PLANNING BOARD
MEETING MINUTES
JUNE 9, 2025 AT 7:00 P.M.

Chairman Tobia called the meeting to order by reading the following statement: "As Presiding Officer of the Colts Neck Planning Board, I hereby declare that the notice requirements of the law has been satisfied by prominently posting a notice of this meeting on the Township Bulletin Board, and that there has been transmitted a copy of said Notice to the Asbury Park Press and that a copy is on file in the office of the Township Clerk. This meeting is a quasi-judicial proceeding. Any questions or comments must be limited to issues that are relevant to what the board may legally consider in reaching a decision and decorum appropriate to a judicial hearing must be maintained at all times. I further order that this public announcement be placed in the minutes of this meeting."

Salute to the Flag.

Roll Call.

PRESENT:	Tobia; Torchia Buss; Corsi; Lutkewitte; Sullivan; Teaschler; Viola; Visci; Stivala
ABSENT:	None
ALSO PRESENT:	Beth McManus, P.P. of Kyle + McManus Associates, Timothy Anfuso, P.P., and Michael B. Steib, Esq.

APPROVAL OF MINUTES:

Motion to approve the May 13, 2025, Meeting Minutes:

OFFER:	Lutkewitte
SECOND:	Taeschler
AFFIRMATIVE:	Tobia, Torchia Buss; Corsi; Lutkewitte; Sullivan; Taeschler; Viola; Stivala
NEGATIVE:	None

GENERAL PUBLIC COMMENT (Non-Agenda Items):

Kevin O'Brien, Resident, made comments relevant to thanking the Board of Education on a near zero budget increase and noting that private conversations of the governing body should be captured on record for everyone to hear. Mr. O'Brien requested that the agenda for Township Committee note the time when an open session will commence so viewers at home do not have to sit through a blank screen during an executive session.

Mr. O'Brien hopes that this evening allows all citizens to speak for public comments with limited or no interruptions. Mr. O'Brien's concerns centered around transparency between the town boards and local government, and he encouraged everyone to vote in the local election.

Elaine Mann, 587 Route 34, shared appreciation to prior Planning Board member Kris Lukowitz. Ms. Mann's comments were centered around considerations for spending and agenda items of the Township Committee.

RESOLUTIONS:

None.

ADMINISTRATIVE ITEMS:

1. 2025 Fourth Round Housing Element and Fair Share Plan Element of the Master Plan

Mr. Steib reviewed and attested that the proof of service obligations had been completed as necessary. Mr. Steib swore in Ms. Beth McManus and Mr. Tim Anfuso for the presentation.

Ms. McManus walked through the 2025 Fourth Round Housing Element and Fair Share Plan Element of the Master Plan to assist in understanding and furtherance of the Township's plan as needed for submittal to the Affordable Housing Dispute Resolution Program which will review and approve the housing plans.

Ms. McManus presented to the board and attendees a slide deck focused on defining the programs, legal statutes that influence the constitutional obligation imposed on every municipality, actions required, and any calculations that dictate program administration. Of those obligations, Ms. McManus outlined the Region 4 2024 Income Limits across Very Low, Low, Moderate, and Median levels: types of housing (rental, ownership, group home etc.) and their respective bonus credit structures.

Ms. McManus noted the June 30th deadline for the Fourth Round approval and adoption, informing the board and attendees that failing to meet the deadline would remove protections and open up non-compliant municipalities to Builder's Remedy Litigation also known as "Exclusionary Zoning". This litigation allows a builder to go through the courts instead of the Planning/Zoning Boards and removes the protections of the municipality's Zoning and Master Plan.

Ms. McManus walked through the historical rounds of Affordable Housing that the Township has already approved, these rounds covered the Rehabilitation Obligation, First and Second Rounds Obligations, and Third Round Obligations. Ms. McManus noted again that the numbers assigned to the Township within each stage are court ordered. Ms. McManus also highlighted that the lands that impact the Township, including Naval Weapons Station Earle and Farmland Preservation, do not negatively impact the town's factors used to calculate the affordable housing requirements.

The 2025 Third Round Decision is actively on appeal. The plan for the Fourth Round is a Durational Adjustment of 101 units. Ms. McManus noted that the Durational Adjustment is a strategy for municipalities with adequate vacant and developable land but too little sewer and water to seek relief from Affordable Housing requirements. With the Durational Adjustment, the municipality is required to support developer applications to NJDEP for sewer as long as it is for inclusionary development only and that the site noted must be suitable as defined by COAH. If applications are approved by NJDEP and meet the Affordable Housing suitability standards, the municipality must support the project.

Ms. McManus noted that incorporating new strategies into an amended housing plan is always an option if/when alternatives or new strategies become available. A board member inquired if the Township would be required to have a Housing Authority to manage the affordable housing program to which Ms. McManus noted that typically there is a partnership between the towns and the developers so that the developers would be administrating the management or hiring of a third-party to manage.

