

The Regular Meeting of the Hazlet Township Open Space Advisory Council scheduled for February 27, 2014 was called to order by Vice Chairman Pobega at approximately 8:02 p.m. with a Salute to the Flag followed by a Moment of Silent Prayer and a Reading of the Letter of Compliance.

ROLL CALL: Mr. Bucci, Mr. Cullen, Mr. Pobega, Mrs. Eng, Mayor DiNardo, Mr. Tyler

ABSENT: Mr. Pisano, Deputy Mayor Belasco, Mr. Pekarsky

Summary of Discussion Items:

- Approval of Previous Minutes- January 30, 2013

Offered by Mr. Tyler and seconded by Mr. Cullen

Yes- Mr. Cullen, Mr. Pobega, Mayor DiNardo, Mr. Bucci, Mr. Tyler,

Absent- Deputy Mayor Belasco, Mr. Pisano, Mr. Pekarsky

- Hazlet Township's Revitalization Plan- Discussion- Township Attorney Mr. Ronald Cucchiaro

**Mr. Cucchiaro**- I want to thank this committee for having me here tonight to go over the rehabilitation study that was performed by the township's planner. I want to go over the process, purpose and its relevance to this body. The govern body has made efforts that revitalization/rehabilitation of commercial corridors most notably route 35 and 36 but the efforts have extended to the entire municipality itself. In the past municipalities have had a lot of tools to assist towns in achieving this goal one of them was redevelopment. In recent years however the supreme court of New Jersey has severely restricted the ways that municipalities can use redevelopment designations in order to revitalize their towns and as a result it's not really an option for this municipality to declare any of its properties in need of redevelopment. That is because you need to find actual blight and that's difficult although some of our properties are underutilized and could use a face lift. We do not have a lot of properties that are considered blight under our constitution.

The state legislature recognizing the limitations of the redevelopment designation did allow municipalities a second option. That option is called rehabilitation rather than redevelopment. Rehabilitation has another whole set of criteria in order to assess municipalities in bringing their commercial corridors, residential areas and their entire municipalities back to full vitality. The criteria that we are focusing on here is the age of the housing stock in this municipality. The law provides that if the municipality has a housing stock which is 50 years or older the municipality can declare the municipality in need of rehabilitation.

The study that was done last year in 2013 found that slightly more than 50% of the housing stock in this municipality was 50% or older. Further going forward into 2014 that percentage is going to jump up to over 60%. There is a criteria that allows municipalities to recognize under utility in lots and in areas in supporting a rehabilitation designation. So based upon those two criteria the town's planner found that this municipality qualifies as an area in need of rehabilitation. What that means

is a town can take selective areas and prepare plans for those areas, plans that are specific to an area. We can have as many or as few of these redevelopment plans as you would like but they are targeted to these specific areas and can accommodate the types of development you like to see in those areas. Now unlike redevelopment where you can take property via eminent domain and there are long term tax abatements called payments in lieu of taxes. The rehabilitation designation does not allow eminent domain so I want to be clear that town possesses no power under the statute to go out and take anybody's land. These things are all done voluntarily by property owners. What this does is it allows the municipality to incentivize the property owners to develop in particular ways. What it does allow is not a long term tax abatement but it does allow short term tax abatements of 5 years. That's significant because it allows the municipality to incentivize developers to develop in particular ways.

One we want to push green building technology. LED are building standards that have been developed that promote green technology in terms of the materials that are used in building, in terms of trying to capture and retain water on site to eliminate run off (permeable surfaces). Ordinarily the green technology is expensive and it's almost cost prohibited in a lot of instances but the thought that the municipality has the 5 year tax abatement that allows a developer to finance in a different way and to have the money to engage in these types of construction activities.

We can put a plan together that allows for open space on these properties and the way the reason that the developers would want to put the open space on the properties is because they have the advantage of the 5 year tax abatement. We can also help them with density in certain areas. It's important the town allow the developer to have the opportunity and the tools to put it in. Without a rehabilitation designation without the tools which allows us as a municipality to engage in with the 5 year tax abatement with the ability to balance density and uses on certain areas of the property you're never going to get the revitalization that this town is seeking and deserves.

Procedurally what is going to happen is on Tuesday is there is a resolution on the agenda and that resolution attaches as an exhibit a draft resolution designating the municipality an area in need of rehabilitation. Assuming that resolution is adopted it is then sent to our combined Land Use Board that board will take a look at it and match it up against the Master Plan and within 35 it sends something back to the governing body. The governing body then acts to adopt that model resolution. In that point the municipality would be declared an area in need of rehabilitation. That doesn't change any of the land use in the town. The process is very geared towards public involvement which is something that is very important to the governing body. I would like to make this body very aware that on an ongoing basis the governing body would be seeking your input and assistance.

