

**COLTS NECK TOWNSHIP
TOWNSHIP COMMITTEE MEETING
MARCH 4, 2020, 7:30 P.M.
COURT**

The meeting of the Colts Neck Township Committee was called to order at 7:30 p.m. by Mayor Rizzuto, followed by the Salute to the Flag. The following statement was read by Township Administrator, Kathleen Capristo: "The notice requirements of the New Jersey Public Meetings Law have been satisfied by noticing the Asbury Park Press on February 28, 2020 stating that a special meeting of the Colts Neck Township Committee would be held on March 4, 2020 at 7:30 p.m., Court. The notice was posted on the Township website, and a copy is on file in the office of the Township Clerk."

Roll call by Ms. Lindsey indicated the following:

Present: Mayor Frank Rizzuto, Deputy Mayor Michael Viola; Committeeman J.P. Bartolomeo, and Committeewoman Sue Fitzpatrick

Also Present: Kathleen Capristo, Administrator and Municipal Clerk Trina Lindsey

Absent: Tom Orgo, Committeeman and Meghan Ann Bennett, Esq., Township Counsel

1. DISCUSSION:

- AFFORDABLE HOUSING UPDATE

Mayor Frank Rizzuto welcomed all in attendance and explained to the audience that the purpose of the meeting is to discuss the Township's affordable housing obligation. Mayor Rizzuto and Deputy Mayor Viola reviewed a PowerPoint slideshow presentation, which is available on the Township's website at: www.coltsneck.org.

During the presentation Deputy Mayor Viola explained that the term "affordable housing" is used to describe renter and owner-occupied housing options that are affordable to people with low and moderate income. Deputy Mayor Viola further explained that those individuals and/or families must qualify via their income and household size. Deputy Mayor Viola stated that during the first and second round obligations mandated by the state of New Jersey, Colts Neck Township fulfilled those obligations through paying Long Branch Township to fulfill part of the obligation as well as the construction of The Grande in Colts Neck Township where eighty-eight (88) low and moderate income houses were built. Township Planner, Tim Anfuso also stated that there are three (3) single family properties in Colts Neck Township that are low- and moderate-income houses. Deputy Mayor Viola stated that rounds one and two were over a span of time from 1987-1999, round three's (3) obligation is from 1999-2025. Deputy Mayor Viola explained that through each round of obligations the mandated state rules change.

Deputy Mayor Viola went on to explain where Colts Neck Township stands today with fulfilling the third-round affordable housing obligation. Deputy Mayor Viola stated that "opting out" of the affordable housing obligation is not an option for any municipality. Deputy Mayor Viola stated that from the beginning Colts Neck has had three (3) choices which would be to accept the court-sanctioned obligation, mediate or litigate. Deputy Mayor Viola reviewed a timeline which explained that in May 2018 Colts Neck entered court-ordered mediation. Deputy Mayor Viola explained that there are three (3) interveners who are a part of the mediation process. Deputy Mayor Viola stated that on February 28, 2020 the court ordered Colts Neck Township to settle or litigate by March 18, 2020. Deputy Mayor Viola explained that if the Township were to choose to litigate and the Township loses, the Township would lose its immunity from builder's remedy lawsuits as well as lose control over things such as where the

units would be built, how they would look, zoning, etc. Deputy Mayor Viola reviewed the affordable housing obligation numbers stating that as of June 2018, under the new methodology, Colts Neck Township's obligation is a total of 1,530 units with 1,224 being of market value rate, and 306 units being state-mandate affordable housing units.

Deputy Mayor Viola and Mayor Rizzuto explained that the Township has not decided on whether the Township will settle or litigate, the decision must be made by March 18, 2020. Deputy Mayor Viola and Mayor Rizzuto stated that the Township is holding another special meeting next Wednesday, March 11, 2020 at the Conover Road Elementary School where more detail will be revealed by the affordable housing professionals. Mayor Rizzuto urged all residents to attend that special meeting as well.

Mayor Rizzuto opened the floor to questions from the public.

Howard Dubinett, resident asked if the 306 state-mandated affordable housing unit number was a final number handed down from the state. Deputy Mayor Viola responded, yes.

