

LAWRENCE TOWNSHIP AFFORDABLE HOUSING BOARD  
Regular Meeting  
Thursday, June 22, 2017

Present: Peter Ferrone  
Kevin VanHise  
Jean Washington  
Murali Mallampati

Absent: Jessica Ann Clifford

Excused Absence: Susan McCloskey  
Christopher Bobbitt, Council Liaison

Also Present: Andrew Link, Liaison  
Susan Snook, Secretary

**Statement of Adequate Notice:**

Adequate notice of this meeting has been provided in accordance with the provisions of the Open Public Meeting Act, N.J.R.S. 10:4-10, specifying the date, time and place of the meeting.

**Minutes:**

The March 23, 2017 minutes were unanimously approved.

**Public Participation (for items not on agenda):**

None

**Township Actions:**

Mr. Link gave a brief summary of the following units that the Township has purchased in foreclosures:

- 301 Talon Court – we are still working with that buyer, but it is just taking a long time for him to get his financing together, so hopefully that will come to a head soon.
- 1319 Colts Circle – that is more dubious with getting the financing of the buyer we are working with, she is going to try again with another lender, it does not look promising and we might have to start all over with that one.
- 34 Chamberlin Court – at Council's last meeting, a resolution was passed to hire a contractor to the rehabilitation which requires extensive rehab to the tune of \$63,200.00, by far the most extensive. We own this unit so we have to bid as a prevailing wage job, which upped the cost of the job, this is one reason it is so expensive, in addition to the fact to all the work that has to be done.

**Housing Rehabilitation Program:**

Mr. Link stated there is nothing new to report.

**Berk's Walk (Lawrenceville Gardens) Two Affordable Rentals:**

Mr. Link stated Lawrenceville Gardens is an apartment complex on Franklin Corner Road just behind the Howard Johnson's, close to the intersection of Franklin Corner Road and U. S. Route 1. They are building eight (8) new units and they are providing two (2) affordable units. The affordable units will be existing rental units that they are going to make into affordable units. We will be getting two (2) additional affordable rentals sometime in the future. When the first one comes along and at the first Certificate of Occupancy of the new construction and second one at the fifth Certificate of Occupancy.

Chairperson VanHise asked where the new units being built? Mr. Link stated right against the road.

**Update Status of Changes at State Level:**

Chairperson VanHise stated he has two issues to report:

Avalon Bay litigation went up to the appellant division over deed restrictions on an Avalon Bay project in Princeton where the dispute was over the deed restrictions in the UHAC. Regulations in the new units. There was a dispute whether or not deed restrictions were limited to 30-years or, if you read the regulation, it actually says "minimum of 30 years and until released by the municipality by ordinance" and Avalon Bay has challenged and said this restriction meant, and in combination with Princeton's Affordable Housing ordinance to 1980's and early 1990's, meant it was 30-years only. The court agreed with Princeton, the restrictions follow the UHAC regulations and it says it was a minimum of 30 years and until it expired by the municipality by ordinance. So essentially, they are going to be there for 30-years and after that you can ask the municipality for a re-status.

Mr. Link asked if this would be the model for the new units at Berk's Walk; Chairperson VanHise stated if you use the new UHAC regulations, which essentially should be required and should be able to get credit for it, then yes, it would be a minimum of 30-years and then at when approached of that 30 year period or shortly thereafter, they can ask the governing body if they are going to release them and it would have to be done by ordinance.

Mr. Link stated that Avalon Bay made the case that 20-years was the term and so now people are forced to move out. This doesn't have any bearing on this. Chairperson VanHise stated that he spoke to the Township Attorney and the problem with the Avalon Run restrictions from the municipal side of things is that they pre-date the UHAC regulations, where they essentially said that they were for a term of 20 years and they, therefore, essentially were self-executing once that period ran, that was the limitation period.

Chairperson VanHise stated the second issue is that long and hard efforts of the Township Council and its professionals, Lawrence Township on April 18<sup>th</sup> announced that it had reached a settlement with Fair Share Housing Center and notified the court. Lawrence has actually got out of the litigation, they reached a settlement. Mr. Link stated our obligation is 1,110 units, but of that the realistic development potential is 696 units, which leaves the unmet need adding the 31 credits that we have of 383 units.

Chairperson VanHise continued that we use the vacant land adjustment, which is basically an acknowledgment by of all the parties that Lawrence Township is essentially built out. The next step in the process is, once the court approves the settlement, which is you actually have to adopt the Affordable

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Housing plan which is the Housing Element Fair Share plan, which will incorporate some of the stuff on the attached map. The limitations that Lawrence has, building additional units, things they were looking at, like Quaker Bridge Mall, is there is a possibility for development there that can provide some affordable housing units; Morris Hall, Lawrence Shopping Center, essentially development sites already, with the exception of the Brandywine site, which is off of Lenox Drive. This is the last piece of vacant land that is there. It allowed Lawrence to stop the litigation costs. The court was very happy with Lawrence being able to settle it.

Lawrence has it written in writing and is approved by the end of April. The court has set a fair share hearing for July 5<sup>th</sup> and the Fair Share Housing Center and Lawrence have agreed to this is what the obligation is and Lawrence has a plan to meet that obligation and it fulfills the Town's obligation to the low and moderate income households. The Court has to be satisfied that the plan meets its constitutional obligations and is fair to low and moderate household. Township will have to appear on July 5<sup>th</sup>, someone from Clarke Caton & Hintz to walk the court through the plan and do the outline and assuming the Court finds that it does meet all of the requirements, there will be a range of somewhere between 120 days to actually move forward with all of the implementing ordinances, plan adoption, spending plan approval, updating the old ordinances, elimination of the growth share references, etc. and show back up in Court for the compliance hearing. If the Court finds that the Township has met all of the requirements of that, then the Court will grant immunity through 2025.

The Board had a discussion regarding the percentages of how many units have to be in a tier of very low, low and moderate; spoke about the some sites that the Planning Board was discussing; they spoke about the Brandywine site and nothing was in the area such as amenities or public transportation.

Ms. Washington spoke to the Board about a friend that lives in Avalon Run who received the notice about her apartment not being an affordable unit and she signed a lease and now can't afford the rent. Avalon also wants her to pay two months' rent (\$3,514.00) and \$900.00 because she did not give them the 30-day notice of her leaving. Chairperson VanHise stated that she should contact a lawyer, the Mercer County Bar Association, Legal Services or Landlord / Tenant.

**Other Business:**

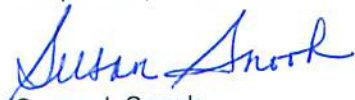
Mr. Link told the Committee members that he received an e-mail from Andrew Meltzer, dated April 25, 2017 stating that he has to resign from the Board, copy attached.

**Adjournment:**

There being no further business to come before the Board, the meeting was adjourned at 7:10 p.m.

Digital audio file of this meeting is available upon request.

Respectfully submitted,

  
Susan J. Snook  
Recording Secretary

Minutes approved: 7/27/17