

**Special Meeting
Of the Mayor and Council of Princeton
September 10, 2015
Joint Open Session with Princeton Planning Board Committee
6:30 P.M.**

Present: **Princeton** Council President Bernard Miller, Councilwoman Jo Butler, Councilwoman Jenny Crumiller, Councilwoman Heather Howard, Councilman Lance Liverman, Councilman Patrick Simon (7:00 P.M.), and Mayor Liz Lempert

Planning Board Chairperson Wanda Gunning, Marvin Reed, Gail Ullman, Cecilia Birge, Julie Capozzoli, Liz Lempert, Jenny Crumiller, and Timothy Quinn (Alt 2)

Absent: **Planning Board** Mildred Trotman and David Cohen (Alt 1)

Staff Present: **Princeton** Administrator Marc Dashield and Municipal Clerk Linda McDermott

Planning Board Director Lee Solow, Gerald Muller, Esq., Planning Board Attorney, and Administrative Coordinator/Assistant to Planner Ilene Cutroneo

Also Present: Kevin Van Hise, Esq., Affordable Housing Attorney (7:15 p.m.) and Shirley Bishop, PP, Affordable Housing Consultant

Mayor Lempert called the meeting to order at 6:38 P.M. and read the open public meetings statement as follows:

The following is an accurate statement concerning the providing of notice of this meeting and said statement shall be entered in the minutes of this meeting. Notice of this meeting as required by Sections 4a, 3d, 13 and 14 of the Open Public Meetings Act has been provided to the public in the form of a written notice. On September 8, 2015 at 11:00 a.m., said notice was posted on the official bulletin board in the Municipal Building, transmitted to the Princeton Packet, the Trenton Times, the Town Topics and filed with the Municipal Clerk.

CLOSED SESSION - 6:40 PM

Litigation – COAH

RESOLUTION

**TO GO INTO CLOSED SESSION
(Open Public Meetings Act Sec.3)**

BE IT RESOLVED by the Mayor and Council of Princeton and the Princeton Planning Board:

1. This body will now convene into a closed session that will be limited only to consideration of an item or items with respect to which the public may be excluded pursuant to section 7B of the Open Public Meetings Act.
2. The general nature of the subject or subjects to be discussed in said session is as follows:

Litigation:
COAH

Stated as precisely as presently possible, the following are the time when and the circumstances under which the discussion conducted at said session can be disclosed to the public:

Within 90 days or upon settlement of litigation, if applicable

The governing body discussed the above referenced issue.

OPEN SESSION – 7:00 PM

The Council and Planning Board returned to open session at 7:10 p.m.

Before beginning the Affordable Housing portion of the meeting, Mayor Lempert referred to recent concerns with Avalon Bay and reported that there is a press release on the Princeton website and that Avalon Bay is taking all necessary precautions.

Mayor Lempert outlined the purpose of this meeting and its goals.

AFFORDABLE HOUSING TIME LINE, Kevin Van Hise, Esq.

Mr. Van Hise, Mason, Griffin & Pierson outlined the affordable housing timeline. A review of the affordable housing numbers will be at the end of September or beginning of October. After a second meeting in October or November a document is to be filed with the court

Ms. Butler asked what the problem was with the Builder's Remedy. Mr. Muller said that the municipality does not have this in place and that the court can ignore zoning and the municipality loses all control.

Ms. Crumiller questioned why we as a town cannot decide how much affordable housing we need. Mr. Van Hise said that it goes to a litigation process and fair share of a regional need – a top/down type of analysis. Mr. Van Hise said Princeton is with Monmouth and Ocean Counties and that it is up to the experts to figure out the regional need, then it becomes the judgement of the court.

Mr. Miller noted that there is a report from an outside group known as the Fair Share Housing Center. Dr. Kinsey has said that 200,000+ affordable units are needed statewide. In Princeton 1000 units are needed over the next 10 years according to the report. Mr. Van Hise said that this has yet to be tested and that the judge will have to rule on that cap. Mr. Muller said that Judge Wolfson will likely uphold the limit as a 1000 unit cap may be realistic.

