

DRAFT MINUTES
Borough of Mountain Lakes
Housing Element and Fair Share Plan (HEFSP) Committee
July 18, 2018 – 8:30 AM
Borough Hall

Attendance: Mitchell Stern, Borough Manager; Blair Bravo, Committee Coordinator; Martin Kane, Planning Board Chair; Lauren Barnett, Mayor; Cynthia Korman, Councilwoman; Stephen Shaw and Sandy Batty, Public Members; Paul Phillips, Planner; Bob Oosdyk, Borough Attorney

- 1) *Welcome 8:35 AM*
Blair welcomed everyone and reviewed the agenda.

- 2) *Minutes Approval*
The minutes of the June 12, 2018 meeting were reviewed and approved as submitted. Blair noted that the borough website is up to date with committee materials.

- 3) *Status of Fair Share Plan and Overlay Zone-* Planner Paul Phillips and Attorney Bob Oosdyk reported the following:
 - Judge Nergaard will be retiring early next year
 - We should continue a path of resolution rather than litigation. In their professional opinion we should start negotiating now.
 - Fair Share Housing Center (FSHC) would like to get less difficult municipalities settled
 - We have guidance on numbers from Mercer County decision, but they are not in the Highlands
 - The Mercer County decision is not published, and we are not bound by that decision, but no judge wants to go through a numbers trial and will rely on the Mercer County decision
 - There are three sets of numbers: Ours 33, FSHC 250, and Mercer County that must be looked up
 - Because of the Vacant Land Adjustment (VLA) the actual number is not critical
 - The recommended starting point is to take our number then apply the Realistic Development Potential (RDP) to arrive at an adjusted number and then handle the difference (unmet need) with an overlay zone
 - The overlay zone does not displace the underlying zoning
 - Need to move on a plan to protect the borough from a builder's remedy lawsuit
 - We expect any development to include a 20% set aside. It was noted that we need to check on the wording in our ordinance regarding set aside terminology
 - Bob Oosdyk to have a conversation with the borough Economic Development Advisory Committee (EDAC) to coordinate

- We should have a model settlement agreement from FSCC by our next meeting. There are three main issues
 - Arriving at a number
 - The extent and density of the overlay zone. 6 Dwelling Units/Acre verses 10 Dwelling Units/Acre
 - What is the RDP
 - We could have different standards for different overlay zones
 - An email from George Jackson dated July 9, 2018 that made many suggestions was reviewed. The Bob Oosdyk and Paul Phillips strongly advised against withdrawing our plan from the court as suggested in the email. Blair will get back to George
- 4) *Update of Resolution 48-18 Establishing the HEFSP Committee* – Lauren Barnett and Bob Oosdyk will take recommended changes to Council for adoption
- 5) *HEFSP 2018 Goals*
- Finalize a reasonable plan and make a recommendation to Borough Council
 - Coordinated program to educate the residents on the plan including a recording and possibly a Face Book live message on the borough’s website
- 6) *Next Meeting*
Next meeting will be Monday September 17th at 8:30 AM
Meeting adjourned at 9:35

Submitted by: Stephen Shaw