**Mr. Pobega**- Which planner as presented?

**Mr. Cucchiaro**- The township planner is Jennifer Beam. She is with CME Associates. She references specific sections of the master plan and the policy goals that document has for those areas.

**Mr. Tyler**- So what you just explained is step one to qualify the town as a whole meets the requirement for rehabilitation and then the next things after that are looking more targeted.

**Mr. Cucchiaro**- Correct.

**Mr. Tyler**- So it kind of does the same thing but we have to get qualified.

**Mr. Cucchiaro**- Well you have to get qualified in both instances but you're right this is a more macro approach in the beginning.

**Mr. Pobega**- Can a piece of open space be considered under-utilized and rehabilitated as part of this process?

**Mr. Cucchiaro**- It can but what I'd say is a lot of times it may not just be that lot. Our plan for that area may include multiple parcels of which is a lot that is vacant or open. Maybe the incentive to the developer is you don't redevelop or develop that open area but in this adjacent area we are going to grant you a certain density that will still make it look rather than having a sea of asphalt across your corridors.

**Mr. Pobega**- There has always been some citizens in town that want to save the whole Stone Road Meadow parcels and there's been some people that want to know what plan B is which was try to save part of the parcel so you mention that somehow out of this rehabilitation we can get open space. How does that work and how much could we get?

**Mr. Cucchiaro**- We are not acquiring open space so the town isn't spending any money. What this statute does is allow the town to make it attractive to a developer to retain a certain amount of open space on the property. It's a negotiation but it's still adopted by ordinance and it still gets the input of the citizens and the various boards.

**Mr. Pobega**- So right now what you're asking from us is basically is the township qualifies and we have unutilized lands whether they are developed or not developed we want to put together a plan that we are not voting on tonight we are basically voting on that we are open minded to hear what happens.

**Mr. Cucchiaro**- The governing body wants a better understanding of what it is that we are attempting to do. What I think is very specific to the governing body is that this body recognize and endorse the town moving forward to create opportunities to increase our open space that doesn't exist right now. We are also looking at areas with dilapidated buildings so it's not an open space area it's underutilized because it's an abandoned building or a building that's not maintained that well so you're not taking virgin land in that instance either. The purpose of this is not to go into virgin land and develop it. Anyone can come in and put a little development or a bigger development but with this allows us to do is to make sure that when that time comes that we are going to preserve the max amount of open space.

**Mr. Bucci**- Do the rehabilitation fees go to the state?

**Mr. Cucchiaro**- The currently go to the state but we are putting in an ordinance to create a trust fund of our own.

**Mr. Pobega**- What kind of annual amount are you talking about?

**Mr. Cucchiaro**- It's not an annual. When a non-residential development comes in the municipal land use land requires that 2.5% of the equalized assessed value be contributed and 50% of that is due upon when you first pull permits and 50% is due when you pull your final CO. Those funds have to be spent within 2 years.

**Mr. Pobega**- So from tonight how long do you think that we'd be actually looking at a plan?

**Mr. Cucchiaro**- Part of it is depending on the property owners and how quickly we can develop something with them. Tonight you could make a motion that the Open Space does support the adoption of the rehabilitation designation although it makes no determination finding as to any particular plan.

**Open up the floor to the citizen's hearing- Gene Geer, Bill Shewan, and Audrey Tyler.**

**Mr. Geer**- Can you give me some kind of examples of what you would do in this rehabilitation.

**Mr. Cucchiaro**- What I would be able to give you is very speculative because we have not gotten to that point yet but the options are really limitless.

**Mr. Geer**- Any money going to be spent on this by either the town or the state?

**Mr. Cucchiaro**- There would be some expense to put a plan together.

**Mr. Shewan**- On Tuesday night is there going to be more detail on the plan?

**Mr. Cucchiaro**- It's not a plan it's more of a report so the report goes through the qualifying characteristics so on Tuesday night you'll hear how the town qualifies.

**Mr. Shewan**- In terms of rehabilitation I think the work itself has a negative factor from the public stand point. Redevelopment is a better sounding word than rehabilitation. We need a better marketing strategy for the public to go forward with this.

**Mr. Pobega**- The owners of the land that participate in this plan is all voluntary on their part.

**Mr. Cucchiaro**- We can put a plan together but they don't have to follow it.

**Mrs. Tyler**- Since this is based on the housing stock in the town I was curious how it affects individual homeowners.

**Mr. Cucchiaro**- Unless it's in a plan then you can't have the tax abatement. The value is that we will be able to create programs that will benefit the homeowners here to help rehabilitate their homes.

**Mrs. Tyler**- Would each particular neighborhood or area have to be designated that wouldn't be the whole town?

**Mr. Cucchiaro**- No they don't have to have a plan in place on their home because the money that comes from other plans it doesn't have to be spent on the rehabilitation area it spent on the where the improvements of homes is necessary.