PUBLIC COMMENT

Alvin McGowan asked how the judge was going to decide between all the experts. Mr. Muller replied that this was a good question and that it would be their expert versus ours.

Kate Warren, Jefferson Road questioned who was doing the calculation if Dr. Burchell was not. Mr. Van Hise said that was yet to be determined. Ms. Warren asked if the Affordable Housing Board will be able to comment on the plan, as that would be preferable. Mr. Van Hise said that too has yet to be determined.

Alexi Assumus, Maple Street, commented on the New Jersey Builders Association and said that she did not know why we were basing numbers on future predictions of growth.

Nicole Beras said that she was a new homeowner and asked how this would affect property values. Mr. Van Hise said that we are under a simultaneous process right now of both forced litigation and planning. Kip Cherry, Dempsey Avenue asked if we could prepare a basic fact sheet for the website.

Jim Floyd, Harris Road, asked that we not think in terms of the minimum but in terms of being human and what the need is.

Peter Marks, Moore Street, stated that we did not have any obligation to nonresidents, only current residents. He was cynical about builders risk remedies with people of limited means being pushed out.

Leighton Newlin, Princeton Housing Authority, stated that the United States government steps in to level the playing field because sometimes municipalities do not. He thanked everyone for their hard work.

**HOUSING GOALS, HOUSING ELEMENT AND FAIR SHARE PLAN DRAFT REPORT:
Lee Solow, Planning Director**

Mr. Solow presented a power point presentation on the Princeton Community Master Plan, Housing Element and Fair Share Plan 2015-2016. The review included housing goals, existing affordable units with no COAH credit, 1st and 2nd round COAH obligations and the proposed 3rd round COAH obligation. Mr. Solow said that the next steps included the development of the affordable obligation now through September, the review and revision of the Master Plan Housing Goals now through October, an update of demographics now through October, a draft of the Housing Element and Fair Share Plan in November and the adoption of the new Housing Element and Fair Share Plan in December.

(Power Point Presentation appended to this set of minutes)

Mr. Solow estimated that for the COAH third round plan there are 244 units either developed or under construction, 15 units zoned but not developed, and 70 units not zoned for a total of 329 units.

Ms. Gunning stated that the historic districts conflicted and that she was not clear as to which draft trumps which.

Mr. Simon asked that the goals be modified to discuss both state affordable housing obligations for Princeton and more general public goals to improve the affordability of housing in Princeton. Mr. Simon also said that in drafting goals in the draft master plan housing element, the language needs to speak to Princeton's intention to fulfill its regional responsibility with regard to affordable housing. Mr. Simon explained that this was one of the goals in Princeton's existing master plan housing element.

Ms. Crumiller suggested that we might want to speak to the issue of middle income. Ms. Howard stated that this leads to what our moral obligation is.

Mayor Lempert opened the meeting for public comments.

Heidi Fichtenbaum, Carnahan Place, stated that she encouraged that we be more specific with what is expected with sustainability, being more specific with infrastructure upgrade policies and considering either contributions to affordable housing or to build affordable units on site.

Joseph Weiss, Leigh Avenue asked if the Planning Board was taking a meaningful assessment of the infrastructure relative to the affordable housing goals. Mr. Solow stated that we are not, as no assessment can be done due to the time constraints.

Kate Warren asked how deed restrictions would be maintained. Mr. Solow said through part spending plan and where the resources are allocated. Ms. Bishop said that any controls are in perpetuity and that the language is clear with restrictions for at least 30 years or until the municipality releases controls after 30 years.

Jerry Tannenbaum Ewing Street stated that he felt that it was too late for his neighborhood as houses are being demolished and people are aging in place with middle income people being forced out.

Mary Clurman, Harris Road discussed the builder's fee with construction being $\frac{1}{2}$ of 1% of the equalized value. Mr. Solow said that this was all that the state allows us to regulate.

