fixed Asset Threshold
- #049-09 Professional Services Agreement; Burgis Associates Inc.; Highlands Plan Conformance
- #050-09 Transfer; 2008 Appropriation Reserves
- #051-09 Authorization to Enter Into Proprietary Contract; Simplex/Grinnell
- #052-09 Appointment of Firefighter Peter J. Cotter to Fire Company #2
- #053-09 Appointment of Firefighter Ryan J. Mann to Fire Company #5

Approval of Raffle Application

- PTA Wanaque School (On Premise)
- PTA Wanaque School (Off Premise)

OLD BUSINESS

NEW BUSINESS

UPCOMING EVENTS

- | | | |
|----------------|---------|---|
| March 12, 2009 | 12 Noon | Senior Club Meeting |
| | 8:00PM | Township Council; Combined Work Session and Public Meeting |
| March 19, 2009 | 12 Noon | Senior Luncheon |
| March 26, 2009 | 12 Noon | Senior Club Meeting |
| | 8:00PM | Township Council; Combined Work Session and Public Meeting |
| March 31, 2009 | 8AM-9PM | Voter Registration for Unregistered Voters; School Election |

ADJOURNMENT

THIS AGENDA IS SUBJECT TO CHANGE.

**TOWNSHIP OF MAHWAH
COMBINED WORK SESSION AND PUBLIC MEETING MINUTES
THURSDAY, FEBRUARY 26, 2009**

The meeting was called to order at 8:00PM by Council President DaPuzzo who read the Open Public Meetings Act Statement as prescribed by law. Notice was advertised in The Record on July 11, 2009 stating this meeting would be held in the Municipal Offices, 475 Corporate Drive, Mahwah, New Jersey on Thursday, February 26, 2009 at 8:00PM.

Notice of this meeting is posted on the Municipal Bulletin Board. The minutes of this meeting shall be available in the Municipal Clerk's Office.

Salute to the Flag.

Present: Councilmembers Alderisio, DaPuzzo, DiGiulio, Hermansen at 8:23PM, Kidd at 8:07PM, Larson and Roth.

Also present were Mayor Richard J. Martel, Business Administrator Brian Campion, Township Attorney Terry Paul Bottinelli and Municipal Clerk Kathrine G. Coletta.

PUBLIC PORTION

On a motion by Larson, seconded by Roth, the meeting was opened to the public at 8:02PM. All in favor. Motion carried.

Mr. Mike DeLuca of 11 Parsons Court asked several questions on the notices in the newspaper for professional services. He questioned if the professionals have contracts and the amount of the contracts.

Mr. DeLuca said he read in the newspaper where Oradell was looking to cut their expenses and one of the ways was renegotiating contracts.

Mr. DeLuca congratulated DiGiulio on being inducted in the New Jersey League of Municipalities Hall of Fame for those in public service for 20 plus years.

On a motion by Roth, seconded by Larson, the meeting was closed to the public at 8:10PM. All in favor. Motion carried.

WORK SESSION

SUBMISSION OF BILLS AND CLAIMS

Any Councilmember with questions on the Bills and Claims was asked to confer with Administration prior to the Public Meeting.

ENGINEERING (Boswell-McClave)

1a. Declaration of Default; Passerino Subdivision; Fardale Avenue and Smokehouse Lane Dkt. #403)

The Business Administrator recommended the Township proceed with the declaration of default due to non compliance on the part of the developer.

Resolution shall be voted on in the Public Meeting.

- 1b. Verbal Status Report
None.

TOWNSHIP UTILITY ENGINEER (Malcolm Pirnie)

2a. Loan Application; New Jersey Environmental Infrastructure Financing Program
Alderisio asked what the interest rate will be. The Business Administrator answered it is unknown at this point as financing is not yet available.

- 2b. Verbal Progress Report
None.

ADMINISTRATION

- 3a. Municipal Planner; Status Report
1. Master Plan
 2. COAH
 3. Highlands Plan Conformance

Mr. Joe Burgis Township Planner was present. He said all of the items he will be speaking about are all intertwined.

