

FREEHOLD TOWNSHIP COMMITTEE MINUTES

SPECIAL MEETING

April 27, 2020

At 7:30 p.m. the Township Committee met in Room 214 of the municipal building. Mayor Preston read the following statement:

“In accordance with the Open Public Meetings Law, (c. 231 P.L. 1975), this meeting was announced on March 12, 2020 by: 1.) posting a notice on the bulletin board in the Municipal Building reserved for that purpose, 2.) by mailing such notice to the offices of the official newspapers of the Township and 3.) by filing such notice with the Township Clerk”.

NOTE TO THE PUBLIC: Due to the importance of many of the items on this Agenda and the need for the public to be heard on these matters, the Township Committee will not be taking any formal action or adopting any of the Agenda items on this date. Specifically, the Public Hearing on Ordinance O-20-7 will be opened and carried to a Special Township Committee Meeting of June 16 at 7:30 p.m., at which time the public may attend in person, if public gatherings are permitted at that time.

The Mayor noted that pursuant to the Federal and State recommendations for the holding of public meetings, the meeting was open to the public via telephone call in. The Township Committee and staff were practicing “social distancing” at the meeting.

All three of these numbers will join the conference:

646-741-5292
646-741-5293
973-854-6173

Meeting ID: 111 099 2155

In Attendance: Via - Phone Conference [Committeeman Ammiano, Committeeman Cook, Committeewoman Fasano] Committeeman Walker, Mayor Preston

Absent: None

Also in attendance: Mr. Valesi, Township Administrator; Mr. Munoz, Esq. Township Attorney; Mrs. Abouzeina, Municipal Clerk

Moment of Silence for the Covid-19 victims and Pledge of Allegiance to the Flag

OLD BUSINESS/PUBLIC HEARING

R-20-86 – Resolution Re: Planning Board Report for Ordinance No. O-20-7 and Inconsistency with Master Plan

Mr. Walker made a motion to move R-20-86 to the Special meeting of 6/16/2020 and seconded by Mr. Cook.

Vote:

AYES: Mr. Ammiano, Mr. Cook, Mrs. Fasano, Mr. Walker, Mayor Preston

NAYS: None

ABSENT: None

ABSTAIN: None

O-20-7 – An Ordinance Amending Chapter 190, Land Use, Article XI, Zones and Schedule of Requirements; Article XIII, Zone Regulations; Article XX – Affordable Housing Requirements which Includes Development Fees and Affordable Housing Mandatory Set-Aside, of the Revised General Ordinances of the Township of Freehold, County of Monmouth and State of New Jersey

Mr. Walker made a motion to move O-20-7 to the Special meeting of 6/16/2020 and seconded by Mr. Ammiano.

Vote:

AYES: Mr. Ammiano, Mr. Cook, Mrs. Fasano, Mr. Walker, Mayor Preston

NAYS: None

ABSENT: None

ABSTAIN: None

To Our Freehold Township Residents:

I am writing to you today to make you aware of certain upcoming adjustments to our current zoning laws that will change the landscape of our hometown. These changes are not desired by or at the behest of your local government, but are the result of strong-armed tactics by our State Courts, land developers and others who want to dictate the look and feel of communities across the State. It is important to understand, these changes are being driven by people who will never live, work or visit here and/or will significantly profit from these changes.

In March of 1975, a landmark New Jersey Supreme Court decision, known as the Mount Laurel decision, mandated that every municipality provide zoning opportunities for the development of affordable housing. As a result, the Council on Affordable Housing (COAH) was established to dictate a municipality's affordable housing obligation. Land developers were quick to realize the significant opportunity to leverage this affordable housing obligation to build "market rate housing" and, with their high-priced lawyers, filed and won "builders remedy" lawsuits. Now, developers, partnered with Court-backed advocate lawyers, use the Courts to force unwanted construction on towns. To be clear, developers do not want to build affordable housing because they do not make money on those units. They fight for more affordable housing so they can build and sell significantly more profitable "market-rate" houses.

Because of the State's inability and unwillingness to adopt Round 3 rules for municipalities, the NJ Supreme Court allowed the Courts to decide our fate, and appointed Fair Share Housing Corp (FSHC) as the advocate lawyer to promote affordable housing. Several towns went to court challenging their mandated obligation, expending significant legal sums, only to lose and have a judge unilaterally impose an astronomical amount of housing upon them. Others, like Freehold Township, remained at the table in order to maintain

some level of control of their obligation. Make no mistake, the Freehold Township Committee has engaged in a fierce, costly and protracted legal battle with a State- appointed adversary, developers and property owners fighting for the rights of the residents of Freehold Township.