Mr. Simon said that what we have before us are goals and that they are lofty but that they are goals.

Toby Isreal, Walnut Lane, stated that this is an opportunity to look at affordable in a holistic manner and include measurable objectives to monitor ongoing key questions on affordability.

Wendy Mager, Cherry Hill Road stated that we are satisfying the Mt. Laurel obligation to help people forced out but we cannot give local preference. Mr. Muller stated that it is still the law and that we cannot give local preference.

Nicole Beras said that she respects ambitions without restrictive laws to force more on properties than one would want but asked that we please preserve the beauty of the area.

Peter Marks stated that the goals are incompatible and that the language regarding affordable housing be distributed equally.

Michael Floyd, Quarry Street, stated that this is about diversity and preserving the character of the neighborhood. Many zones are created as exclusionary and he is leary of walkability and limits radius as to where to build.

Mary Clurman urged that housing not be put all in one place.

Hendricks Davis, John Street, stated that we will miss opportunities if we do not establish an office of housing and economic development.

Peter Epstein asked for data history and the history of quantitative analysis. Mr. Dashield stated that the data is from what Princeton submitted for the third round submission.

Ms. Butler noted that nothing has been said about Princeton University and their future housing development. How do we integrate this into the plan and do we include them in our goals?

Yina Moore, Green Street said that Princeton University should be responsible to house a diverse group of their employment base.

Susan Jeffries, Jefferson Road asked if this was a regional responsibility and unfair for wealthy communities to provide. Mr. Simon said that there is an inherent unfairness in our system.

Mr. Solow spoke in regard to the 2008 3rd round numbers and those of prior rounds. Ms. Crumiller asked about the increased percentages. Mr. Solow said that we need to provide a density bonus to require the higher bonus (i.e. Griggs Farm). The State standard is 20% set aside regardless of the community. Ms. Butler asked if we can go back to those with 20 years and negotiate.

Kate Warren stated that 20% is the set aside yet we negotiate much of that away. How much of that will it cost me as a taxpayer? Mr. Solow stated that new zones require 20% set aside. Mr. Muller said that this is not an across the board obligation throughout the municipality.

Carol Golden, Snowden Lane stated that Mt. Laurel is a minimal requirement. She thought that the goals were above and beyond and that we need to go forward with our obligation and decide what type of community we want to live in.

William Hare, Jefferson Road, would like to see the Franklin lot committed as a park.

Anita Groniak, Harris Road, stated that she seconded Mr. Hare's comment to have the Franklin lot turned into a park.

Martha Friedman, Jefferson Road, spoke regarding Maple/Franklin Terrace housing and any plans to upgrade and asked to slow down the decision on the Franklin lot. Mr. McGowen stated that they are considering remodeling and asked that an open mind be kept when the plan is presented.

Mary Clurman asked that we build amenities into the development noting that there is a cumulative obligation.

Michael Floyd, asked if there is an estimate for vacant land development. Mr. Solow said that the number is not available as yet.

There being no further business, Mayor Lempert adjourned the meeting at 10:10 P.M.

Linda S. McDermott
Municipal Clerk

PRINCETON COMMUNITY MASTER PLAN Housing Element & Fair Share Plan - 2015-2025

prepared by the Princeton Planning Department - 9/10/15

PRINCETON COMMUNITY MASTER PLAN - Housing Goals

1. Promote diversity in housing stock & population
 - a) Promote diverse & livable neighborhoods
 - b) Ensure adequate housing to meet the needs of Princeton's residents
 - c) Promote owner-occupied & rental housing to provide diverse neighborhoods
2. Develop adequate affordable housing sites & zoning regulations
 - a) Identify sites to meet the town's affordable housing needs
 - b) Future rezoning should encourage the inclusion of affordable housing

PRINCETON COMMUNITY MASTER PLAN - Housing Goals (continued)

