

**TENAFLY PLANNING BOARD
SPECIAL PUBLIC MEETING
MINUTES
DECEMBER 17, 2008**

Chairperson Sellinger called the meeting to order at 8:00 P.M.

The announcement was made regarding compliance with the Sunshine Law. It was also noted that **NOTICE** to amend the annual schedule to hold a special public meeting on December 17, 2008 for the purpose of amending the Borough's Master Plan to include an updated Housing Element and Fair Share Plan was published in the Press Journal on November 20, 2008 and in the Bergen Record on November 23, 2008.

The secretary was asked to call the roll:

Voting members present: James Sellinger, Jim Sowlakis, Bill Kelly, Gus Allen, Barry Massarsky, Mary Beth Wilmit and Mayor Rustin

Voting members absent: Joe McDermott, Herb Galant, Kevin Tremble, Ted Nevins

Others present: Jeffrey Zenn, Board Attorney, Joseph Burgis, Planner

PUBLIC HEARINGS SCHEDULED FOR THIS EVENING

- 1. Amendment to include the Housing Element and Fair Share Plan dated November 26, 2008 prepared by Burgis Associates, Inc. as an element to the Borough's Master Plan**

Attorney Zenn noted that he had reviewed the proof of publication which appeared in the Press Journal and the Bergen Record and notification which was sent to the Borough Clerks in the surrounding municipalities as well as to the Bergen County Department of Planning. He announced the publication and notification were in compliance with MLUL.

Attorney Zenn called Joseph Burgis of Burgis Associates, Inc as a witness and swore him in.

Mr. Burgis identified himself and stated he was the President of Burgis Associates and has been the Borough Planner for the past three years.

He explained there are two reasons to hold a public hearing this evening, one is the municipal land use laws requires every municipality to have a Housing Plan in order to have a Zoning Ordinance. The second reason is, if you are going to consider filing with the Council on Affordable Housing for certification, you must file by December 31st of this year. He further explained that municipalities are not obligated to file their plan with

COAH; however, one of the main reasons to do so is if you get certification from COAH you are then protected from Mount Laurel litigation for the period of time of your certification.

He explained what COAH had previously called a fair share approach to affordable housing now they are using a growth share approach with the third round. If you have ordinances in place that suggest you are going to grow a lot you'll be given a higher obligation and if you don't have regulations that suggest you will grow a lot, you will get a lower number. COAH also generated some numbers for you. In the third round, the rules say your obligations are composed of three specific numbers which are rehabilitation, any remaining prior round obligation and your growth share obligation.

- The rehab number, they simply give you – for Tenafly that number is sixty- two (62) units. As part of the plan, we have to set aside some monies to enable a certain percentage of that sixty-two (62) unit figure.
- The remaining prior round obligation is the thirty (30) unit RCA with Paterson that was never implemented. That had to be factored into this plan.
- And finally is the issue of growth share. According to COAH our growth share obligation is eighty-four (84) units. COAH projected between January 2004 and January 2018 we are going to see two hundred forty-one (241) additional dwellings built in the municipality. Take twenty percent (20%) of that figure and that comes out to forty-eight (48) units. That is the residential portion of your growth share. COAH also estimates that you're going to get another five hundred sixty-seven (567) jobs in the municipality between '04 and '18. You divide that figure by sixteen (16) and that is the non-residential portion of the equation and you will get thirty-six (36) units. Add that to the forty-eight (48) units and you come up with eighty-four (84) units.

In the plan COAH estimates two hundred forty-one (241) additional units and they subtract out all the inclusionary zoning you have. We project only thirty-two (32) new dwelling units over the next ten or so years. In terms of jobs, we can't anticipate anywhere over two hundred (200) additional jobs in contrast to their nearly six hundred (600) additional jobs. COAH, in their mapping, indicates that Tenafly has one hundred thirty-seven (137) acres of vacant land. We found ten and a half (10 ½) acres and when you subtract out all the environmentally constrained land, which you are allowed to do, we find Tenafly has three point fifty-seven (3.57) acres of vacant land. That's quite a contrast as to what COAH suggests and we have seen these same disparities throughout the state. In our analysis, what we did, pursuant to their regulations, is to look at the amount of remaining vacant land we perceived you have and to look at how many development applications you have. Next we looked at your vacant land and made some projections as to how much additional growth there will be if you apply their factor to determine how that all relates to affordable housing. We project an eighteen (18) unit obligation for affordable housing.