Mr. Burgis said when the Township decided to participate in the Highlands Initial Assessment Analysis we were fortunate to receive a one year extension from when our Housing Plan is actually due. The benefit of this is the Township will have more time to work with the Highlands through their Plan Conformance Analysis to determine if we want to participate with the Highlands and/or work with the Highlands to see how our housing need numbers may be reduced. Mr. Burgis said COAH adopted their Initial Rules back in early 2008 and amended them on 3 separate occasions since then. COAH came up with a number on October 20 of last year that the Township had a housing obligation of 783 low and moderate housing units. The number is broken down into resident growth share assessment and non residential growth share assessment. COAH determined between January 1, 2004 and January, 2018 the Township would see an additional 1,260 dwelling units built in the Township. A 20% factor would be applied to that number and that would determine the Township's residential growth share obligation of 252 units. In addition to the Residential Growth Share Obligation the number the Township must also factor in is the non-residential growth which COAH estimates between 2004 and 2018. COAH further estimates 8,500 additional jobs will be created in the Township. According to COAH Regulations for every 16 jobs that are created the municipality has to provide a Housing Plan to address the affordable unit. Doing the math this equates to an additional 531 affordable housing units. By adding the 252 and 531 together COAH has reached their number of 783 units.

In addition to the analysis which COAH did they also did an Assessment of how much vacant land there is in the Township as well as how much vacant developable land there is available. COAH has calculated that the Township has 1,100 acres of undevelopable land in the Township. Mr. Burgis said he sees no more than 128 acres of vacant land in the Township which includes every corner and ½ acre. He further said using the COAH calculations for determining housing need based on information they have in the end instead of having a 783 unit obligation – the Township's number may be reduced to a 250 unit obligation. He said one of the benefits to the Township is we have an excess of

affordable housing units over and above our obligation which should put the Township in a good position in the final step of the process. The final step of the process is being delayed because once the Township agreed to participate in the Highlands Program it gave us a full year to extend the time for which we have to submit a Housing Plan. One of the things we are working with the Highlands in doing is a build out of the town based on their regulations of how much vacate developable land we have. In addition, we are working with Malcolm Pirnie figuring out how much water capacity and sewer gallonage to determine a realistic build out number. Mr. Burgis said he is working with the Highlands Council on the number because the Highlands has been charged by the State to come up with new Affordable Housing numbers for all 88 municipalities in the Highlands region.

Mr. Burgis said the first of the seven modules is due at the end of the week. They are 98% complete with their analysis. The final set of numbers will be reviewed by the Business Administrator early next week. The original deadline date was tomorrow. However, the date has been extended one week.

The Township is doing an Initial Plan Assessment which is due on December 8th of this year. This is the determination of whether the Township wants to fully participate with the Highlands. If the Township chooses to participate, the Zoning Ordinance would be amended to be consistent with the Highlands Master Plan and Development Regulations. If the Township chooses not to participate from the day the Highlands Council is informed the Township will then have to file the Housing Plan with the Council on Affordable Housing. Mr. Burgis suggested the Township wait until the end of the process for the formal determination as to whether or not we intend to participate. The Business Administrator interjected that about half of the Township is in the Highlands Preservation Zone and half of it is in the Development Zone. He further said the question is whether or not the Township wants the strict Highlands Regulations to apply in both portions of the town. It is mandatory the regulations will apply in the Preservation Zone. The question is does the Township want to extend this to the rest of the town. Mr. Burgis said the "line" between the Preservation area and the Planning Area is the Route 202 corridor. Everything to the west of Route 202 is in the Preservation area where we are required to meet all of the Highlands Regulations. The Township can choose to impose the Regulations to the east of Route 202.

Alderisio asked if the Township goes along with the Highlands Plan does that in any way reduce the Township's obligation for low cost housing. Mr. Burgis said in all likelihood it will.

DiGiulio asked the downside of going with the Highlands Regulations. Mr. Burgis said for the moment he is comfortable that for Mahwah that there is not much of a downside. He further said the Township is going through the Initial Plan Analysis where they will come back to Council to discuss the pros and cons.