Vince Scanelli, resident, asked if the Township has any input on where the units will be built as well as the type of housing that will be built. Mr. Scanelli stated that he works with families who have loved ones with autism and recommended that Colts Neck consider a group home for families who have loved ones who need housing. Mr. Scanelli commented that these families would love to be able to house their loved one within the township. Deputy Mayor Viola responded stating that the township does have some input with the developers as to what the township would like to see. Deputy Mayor Viola stated that some locations are inflexible, but the township has been able to recommend other locations as well. Deputy Mayor Viola commented that Mr. Scanelli's idea of a group home is greatly respected, however the township wouldn't be able to use that purpose to account for the entire 306 state-mandated affordable housing obligation number.

Richard Malinowski, resident, stated that the 306 affordable housing unit obligation averages approximately 2.2 children per household, which Mr. Malinowski stated will have quite an effect on the school system. Mr. Malinowski asked if anyone has conducted a study showing the effect that will have on taxpayers. Mr. Malinowski also asked if the state of New Jersey has considered that the septic system and wells in Colts Neck will not handle that amount of housing. Mayor Rizzuto replied stating that Mr. Malinowski's questions and concerns would be addressed at next week's special meeting when the affordable housing professionals are present and can give further detail. Committeeman Bartolomeo responded stating that the township is currently in discussions with the school system. Committeeman Bartolomeo stated that the metrics are not all there yet, but once those unanswered questions get answered it will all come into play.

Ms. Ruggieri, resident, asked if the affordable housing unit could be satisfied by building senior housing which would be less taxing on the township. Ms. Ruggieri commented that there are a lot of seniors currently living in Colts Neck who would love to be able to stay in the township. Tim Anfuso, Township Planner, responded stating that there is a provision within the law for senior housing, however the township could not have more than 25% of the obligation be senior housing, 75% must be dedicated to family housing.

Fulton Wilcox, resident, stated that the township has the option to build only the 306 state-mandated affordable housing units. Mr. Wilcox asked if the township committee will consider that option or choose to work with a developer and build the 1,530 units. Tim Anfuso responded stating that one of the compliance mechanisms is to do a township sponsored program; however the issue with that is that the township bears all the cost in finding the land, building the units, etc. Mr. Wilcox responded stating that Middletown Township found funding sources to build their state-mandated units.

Bob Farrell, resident, asked what the income level is for low- and moderate-income families. Tim Anfuso responded stating that our region is Ocean, Monmouth and Mercer Region four (4). Mr. Anfuso gave the following breakdown:

For a household of 1 person:

Moderate income \$57,732

Low income \$36,082

Very low income \$21,649

For a household of 2 people:

Moderate income 65,979

Low income \$41,237

Very low income \$24,742

For a household of 3 people:

Moderate income \$74,226

Low income \$46,392

Very low income \$27,835

For a household of 4 people:

Moderate income \$82,474

Low income \$51,546

Very low income \$30,928

Mr. Farrell asked if as part of the settlement the township can offer the low- and moderate-income housing to Colts Neck residents first. Mr. Anfuso explained that the township cannot show preference, and that everyone has an equal opportunity selected via a lottery.

Vince Scotti, resident, asked about the credits given in the previous rounds. Deputy Mayor Viola replied stating that those credits were called RCA's. Deputy Mayor Viola stated that with each round the rules change and those credits are no longer valid. Mr. Scotti then asked if a developer could approach the town to build units in the business zone. Deputy Mayor Viola replied stating that would create an opportunity to do an overlay zone where the township would rezone that specific zone, and the developer could build retail stores on the bottom of the structure and housing units on the top of it, mixed use where applicable to developer.

Elaine Mann, resident, asked what infrastructure the township must provide to meet the state-mandated obligation. Ms. Mann also asked if the water line would be the obligation of the town or the developer. Deputy Mayor Viola replied stating that would be an appropriate question to ask at next week's meeting when the professionals are present. Ms. Mann also asked if the families occupying the rentals must requalify on an annual basis. Tim Anfuso stated that a renter must be income eligible at the time of applying for a low- and moderate-income unit. Mr. Anfuso stated that as time moves on and that renters' circumstances may change, they are not required to requalify.

Frank Leccese, resident, asked how the current state-mandated obligation compares to The Grande. Mr. Leccese asked how many low- and moderate-income units are in The Grande. Tim Anfuso replied stating that The Grande has eighty-eight (88) low- and moderate-income units.

James Cipas, resident, stated that he likes the possible idea of developing in the commercial zone and suggested possibly developing on the borders of the township so that the town could possibly share services, share schooling, etc. with neighboring towns. Deputy Mayor Viola stated that the locations of possible development would be shared at next week's meeting.

Donna Otten, resident, asked if there are funds available to rehabilitate homes that are already owned by low- and moderate-income families. Tim Anfuso replied stating that as part of the third-round obligation twenty-five (25) existing dwellings must be rehabilitated, meaning putting in new windows, a new roof, etc.

Kim Rothberg, resident, stated that the township must accept the obligation or decide to litigate by March 18, 2020. Ms. Rothberg stated that she is shocked that there isn't more time to make decisions as a community considering the community could potentially double in size. Ms. Rothberg asked how many interveners there are. Deputy Mayor Viola responded, three (3).

Mayor Rizzuto and Committeeman Bartolomeo briefly explained the process of the township planning to build the 306 state-mandated affordable units. Committeeman Bartolomeo stated that the township would have to pay the builder what he would have received if those units were market value.

Fulton Wilcox, resident, stated that there are non-profit organizations in the business. Mr. Wilcox stated that a lot of the residents in town have connections and can put together a plan to have the 306 state-mandated units built.

Melinda Martin, resident, asked if commitments to the developers have already been made. Deputy Mayor Viola stated that would be discussed at next week's meeting.

Elaine Mann, resident, asked if the builder owns the rental units. Tim Anfuso responded stating if the rental units were a part of the builder sponsored project then yes. Ms. Mann also asked if the builder were to go bankrupt would the township then become responsible for the maintenance of that unit. Mr. Anfuso replied stating that there are two (2) units that recently went into foreclosure. Mr. Anfuso stated that anyone eligible to bid on those units would need to be income verified, and the same would be for the rental units.

Kim Rothberg, resident, asked if the township settles and one of the builders fails to complete the obligation, has the obligation been met. Mayor Rizzuto replied stating that another builder can come in and take over the project. Mayor Rizzuto explained that the 306 state-mandated affordable housing unit number does not go away.

Suzanne Kelly, resident, stated that if the township settles, the township is agreeing that the township has provided the opportunity for those units to be built, it doesn't necessarily mean that suddenly 1500 units will be built with 306 of those units being affordable housing. Ms. Kelly commented that she personally doesn't think it will happen all at once. Ms. Kelly then asked what the consensus is of the residents regarding The Grande. Ms. Kelly commented that most residents did not want The Grande when it was being developed. Mayor Rizzuto replied stating that he feels it is opinion based. Kim Rothberg, resident replied stating that she personally feels The Grande works well in Colt Neck.

John Degrazio, resident, stated that he has been a resident of Colts Neck Township for thirty-seven (37) years. Mr. Degrazio commented that the biggest concern is losing the town. Mr. Degrazio also commented that he would not mind his taxes being raised to pay for the obligation of the 306 state-mandated affordable housing units.

Melinda Martin, resident, asked the Governing Body to provide an analysis at next week's meeting that would show what it would cost for the township to build the 306 state-mandated affordable housing units, versus settling with the developers. Ms. Martin commented that she feels there are a lot of residents that would be willing to support and facilitate the affordable housing units.

2. **DISCUSSION OF PUBLIC COMMENT:**

There was no further discussion of public comments. Mayor Rizzuto announced again for all to attend next week's special meeting at the Conover Road Elementary School at 7:30 p.m.

3. **MOTION TO ADJOURN:** As there was no further business, Mayor Rizzuto called for a motion to adjourn. On a motion by Committeeman Bartolomeo, seconded by Deputy Mayor Viola and a unanimous voice vote, the meeting adjourned at 9:08 p.m.



Trina Lindsey, RMC
Municipal Clerk

APPROVED: 03/18/20