

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

March 10, 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: 7:36PM

ROLL CALL:

Members Present: Kane, Nachshen, Sheola, Horan, Holmberg, Dagger and DuTertre

Absent: Borin, Russo, DeVenezia

Also Present: Attorney Peter Henry

Also Absent: Engineer Bill Ryden

PUBLIC COMMENT:

Tom Schell, of 31 Lockley Court, was representing the Pine Edge Board of Directors. He spoke about the vacant wooded lot, which backs up to Pine Edge, located at 1 Bloomfield Ave. The Directors are concerned about the development of this lot which would result in an increase of noise and light from Route 46. He wanted to remind the Planning Board of the requirement to maintain a 100 foot buffer between all residential areas and the OL-2 zone. Pine Edge residents were at the subdivision hearings in 2009 expressing this same concern.

REVIEW OF MINUTES: Peter Holmberg made a motion to adopt the minutes of the February 25, 2016 meeting with minor corrections. Richard Sheola provided the second; the minutes were approved by voice vote of all eligible voters.

RESOLUTIONS: none

PUBLIC HEARING: none

COMMITTEE REPORTS – none

OTHER MATTERS –

Housing Element and Fair Share Plan

Chairmen Martin Kane stated the Housing Element and Fair Share Plan Committee (HEFSP) has been working on the housing issue since June. He asked Blair Bravo, Chair of the Committee, to give an overview of their work to the Board. Mrs. Bravo said the committee did research, reviewed the housing history, the current Master Plan, the recent court decision and different funding sources. In November they asked Council to formalize the committee and add additional members from the Council and Planning Board. A draft report, dated 3/1/16, was prepared. Their recommendations are based on Econsult's capped 2015-2025 prospective need number of 50. After the vacant land adjustment is done the Borough's obligation becomes 17 units of realistic development

potential (RDP). Stephen Shaw, the Committee's secretary, added the group looked back at the Mount Laurel Doctrine from 40 years ago. This decision is the law of the land and we are required to follow it. Our plan must provide a realistic opportunity for affordable housing.

Peter Holmberg asked how the committee came up with 5 accessory apartments and how that would work. Stephen Shaw answered the Borough's previous plan had 7 and we needed 5 to reach our RDP of 17. Tom Dagger added, 5 units worked well with our Historic Preservation Zone. Peter Henry explained the Borough is not mandating an owner change the use of their property but rather create a future opportunity for affordable housing if they desired. When determining the overlay zone the group picked the commercial areas that abut the residential zones. That way the development happens outside the historic district and close to transportation yet is still walkable to the town center. Martin Kane asked for a further explanation of the accessory apartment concept. The units can either be an accessory structure like a garage or they can be part of an entire home. Peter Henry explained the town would contract with the homeowner to rent out the unit at a specific price. The person renting would need to have a certain income level to be eligible. Stephen Shaw added this could help a low income homeowner who may have trouble covering taxes. The town would allow a second dwelling unit on the property for a limited time, usually 10 years.

John Horan asked about the assisted living facility that would provide the town with 5 RDP units. What if the developer doesn't build the facility? Peter Henry said it would be taken into account when you did your next round. Our job is to provide potential ways we can meet our share of affordable housing. Right now the town has someone who is interested in building this type of facility.

Martin Kane opened the discussion to public comment.

George Jackson, of 20 Sherwood Drive, liked what the committee has done but cautioned them to think this out and keep in mind what we were committing to. He was concerned about high density in areas to achieve our RDP. Ellen Emr, property owner at 19 Sherwood Road, agreed the committee had done the best they could with a tough project. She reminded the Planning Board they could accept or reject this element and make any changes they felt they needed. She said in the second round COAH agreed the King of Kings property had steep slope, was part of vacant land adjustment but should have some housing on the property. She recommended the Planning Board reject that part of the proposed element. Mimi Kaplan, of 89 Lake Drive, echoed Ellen Emr's concerns but questioned why we were not demanding the King of Kings property have 20% of the units affordable. Jackie Bay, of 430 Morris Ave, asked for clarification on the commercial overlay zone. Peter Henry explained this element does not change the zone it just creates the opportunity for affordable housing in that zone. Blair Bravo added this would be housing for a family of 4 making \$72,000 per year in Morris County. Paul Phillips reminded the Board the unmet need takes into account the community is built up already. We only have to make a reasonable opportunity for affordable housing to be built.

Mr. Kane asked if the Board had any additional questions or things they wanted changed in the element. Nancy DuTertre referenced page 45, she asked if the empty lot on Lake Drive was in the calculation and did we think it works for inclusionary zoning. Paul Phillips answered because it was located in a single family zone we do not think it appropriate for affordable housing. Tom Dagger said he was sympathetic to the arguments presented by the public but understood we needed to approve this element. He

thought it justifiable and defensible. We need to get a plan in front of the court. Rich Sheola agreed with Tom. The committee was tremendous and did a great job identifying sites that would pass muster. Peter Holmberg felt the committee looked at the big picture and the details finding a middle ground. Corey Nachshen was on the housing committee 6 years ago and thought they had come up with the best plan for the Borough. John Horan believed the plan was well thought out. His only concern was the plan was based on development that was not there. Nancy DuTertre said the committee did a phenomenal job on the plan and was impressed with the “piecemeal” solutions they put together to meet our need. She felt the 50 units of affordable housing as determined by Econsult were fair and reasonable. Peter Holmberg wanted to thank Paul Phillips for the leadership he provided the committee. Martin Kane said he would be very leery of second guessing the housing numbers presented.

Amendment to the Historic Preservation Plan

Tom Dagger said at the end of the Master Plan Historic Preservation Plan Element is a section where it states how the chapter interplays with the Housing Element. An amendment has been drafted for the Historic Preservation Plan to reflect its interaction with the proposed Housing Element and Fair Share Plan.

Both the Historic Preservation amendment and Housing and Fair Share element will have a public hearing on March 24, 2016.

Martin Kane adjourned the meeting at 9:16PM.

Respectfully submitted,

Cynthia Shaw, Secretary