**Mr. Bucci-** Is the plan going to specify for a piece of property in this specific area if you're going to redevelop it you're going to be entitled to a 20% tax abatement if you leave 20% open space.

**Mr. Cucchiaro-** The plan would follow some concept that the town had already seen and came to some substantial agreement with a property owner(s) or developer(s) as to what's going to be on the property so the plan would track a concept that had already been discussed.

### **Close Citizens Hearing**

Approval to vote to show endorsement for rehabilitation

Offered by Mr. Tyler and seconded by Mr. Bucci

Yes- Mr. Cullen, Mr. Pobega, Mayor DiNardo, Mr. Bucci, Mr. Tyler, Mrs. Eng

Absent- Deputy Mayor Belasco, Mr. Pisano, Mr. Pekarsky

- **Point Comfort Marina-**  
**-Score Cards**  
**-Letter of Recommendation for Due Diligences**

Mr. Cucchiaro-A realtor was not able to tell us the status of any remediation that was necessary. What I wouldn't want to see is the town purchases a piece of property without understanding the nature of any remediation that's necessary.

Mr. Pobega- Last June we simply just wanted the township to sign the non-disclosure agreement to get to phase 1 and any other documents that they were willing to share with us. I asked the question to the realtor if they did a phase 1 and they said yes.

Mr. Cucchiaro- The problem with the non-disclosure agreement is that we are a public entity. We can't take documents from them and not disclose it to anyone who wants to see it from the public. We can't enter into an agreement that says we are going to conceal documents that they give to us. They did not give us Phase 1 so we would like to see that.

Mr. Pobega- Can we send our engineer there to look at them?

Mr. Cucchiaro- We would have to get permission for them to access the site. If they want to sell the property they are going to have to make a decision that they have to give us information. They have to understand we are a public entity and that information is going to be available to members of the public. What I think we could do is take a look at their file at the DEP. If you can get the Phase 1 over to me that would be good then we could discuss it with the Township committee.

Mr. Pobega- I think there is an interest in going forward but we don't want to buy a land mine.

- **Accounting of Trust Fund requested.**
- **Pfleger- Green Acres reimbursement. .**

Mayor DiNardo- We met with CME again this week the DEP kicked it back to us. They want more testing done on the property due to the fact that they want to make sure it is a historic farm site and we were pretty upset and so was CME because they want to finalize the documentation. So the town is going to spend more money on this property for more testing. So for us to get our money back from Green Acres we would have to put a post rail fence around certain areas and say okay here's a sign.

- **Waackaack Creek Meadowlands – update on Motion for Summary Judgment.**

Mr. Pobega- Where are we at with this litigation?

Mr. Cucchiaro- The complaint has been filed and a notice of (inaudible) which prevents him from doing anything with the property. There is a case management conference that has been scheduled for early next month. We believe it's mostly a document based case. We'd be looking at filing a summary judgment motion in March with an April return date.

- **Mahoras Tract- update**

Mrs. Eng- I think the mayor said we were going to go down to the DEP and talk to somebody to see where we are at. We have to update that initial application that granted us the Phase 1 study, the preliminary assessment study that was completed and I think CME forgot to check the box that said we want Phase 2 and money for restoration. That is an 80/20 grant.

Mayor DiNardo- Next week we are going down to NJDEP. I think it will be easy it's just some removal of dirt. When we go down to look at Pflieger's we can ask what's going on with this property. I just want to touch on the Open- Space plan. It's a 150 page document from T&M and I'm trying to get to the bottom of where the billing was. We don't have a record per say that it was done by T&M.

Mr. Pobega- Well that 150 page document wasn't sent to DEP as an Open Space and Recreation Plan it was sent to them as the Youth Athletic League Improvement.

Mr. DiNardo- We were asked to redo the plan and we're trying to find out who authorized them to spend the money. The plan did get kicked back. If someone didn't like it because we deemed too many small properties that shouldn't have been eligible that's my understanding of why it was kicked back.

Mr. Pobega- Was it kicked back or sent back?

Mayor DiNardo- It was sent back to Hazlet. We took every little piece of green property that the township owned and some of those things we shouldn't have included.

Mr. Pobega- The document that we were concerned with as an open space group was the candidates for preservation. We didn't create the ROSI we just said here's what our current ROSI looks like.

Mayor DiNardo- They wanted it adjusted so we will go down there with that plan and if they want us to adjust the ROSI then we will fix it and get it right back down there.

**Discussion of the Point Comfort Marina whether it's open space or recreation.**

Citizen Hearing:

Motion to Adjourn:

Offered: Mr. Pekarsky 2<sup>nd</sup> : Mr. Tyler Voice Vote : Yes

Next Meeting: March 27, 2014 at 8:00 p.m.

Respectfully Submitted,

Trish Cullen

Administrative Officer