DiGiulio asked what the Highlands Council's Regulations are on the drawing on the water. Mr. Burgis said part of the analysis will allow the Highlands Council to say if the Township should be cutting back on the amount of development being permitted in the Township because of lack of water or sewer.

DiGiulio said her concern is about the impact on the Township services. The Business Administrator said the Highlands Council is providing money for all of the studies. There are two parts – one is the Initial Assessment Grant which the Council approved and signed up to participate last December for up to \$15,000. and the second is the Plan Conformance Grant which is up to an additional \$50,000, which is scheduled to be voted on in the Public Meeting.

On a motion by Hermansen, seconded by Alderisio, the meeting was opened to the public at 8:30PM. All in favor. Motion carried.

On a motion by Alderisio, seconded by Roth, the meeting was closed to the public at 8:31PM. All in favor. Motion carried.

3b. Mayor's Proclamations

1. Read Across America Day – March 2, 2009
Mayor shall read the Proclamation in the Public Meeting.
2. Peter and Roxanne Mastorakos – Outstanding Mahwah Citizens
Mayor requested Proclamation be postponed until Mr. and Mrs. Mastorakos are available to attend.

3c. Mayor's Appointment; Administrative Officer/Zoning Officer
Resolution shall be voted on in the Public Meeting.

3d. Municipal Pool Fees; Discussion
Mrs. Marion Crescitelli, Pool Director was present.

Mrs. Crescitelli referred to the memorandum which she had written to the Business Administrator on the Pool Membership Fees for 2009. Mrs. Crescitelli said she is concerned about raising fees with many people losing their jobs. But she also feels that the pool has to pay its bills as well.

Roth had said according to the figures provided it appears the pool will be approximately \$28,000. short this year. Mrs. Crescitelli said additional funds are generated by additional classes.

Mrs. Crescitelli referred to a new law, the Virginia Graeme Baker Pool and Spa Act which the Township must comply with in order to open the pool this season.

Larson asked for Crescitelli to explain the act. Mrs. Crescitelli said the law is an anti-entrapment law, a federal law. It requires the pool drains be restructured to include drain shutdowns and covers and shut downs on the motors so if there is an obstruction in the drain it will shut off. Mrs. Crescitelli said some of the drain covers are not available, some of them have to be made to fit the existing drains.

Hermansen suggested in the month of August cutting the price of day rates to attract people to the pool. Mrs. Crescitelli suggested for the last two week of August charge \$5.00 at the gate for Mahwah residents.

AMENDED: 10/13/09

**TOWNSHIP OF MAHWAH
SPECIAL MEETING AGENDA
THURSDAY, OCTOBER 15, 2009**

**Council Chambers – Municipal Complex
475 Corporate Drive, Mahwah, New Jersey**

8:00PM

COUNCIL PRESIDENT'S STATEMENT and SALUTE TO THE FLAG

**ROLL CALL: ____ Alderisio; ____ DaPuzzo; ____ DiGiulio; ____ Hermansen;
____ Kidd; ____ Larson; ____ Roth**

- 1. Zoning Issues**
 - a. King Street (Block 82, Lots 20-25, 27 and 28)**
 - b. 440 Franklin Turnpike (Block 110.01, Lot 7)**
- 2. Highlands Municipal Plan Conformance; Discussion**

PUBLIC PORTION (Each speaker shall be limited to 5 minutes and the Public Portion shall be a maximum of 30 minutes).

ADJOURNMENT

THIS AGENDA IS SUBJECT TO CHANGE.

**TOWNSHIP OF MAHWAH
SPECIAL WORK SESSION MEETING MINUTES
THURSDAY, OCTOBER 15, 2009**

The meeting was called to order at 8:00 PM by Council President DaPuzzo who read the Open Public Meetings Act Statement as prescribed by law. Notice was advertised in The Record on October 5, 2009 stating this meeting would be held on Thursday, October 15, 2009 at 8:00 PM at the Municipal Offices, 475 Corporate Drive, Mahwah, New Jersey.

Notice of this meeting is posted on the Municipal Bulletin Board. The minutes of this meeting shall be available in the Municipal Clerk's Office.

Salute to the Flag.

