

**CLOSED SESSION MINUTES
TOWNSHIP COUNCIL – TOWNSHIP OF OCEAN
(SECTION 8 RESOLUTION)**

JUNE 8, 2011

OAKHURST, NEW JERSEY

Present: Mayor Larkin
Councilmember(s) Garofalo, Schepiga, Siciliano, Evans

Others: Martin Arbus, Esq., Township Attorney
Andrew Brannen, Township Manager
Vincent Buttiglieri, Township Clerk

Jeffrey Surenian, Esq., Surenian and Associates
Marybeth Lonergan, P.P., Clarke Caton hintz

The following members were present: J. Thomas Means, Chairman, Members Garofalo, Brody, Klose, Healy and Verilli.

Also in attendance were Marianne Wilensky, Director of Community Development and Sanford Brown, Esq., Board Attorney.

Subject: Litigation – COAH

Action: Jeffrey Surenian, Esq., COAH Attorney, discussed the following:

- Chronology of the various COAH components that the Township was faced with. They are as follows:

2008 – Round 3 Obligations for the Township are:

52 Rehabilitated units
873 Prior Cycle units
333 Growth Share units
1,258 TOTAL Obligation

2009 – the Township received four (4) Builder's remedy lawsuits

2010 – the Township settled with Martelli Development, while Avalon Bay was defeated in Court and the other two (2) litigants – BVB and Roosevelt Properties – are currently in negotiations with the Township.

- With regard to this obligation, the following occurred:

2010 – both BVB and Avalon Bay compelled the Township to do the required Housing Element and Fair Share Plan

2011 – the Township sought additional time, as approved by the Court, to complete said Plan.

On April 10, 2011, the Township did submit a “draft” of the Fair Share Plan.

- Both BVB and Roosevelt properties were included in the “draft” Plan at densities that the Township felt was fair based on the aspects of each
- The Avalon bay site was not included in the Plan
- Both BVB and Roosevelt Properties, as well as Avalon Bay, are currently reviewing the Plan and making can make recommendations and/or objections to the “draft”

By June 15, 2011 – All comments from BVB, Avalon Bay and Roosevelt Properties must be submitted

By July 15, 2011, the Township can submit any comments with regard to said recommendations and/or objections

By July 31, 2011 – the Township Planning Board MUST ADOPT the Plan and the Governing Body MUST ENDORSE the Plan

By August 31, 2011 – the court-appointed Master will give his opinion regarding the Plan

- If the Township so desired, it could certainly adopt the Plan under protest, which would allow the Township to preserve its right to adjust the Plan should the rules and regulations that govern COAH change.

Marybeth Lonergan, P.P., Clarke Caton Hintz, discussed the following aspects of the Plan:

- A Vacant Land Analysis was performed by Ms. Lonergan and Marianne Wilensky, Director of Community Development.

Ms. Lonergan stated that they reviewed 900 vacant parcels of land to determine whether development was feasible, and if so, at what density. Based on that review, Ms. Lonergan feels at the Township's Realistic Development Potential is for 216 units not 873 units.

- Ms. Lonergan discussed the Rehabilitation component, which is based on the 2000 Census. COAH looked at sub-standard housing units to determine the Township's obligation under this component, which was determined to be 52 units.
- With regard to the rehabilitation of exiting units, it was determined that the Township would be responsible for approximately \$600,000, should all the federal funds not be available.
- The following developments were discussed:
 - Poplar Village – the Township is planning to re-locate 8 existing buildings and rehabilitate the remaining units. The Township would receive credit for all units.
 - BVB Site – the maximum density for single family rental units homes would be 12 per acre for a total of 72 units. Of that 72, 20% would be low and moderate for a total of 14 units.
 - Roosevelt Avenue – the parcel is 10 acres. Of which 2.5 acres are unconstrained. This would yield a development of 20 units and 4 of those units would be affordable.
 - Market-to-Affordable units (existing apartments) – the Township would be responsible for providing a one-time subsidy to the owners so that they would keep the rents at the affordable levels.
 - 777 West Park Avenue – consists of 6.85 acres which would allow a development of 82 family rental units, with a portion being designated as affordable.
- Ms. Lonergan also stated that the Township would be required to see to it that one or more compliance mechanisms are utilized by the Township to meet their unmet need.

Ms. Lonergan stated that once all outstanding issues are resolved and any amendments are completed, the Planning Board will need to adopt the Plan. Subsequent to their adoption, the Governing Body will have a number of corresponding resolutions to pass.

Respectfully submitted,

Vincent Buttiglieri, RMC/CMC
Township Clerk