

**MINUTES OF A REGULAR MEETING OF THE PLANNING BOARD
OF THE BOROUGH OF MOUNTAIN LAKES**

February 25, 2016

Chair Martin Kane read the Open Public Meeting Advertisement Notice adopted at the annual meeting on January 28, 2016. Adequate notice of this meeting was given to the Citizen and the Daily Record, filed with the Borough Clerk, posted on the Bulletin Board in the Borough Hall on February 01, 2016 and made available to all those requesting individual notice and paying the required fee.

Meeting start: 7:34pm

ROLL CALL:

Members Present: Kane, DeVenezia, Nachshen, Sheola, Russo, Holmberg, Dagger and DuTertre

Absent: Borin and Horan

Also Present: Attorney Peter Henry

Also Absent: Engineer Bill Ryden

PUBLIC COMMENT: none

REVIEW OF MINUTES: Bethany Russo made a motion to adopt the minutes of the January 28, 2016 meeting with minor corrections. Rich Sheola provided the second; the minutes were approved by voice vote of all eligible voters.

RESOLUTIONS: none

EXTENSION LETTER:

Evergreen Realty Group, LLC

App. #14-257

Evergreen Realty had sent a letter to the Board requesting the variances, due to expire on April 24, 2016, be extended an additional 18 months to October 23, 2017. Peter Holmberg made a motion to grant the extension. A second was provided by Tom Dagger and the Board voted 8 to 0 to grant the extension with members Kane, DeVenezia, Nachshen, Sheola, Russo, Holmberg, Dagger and DuTertre voting in favor.

PUBLIC HEARING: none

COMMITTEE REPORTS – none

OTHER MATTERS –

Housing Presentation - Paul Phillips

Martin Kane reached out to the Borough Planner, Paul Phillips, and asked him to come to our Board meeting and update us on what was going on in the area of affordable housing. Tonight was in preparation for our meeting on March 10th when we plan to review the Housing Element and Fair Share Plan of the Master Plan. The Board's goal is to have a public hearing on the housing element on March 24th.

Paul Phillips gave a brief history of the affordable housing issue. It all started 40 years

ago to provide a reasonable opportunity for affordable housing. The Council on Affordable Housing (COAH) was created to monitor a community's obligation. There were two rounds of obligation which ran from 1987-93 and 1993-99; Mountain Lakes received Substantive Certification for those two rounds. The third round rules were challenged and the affordable housing question wound up back in the courts. Mountain Lakes did a third round plan but never submitted it. In 2014 the NJ Supreme Court required COAH to adopt new third round rules but they never adopted them. On March 10, 2015 the court said they would now handle all COAH issues.

So what are the post 1999 requirements for affordable housing? Many municipalities, including Mountain Lakes, have retained Econsult Solutions to determine their fair share of affordable units. They have determined our housing number to be 50 but David Kinsey of the Fair Share Housing Center has determined it to be 265. There are different assumptions for each number calculation. Some think towns are still responsible for the third round obligation spanning from 1999 to 2014. Realistically not all municipalities can meet their numbers. One option is to do a vacant land adjustment to reduce the number of units like we did in the second round. In prior round obligations we had 6 units located in the Legacy development and 12 units were built in the City of Orange which left 62 units of unmet need. To cover those units the town did a blanket Affordable Housing Overlay Zone covering all zones. Mr. Phillips continued going forward we are proposing an overlay zone in our commercial area. We are also proposing inclusionary zoning such as we have in the Legacy development and will have on the King of Kings parcel. Our draft third round plan also has an apartment option. Another option is for the municipality to donate land and have a housing group build the units for them. But the first step is to do the Housing Element of the Master Plan.