Approved 1/28/09

Then the question becomes, how are we going to deal with that obligation plus any prior round obligation? There is a table in the report that identifies how all the prior rounds are addressed. Then in terms of the third round (that eighteen (18) unit figure) we're suggesting that could be addressed by two sites you may want to consider for designation for affordable housing.

One site is on the westerly side of Dean Drive, north of Westervelt, a three quarters (3/4) of an acre lot. We are recommending that site can be developed with twenty (20) dwelling units. Applying a twenty-five percent (25%) set aside would result in five (5) affordable units on that property and we have suggested that all five (5) affordable units must be rental. The reason we are suggesting rental housing for your affordable component is you have an obligation to COAH regulations that twenty-five percent (25%) of your obligation must be rental housing. In addition, once you meet that obligation, any additional rentals gives you get bonus credits.

We have a second site slightly more than one (1) acre in size at the corner of Madison and North Summit. At this site you get thirty-two (32) units and with a twenty-five percent (25%) set aside eight (8) of those thirty-two (32) units would be rental affordable units. Between these eight (8) units and the other site which has five (5) units this will give you a total of thirteen (13) units. The formula works out where you get four (4) additional rental bonus credits. So for thirteen (13) units you get seven (17) credits and that makes us short one (1) unit.

For that one unit, what we're suggesting is buried in the COAH regulations. COAH has something called a market to affordability program. This program allows municipalities to buy a market rate unit. You could use your development fee money or bond to buy and make an affordable unit. We could do this and it would give us the one (1) needed unit for eighteen (18) units of credit. That's how you could deal with your plan.

Mr. Burgis further explained, we don't have that dwelling selected and because of that we could not complete the spending plan. So when we file this plan with COAH they will send us a letter saying we're incomplete and this will give us forty-five (45) days to put the pieces together.

The Board thanked Mr. Burgis for his quick and excellent presentation of the plan.

Chairman Sellinger asked if there were any questions from the Board members? There were not any.

He asked if there were questions from the public. There was only one person in the audience, Ms. Alida Kratnoff of 59 Highwood Avenue. Ms. Kratnoff had no questions.

Chairman Sellinger stated the Board had tweaked the plan and sent in six changes (some grammatical and others that corrected block and lot numbering, etc.) which are reflected in the drafted resolution. There were no further comments from the Board.

Approved 1/28/09

Mr. Kelly made a motion to adopt the resolution to amend the Master Plan of Tenaflly to include the updated Housing Element and Fair Share Plan prepared by Burgis Associates, Inc. dated November 26, 2008 subject to the six changes listed in the resolution; the motion was seconded by Mrs. Wilmit and carried with the following roll call vote:

For: Mr. Sellinger, Mrs. Wilmit, Mr. Kelly, Mr. Sowlakis, Mr. Allen,
Mr. Massarsky and Mayor Rustin

Against: None

Chairman Sellinger asked if there were any comments from the public on agenda or non-agenda items. There were not any.

Chairman Sellinger thanked Barry Massarsky for filling in as 2nd alternate for the past five months.

Chairman Sellinger presented a plaque to Bill Kelly thanking him for his service to the Board for the past ten years. He stated, "Mr. Kelly over the years has served as Chairman, and Vice Chairman of the Board as well as chairing many committees, traffic, etc. He worked diligently in helping to prepare the 2005 Re-Examination Report of the Master Plan, as well as serving on the LDR Committee to update the regulations." At this point, Chairman Sellinger presented a plaque to Mr. Kelly for his exemplary service to the Board from 1998 through 2008 with sincere gratitude and appreciation from the Planning Board members.

A motion was made by Mayor Rustin to close the public meeting at 9:30 P.M.. and to adjourn; seconded by Ms. Wilmit and so carried .

Respectfully submitted,

Dee Lorberbaum
Municipal Land Use Officer