Present: Councilmembers Alderisio, DaPuzzo, DiGiulio, Hermansen, Kidd, Larson and Roth

Also present were Mayor Richard Martel, Business Administrator Brian Campion, Township Attorney's Associate Andy Fede, Municipal Planner Joseph Burgis, Municipal Planner's Associate Malvika Apte and Deputy Municipal Clerk Jan Fox.

DaPuzzo asked if anyone had questions on the rezoning request on King Street.

DiGiulio asked the Planner if there could be a separate zoning for strip malls. He said a Refined Zone District could be established for short permitted uses. He said Retail may be appropriate in a limited fashion. Mr. Burgis said he would put together a list of uses for the Council to review.

DaPuzzo mentioned, at the last Council Meeting, there was a discussion on the possible rezoning of a piece of property north of King Street that is surrounded by B-10 zoning. It is a GI-80 industrial zone and is two acres with all the lots being small individual lots. They are looking to make the whole block with the similar zoning.

DaPuzzo further commented that the Applicant of the Liberty Travel property on Franklin Turnpike requested to have their property rezoned. He said this would match the zoning in the Borough of Ramsey and would continue the look of a shopping strip mall down Franklin Turnpike.

Roth said he wants to make sure the Ordinance is prepared in the context of a Master Plan as opposed to any specific application for Council. He does not want areas of contract zoning or spot zoning. Roth said we will have to look at the Master Plan as opposed to any specific application or Applicant.

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DiGiulio asked the Planner if the ratables for the Route 17 corridor are being looked at since the Master Plan is being reviewed. Mr. Burgis answered as part of the Master Plan Analysis he is looking at the whole Route 17 study and will be making recommendations within the next few months. Originally, they had hoped to have the entire Master Plan finished but the Highlands have held them back.

Mr. Burgis gave a brief overview of the Highlands Municipal Plan Conformance and then said he would go over some of the benefits of opting in or not opting in. Through this process and the Council members reviewing the documents a decision can then be made to participate in the Highlands Program or not.

Mr. Burgis stated he would be discussing the entire Highlands Program Process as the technical information can be very confusing for the Council. His office has been working over the past five months with the Highlands Council putting together the various modules and/or studies to evaluate if the Township should Opt into the Highlands Regulations. They put together five of the seven required modules to be completed which the Council has copies of. Mr. Burgis showed a slide presentation, explaining the entire seven step Highlands Program Process.

Mr. Burgis gave details on the Highlands stating it covers a large area of New Jersey, stretches over 7 counties, includes 88 Municipalities and breaks up the Highlands region to both a Planning Area and a Preservation Area. The whole process is the concerns about existing land uses protecting open space and environmental features and the increasing water deficits in New Jersey. The Highlands only encompasses 17% of the state but supplies about 64% of the state's water supply and serves 5 ½ million people. It is very critical to protect this area.

Mr. Burgis stated in August 2004 the Highlands Act was adopted. It took the Highlands a number of years to prepare their plan. The plan was adopted June of 2008, and subsequent to that the Highlands Council prepared the regulations to establish this Plan Conformance Process. The Highlands Process started with a Land Capability Map. This is a process evaluating specific environmental features related to water supply. He further explained the Planning and Preservation Area are divided into 3 primary zones. The first zone is a Protection Zone which identifies large continuous open space areas and environmental sensitive areas. The second is a Conservation Zone which regards significant agricultural properties. The third is an Existing Community Zone which focuses on areas established and developed in parts of the Highlands. Sub zones are also created where building is heavily restricted and others that most likely can be developed.

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The Planner said our Township is in both the Preservation and Planning Areas. A portion of the Preservation Area is what the Township would have to Opt into. The Planning Area is voluntary and the Township does not have to Opt into this. The Township does not have to decide anything on the Planning Area until December 8, 2009. The Township has until December 9, 2009 to initially Opt in or not. Also, if we decided to Opt in and subsequently changed our mind, we can Opt out of the process.

Mr. Burgis showed a map illustrating our Municipality being split with Route 202 being the dividing line. Our Township has more Preservation land than Planning land. The map shows everything west of Route 202 and a portion between Route 202 and the southern part of I-287 is area in the Preservation Area. This is the area we have to Opt in on. The other area is where we have a choice between Opting in or not and is under consideration.

The Land Use Capabilities Map shows not only the Protection Areas in the existing communities, which are mostly the Planning Area, but also the environmentally sensitive areas identified on the exhibit as small pockets.

Mr. Burgis clarified how the Highlands Council, our office and the Township Engineers have mapped the information. Approximately 25 maps have been prepared to identify all the environmental sensitive features. He showed a few, including the Highlands Open Water Areas, the Highlands Vernal Pool Map and preserved areas in the Preservation Area. He also showed the Highlands Net Water Availability Map which revealed that 80% of the Township is operating at a net water deficit. He also identified the three tiers of the Protection Map.

Mr. Burgis explained the areas of concern were broken down to six or seven specific areas in their matrix. The first area was general issues not specific to any area. What is interesting about Opting into the Highlands Program is that it automatically comes along with the State Plan Endorsement of our Master Plan. If the Township was ever taken to court, the Highlands would pay for legal services to defend all of their Regulations for the Township. He further mentioned, if the Township should Opt in, there could be a number of planning grants available. The Planner, again, stated the Township can Opt in and Opt out of the process at any time.

Mr. Burgis has concerns about the impact of the Affordable Housing obligation. Originally, he stated the Township had an obligation to adopt the Housing Plan by December 8, 2009. We now have additional time to June 8, 2010 to adopt the Affordable Housing Plan.

The Planner explained our current COAH obligations. He said the Coalition on Affordable Housing has made a determination that our projected growth housing obligation is 783 units in our Third Round period for the years 2004 through 2018. At

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least half of this total is affirmatively addressed by existing Affordable Housing in our Municipality. In contrast to this, our Township has a "soft" 72 unit obligation because the figure that the Highlands has analyzed does not include redevelopment sites. Our level of residential growth and what is projected forward to 2018, does not begin to reach half of what COAH has projected as our total obligation. With the Highlands number of 72 units it can be adjusted downward. With COAH there is a process to adjust their number downward.

DaPuzzo said he understood we had adjusted our number downward. The Planner explained that in 2004 when we prepared and filed our Housing Plan for certification, prior to COAH giving us certification, their rules and regulations were taken to court and no decisions were made. A new set of revised rules were adopted for the Third Round and the Township's number increased. Mr. Burgis commented there are 24 lawsuits against this Third Round of rules.

Roth asked where the 72 unit figure was derived from. The Planner said the Highlands prepared a detailed analysis. From this analysis, if we were to buy in, we would have to adopt more stringent regulations and environmental controls particularly over water and land use. We would have limited development potential as the Highlands Council would regulate everything.

The Planner further explained, under COAH's process, they had projected we would see a growth of an additional 1,300 units built in our Township between now and 2018. COAH estimated a tremendous amount of non-residential growth creating 8,500 jobs in the Township. The Planner stated they are going to take significant issue with these projections. COAH also did an Assessment of how much vacant land there is in the Township and overstated the case. Their Vacant Land Map identified all kinds of development potential but a lot of the land identified was calculated wrong.

Alderisio feels he needs clarification on the Township's Opting in under the Conformance Plan where it shows the non-residential jobs of 157. He has concerns if we do not Opt in the figures show 8,488 jobs. Alderisio questioned if this is a way to entice the Township. Mr. Burgis said it is an assumption that can be made. He explained if we do not Opt in and proceed with the COAH numbers, we would have a tremendous amount of data that suggests if we were to adopt many of the environmental regulations, we would not see the level that COAH has projected.

DiGiulio asked how the state and county owned property falls into this category. She said since we have a college, the ski area and golf course the Highlands is saying we do not have enough water. She further said, if we Opt in nothing comes under this. Mr. Burgis stated there are some exemptions and environmental controls that would have to

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be imposed if the Township Opt in to ease the water situation such as the golf course. He said improvements to houses of worship, schools and hospitals would be exempt in the Preservation Area.