Martin Kane mentioned the March 2015 court decision has pushed this subject to the fore front. He understood each county had different views on how to handle determining the number of units. Peter Henry explained there are vicinages, made up of multiple counties or groups of towns. Some Judges are saying you have to move forward without an exact number of required units. In Somerset County the judge has said he will not review any submissions until the numbers are determined. The Judge in Ocean County said municipalities have to cover the third round and this new round. Nick DeVenezia recapped by 2025 Mountain Lakes need somewhere between 50 and 265 units and asked what the town's realistic development potential (RDP) was.

Paul Phillips thought the RDP number was 17 which the Planning Board will see when they review the Housing Element prepared by himself and reviewed by the Housing Committee. In their meetings the committee discussed our realistic planning obligation. Tom Dagger said the Element will be emailed to the Planning Board by Thursday the 3rd of March. The public can review the document 10 days before the hearing on the 24th of March.

The Chair allowed for public comment pertaining to the housing discussion. George Jackson, of 20 Sherwood Drive, pointed out Mt. Lakes was not a town that was growing and felt it was at risk for high density through redevelopment. He asked the Board to use the historic district to control density and protect the character of our town. Martin Kane asked about parks and preserved land; can the Borough be forced to develop that. Mr. Phillips said it is not in play when determining your number. Peter Henry said whatever the basic rule on open space may or may not be you cannot guarantee it will not be affected. Mr. Phillips said the best way to reduce that risk is to prepare a plan and seek protection through 2025. Sandy Batty, of 15 Lockley Court, pointed out there was a

specific court ruling to protect conserved property. She did not think that ruling would be the 1st thing they would overturn. Nick DeVenezia asked how the prospective 17 units were determined. Blair Bravo, chair of the housing committee, answered since September they have looked at everything including our historic district to come up with the number. Paul Phillips thought the best area for affordable housing development was our commercial zone. Richard Sheola added it would be hard to collect multiple lots in the Borough to develop at a high density.

George Jackson asked about the gap period and are we protected once we file with the court. Paul Phillips said the Econsult report said we don't have an obligation for the gap period of 1999 to 2015. Peter Henry added currently we are not protected. Sandy Batty asked if there are any deadlines we had to meet as an unprotected group and are they the same as those who are protected. Peter Henry said the rules and the deadlines are the same for everyone; April 5th. Steve Arnold, of 4 Craven Road, questioned the King of Kings Ordinance, would we have been better off if it didn't happen.

Ordinance 01-16 - Amending Chapter 245 of the General Ordinance of the Borough of Mountain Lakes by Amending the Residential – Affordable Housing 2 (R-AH2) Zone

The Board needed to determine the consistency of Ordinance 01-16 with the Master Plan. Nick DeVenezia pointed out in November the Board made 7 suggested changes to Ordinance 12-15 and only one was captured. Peter Holmberg said the Council looked at what they could amend and still keep the Ordinance viable. Paul Phillips said he was asked to address two issues by Council, fences for public safety and that all the townhomes should not look alike. Tom Dagger felt the Planning Board wasn't going to have a lot to say about the site plan. Mr. Holmberg said Council was trying to keep the building footprint the smallest it could be and protect the steep slopes. Corey Nachshen pointed out we don't know what the plans are from the developer.

Peter Henry said the amendments were moving toward being more consistent with the Master Plan. Martin Kane and Tom Dagger agreed. Nancy DuTertre thought the Board should be consistent with their approach and determine this Ordinance to be inconsistent since the previous one was. Peter Holmberg and Nick DeVenezia also thought it was consistent.

George Jackson felt the zone was still inconsistent with the Master Plan even with its amendment. Sandy Batty thought fences were inconsistent with the Master Plan. Corey Nachshen said the only way to make that development safe was to have fencing. Peter Holmberg made a motion stating Ordinance 01-16 was consistent with the Master Plan and Rich Sheola provided the second. The Board voted to approve the consistency of the Ordinance 6 to 2 with Kane, DeVenezia, Nachshen, Sheola, Holmberg and Dagger in favor and Russo and DuTertre voting against.

Martin Kane adjourned the meeting at 9:20 pm.

Respectfully submitted,

Cynthia Shaw, Secretary