3. Preserve & protect existing affordable housing
 - a) Restore, rehabilitate & preserve existing housing whenever possible
 - b) Preserve the affordability of units already subsidized
4. Provide housing options for all lifestyle cycles
 - a) Ensure housing stock meets the life-style needs of all household types
 - b) Promote senior, supportive & accessible housing
 - c) Allow those whose housing needs change to find housing that meets their needs within the community

PRINCETON COMMUNITY MASTER PLAN - Housing Goals (continued)

5. Secure adequate funding for affordable housing
 - a) Provide permanently affordable housing
 - b) Encourage public & private partnerships
6. Locate housing in areas with existing infrastructures
 - a) Balance housing growth with infrastructure upgrades
 - b) Efforts should be made to link new housing with
 - Public infrastructure:
 - free wi-fi access
 - transit
 - open space
 - community facilities
 - Private infrastructure:
 - retail
 - employment centers

PRINCETON COMMUNITY MASTER PLAN - Housing Goals (continued)

7. Promote sustainability in housing
 - a) Prioritize sustainable development in planning, rehabilitating & constructing new housing
 - b) Encourage housing that reduces the impact of greenhouse gas emissions
 - c) Encourage housing that supports sustainable development patterns by:
 - promoting efficient use of land
 - conservation of natural resources
 - access to public transit & transportation options
 - access to services and parks
 - d) Promote conservation of building materials by preserving and upgrading existing housing

PRINCETON COMMUNITY MASTER PLAN - Housing Goals (continued)

8. Ensure that new housing development is respectful of existing neighborhood character
 - a) Support & respect the diverse and distinct character of Princeton's neighborhoods
 - b) Promote preservation of existing housing to protect neighborhood character
 - c) Balance regulation & fees with housing affordability and the maintenance of neighborhood character

EXISTING AFFORDABLE UNITS No COAH Credit

DEVELOPMENT	NUMBER OF UNITS
Franklin & Maple Terrace	20
Clay Street	50
Spruce Circle	50
Princeton Community Village	238
Redding Circle	100
36 Moore	1
The Waxwood	3
Hulfish North	10
Hamilton Avenue	6
Total	478

1987-1997 1997-9

1st & 2nd ROUND COAH OBLIGATIONS

former Borough	
Development	Units
Elm Court	88
John/Clay Street	5
171 John Street	1
Total	94

former Township	
Development	Units/Bonus
16 Gulick Road	2/2
Griggs Farm	140/70
Washington Oaks	60
7 Leigh Avenue	1
Karin Court	16/11
RCA*/Trenton	23
Compliance bonus	6
Total	331

Affordable Housing 2008 Housing Element - Fair Share Plan

- Princeton's Third Round Fair Share Plan consists of:
 - Inclusionary zoning
 - Redevelopment
 - 100% affordable
 - Accessory apartments
 - Market to affordable
 - Supportive & special needs
 - Assisted living
 - Rehabilitation program
 - Obligation minimum - \$8,000
 - Meeting income eligibility for Princeton owners and renters

Proposed 3rd Round COAH Obligation

Development	Units	Development	Units	Development	Units
Witherspoon Phase I	1	190-198 Witherspoon	2	Maclean St	3
Witherspoon Phase II	10	12-14 Vandeventer	1	253 Nassau St	1
114 Leigh Av	1	24 N Harrison St	4	Harriet Bryant House	55
100-104 Leigh Av	5	246 John St	1	Acorn Glen	5
Merwick/Stanworth	56	291-293 Nassau St	1	52 Leigh Av	2
135 Bayard	4	41 Spring Street	2	Copperwood	12
Elm Court	12	Shirley Court	5	Shopping Center	10
Franklin Parking Lot	5	255 Nassau Street	4	9 Hillside	4
AvalonBay	56	76-1/2 Linden	3	PCV rezoning	40
159 John St	1			S-2 rezoning	30

Total units: 337

NEXT STEPS

- Develop affordable obligation - *now through September*
- Review & revise Master Plan Housing Goals - *now through October*
- Update demographics - *now through October*
- *Draft* Housing Element & Fair Share Plan - *November*
- Adoption of new Housing Element & Fair Share Plan - *December*