We have always taken a proactive approach to our obligation, generally requiring our affordable housing to be seamlessly integrated with the market rate housing being built. We have worked hard to ensure housing for our seniors (Wemrock Senior Living & Kershaw Commons) and for our veterans (The Edge at Freehold.) We have also worked towards acquiring open space (over 9,000 acres) and through farmland preservation (Gibson Farms) to ensure that certain parcels can never be developed. Many will be surprised to learn that the Township has over 1,000 credits that have satisfied our prior obligation and over 500 credits towards our current obligation.

Because Freehold Township has always believed it best that we control our affordable housing destiny, we entered into negotiations towards a settlement agreement with FSHC that would legally establish our current round obligation. We did this after carefully examining every available parcel of land to determine the practicality of development. This was a long and tedious process that, along with other innovative strategies, ultimately reduced our potential obligation from between 1,509 (from a previous Court ruling) and 2,200 (desired by FSHC) units to a final number of 878. While that number is higher than we would have liked, we feel that it is significantly lower than what might have been required if we had lost our case in a full blown Court Trial as other towns have experienced.

Freehold Township remains committed to maintaining our “Family Town” as well as our rural and historic character. This has been the basis of every change in zoning or Planning Board approval that has been contemplated. Other than the owner of the property being developed, I do not believe that there is one person who thinks that another new development is either necessary or desirable. I am also reasonably certain that our residents felt that way starting in 1958 when our first major housing development (Wynnefield) was built and continued with every subsequent project.

As we have done in the past, when new housing is constructed, we will identify ways to provide realistic opportunities so that everyone, including our children, our seniors, our first responders, our teachers and young professionals and our veterans will have a chance to call Freehold Township their home. We will also encourage the redevelopment of blighted properties like Old Freehold Mall on Route 9 and the South Freehold Shop-Rite Mall or environmentally questionable properties like on Burke Road as well as the preservation of additional acres of open space for future generations to enjoy.

I am confident that together we will make the best of a less than ideal situation and that Freehold Township will continue to provide the highest quality of life for our families and be a premier destination for generations to come.

For the Freehold Township Committee

Mayor Preston opened the public hearing via conference call

David McGovern, 86 Old Post Rd, asked about the type of buildings that will be developed on the land bank property (Block 71, Lot 8)?

Mr. Valesi responded: In the settlement agreement, the court approved Land Bank Developer to build an “age restricted property” on the 5 acre parcel in the rears of the property. The remainder of the acre will be “flex industrial” that will allow them to build 1.5 stories for an industrial space building.

Mr. McGovern's follow up question: Why did the court allow them with that option?

Mr. Valesi replied and stated that everyone should visit the agenda on the website where there is a PowerPoint presentation that will explain how affordable housing works. Mr. Valesi stated that the Township is battling with the developers and the affordable housing attorneys that want to press forward using affordable housing as a lever to make the properties more valuable. The only way to avoid the settlement is to go to trial. The experiences of municipalities that have gone to trial have been disastrous.

Craig Bialous, 239 Monmouth Rd, asked how many units will be built on Silom Rd.?

Mayor Preston responded: 172 properties and 34 will be affordable housing. Mr. Bialous raised his concerns regarding the traffic and congestion that will be caused by these properties. Mayor Preston agreed with Mr. Bialous and explained that the developers and the affordable housing advocates are supported by the NJ Supreme Court. He said the developers want to build 6 to 12 houses per acre, the Freehold Township negotiated to build 4 houses per acre. Mayor Preston said unfortunately the developers and affordable housing advocates do not consider the traffic and the impacts on the infrastructure. Mr. Bialous followed up and asked if there was going to be a separate entrance on Rt. 537? Mayor Preston responded- this will be discussed at the Planning Board and the Public will be notified.

Daniel Strasser, 511-6 Harding Rd, asked about the number of units that will be built on Chesterfield Development?

Mr. Valesi responded that there will be two buildings that will contain 100 units. Mr. Strasser asked why did we only get notified a week ago? Mr. Strasser also stated he is considering gathering his neighbors and starting a petition and hiring an attorney to fight this in court. Mayor Preston responded to Mr. Strasser telling him that he has the right to challenge and to go to court. The Township has to abide by the current court order and settlement.

Danielle Garski, 18 Maher Rd, asked if there were any environmental studies that were done on the potential impact of adding all these units?

Mayor Preston responded that the environmental studies will be addressed before the Planning Board. Mr. Valesi stated that every municipality has to abide by the NJ State affordable housing rules. Freehold Township is in a better situation compared to other municipalities since the Township has been in compliance with the rules since 1975. At this point in time, the Township is allowing an opportunity for housing which is consistent with our legal case that has been active since 2012.

Denise MacFarlane, 18 Langeveld Drive, asked if this is about affordable housing why are the developers building 20% affordable housing and 80% at market value? Why are we changing the zoning?

Mayor Preston responded that the developers will not make any profits if they only build affordable housing, and the courts support the developers with the 20/80 distribution. Mr. Valesi stated the courts wants to see affordable housing built and the builders are unable to build housing that is exclusively affordable, therefore, the courts allow market rate housing to be built to fund the affordable housing. This is a state mandate supported by the Supreme Court of NJ and it is a mandate that has been forced upon the Township and we have been advocating for the protection of our zoning rights. The court and FSHC originally required to build 1,509 units and as much as 2,200 units, the settlement resulted in only 878 units. The Township will be able to build much less due to our "bonus credits" and other credits that the Township has received in the past.

John Czajkowski, 63 Homestead Rd., thanked the Township Committee for their hard work and he supports the Committee 1000%. Mr. Czajkowski asked if the affordable housing will contain “welfare motel:” and will the crime rate will increase with low income housing?

Mr. Valesi responded and stated that the Township is not building “welfare motel” housing. The Affordable Housing rules are designed for low and moderate income individuals whose incomes have to be high enough to afford the properties. The affordable housing is intended to be for young professionals who are beginning their careers such as entry-level teachers, law enforcement officers, doctors and nurses. There are guide lines for affordable housing where a large portion will be for moderate-income residents, a small portion will be allocated for low income, and a very small percentage will be for very low income. The affordable housing offers high quality properties intended to attract new professionals who can afford to buy and sell their units.

Sherri Reilly, 504-4 Harding Rd., Why are the developers looking to build more units in Chesterfield which already has 96 condo units?

Mayor Preston responded that this property was always intended to have more units and it wasn't completed in the original plan. One of the reasons that Chesterfield was chosen is because every rental unit will provide a credit for a second rental unit that does not have to be built. The Township is receiving more credits for less building. Ms. Reilly was also concerned about the maintenance of Harding Rd. since the residents currently pay fees to maintain the road. Mayor Preston believes that the new 100 units will also contribute to the Chesterfield Association fees and will be addressed by the Planning Board. Ms. Reilly believes that the Chesterfield units contain Section 8 housing. Mayor Preston and Mr. Valesi will research and respond accordingly.

Ms. Reilly also asked if the school system will receive more state funding due to the increase in residents. Mayor Preston responded that the state funding will probably increase proportionally to the increase in students.

Brandy Velasa, 168 Coachman Dr., what kind of barrier that will be put on place to protect our children from the construction?

Mayor Preston responded that the Planning Board will address buffers, and setbacks. Ms. Velasa said as a resident we need to fight the State. Mayor Preston and Mr. Valesi stated residents have the right to continue to advocate and proceed with any further actions that they deem necessary.

George Rodriguez, 9 Hope Ct. asked if there are any environmental studies that have been completed?

Mr. Valesi said the Freehold Township negotiated for eight months to eliminate the whole south side of the town that was not sewerred which would have been another 900 units built on that area in addition to the number that we already agreed upon in the settlement. The Township succeeded to protect the North branch of the Manasquan River and Metedeconk River from having any units built in that area.

Mr. Rodriguez asked about the names of the developers and the Affordable Housing advocates?

Mayor Preston said the Affordable Housing advocates are Fairshare Housing Center in Cherry Hill NJ. Mr. Valesi said the name of the developers and everyone involved are located on the website.

Michael Fogody, 16 Langeveld Dr. asked about the impact of these development on Turkey Swamp, endangerment of species, wet lands, and wild animals. In addition, will the County widen route 537?

Mayor Preston said all the environmental issues will be addressed by the Planning Board and Route 537 widening will be addressed by Monmouth County. He also believes the County will put a traffic light on route 524. Mr. Valesi said that this meeting is only focused on the zoning which is a part of the settlement agreement, the developers will have to apply and obtain approval from the Planning Board, NJDEP and the Monmouth County before construction begins.

J.J. Mistretta 506-8 Harding Rd. said she agrees with the affordable housing concept but she is concerned about building a three story building and have and extra 100 units in the Chesterfield Development. J.J. also inquired about the number of units that will be designated as affordable housing?

