

MINUTES
Borough of Mountain Lakes
Affordable Housing Advisory Committee (AHAC)
October 31, 2018 – 8:30 AM
Borough Hall

Attendance: Mitchell Stern, Borough Manager; Blair Bravo, Committee Coordinator; Martin Kane(phone), Planning Board Chair; Nancy du Tertre, Planning Board Member; Lauren Barnett, Mayor; Cynthia Korman and Bill Barrett (phone), Councilmembers; Stephen Shaw and Sandy Batty, Public Members; Paul Phillips, Planner; Bob Oosdyk, Borough Attorney

1) *Welcome* 8:34 AM

Blair welcomed everyone, had each member introduce themselves and reviewed the agenda.

2) *Minutes Approval*

The minutes of the October 10, 2018 meeting minutes were approved with the following corrections:

The 5th bullet point on the second page to read “The old overlay zone will be amended to clarify the purpose as a set aside requirement”

Last sentence under item 5 to read “Blair reminded everyone that they must be affirmatively marketed. The consensus was to have the plan in place first.”

3) *Review of Draft Settlement Agreement with Fair Share Housing Center (FSHC)*

On recommendation of attorney, the committee entered a closed session to discuss negotiation positions and strategy. The motion was made by Korman, second by Bravo with all voting yes. Planner Paul Phillips and Attorney Bob Oosdyk reported the following:

- Agreement contains some boiler plate
- There are no interveners or an active dispute, so we do not have a court appointed Special Master
- We agreed with the court that we do not need a Special Master. Special Master would cost the borough money
- We are negotiating directly with FSHC
- We did pay a nominal amount for a County wide numbers master (all municipalities participated)
- FSHC is using Kinsey numbers with a 30% reduction
- The Mercer County number is 271
- They are accepting our calculation of Realistic Development Potential (RDP)
- There are 2 key issues: The extent and density of the overlay zone and the accessory apartments
- Courts have ruled that 80/20 inclusionary development is not inherently beneficial as per the Municipal Land Use Law (MLUL)

- Mandatory set aside will dictate that any use variance or zone change will require a set aside for any residential development of 5 or more units. A 20 % set aside for ownership units and 15% set aside for rental units.

The committee gave direction to the planner and attorney regarding the extent and density of the overlay zone.

The accessory apartments were discussed. We need 5 units and must identify a funding source. If we don't do the accessory apartments, we would need to find a site for 20 units with five designated as affordable. Mountain Lakes presents a unique situation with historic carriage houses. Perhaps an incentive approach could be developed that would act as a model for other towns.

4) *Next Steps and Timing* – The Committee discussed next steps and timing and agreed on the following:

- We gave negotiating direction to Bob and Paul at this meeting
- Meet November 12th for update from Bob and Paul on status/resolution of outstanding issues
- Report to Council at the Monday November 26th meeting
- Council execute a settlement agreement in December or January
- Judge is retiring in March, so we need to finalize before her retirement

5) *Next Meeting*

Next meeting will be Monday November 12th at 8:30 AM

Meeting adjourned at 9:55

Submitted by: Stephen Shaw