

MINUTES
Borough of Mountain Lakes
Housing Element and Fair Share Plan (HEFSP) Committee
July 11, 2017 – 6:00 PM
Borough Hall

***Attendance:** Blair Bravo, Committee Coordinator; Martin Kane (6:40), Planning Board Chair; Tom Dagger and Corey Nachshen, Planning Board Members; Cynthia Korman and Bill Barrett, Councilmen; Stephen Shaw and Sandy Batty(phone), Community Volunteers; Paul Phillips, Planner; Rich Sheola, Borough Manager*

***Public:** Steve Arnold, 4 Craven Road*

1) *Welcome*

Blair welcomed everyone and noted that it took six months to coordinate a meeting. She reviewed the agenda and reported that the purpose of the meeting was to update everyone on the status of the Borough's Declaratory Judgement Action and to get a better understanding of recent developments in the Affordable housing arena.

2) *Mountain Lakes Fair Share Plan Update*

Planner Paul Phillips reported the following:

- It has been one year since we filed our plan with the court
- Judge Nergaard is the only judge moving cases
- Mercer County has two cases, everyone is watching to see how those cases resolve
- It is all about the numbers, Kinsey verses Econsult
- Richard Reading from the Mercer County Courts has developed compromise numbers

3) *Status of Borough's Declaratory Judgement Action*

Borough Attorney Bob Oostdyk reported the following:

- Mountain Lakes has not been scheduled for a status hearing
- The court apparently lost the file
- One conference with the Judge and Fair Share was at the conference wants 20% set aside to be 30%
- The King of Kings property is in our plan and that is being litigated, so litigation result may impact our plan
- Hornrock has filed as an intervener
- There is a good chance that our case will be consolidated with others in Morris County municipalities

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

Blair reported that 5 towns in Morris County have settled and that 100% affordable projects are being challenged by Fair Share Housing because they want inclusionary zoning.

Cynthia asked about our unmet need. Paul stated that Fair Share is going to question our vacant land adjustment and that we should be prepared for our numbers to go up. We may need to expand our overlay zone and the density of the overlay.

Paul reported that Courts are giving Fair Share a wide berth and a great deal of leverage. Fair Share is challenging some redevelopment plans that have already been agreed to between developer and town that have a 20% set aside.

Cynthia asked about the recent decision in Chester Borough regarding affordable housing application in the Highlands. Stephen is very familiar with the case, he stated that the case clarifies that opting into the Highlands Preservation area does not relieve a town of its affordable housing obligation. He will distribute a copy of the ruling.

Bob had to leave at 6:36. He stated that everything is more confusing with the courts involved. ML is not a priority with the courts and we should continue to monitor and be involved when called upon.

Cynthia asked about assisted living apartments and accessory apartments that are part of our plan. We be more proactive and reach out. Rich stated that the owner/developer of the assisted living project is going in another direction with that parcel.

Sandy suggested that we look at zoning of Vision Equities property. She also asked if we have a developer fee ordinance.

Paul stated that the Mercer County cases are going to be key to determining the numbers. Other will follow what Mercer does. Mercer is probably going to split the baby based on Richard Reading's work. Since GAP year must be counted, our numbers are going to go up.

Cynthia asked about legislation regarding the administration of affordable housing. It used to be COAH now what is going to happen. Stephen stated that we have essentially gone backwards. Since COAH could not promulgate rules that were constitutional, we are back with the courts determining everything as it was before the Fair Housing Act.

- 5) *Managing Expectations – Mayor Holmberg asked that this be added to the agenda*
- Paul said that nothing can be done until there is action on our DJ. This will probably not be until next year
 - Cynthia stated that we should get pro active
 - Paul said that some municipalities are looking at densities as high as 25 units to the acre, towns must have a real plan and be prepared to move on it quickly
 - Martin suggested that if the Economic Development committee comes up with a parcel for mixed use then we could have a redevelopment proposal
 - Sandy asked if the King of Kings 15% set aside verses 20% jeopardize our plan. Paul believes our position is defensible
- 6) *Next Steps*
- Paul recommended that we take no action other than to wait for our case to be handled and to monitor developments around the state.

Meeting adjourned at 7:40 PM

Submitted by: Stephen Shaw