

# Mtn. Lakes Affordable Housing Advisory Committee

## Meeting Minutes

July 10, 2019

**Present:** Bob Oostdyk, Borough Attorney, Blair Schleicher Bravo, Committee Chair; Mayor Lauren Barnett; and Cynthia Korman- council members.

**Absent:** Mitchell Stern, Borough Manager; Paul Phillips, Borough Planner; Marty Kane, committee member; David Shepard, Council member.

**By phone:** Kelly Holliday, Planning Board member; Sandy Batty, Community Member

**Public:** George Jackson

1. **Meeting Minutes of May 8 2019 & June 5, 2019** meetings were approved as written, Cynthia moved, Lauren seconded. All in favor. Blair will upload to Borough website.
2. **Update Borough Council meeting** – The Court date was June 21, and our Plan went through without substantial changes. Lauren Barnett said that the Council passed the affordable housing ordinances on May 29, so they are effective now. Bob had reported to Blair that the final compliance hearing for our fair share plan will be on August 9 probably only minor changes might be required. Bob arrived 8:45 AM. He added that Fair Share Housing Center wanted a timeline for implementation of the accessory apartments program. After the August 9 hearing, we will have compliance till 2025. The only open item is that we will need to adopt regulations for the accessory apartments. This will not entail amending the ordinance, just developing regulations.

Lauren said the Council wants to know if the AHAC has any other recommended changes to our plan. Council discussed at its June 24 meeting that the Economic Development Committee (EDC) wants to have zoning changes for Route 46 Eastbound. EDC wants to input from AHAC, as well as other Borough committees such as Planning Board and Environmental Commission, and the public.

Bob reiterated the Affordable Housing ordinance approval timeline:

Discussion: 4/22/19

Ordinances introduction: 5/13/19

Second reading and vote: 5/29/19

3. **Development Fee Ordinance** – Lauren said the Council passed the fee ordinance but wants to discuss revisions. Bob said that we should check with Madison to see how theirs is working; it requires a fee only if the value of your house was improved by 50%. Sandy said she would follow up with Madison by August meeting.

George asked if we have the right to collect as of the passage of the ordinance. Bob said we can, but we need to know the technicalities for doing so. Bob suggested that for efficiency's sake he and Mitchell come up with a policy, rather than an ordinance amendment. Cynthia said that perhaps we give some discretion on historic homes. Bob said that perhaps using the improvement benchmark of 50% might help historic homes too.

#### **4. Subcommittee on Accessory Apartments -**

Cynthia reported that the subcommittee has been talking with other towns that have accessory apartment ordinances, to get information about what has and hasn't been working. Towns reached to date include Tewkesbury, Hopewell Township, Cresskill, and Wantagh. Other towns that are being contacted include Florham Park, Chester Township, Kinnelon, and Middletown. None of the towns that have been reached have had success in attracting property owners to create affordable Accessory Apartments. The subcommittee will continue to reach out to other towns, and will report on feedback as it's received.

Subcommittee member Alex Gotthelf spoke to the NJ Department of Consumer Affairs (DCA) to ask what towns have accessory apartments. He got a list of five towns, which he will follow up with. DCA indicated that Middletown might be the only one that has successfully rented some apartments.

The Accessory Apartments subcommittee and larger AHAC understand the need for detailed program regulations, and Cynthia reported that the subcommittee consensus is that the expertise of an experienced administrative agent is needed to support development of those regulations. Bob advised that it's important to have a timeline for administrative agent selection and regulation development in time for the Borough's Affordable Housing Program Compliance Hearing that will take place in August. The Borough, led by the Borough Manager, will start interviewing Administrative Agents, as soon as practical, with a selection no later than the end of September. Target date for completion of program regulations is January 1, 2020. It will be difficult to work on the regulations as we get close to Thanksgiving and the holidays, and so the Accessory Apartments subcommittee and Administrative Agent will need to be active during late September through October. Cynthia indicated that the AA Subcommittee has gotten a copy of Delaware Township's Accessory Apartments Operating Manual, which can be used as a starting point for development of Mountain Lakes' regulations.

It was agreed that Mountain Lakes must have answers to likely questions about the Accessory Apartments program before broadly announcing it to town residents. Questions to be answered include: What is legally required of a property owner in order to put an accessory apartment in place? How do tenants get selected? How do we do marketing of the apartments? We might craft our regulations to say that if a property owner has an existing tenant who meets the affordability guidelines, they can stay in the apartment

Bob said right now we have appointed Mitchell as the administrative agent. The Borough currently has the Housing Partnership as administrative agent for the Enclave and the Legacy, but these are ownership units. They do not administer rental units. Mitchell will investigate this, and will consider other agents that include CPGH, Piazza, and Homeless Solutions. Whether or not one agent is chosen to handle both ownership and rental units is to be determined.

AHAC developed timeline for implementing the Affordable Accessory Apartment compliance:

- Develop program FAQ's – TBD AA committee
- Announce program to public: TBD AA committee in conjunction with Mitchell
- Select administrative agent - 10/1/19 Mitchell
- Regulations developed – 11/1/19 AA committee with Bob and Mitchell
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5. As there was no other business or comments from the public the meeting was adjourned.

6. Next meeting- August 14 8:30 a.m. – 9:30 a.m. (2<sup>nd</sup> Wed.)

*All AHAC committee agenda, approved minutes and other documents are on [mtnlakes.org](http://mtnlakes.org) website.*