

Mayor and Council & Land Use Board
of the Borough of Allendale
Special Joint Work Session Meeting Minutes
May 16, 2018

- PRESENT: Mayor Elizabeth White (arrived at 6:50 p.m.) and Council members Ari Bernstein, Steve Sasso, Jim Strauch, and Amy Wilczynski
- Chairman Kevin Quinn and Land Use Board members Melissa Bergen, Patty Davis, Ron Kistner, Susanne Lovisolo, Matt O'Toole, Councilman Sasso, Michael Sirico (arrived at 6:48 p.m.) and Mayor Elizabeth White (arrived at 6:50 p.m.)
- ABSENT: Council members Liz Homan and Edward O'Connell
Land Use Board Members Joseph Daloisio and Tyler Kearn
- ALSO PRESENT: Borough Attorney Ray Wiss
Borough Engineer Michael Vreeland
Borough Planner Ed Sniekus
Land Use Board Attorney Christopher Botta
Land Use Board Secretary Michelle Ryan
Municipal Clerk Anne Dodd

A Special Joint Work Session Meeting of the Mayor and Council and Land Use Board of the Borough of Allendale was held in the Municipal Building at 500 West Crescent Avenue, Allendale, NJ on May 16, 2018. The meeting was called to order at 6:33 p.m. by Council President Bernstein who asked that the Municipal Clerk read the open public meetings statement:

“In compliance with the Open Public Meetings Act, the notice requirements have been satisfied. The meeting dates for the year are confirmed at the Annual Meeting, are posted on the public bulletin board in the Municipal Building, published in the Record within the first 10 days of the New Year, and copies are sent to the Ridgewood News and Star Ledger. Notice of this meeting by Resolution #18-131 and May 11, 2018 Sunshine Notice has been sent to the Record, Ridgewood News, and Star Ledger and has been posted on the public bulletin board and Borough website.”

Presentations:

Review of Draft Housing Element and Fair Share Plan – Presented by Mary Beth Lonergan, Borough Affordable Housing Consultant

Mary Beth Lonergan, Affordable Housing Consultant, advised that the Borough of Allendale has a history of being ahead of the curve with respect to providing affordable housing. She reviewed the Borough's history of compliance, having previously met its first and second round affordable housing obligations. With respect to the third round, Ms. Lonergan advised that Allendale was one of only sixty towns across the State and one of only four towns in Bergen County that had been certified by COAH in the third round before the Supreme Court invalidated COAH's growth share regulations in 2013. In 2015, the Borough filed the required declaratory judgment which was necessary to protect the Borough from builders' remedy lawsuits. The Borough recently settled with respect to its fair share obligation with a statewide advocacy group called the Fair Share Housing Center. Ms. Lonergan noted that, although the Fair Share Housing Center initially advocated for a much higher number, the Borough received a much higher reduction than most other municipalities both in Bergen County and across the State, having received a 40% reduction versus

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the 30% reduction that the other municipalities received. She provided the breakdown of the Borough's affordable housing obligation, which includes a 21-unit obligation for rehabilitation share and a 137-unit prior round obligation. She reviewed the mechanisms through which the Borough had met its 137-unit prior round obligation, noting that there was 5-unit surplus coming into this round. She advised that with respect to the third-round obligation, although it is a large number, COAH permits a vacant land adjustment for municipalities in which there is limited developable vacant land. As such, the 308-unit obligation was adjusted to a 54-unit realistic development potential (RDP) and a 254-unit unmet need. Ms. Lonergan advised that most of the 54-unit RDP has already been addressed and then reviewed the affordable units which will satisfy the Borough's obligation through 2025. She then reviewed the proposed unmet need mechanisms that are being employed by the Borough which include the placement of overlay zones. Mayor White noted that there are specific types of properties upon which the Court is mandating that an overlay zone be placed. Ms. Lonergan advised that should the use of the properties upon which an overlay zone has been placed change, it would trigger permission for multi-family residential development, with 15-20% being designated as affordable housing. She further advised that another proposed unmet need mechanism is the adoption of a Borough-wide mandatory affordable housing set-aside ordinance which is triggered if the Borough adopts multi-family rezoning, "d" variance, etc. at 6-units per acre.

