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## Affordable housing plan opposed by Clinton Township citizen's group

By DEB DAWSON, Editor | Posted: Thursday, November 4, 2010 1:00 am

**CLINTON TWP.** – A citizen's group has lodged a formal objection to the township's affordable housing plan with the Council on Affordable Housing (COAH), but the plan will likely change anyway because of a recent state Appellate Court ruling.

Although a lot of discussion time was spent putting the township's June 2010 affordable housing plan together, the Township Council has "no idea what our affordable housing obligation is now," Councilman James Imbriaco said in a telephone interview on Friday.

The 2010 plan submitted to COAH by the Township Council places most of its affordable housing obligation on Windy Acres – 151 units, with another 14 units of senior housing in the old township Municipal Building in Annandale. Only Mayor Kevin Cimei vetoed the plan, saying a site in the municipality's 2007 approved plan, known as "Old Allerton," should also be included. Councilman Peter Marra was absent for the vote.

The affordable housing site at Windy Acres is on 25.3 acres of a 292-acre farm at the edge of the township, just southeast of Lebanon, between Lebanon's Main Street and the railroad tracks.

The state Appellate Court released a decision on Friday, Oct. 8 that invalidates many of the state's affordable housing rules and gives COAH five months to write new ones.

Imbriaco, an attorney, is the former chairman of the Planning Board and is one of the council members assigned to the committee tasked with communicating with COAH on the plan.

Clinton Township is one of 22 municipalities challenging the COAH rules in court. Early in October, the council allotted another \$3,000 to continue the challenge, but Imbriaco said on Friday he believes some of the towns have dropped the suit and if that's the case, "our pro-rata share will increase."

The township is challenging COAH, while the Clinton Township Community Coalition (CTCC) is challenging the affordable housing plan submitted to COAH by the township. CTCC said the plan "appears to be a politically motivated effort."

In a campaign letter while running for office in 2009, Imbriaco, and Councilmen Peter Marra and Spencer Peck wrote, "We support amending our COAH plan to put all of our affordable housing on the front portion of the Windy Acres property – land we already own."

In September, CTCC, a group that claims to have 3,600 members, submitted a formal objection to COAH on the housing plan submitted by the township. The objection is extensive – a 15-page letter signed by former Mayor Nick Corcodilos, with multiple supporting documents.

Imbriaco said on Friday he is aware the objection was filed, but has heard nothing from COAH about it yet. He would not comment further.

The CTCC was a party to the litigation that ultimately resulted in the abandonment of a prior plan by Pulte Homes in 2004 to build affordable housing on the Windy Acres site because it “did not provide a realistic opportunity to deliver affordable housing.” There was no access to water or sewer. This hasn’t changed, but the township owns the property.

The previously approved site on Old Allerton Road for 85-units was left out of the new 2010 plan. The township does not own that property, and Pennrose, the proposed developer, asked the township to pay \$4.3 million of the estimated \$28.3 million development cost.

CTCC wrote Old Allerton had already obtained development approvals from the township, “and, most significantly, that site had the allocations of water and sewer capacity necessary to support the development.”

The CTCC objection states, “When it put out a Request for Proposals for affordable housing developers in 2010, the township did not include the Old Allerton site. Yet the newly elected majority members of the council (Imbriaco, Marra, and Councilman Spencer Peck) disingenuously proclaimed that the Old Allerton site would be far more costly to develop than the Windy Acres site – without having new, competitive bids on Old Allerton to base these claims on. Perhaps more than anything else, this chicanery reveals the political agenda behind the trashing of the 2007 plan.”

As proposed by Conifer, the developer selected to bring the new COAH plan to fruition, there would be no cost to the township for the \$36 million to develop the Windy Acres and old Municipal Building sites, and Conifer would pay the municipality \$750,000 for the land.

Conifer has assured the township that funding will not be a problem, and that it will be able to accommodate the proposed development’s sewer and water needs, though Pulte Homes, the previous owner of Windy Acres, spent millions of dollars and was unable to do either. In theory, public sewer is not available. The state Department of Environmental Protection permitting is onerous and not guaranteed.

Imbriaco said on Friday, the township has not signed a contract yet with Conifer to do the development. “We don’t know where we stand right now,” he said. “We know that the numbers we were told constituted our obligation have been voided by the appellate division.”

Before the Appellate Court’s ruling, Township Planner Michael Sullivan had told the council it would only be required to build 150 units of affordable housing because it had decided to “opt-in” to the Highlands Regional Master Plan, which limits development. Were it not to “opt in,” the township’s COAH obligation would have been 216 units. That’s all mute now.