Mr. Viola requested Ms. McManus define senior living housing. Ms. McManus noted that currently Colts Neck utilizes one of the options which are Assisted Living facilities, the example in town is Reflections/Brandywine. There are active adult living communities that are designed for single-family living and are inclusionary in development for those 55 years and older. Lastly, on senior housing options there would be a multi-family project with the same 55 year and older restriction but within one facility where residents are not as dependent on supportive care as assisted living.

Mr. Taeschler asked if veteran housing automatically constitutes special needs or if a diagnosis of certain levels is required. Ms. McManus noted that for the purposes of his question, any type of veteran housing would qualify as special needs.

Ms. McManus then went on to discuss the potential impact of the durational adjustment. She explained that a lot of actors are at play and she cannot cite a municipality that has had a full build out of durational adjustments from developers to DEP. The likelihood of the full 138 and 101, Third and Fourth Round respectively, is unclear. If a number of developers completed the processes the impact could range from 690-920 homes for the Third Round and 380-673 for the Fourth Round. The ranges are so large because they are dependent on the bonus credits that may be generated and what that set aside may be (typically 15% for rental; 20% for sale).

Ms. McManus noted that to the contrary, the minimum number of homes that may be developed could be 126. Ways to reduce that number would involve options like group homes, extension of affordable controls and converting existing market rate homes into affordable housing.

Ms. McManus noted the next steps would be adopting the Fourth Round Housing Plan with the Planning Board, letting the plan go before the Township Committee, and then entering the review period for approval after an objection period. If objections are received, the municipality would have until the end of the year to amend or review the objections and how they would like to address the objections. Once that timeframe is cleared, the township will receive the approval

which is known as "Compliance Certification". This means the housing plan is approved and the Township would have immunity from builder's remedy from that approval until July 2035.

Ms. McManus concluded her presentation.

Chairman Tobia thanked both Ms. McManus and the subcommittee that worked to discuss and work the affordable housing planning. Chairman Tobia then noted that the delivery of the report from Ms. McManus was not completed timely and it would have been beneficial to see potential impact to the Board of Education with considerations for the additional housing actualities. He noted the current plan does not go far enough to discuss impacts on the township. Chairman Tobia opened comments up to the board.

Mr. Taeschler asked what the contingency may be for not matching the projected credits as outlined in the plan from The Grande. Ms. McManus noted that The Grande would be helpful to get closer to our requirements, however the plan is not currently written to assume those credits, instead if no credits from The Grande were to come through there is no amendment needed for plan and conversely if any credits did populate those would need to be calculated in an amendment.

Mr. Luttkewitte asked if the plan were to be adopted, there is then a 10-year immunity from builder's remedy and the ability to work toward meeting the requirements within the durational adjustment. Ms. McManus confirmed and noted that if the plan is not adopted by June 30th the township would lose immunity. Chairman Tobia requested what not having immunity could look like.

Ms. McManus noted that an example of builder's remedy would be that a builder acquires property where typically they look to build higher-density housing and after requesting through normal channels like zoning and being denied, they would petition the court to show that they have a means to address substantial affordable housing concerns with their plans. Once the court sees that the Township does not have immunity and that the builder will support affordable housing, the builder would be granted permission to have the Township adopt the zoning changes for the project. Chairman Tobia noted there is a discussion prior to court for the parties to try and navigate a settlement.

Mr. Anfuso asked if Ms. McManus could explain the difference between builder's remedy suit and the durational adjustment. Ms. McManus noted that there is no leverage with builder's remedy because it was found that the Township was not compliant in meeting constitutional requirements. In context with durational adjustment, the municipality is tasked with partnering with the developer as opposed to being directed by the courts. The Township is better able to account for zoning and the master plan as well as the character of the municipality whereas the builder's remedy would not have those considerations.

Chairman Tobia opened for public comments.

Mr. Anthony Ursino, resident, began with questions on disability. Ms. McManus went on to note a variety of special needs, such as adults with autism or developmental disabilities. Any

organization that provides special needs must be licensed by the state and oversight exists. There were concerns noted about renting to people with criminal histories and how there will be no protection. Ms. McManus noted that most rental administration systems do have limitations, however, they are not at the municipal level.

Mr. Viola asked Mr. Anfuso to walk through how he manages The Grande as the Affordable Housing Administrator on the Grande Project, and noted the properties are right of first refusal for the township. Mr. Anfuso offered highlights such as noting 66 owner-occupied units and once someone is interested in selling, he then performs a lottery of the current applicants he has and they are interviewed, shown the property, and if they meet the requirements they are able to purchase the unit. With the rental units, there are credit and background checks so even if a person meets the income limitations, they may be ineligible for other reasons to rent the unit.