Borough Attorney Wiss asked that everyone be mindful that the terms of this settlement were reached as a result of a full-blown litigation matter in which the Fair Share Housing Center, as an intervener, was the Plaintiff arguing for a higher number of units. The Borough had to decide whether to settle or to litigate, and due to the expenses and uncertainties associated with a litigation proceeding, the Borough reached this settlement. He noted that the agreed upon number appears to be much more favorable than those being reached by other municipalities. He further noted that, in settling, there was also the benefit of being able to choose the sites upon which the overlay zones were placed. He advised that the Fairness Hearing was held on November 29, 2017, and with the approval of the court-appointed master, the judge approved the concept plan. He explained that the purpose of this part of the process is to demonstrate that the Borough will be complying with what was shown at the Fairness Hearing.

Mayor White commented that the governing body has spent many years and held many meetings to determine the best course of action to address the Borough's needs while protecting Allendale. She advised that both the judge and the court-appointed master have relayed that Allendale has done an excellent job over the past 10 years in properly addressing its affordable housing needs. Councilwoman Wilczynski added that although the original third round number was abolished, the units that had been built were credited toward this obligation. She remarked that other municipalities are faced with having thousands of units to build as well as facing builder's remedy lawsuits. Mayor White noted that the settled upon number was one which was realistic for the Borough to achieve due to Allendale's history of compliance and she expressed that not many municipalities are in the same position. Ms. Lonergan advised that Judge Jacobsen in Mercer County reached a decision which could impact virtually all of the Mt. Laurel municipalities, and if the Bergen County judges were to follow her methodology, Allendale would have been obligated to a higher number, making the decision to settle a good one.

Ms. Lonergan explained that the draft plan will formally be before the Land Use Board on June 20, 2018, noting that it will be available for public review no later than June 8, 2018. She advised that draft ordinances are included in this plan which are anticipated to be introduced by the Mayor and Council on June 14, 2018 with a second reading scheduled for the end of June. She expressed her

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hope that the Land Use Board will adopt this plan which will then be submitted to the court and a compliance hearing will most likely be scheduled in September or October. The ultimate hope is that the Borough will receive a third-round judgment of compliance which will guard against builder's remedy lawsuits through July 2025.

Mayor White advised that the Borough is currently protected from these lawsuits through August. Borough Attorney Wiss added that the date by which the Borough must complete the process in which it is currently engaged is August 8, 2018.

Ms. Lonergan reported that there will be a Master Plan public hearing before the Land Use Board on June 20, 2018. She further advised that in addition to the adoption of the ordinances on June 28, 2018, a series of resolutions will also be before the Mayor and Council for approval.

Mr. Sniekus commented that this plan is actually an element of the Master Plan.

Mayor and Council & Allendale Land Use Board Discussion of Draft Housing Element and Fair Share Plan

Mayor White expressed her opinion that the governing body has done an excellent job of disseminating information to both the boards as well as the public. She commented that the information contained in the draft plan has already been discussed, and as such, the members of both boards are familiar with the subject matter.

Mr. Quinn noted that the Master Plan was amended with this plan in mind. He requested confirmation that the Master Plan will not need to be further amended once this plan is formalized.

Mr. Sniekus confirmed that the land use plan was amended and is reflective of this plan. He noted that it is an element of the Master Plan which is the reason that the Land Use Board is responsible for this review.

Public Comment:

No one came forward.

Adjournment:

There being no further business to come before the Mayor and Council, on a motion by Councilman Strauch, second by Councilman Sasso, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 7:11 p.m.

Respectfully submitted,

Anne Dodd, RMC
Municipal Clerk