Mayor Preston responded and stated that the Chesterfield development has approximately 200 units already built and 30 of those units will be designated as affordable housing. There will be another 100 new units built as rental properties.

Mrs. Mistretta asked why are they building a 3-story property while there are currently only two stories buildings?

Mr. Valesi said that the Chesterfield property has a larger acreage than any other rental property and a lower density compared to other rental properties in Freehold Township. Mr. Valesi also stated that the rental units come at a premium, the increase in rental units with their bonuses means less houses will be built in Freehold Township.

Ms. Mistretta requested to see the plans for Chesterfield.

Mr. Valesi said the concept plans can be found in the power point presentation on the website.

Russell Sinack, 40 Partners Ln, asked about the traffic on Route 537?

Mayor Preston responded and stated that any issues or concerns on with Routes 537 and 524 will need approval from Monmouth County, and other issues and concerns will be discussed with the Planning Board.

Mr. Sinack asked does Freehold Township need to build more schools?

Mayor Preston responded and stated that he is not aware of any decisions to build any new schools. The Township does not have any preliminary projections of the number of new students. Currently, the Township has increased capacity to handle more students at the elementary schools, and we have seen a decline in the high school enrollment.

Mr. Sinack asked when will these developments will be built?

Mr. Valesi responded and stated that there are many steps before construction can begin and it may take 2 to 7 years.

Chris Mott, 90 Old Turkey Swamp Rd, is concerned about the wild animals and his farm pond.

Mayor Preston said all environmental issues will be addressed by the Planning Board. The Township Committee's responsibility is to provide the zoning opportunities and decisions. The developer is responsible in obtaining all the necessary approvals and permits from all the various government bodies involved.

Carmela Spieler, 20 Langeveld Dr. -Why do you have to build so many unites in Freehold Township? Why does it have to be on smaller lots?

Mr. Valesi responded- that this is a part of our Affordable Housing Settlement Agreement from our court case. We had the option to go to trial or settle. The settlement process allows the Township to negotiate with the Share Fair Housing Center and the intervening developers to provide the best options for the Freehold Township residents.

Right now, R40 with R30 cluster single-family homes are currently zoned that would be built on 30,000 square foot lots. This will change the zone to have 12,000 square foot lots.

Robert Rozman, 245 Monmouth Rd, asked if the Township could change the zoning to R-80?

Mayor Preston and Mr. Valesi responded and stated that the zoning cannot be changed to R-80.

Thomas Neely, 166 Colts Neck Rd, said that the Chesterfield condominiums will affect the traffic. Did the Township do any traffic safety study?

Mayor Preston responded that all traffic issues will be addressed by the Planning Board.

Chris Velasco, 3 Phyllis Rd, can we just build the 200 affordable housing units and not the other 600 units for market value?

Mr. Valesi explained that before this case started anyone who wanted to build properties in the Freehold Township had to build an Affordable Housing component. There are two properties that did not have the same requirements; The Enclave property at Jackson Mills Rd paid money that was a result of a federal lawsuit (Isaacs Lawsuit) that started in the late 1990's over a sewer connection. The Enclave Development was just built a few years ago. The other property was a Tolls Brothers property, (Regency on Route 33) which is also age restricted. The Township redirected those affordable units elsewhere, which was even better because we get to build age restricted housing which limits the number of school kids and we also obtained the market rate affordable housing so it did not count against our caps.

Ms. Velasco followed up asking why is the Township unable to build all the affordable housing in one area?

Mr. Valesi responded and said in order to build 100% affordable community, a grant program would be required since this is not profitable for the developers. Therefore, the Township would need to obtain a 9% tax credit grant, which are very difficult to receive and would only allow a maximum of 75- 85 units. In order to reach the 200 units that the town is required to build, we would need to have three 100% affordable projects. This was not a reasonable option for Freehold Township.

Ed Santos, 14 Lenape Trail - what are we going to accomplish on the Special Meeting scheduled for 6/16/2020?

Mayor Preston said that we will have to adopt the Land Use Ordinance at this meeting, otherwise, we will be in violation of our Affordable House Settlement Agreement and this will force us to go to trial and risk having to build more than 2200 units.

Mr. Santos followed up and asked what would happen if we went to trial?

Mr. Valesi said if we go to trial that may result in stripping us of our builders remedy lawsuit immunity. In the power point presentation, there are two municipalities who went to trial and the results were unfavorable. Englewood Cliffs- 1,000 units in a town with a population of 5,000 and South Brunswick - 1,553 units, population 43,000.