Mr. O'Brien addressed the board and thanked Ms. McManus and Mr. Anfuso. He continued by asking about the scope and size of some locations, including NWS Earle, which have not been discussed publicly, and he asked about the right of first refusal for units that were sold last year. Mr. Anfuso noted that those were rental units, and the managing partner bought the rentals but that they were deed restricted to remain as affordable housing units. Mr. O'Brien then introduced items he requested to be entered into the record regarding NWS Earle. Mr. O'Brien noted safety concerns as well as general concerns supported by the items he presented.

> *Item A: "Naval Weapons Stations Earle (Site A) Cleanup Progress from EPA"*
> *Item B: "Smith: Navy to End Public Housing Plan for Earle Weapons Station"*
> *Item C: Letter to Assistant Secretary McGinn from Congressman Christopher H. Smit dated October 18, 2016.*

Mayor Torchia Buss addressed that the Township and various boards have been working to meet the needs and requirements which include working with partners and groups that may not be publicly discussed because there are no contracts or anything other than potential options as they are not ready to be relayed to the public as they are not actionable items. The current plan as discussed does not include any plan or partnership with NWS Earle. She went further to note that the public would be involved if/when anything were to move forward with any of the partners being researched. Mr. Viola noted that these discussions and negotiations and not actionable currently.

Former Mayor Scotti asked if the durational adjustment was granted specific to the lack of sewer and lack of developable land. Ms. McManus noted that yes, those two concerns are part of the discussion and went further into how they define developable and suitable land as it is dictated and defined outside of her firm. Ms. Scotti requested that the board push back and fight the requirements.

Ms. Mann addressed the board by noting that attempts should be made to meet with the elected representatives on concerns such as Earle. She asked how some towns are exempt, such as Deal. Ms. McManus noted they are in an exempt classification under "Qualified Urban Aid Municipalities" and are exempt from new construction and the rounds of planning but they do

have rehabilitation requirements. Ms. Mann pushed the board to fight to work to achieve amending the requirements from the state.

David Hauss, resident, provided comment specifically to urban aid municipalities and that there are challengers in the supreme court and asked Ms. McManus's thoughts on the lawsuit. Ms. McManus noted she believes that suit is led by Montvale New Jersey but that she is unsure how successful the litigation will be. The speaker noted 27 municipalities had joined the suit, including Holmdel, and believes that if more towns join the lawsuit there may be success.

Ms. McManus noted that a lot of people would like to see the conditions end but ultimately if the suit is successful the benefits would impact on all municipalities and not just those in the suit. The speaker noted that to join the suit, $20,000 would be needed from the Township.

Marianna Cucolo noted that group homes have constant motion from shift workers to food deliveries. She asked Ms. McManus to define a bonus point to which Ms. McManus noted they are credits toward your obligations assigned to certain units and that the bonuses vary by round and are defined within the calculation administration.

Ms. Cucolo asked about rollover points; Ms. McManus said that those are the extension and expiring controls program, and rollover is another term for it. Those are eligible for .5 of a bonus credit and in context if all of the 66-owner occupied and 22 rentals; we could see 11 bonus credits due to the .5 on each of the 22 rental units plus the 88 credits for the unit extension of controls.

Chairman Tobia asked for any additional public comment, when none were noted the public comment function was closed. Chairman Tobia then asked if the board had any comments or concerns.

Chairman Tobia added comment prior to voting. He reiterated concerns about the lack of detail in the plan of note. His concerns included the unit type specifications, the lack of Board of Education impacts, total cost analysis not being performed on options, an awareness of the services impacted to the Township, and that a dual path could have been pursued. He requested additional due diligence on future professional services contracted by the Township to ensure those parties represented the Township's interests.

Mayor Torchia Buss added comment prior to her vote and noted that any vote not in favor of the durational adjustment was a vote for development.

Mr. Sullivan noted he is concerned about the timeline, the builder's remedy, and the durational adjustment.

Mr. Stivala asked if passed, could the Township join a lawsuit to which he was told yes.

Motion to approve the 2025 Fourth Round Housing Element and Fair Share Plan and memorialize the resolution:

OFFER:	Viola
SECOND:	Lutkewitte
AFFIRMATIVE:	Torchia Buss; Corsi; Lutkewitte; Sullivan; Viola; Visci; Stivala
NEGATIVE:	Tobia; Taeschler

Chairman Tobia thanked everyone and all the members of the subcommittee for their ideas and communications during the review and research processes.

APPLICATIONS: Old Business

None.

APPLICATIONS: New Business:

None.

EXECUTIVE SESSION

Narrative/None.

MOTION TO ADJOURN

A motion was made at 9:02 p.m. to adjourn the meeting and unanimously carried.

I hereby certify that the above is a true and exact copy of the meeting minutes for the meeting conducted on June 9, 2025, adopted by the Board of Adjustment of Colts Neck Township at its meeting held on August 12, 2025.

Timothy Anfuso, Acting Secretary
Planning Board of Colts Neck Township