

**Borough of Mountain Lakes**  
**Housing Element and Fair Share Plan (HEFSP) Committee**  
**October 1, 2015 - 6:30 PM**  
**Borough Hall**

*Attendance: Paul Phillips, Planner; Blair Bravo, Committee Coordinator; Jim Baily, Planning Board Chair; Stephen Shaw, Community Volunteer; Ellen Emr observer in place of Sandy Batty*

1) *Welcome*

Blair thanked everybody for their participation and explained that Manager Sheola has asked her to step in as Committee Coordinator during his time on medical leave. Blair asked for a volunteer to take minutes and Stephen agreed to take be the note taker.

2) *Approval of minutes from 6/18/15 meeting*

Blair asked for approval of the minutes from the last meeting. Stephen said he submitted comments via a redlined version and the copy we had did not include his suggested changes. Stephen will recirculate his edits (attached) for review at the next meeting.

3) *Overview*

Blair gave an overview of the agenda (attached) she prepared that included a paragraph outlining the components of a typical plan. She asked everyone to familiarize themselves with the other documents she circulated. Those documents included the current Borough Master Plan and COAH/Highlands Draft Housing Element and Fair Share Plan  
Ellen suggested that the committee be expanded to include more members. Stephen objected to Ellen's participation on the basis that she is not an appointed member of the committee.

Blair turned the meeting over to Paul Phillips

4) *Background*

Paul Phillips explained that we are in a period of great uncertainty and made the following comments:

- The Borough Council wants to update the Borough's Housing Element and Fair Share Plan
- Paul has been directed to work with the governing body and the HEFSP Committee to develop a new plan
- The governing body has joined with many other municipalities and retained an expert to develop a methodology to calculate regional need and assign numbers to each participating municipality
- The Fair Share Housing group has been circulating numbers developed by Dr. Kinsey. The ML Kinsey number is 265
- Robert Burchell had been hired by many municipalities to develop numbers. He had preliminary numbers but due to health reasons he is not able to continue his work
- NJ State League of Municipalities (NJSLOM) has hired two experts to prepare reports and review past work
- It is not possible to prepare a plan without numbers

5) *Timeline*

Paul Phillips explained that all of the boiler plate work is done and just needs to be reviewed and checked. The group asked for a copy of the boiler plate when ready. The new consultant, Econsult Solutions Inc. is expected to have preliminary numbers in 45 to 60 days. Those numbers would not be finalized till the end of the year but a plan could be worked on using the preliminary numbers.

Conventional wisdom is that the Econsult numbers will be between the Kinsey numbers and the Burschell numbers

Blair asked what other towns are doing and Paul responded that it depends on the town and the judge in each of the 15 vicinages. It is like “The Wild West” out there. Stephen commented that the state has gone back 180 degrees to where we started after the first Mt. Laurel decision.

We agreed to meet again on Monday November 2<sup>nd</sup> at 6:00 and Tuesday December 8<sup>th</sup> with Paul Phillips when we should have some numbers to work with.

6) *Other Discussions*

Jim Bailey suggested we work on a zero based plan starting from scratch and not worry about a number at this time. The plan should have a 10 year planning horizon.

Stephen Shaw reminded everyone that the affordable housing obligation is the town’s constitutional responsibility, not developers or the State’s.

Paul Phillips explained how the existing overlay zone works and shared his concerns regarding the constitutionality of the overlay zone. Our unmet need never goes away and an inclusionary zone must be feasible and have a funding source.

Jim asked if our conservation zones could be lifted. Stephen responded that the Council used a belt and suspenders approach in that the lands are zoned conservation and have deed restrictions attached to them. Stephen explained that our State Constitution gives zoning powers to the State. The State has delegated that power to the municipalities as a long standing tradition referred to as “Home Rule”

The group discussed some alternate ways to meet our obligation and possible areas in town that may be suitable. Following are points that were made:

- Mix use can be an option
- Midvale area is already mixed use and next to rail –Transit Village
- Office space is over built perhaps office parks can be re purposed for residential
- Brick office buildings on RT 46. Mental Health Association may be a partner
- Redevelopment zone?
- Demographics are changing. NJ is becoming a childless state (Ellen mentioned that there are “tons” of kids at the existing townhomes off of Intervale Road. Stephen asked her for specific numbers)
- Infill sites: Any opportunities
- RT46 corridor may be an option (Blair mentioned a parcel listed for \$400,000)
- Bonuses are available for certain uses. (Rental, group home, age restricted). We need to get a better understanding of the options.
- We need specifics for any of these plans using infill, rehab, group homed etc.

7) *Next Steps*

Group discussed the merits of going to court now to file a Declaratory Judgment. Since we do not fall under the time constraints of the Supreme Court ruling, the group felt it was in the best interest of the Borough not to go to court at this time.

The group agreed on the following:

- Getting a number to develop a directed plan is critical to the process
- We can work with preliminary numbers when they come out in the end of November
- Blair will circulate any material that she comes across that will help us understand the issues and process
- We should all be thinking about our town and how some of these alternative methods could be employed
- Identify funding opportunities
- Get a copy of the “boilerplate” that Paul Philips has been working on so we have an opportunity to review and comment

8) *Next Meeting*

Monday November 2, 2015 at 6:00 in Borough Hall without Paul Phillips

Tuesday December 8, 2015 at 6:00 in Borough Hall with Paul Phillips and hopefully we will have numbers to work with.

Meeting adjourned at 8:00 PM

Submitted by: Stephen Shaw

## **Agenda**

### **Mtn. Lakes Housing Committee Meeting**

**October 1, 2015**

**6:30 p.m. – 8:30 p.m.**

**Invited:** Rich Sheola, Borough Manager; Paul Phillips, Planner; Jim Bailey, Planning Board Chair; Sandy Batty; Community Volunteer; Blair Schleicher Bravo; Committee Coordinator.

#### **Welcome**

#### **Overview and discussion on Housing Element and Fair Share Housing Plan (see below)**

A typical plan details sites and projects slated to produce affordable housing, provides maps locating sites and portraying any site constraints, includes draft and adopted zoning amendments, contains agreements with developers and evidence of site plan and use variance approvals, documents claimed credits for completed affordable housing, and provides municipal revenue projections, as well as funding and bonding commitments, to support affordable housing activities.

Municipalities may be expected to build their 2015 housing elements and fair share plans on the base of previously adopted plans, most dating from 2008.

#### **Goals and Timeline**

#### **Next Steps**

#### **Meeting dates**

#### **Next Meeting**

Pursuant to both the Fair Housing Act and the Municipal Land Use Law (MLUL), municipalities in New Jersey are required to include a housing element in their master plans. The principal purpose of the housing element is to provide for methods of achieving the goal of access to affordable housing to meet the municipality's low and moderate income housing needs.

The statutorily required contents of the housing element are:

- a. An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low and moderate income households and substandard housing capable of being rehabilitated;
- b. A projection of the municipality's housing stock, including the probable future construction of low and moderate income housing, for the ten years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands;
- c. An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age;
- d. An analysis of the existing and probable future employment characteristics of the municipality;
- e. A determination of the municipality's present and prospective fair share for low and moderate income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low and moderate income housing; and
- f. A consideration of the lands that are most appropriate for construction of low and moderate income housing and of the existing structures most appropriate for conversion to, or rehabilitation for low and moderate income housing, including a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing.