

MINUTES
Borough of Mountain Lakes
Housing Element and Fair Share Plan (HEFSP) Committee
May 16, 2018 – 8:30 AM
Borough Hall

Attendance: Blair Bravo, Committee Coordinator; Martin Kane, Planning Board Chair; Lauren Barnett, Mayor; Cynthia Korman, Councilmen; Stephen Shaw and Sandy Batty, Public Members; Paul Phillips, Planner; Bob Oosdyk, Borough Attorney

1) *Welcome 8:34 AM*

Blair welcomed everyone and asked that each person give a brief introduction. Martin Kane announced that he will be stepping down from the committee. Blair reviewed the agenda. Stephen informed the committee that he had PDF versions of all of the approved minutes. Blair asked that they be sent to her, and she will upload them to the Borough website.

2) *Summary of Affordable Housing Landscape; Fair Share Housing Center (FSHC), Municipalities, Decisions - Planner Paul Phillips reported the following:*

- Many towns have settled
- Settlements are location specific
- FSHC is offering a 30% discount off their numbers to settle
- Judge Nergaard is pushing hard for settlements
- Everyone was waiting on the Mercer County decision
- ML Plan adopted in March of 2016
 - Declaratory Judgment action has been filed
 - Vacant land adjustment utilized
 - ML used Econsult numbers
 - Econsult number was 50 with no gap year (1999-2015)
 - ML used 50 as the basis for our plan
- Mercer County Decision
 - 3 experts testified: Econsult, FSHC (Kinsey), and Special Master Richard Reading
 - Superior Court Judge Mary Jacobson used a formula and blended the numbers from all three experts
 - No other judge is bound by the Jacobson numbers and methodology
 - Most judges will likely follow the Jacobson methodology
 - Based on Jacobson decision, Econsult changed their ML estimate from 50 to 271
- Planner Philips and Attorney Oosdyk reported on their meeting with FSHC
 - FSHC has only taken a preliminary look at our plan
 - They may accept our vacant land adjustment (VLA) with some minor modifications through negotiation
 - FSHC are presuming higher presumptive numbers
 - We will have to look at other meaningful opportunities in the Borough
 - Explore an increase in density of the RT 46 overlay zone

- Look at refinement to our mandatory set aside to incorporate compensatory benefits. Need an internal subsidy of affordable housing.
- FSHC suggested we look at the following:
 - Train station area
 - Borough parcel behind racquet club
 - Industrial property adjacent to Legacy (Fusee)
 - South side of RT 46 for overlay zone
 - Vacant site proposed for assisted living on Bloomfield Avenue with 10% Medicaid beds. (Planner has professional conflict on this site). If not assisted living it will have to be inclusionary development

3) *Status of Borough's Declaratory Judgement Action* -Attorney Bob Oostdyk reported the following:

- We are in front of the court but not in a trial
- Having status conferences with judge and FSHC. No other intervener
- No dates have been set
- No special master has been appointed. That is good because we must pay special master
- Timing is good, FSHC is looking to get more towns to settle and the are in a settlement posture
- Best interest of Borough to avoid a trial
- Mercer County has no Highlands Region
- FSHC can negotiate off their numbers
- We are not under any pressure at this point

4) *Affordable Housing Landscape and Comments and Questions from Members*

Cynthia Korman asked for a definition of Overlay Zone. Planner Phillips explained that an overlay zone keeps underlying zoning in place but presents an opportunity should circumstances change. Cynthia noted that Morris Plains recently settled with a large industrial tract that is going to be redeveloped with housing. She asked if anyone looks at the regional picture.

Sandy Batty enquired about a developer fee ordinance. Such an ordinance can not be adopted until there is a court sanctioned plan.

5) *Next Steps*

Attorney Oostdyk recommended we meet with FSHC after the committee develops guide lines for his negotiations. The time is at hand to negotiate a settlement.

6) *Next Meeting and Wrap Up*

Blair thanked everyone for their participation and time. Several Planning Board members are interested in serving. We will review the committee make up and mission at our next meeting.

Future meetings will be the second Wednesday of each month at 8:30 AM, except our next meeting will be Tuesday June 12th at 8:30 AM

Meeting adjourned at approximately 9:50

Submitted by: Stephen Shaw