DiGiulio asked if there was anything developed in the Preservation Area. Mr. Burgis answered there are a few single family homes which are exempt with a few exceptions. DiGiulio asked if the Highlands would purchase privately owned tracks and put it into the Preservation Area or would the people lose their investment. Mr. Burgis said in a limited fashion they will be able to redevelop. DaPuzzo said the properties will be able to be subdivided. The property will be difficult to develop but that already exists now as it is in the Highlands Area. Mr. Burgis interjected and said at this stage the discussion is only on the Planning Area.

DiGiulio asked if the college would be restricted for water use. Mr. Burgis said they would have some restrictions and environmental controls but basically the college is exempt.

Alderisio asked if the Township Opt in for the Planning Area and adopts the State Regulations what would happen to the regulations if we change our mind. Mr. Burgis answered the Municipality can decide, but he is inclined to think the COAH numbers would go up.

DaPuzzo asked Mr. Burgis what his interpretation was on an article that was in the Planning Bulletin about the court's ruling if the Municipality has reached a net COAH obligation, could they still have more COAH forced upon them. Mr. Burgis said the court ruled the Board did not do an adequate evaluation. The Township Attorney's Associate said there are still a lot of open issues so he will keep watching as this may be remanded back for review.

Mr. Burgis explained about our goals, amendments and updates that would impact our Planning Program. He further explained there are a lot of environmental plans we will be required to prepare to conform to the Highlands Regional Master Plan over the next year. Fortunately, he said, many of the elements needed have already been done on the Township's Master Plan.

Conversely, Mr. Burgis said if we do not Opt in, every six years we would have to do a Re-examination Report and a Housing Element. If we Opt into the Plan, our water bodies would mandate a 300 foot buffer protection around all open waters. One issue of importance for the Zoning Board would be that they need an increased density variance. This would be heard locally by the Zoning Board, and if it is approved by the Board, the Highlands would get to review the application also. Additionally, if we Opt in, the Township would have to maintain all of the Ordinances the Highlands would call for.

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Certain uses that must have approval by the Highlands in the Planning area is the critical habitat area whether we Opt in or not.

DiGiulio said she had fears if we Opt in it looks like this would be the first step to regionalization. She said the Highlands Council will be our Planners and will make it so restrictive that it will curtail our income so we will have to regionalize. The Planner said this is clearly a Regional Master Plan designed to protect our natural resources on a Regional basis. DaPuzzo then asked if the Highlands Council could force us to Opt in. Mr. Burgis stated this is a voluntary program.

The Planner said he looked at the Crossroads site and it will continue to have development potential if the Township decides to Opt in.

Mr. Burgis said we are obligated to do a number of things some of which we have already done. Although we are obligated to meet the Highlands Regulations in the Preservation Area the Highlands would need a resolution stating we are willing to participate.

DiGiulio has concerns that the Highlands could regulate how much water we have in our own Planning Zone. DaPuzzo said this happens already.

The Business Administrator stated we could be forced to buying more water but that is not a change. He said we would have to demonstrate that we have the capacity to get water line extension permits otherwise it could be denied from the New Jersey Department of Environmental Protection.

DiGiulio asked if Ramapo College and the schools would be exempt for water. Mayor Martel interjected and said we sell the water within the Township.

Planner's Associate Alpe added that the Highlands is divided and the constraints are due to the water sheds that lack the capacity going through the Municipalities. She said they would have to take measures to make sure that water is available if we Opt in.

Roth asked if the Conformance documents that need to be prepared have to be in process by December 8, 2009. The Planner said the Highlands wants the letter and the resolutions that the Township is opting into the process. Roth asked Administration how much the cost would be for all the work if the Council decides to Opt in. The Business Administrator stated we had already started to complete a new Master Plan so the money was in place and was used for many of the elements mentioned this evening. He said we received two grants from the Highlands Council amounting to \$65,000 and that has covered most of the work that Burgis Associates has done to date. He indicated that we would be receiving additional grants.

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Roth said he would like some accounting of what the exact cost would be. Planner's Associate Apte mentioned for 2010 if a Municipality decides to comply and needs funding it will be available.

Mayor Martel asked the Planner if he is confident we have all the information we need to make a good assessment of Opting in or Opting out. He feels the Highlands Council is constantly updating their Master Plan. The Planner answered the Highlands Implementation Process is not complete yet. The Mayor asked if there would be any ramifications on how many times opting in and opting out can be done. The Planner answered every six years the Highlands revises their Master Plan. Mayor Martel said the Township must do a lot to comply and feels some Townships are reluctant to Opt in to the Highlands Plan because of the mandates. He said he is aware of several Municipalities that are not Opting in due to restrictions of resident's properties.

Hermansen asked Mr. Burgis, as our Planner, what he feels our Township should do. Mr. Burgis said he sees both sides. He feels the reduction of the Affordable Housing obligation would be dramatic, but the environmental controls they impose would make sense for our Township. He said the negatives would be the Township loses some control as the government will be looking over our shoulder.

DaPuzzo reminded Council that we could Opt out at any time. He said COAH scares him more than the Highland does. He said if our Township had to have all the housing units that the COAH obligation requires currently, it could change our Township forever.

The Business Administrator commented that the Township Council will have to have a further discussion before coming to a conclusion prior to December 8, 2009. He said if we do not decide to Opt in we have until June 8, 2010 to submit the Third Round petition. Certain requirements are needed no matter what the Council decides.

DaPuzzo said we will have resolutions ready for our December 3, 2009 Council Meeting.

DiGiulio asked the Planner if he could have an analysis of what our projected ratables would be, what land we have available and what we would lose if we Opted in under the Highlands Control. Mr. Burgis said he would prepare an analysis for the Council.

On a motion by Hermansen, seconded by Roth, the meeting was opened to the public at 9:30pm. All in favor. Motion carried.

Mr. Bill Krame of 58 James Brite Circle commended Mr. Burgis on the good presentation. He said as a builder and developer he had concerns that the Highlands Council could change their rules and the Township could be forced to accept Affordable

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Housing units from other Highlands Municipalities. He feels we are being put into a false sense of security as the Highlands are run by environmentalists and they only care about the environment and do not care about the Township's ratable.

Mrs. Phyllis Stewart of 617 Blue Ridge Lane feels the Township needs the ratables and feels we should initially Opt into the Highlands as it will provide protection against unscrupulous developers.

Mr. Mike DeLuca of 11 Parsons Court asked the Mayor what he meant if we Opt into this it will affect housing. Planner's Associate Alpe explained that some applications will be reviewed by the Highlands. The Highlands Council was given 17 exemptions which single families fall into. If a person wants to build a house they can build it only if it does not disturb one acre.

Mr. DeLuca asked if the Highland housing figures have ever been challenged in court and asked how we are protected by Opting in. Planner's Associate Alpe said if it ever happens, the Highlands would be protected and it would be up to the courts to decide on the number.

Mr. DeLuca asked if the zoning change on King Street would be affected if we Opted in. DaPuzzo said if we take action within the next seven months there should be no problem. Planner's Associate Alpe said the zoning should not be affected.

Mr. DeLuca asked how much of the Township requires sewerage. The Business Administrator said the whole west side of the Ramapo River does not have sewers. He said there are very few areas in the area to be developed that are not sewerage. Mr. DeLuca said he has concerns that, in the future, the Highlands Council could say if we do not have it sewerage in the Highlands area it could be imposed on us. The Business Administrator feels the policy of the Highlands through their Master Plan is to curtail the extension of sewer lines.

Mr. DeLuca asked if the Highlands control wells in the Protection zone to restrict water. The Business Administrator said yes it does and it would make it more difficult for us to get permits that we need from the Department of Environmental Protection to reconstruct our existing wells in this area.

Mr. John Spiech of 78 Island Road said he remembers from the League last year that there is a very large push by the Townships that are fully in the Preservation Area to have a water tax to recoup losses of land they cannot build on. He feels this could come to pass. Mr. Spiech said he has heard that the Highlands is also looking to have a water tax so they can purchase the land that cannot be developed. He feels that the Townships in

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the Highlands would benefit from this tax money. Mr. Burgis said that if the Township opts in the Highlands Council would protect the Township from any lawsuit.

