TOWNSHIP OF SADDLE BROOK
PLANNING BOARD

Following are the minutes of the Saddle Brook Planning Board's Regular Meeting, held on Tuesday, July 16, 2019.

1. FLAG SALUTE

2. ROLL CALL: Mr. Ambrogio, Mr. Browne, Mr. Compitello, Mr. Hickey, Mr. LaGuardia, Councilman Gierek, Mr. Verile, Mr. Maniscalco, Mayor White, Mr. Cook and Mr. Camporeale - PRESENT Mr. Mazzone - ABSENT

Also present was Stephen Pellino, Board attorney.

3. CHAIRMAN ANNOUNCES – OPEN PUBLIC MEETINGS ACT

4. PRELIMINARY & FINAL SITE PLAN APPLICATION
VRAJ Market LLC, 449 Market Street, Block 705, Lot 27

Mr. Pellino – This application was before the Planning Board at its last meeting. It was carried to tonight. We have received a letter requesting the Board carry it to the August hearing. They have agreed to renotice. I recommend you grant the adjournment, with the caveat that they agree to extend the time we have to hear this. I will let Ms. Kasetta know.

Mr. Compitello made a motion: seconded by Mr. Verile to grant the adjournment provided they extend the time. All in Favor – YES

APPLICATION ADJOURNED

5. Consider Amendment to the Master Plan by adoption of a Housing Element and Fair Share Plan

Mr. Pellino – We're talking about the intersection of two different, but related bodies of the law. The first is the Master Plan, which is the blueprint for development in your community. The Housing Element is one portion of the Master Plan. The adoption and revision of the Master Plan is exclusively in the province of the Planning Board per Zoning Law and Land Use Law in New Jersey. There is a proposed amendment. Tonight, this comes before us because we're intersecting with the law of affordable housing. The New Jersey Supreme Court has determined that every municipality has a duty to provide its fair share of affordable housing. In one of the Mount Laurel decisions they came up with the builder's remedy. That means, if the municipality is determined not to be in compliance by providing a reasonable opportunity for its share of affordable housing, a developer can come into town, grab a piece of property and say he's going to put up as many stories and make it as dense as possible and the municipality has to let him do it because he's going to provide some affordable housing. Normally, that developer would lose in front of the Zoning Board, but then he would take the municipality to court. If the court found that the town was not in compliance with its affordable housing obligations, they would grant the developer this builder's remedy. It's something municipalities try to avoid. Until they were sued and went to court, municipalities didn't know whether they were in compliance or not. In response, the legislature adopted the Fair Housing Act, which provides a mechanism for municipalities to get certified and be in compliance. They did that by creating the Council of

Affordable Housing (COAH). COAH established rules and criteria. A municipality could submit an application to COAH and if they found you to be in compliance, they would give you a certificate that said that and then you would have immunity from the builder's remedy suit. They couldn't sue you. This was done in rounds. We're in the third round now. At some point COAH ceased to function properly, so Mt. Laurel 4 came before the Supreme Court in 2015. The court said COAH isn't working, so if you want to get an official stamp of approval that you're in compliance, you have to go to court. Virtually every municipality has filed an action with the courts. Saddle Brook participated in this process. A group called the Fair Share Housing Center (an advocacy group for affordable housing) participated in the litigations. They argued with the towns over what would constitute their fair share and how it would be implemented. Most of these litigations have settled. The towns reached a compromise with the Fair Share Housing Center and then that compromise had to go before the court. The judge held a fairness hearing to say that the compromise was fair and as long as you implement it, we're going to give you that immunity. Saddle Brook reached that agreement with the Fair Share Housing Center. The court approved Saddle Brook's settlement. Now we have to implement the settlement. This is contingent upon the Planning Board amending the Master Plan to adopt the Housing Element and the Fair Share Housing Plan.
Joseph J. Layton of Maser Consulting, the Township planner was sworn in.
Mr. Layton – The first fourteen pages of the document provide contains census and housing data, which is irrelevant to the plan itself. The second part contains the Fair Share Plan. The affordable housing obligation that we have was established by the Fair Share Housing Center, subsequent to the 2015 NJ Supreme Court decision. Saddle Brook did file a declaration of compliance with the Fair Housing Act with the Bergen County Superior Court on July 21, 2015. Since then, we've been working on determining our Fair Share number and developing a housing plan to address that obligation. The courts settled on the Fair Share Housing Center's numbers. Fair Share Housing Center was designated an interested party in each municipality by the supreme court. In Saddle Brook, Fair Share Housing Center was the only interested party or intervener. We did reach a settlement agreement in November 2018. The obligation settled on was as follows: rehabilitation share is 38 units, prior round obligation was 124 units, and the third round obligation was supposed to start in 1999-2005, now extended to 2025 is 418 units. We had a fairness hearing before Judge Padovano in February. He approved the settlement agreement. The plan itself on how we will address our obligation begins on page 19. We have 2 rehabilitation credits, leaving us with a remaining obligation of 36 units. Prior round credits, which is prior to 1999, we have 7 sites shown on the map, that help us meet our obligation. First is a group home, Caring Inc., with 4 bedrooms. That is 4 credits plus 4 rental bonuses. The second is Mayhill apartments. They have 17 units plus 17 rental bonus credits. Midland Commons, which is nearing completion, gives us 22 credits. The affordable housing zone 5 has been zoned, but has not been redeveloped. It's across the street from Midland Commons, a.k.a. The Grande. There are 2 credits available for that zone. Then we have the senior housing project by the county on Caldwell Ave. That will be 30 credits. That will cap us out as far as credits we get for senior housing. The cap is 25%. 25% of 124 is 31. The sixth site is on Legregni Street. The World Wheat Foundation got a variance from the Zoning Board for a special needs residence to house 16 residents when it gets developed, so we have 16 credits there. The seventh site is the Township site on Midland Avenue. That is intended to be a 100% affordable site. The Township intends to donate the land to an affordable housing developer. We have to make those arrangements. Eventually, that will give us 58 credits, of