Mr. Santos asked does Three Brooks Road have wet lands, and how many units will be built there?

Mayor Preston responded that the Planning Board will address any issues or concerns regarding the wet lands.

Mr. Santos asked how many units will be built off of Three Brooks Rd.?

Mr. Valesi said there will be a total of 63 consisting of 51 single family homes and 12 duplex units. He explained that The Township owns 55 acres behind Three Brooks Road that the Township negotiated to keep as open space instead of property that might have been included in the zoning for Affordable Housing. Mayor Preston also stated that currently The Freehold Township and Monmouth County are involved in a joint project that is currently underway which will widen the area around Three Brooks Rd, and Halls Mills Rd.

Gary Tirpak, 235 Monmouth Rd, asked if there will be any relief of property assessment because of the changing of zoning around his property?

Mr. Valesi said any residents who feel over assessed in their property can file an appeal with Tax Assessor.

Mr. Tirpak asked could he transform a part of his property to become an affordable house zoning?

Mr. Valesi said you have to file a request with the Township to change the zoning of your property.

Debra Navarrete, 90 Old Turkey Swamp Rd, requested that her property be removed from the zoning change. In addition, she requested the Township Committee keep fighting for the residents and this cannot be a done deal.

Mayor Preston acknowledged her statement.

Anthony Graziano, 216 Kentucky Way, asked why we received the Land Use Ordinance?

Mr. Valesi responded and stated that this is because your property is within 200 feet from the new zoning change.

Mr. Graziano asked about the exact location of the 2 new buildings in Chesterfield.

Mr. Valesi said there is a power point presentation on the website that shows the concept plan.

Frank Clemente, 7 Treeline Drive, thanked the Township Committee for their hard work, and believes that the Township Committee did their best to serve the whole community. He asked are individuals that receive government subsidies, eligible for affordable housing?

Mayor Preston responded and stated they are not eligible for subsidies. The Affordable Housing is designed for individuals that have low income.

Mr. Clemente asked if there are any restrictions on the number of people living in a rental unit?

Mayor Preston said there are code occupancies and restrictions regarding the number of residents living in these units. In addition, they are not allowed to sub- lease their units.

Mr. Clemente asked about the tax rate for the owners of these properties.

Mr. Valesi said their resultant taxes will be less than the taxes for market value homes since their assessment is less. In addition, their homes do not appreciate similar to a market value homes.

Clinton Cowels, 167 Juniper Dr. asked about the overlay zones on Route 9.

Mr. Valesi said the Township is required to designate three overlay zones for future affordable housing on Rt 9 parcels that are currently developed.

James Ascolese, 4 Hope Ct. feels deceived by the Engineering Department that they did not reveal any information about zoning changes when he asked them on February 11, 2020.

Mr. Valesi gave him his phone number and told him he will find out about his meeting with the Engineering Department and will take action.

Robert Rozman, 235 Monmouth Rd, believes there are a lot of wetlands that cannot be build.

Mayor Preston said the developers will have to provide the following: wet land studies, traffic, road studies, and approvals from the Planning Board.

There were no more comments from the public, Mayor Preston asked for any comments from the dais.

There were no comments from the dais.

NEW BUSINESS

R-20-87 – Resolution Appointing Todd Brown as Municipal Housing Liaison

R-20-88 – Resolution Adopting Intent to Fund Spending Plan Shortfall for Affordable Housing Programs in Fair Share Plan Housing

R-20-89 – Resolution Adopting Affordable Housing Spending Plan Prepared by Thomas Planning Associates and dated March 30, 2020

R-20-90 – Resolution Adopting Affirmative Marketing Plan of Affordable Units Consistent with the Affirmative Marketing Plan Prepared by CGP&H

R-20-91 – Resolution Adopting the Affordability Assistance Manual Prepared by CGP&H and dated March 6, 2020

R-20-92 – Resolution Adopting the Home Improvement Program – Policies and Procedures Manual Prepared by CGP&H

Mr. Walker made a motion to move all the resolutions under new business, to the Special Meeting of 6/16/2020, seconded by Mr. Cook

Vote:

AYES: Mr. Ammiano, Mr. Cook, Mrs. Fasano, Mr. Walker, Mayor Preston

NAYS: None

ABSENT: None

ABSTAIN: None

The Mayor adjourned the meeting at 10:15 pm

Sanabel Abouzeina, Township Clerk