Mr. Spiech voiced his concern if the Township opts in and a developer wants to develop a piece of property and then the Township opts out could the developer sue us as we would then be under a new set of rulings. Another concern Mr. Spiech has is if the Township opts into the Highlands regulations could one obtain a waiver or a variance. DaPuzzo explained the process, and said the Planning Area has additional regulations but they are not astringent.

Mr. Spiech asked if the grant money has been used up. The Business Administrator responded that they have not used up all of the grant money for the Plan Conformance Analysis task which will get us through all the seven Modules. Mr. Spiech stated things have a way of changing quickly but does feel it would be a good thing for the Township to opt in.

On a motion by Roth, seconded by Hermansen, the meeting was closed to the Public at 10:00PM. All in favor. Motion carried.

Kidd asked how long it would take to get an extension from COAH with regard to the June deadline. Planner's Associate Alpe said individual Municipalities can not ask for an extension.

Kidd asked what the procedure was to reduce the COAH obligation. Planner's Associate Apte said it is a downward adjustment mapping entire vacant land and then apply. Kidd asked how long would it take. Planner's Associate Apte said it could take approximately two or three months.

Kidd asked what the procedure would be to reduce the COAH obligation. Planner's Associate Apte said if we do not opt out we would have to seek a Downward Adjustment.

The Business Administrator added that COAH is not going to give any extensions as the deadline was 2008. He said we only had the extension due to the program we heard about tonight. If we decide to opt out we do have a lot of the vacant land analysis work done.

Mayor Martel said he had been told when he went to COAH the number we had received of 782 was not etched in stone but would require work on our part and their part but we could expect a decision from them in the future. That never came so it is a possibility we could still get a decision. The Business Administrator stated we never made a formal submission.

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Kidd questioned how formal the application would have to be if the Township contacted COAH telling them we contemplate going into the Highlands with a number of 72 affordable units versus their number of 782 units. The Township should then ask COAH what they want us to do and would they work with us. The Township's Attorney Associate said he feels COAH has very strict rules and at this time are being sued by the Housing Advocates. He stated that it is the Supreme Court that said this is Constitutional Mandate that Townships have to do this. COAH came up through legislation as a way to enforce this so we have to follow their rules and regulations. Mayor Martel commented that our Township joined the lawsuit with the League of Municipalities.

Planner's Associate Apte said COAH would want a Housing Plan on June 8, 2010 whether or not we Opt into the Highlands or not. The Housing Plan has been the deciding factor for Townships. The Township Attorney stated it is imperative to know what we are going to do so we have no Building Remedy law suits.

Kidd asked what blocks us from a Building Remedy law suit from the Highlands. The Business Administrator explained the protection our Township gets against the Builders Remedy law suit is a Substance Certification by COAH approving our Housing Plan.

DaPuzzo stated the Council has to make a decision.

DaPuzzo suggested a Straw poll to be taken. Straw poll vote to Opt in or not: Alderisio, yes; DiGiulio, yes; Hermansen, yes; Kidd said he needs more information; Larson said he needs more information; Roth, yes; DaPuzzo, yes.

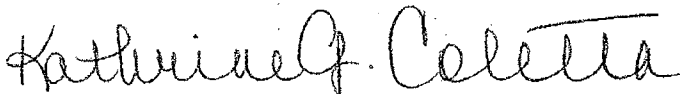
Kidd had concerns if the Highlands decide to change their rules on Opting out. The Business Administrator said he feels the Highlands would give us a sufficient amount of time to prepare a Fair Share Plan.

Kidd asked Administration's opinion. The Business Administrator answered that they have to weigh the factors and have not come to a conclusion. He said there is a balance to be made between the Economical Protection and the Environmental Protection. Mayor Martel interjected and said they have weighed the pros and cons but still needs more time as he would like to see more information.

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On a motion by Hermansen, seconded by Roth, the meeting was adjourned at 10:29PM.
All in favor. Motion carried.

Respectfully submitted,

A handwritten signature in cursive script that reads "Kathrine G. Coletta". The signature is written in dark ink and is positioned above the printed name and title.

Kathrine G. Coletta, RMC/CMC/MMC
Municipal Clerk

Meeting Minutes prepared by Jan Fox, Deputy Municipal Clerk