which, we can apply 12 credits to the prior round. That gives us the 124 units that we need. When it comes to the third round, discussed on page 21, we have the Township site. We will have 46 units that we haven't taken credit for yet, plus we can get 9 rental bonus credits for that. On the site between Midland Commons and Route 46, we propose to rezone that for affordable housing. That way we'll have 4 additional units. Now we come to what's called the unmet need. We have 59 credits for the third round, but we have an obligation of 418, leaving us with an unmet need of 359 units. We have to address what they call a realistic development potential, which is determined by analyzing all of the vacant land that's buildable in the township, adding it up, assigning a density of 8 or 15 units to the acre, depending on the site and calculating how many affordable units we can get. We calculate 6 on the vacant lands throughout the Township. We have to address at least the 36 affordable units in the third round. We've done that with the Township owned site and the Midland Commons site. The balance of 359 units is called unmet needs. We have to demonstrate how we're going to possibly meet that. Basically, we're going to address that by instituting four overlay zones. These are shown on the map as sites 9, 10 and 11. Site 9 is an overlay zone at President Street, by Midland Ave. It's currently developed with mix of industrial and residential uses. That overlay zone will permit 20 units/acre, three story, multifamily buildings. Overlay zone 10 is the B2 business zone on both sides of Market St. On the north side, from Sampson St. west, we're proposing mixed uses with commercial on the first floor and two stories of residential above that. That potential would be for 12 units/acre. On the south side of Market, we're proposing two story structures with the first floor being commercial and the second story being residential. That could yield up to 8 units/acre. Site 11 is the OM zone, north of Kensington Crossing. We're proposing 3 floors of mixed use there; first floor being commercial, second and third being residential. That could result in 16 units/acre. At the end of the plan, we have an implementation plan with a bar chart. The Planning Board will adopt this. Down the road, you will see a spending plan also. That is adopted by the governing body, but the Planning Board has to endorse it. Then we will have to rezone for these overlay zones. You'll have input on that also.
Mr. Hickey – Will they keep adding to this?
Mr. Layton – This is good until 2025.
Mayor White – What if we don't meet the obligation by 2025?
Mr. Layton – We're demonstrating a good faith effort. If you don't meet the obligation, there's no penalty.

Mr. Compitello made a motion; seconded by Mr. Browne to adopt the Housing Element and Fair Share Plan as proposed by the planner. VOTE: Mr. Ambrogio, Mr. Browne, Mr. Compitello, Mr. Hickey, Mr. LaGuardia, Councilman Gierek, Mr. Verile, Mr. Maniscalco and Mayor White - YES

6. MINUTES

Mayor White made a motion; seconded by Mr. Maniscalco to approve the minutes of the June 18, 2019 regular. VOTE: Mr. Ambrogio, Mr. Browne, Mr. Hickey, Mr. La Guardia, Councilman Gierek, Mr. Verile, Mr. Maniscalco, Mayor White and Mr. Cook – YES

Mr. Compitello made a motion; seconded by Mr. Verile to approve the minutes of the July 2, 2019 special meeting. VOTE: Mr. Ambrogio, Mr. Browne, Mr. Compitello, Mr. Hickey, Mr. Laguardia, Councilman Gierek, Mr. Verile, Mr. Maniscalco and Mayor White - YES

7. VOUCHERS

Mr. Compitello made a motion; seconded by Mr. Verile to pay the following vouchers, provided funds are available:

Carroll Engineering, 06/20/19, Redevelopment Plan review, $730
Carroll Engineering, 06/20/19, T-Mobile Northeast, $219

All in Favor - YES

9. OPEN AND CLOSE THE MEETING TO THE PUBLIC

Mr. Browne made a motion; seconded by Mr. Compitello to open the meeting to the public. All in Favor - YES

No public participation.

Mr. Compitello made a motion; seconded by Mr. Verile to close the meeting to the public. All in Favor – YES

10. ADJOURN

Mr. Compitello made a motion; seconded by Mr. Browne to adjourn. All in Favor - YES

Meeting adjourned at 8:15 p.m.

Respectfully Submitted,

Jayne Kapner
Planning Board Secretary