

Mid-Point Review of Affordable Housing Activities & 2020 Monitoring

**Mountain Lakes Borough, Morris
County**



July 1, 2020

Prepared by:

Randall M. Gottesman, PP

New Jersey Professional Planner

License No. 3016



TABLE OF CONTENTS

EXECUTIVE SUMMARY 2

Conditions of Compliance..... 2

Developments that Are Not Completed 2

Inclusionary Projects 2

Non-Inclusionary Projects..... 2

Missed Construction Deadlines..... 2

Rehabilitation Obligation..... 3

Unmet Need..... 3

Very Low Income Analysis..... 3

Invitation of Submissions..... 3

APPENDICES

1. 2020 Unit Monitoring Form
2. 2020 Very Low Income Analysis
3. 2020 Trust Fund Monitoring form

EXECUTIVE SUMMARY

Under the supervision of the court-appointed Special Master, the Borough and Fair Share Housing Center (“FSHC”) entered into a Settlement Agreement in January of 2019, which established agreed upon rehabilitation, Prior Round (1987-1999), Gap (1999-2015) and Prospective Need (2015-2025) obligations, and laid out how the Borough would comply with the same. A properly noticed Fairness Hearing was held on February 22, 2019, and Mountain Lakes’ Final Judgement of Compliance and Repose was filed on August 26, 2019.

Mountain Lakes has made solid progress meeting the terms of the Agreement. Mountain Lakes has begun construction on both of its inclusionary projects. The Borough has also made significant progress in developing its Accessory Apartment program, though it has not yet adopted a new program manual or ordinance. Mountain Lakes continues to work towards meeting its 1 unit rehab obligation.

CONDITIONS OF COMPLIANCE

The Borough’s Judgment of Repose dated August 26th, 2019 required that the Borough adopt rules and regulations governing its accessory apartment program within 90 days of the Judgement. The Borough has an existing ordinance adopted prior to the Judgement and has been working diligently to adopt a new Accessory Apartment Manual that will govern the program, however at this time the manual is still in draft form.

DEVELOPMENTS THAT ARE NOT COMPLETED

Inclusionary Projects

Sunrise Senior Living at 1 Bloomfield Ave: The Borough executed a Developer’s Agreement with Sunrise Senior Living on 9/10/19, and the project is in the early construction phase with the building’s steel skeleton recently erected.

Enclave at Mountain Lakes (King of Kings): This project is under construction with one building complete with another building nearing completion. Several other buildings are yet to be constructed.

Non-Inclusionary Projects

Mountain Lakes has developed a manual for the Accessory Apartment program. This manual has been reviewed by the Borough’s Accessory Apartment working committee and is pending adoption by resolution. At this time the manual has gone through several draft revisions, with completion anticipated well before July 31, 2020, enabling marketing and implementation to begin shortly after that by the Borough’s Administrative Agent (CGP&H). Mountain Lakes expects that it will meet its obligation to provide 5 accessory apartment units by 2025.

Missed Construction Deadlines

There are no missed construction deadlines for Mountain Lakes.

REHABILITATION OBLIGATION

Mountain Lakes utilizes the Morris County Rehabilitation Program as identified in the Housing Element and Fair Share Plan. Mountain Lakes maintains a 1 unit rehab obligation that it will work towards completing by 2025

UNMET NEED

According to Borough officials:

- Since the settlement agreement was executed, there have been no applications for development received by Mountain Lakes that were for parcels larger than 0.5 acres that were not identified in calculating the municipality's RDP.
- Additionally, no development has occurred or been proposed to occur within any inclusionary overlay zone, nor which the mandatory set-aside ordinance would apply since the settlement as reported by the Borough.
- There are no changed circumstances that resulted in additional parcels becoming available for development that were neither previously identified in calculating the municipality's RDP nor included in an inclusionary overlay zone.

VERY LOW INCOME ANALYSIS

No Very-Low Income units have been created to date. However, Mountain Lakes has planned for the development of 10 of the 56 units or 17% proposed in its Housing Element and Fair Share Plan.

INVITATION OF SUBMISSIONS

Any interested party may submit comments to the municipality regarding whether any sites no longer present a realistic opportunity and should be replaced by contacting:

Robert H. Oostdyk, Jr., Esq.
c/o Murphy McKeon P.C.
Riverdale South
51 Route 23 South, P.O. BOX 70
Riverdale, NJ, 07457
Ph: (973) 835-0100
Fax: (973) 835-1732
roostdyk@murphymckeonlaw.com

Any party may by motion request a hearing before the court regarding these issues.

APPENDIX 1 – UNIT MONITORING FORM

APPENDIX 2 – 2020 VERY LOW INCOME ANALYSIS

Mountain Lakes Borough, County: Very-Low Income Units 2020

Development/Compliance Mechanism	Project Status	Controls Date	Affordable Units	Very-Low Income Units
Legacy at Mountain Lakes (Fusee/Weber)	Completed	1/27/2011	8	0
Enclave at Mountain Lakes (King of Kings)	Under Construction	5/10/2019	6	0
Sunrise Senior Living at 1 Bloomfield Ave	Proposed/Zoned	Developers Agreement Approval 9/10/19	5	5
Accessory Apartment Program	Proposed/Zoned	TBD	5	1
Block 6, Lot 14	Proposed/Zoned	TBD	7	1
Block 7 Lots 7,8,&9 Multi-Family Overlay Zone	Proposed/Zoned	TBD	25	3
Totals:			56	10
			<i>(%) of VLI units: 17%</i>	

APPENDIX 3 – 2020 TRUST FUND MONITORING FORM

Mountain Lakes Borough, Morris County
Trust Fund Balance as of December 31, 2019

	INCEPTION DEC 31, 2018	JAN 1, 2019 DEC 31, 2019	TOTAL
REVENUE SUMMARY			
Barrier Free Escrow	\$0.00	\$0.00	\$0.00
Development Fees	\$32,797.67	\$0.00	\$32,797.67
Interest Earned	\$0.00	\$0.00	\$0.00
Other Income	\$0.00	\$0.00	\$0.00
Payments-in-Lieu of Construction	\$0.00	\$0.00	\$0.00
TOTAL	\$32,797.67	\$0.00	\$32,797.67
EXPENDITURE SUMMARY			
Administration	\$0.00	\$31,680.00	\$31,680.00
Affordability Assistance	\$0.00	\$0.00	\$0.00
Barrier Free Conversions	\$0.00	\$0.00	\$0.00
Housing Activity	\$0.00	\$0.00	\$0.00
TOTAL	\$0.00	\$31,680.00	\$31,680.00
TRUST FUND ACCOUNT BALANCE AS OF December 31, 2019			\$1,117.67

HOUSING ACTIVITY : JAN 1, 2019 - DEC 31, 2019	
TOTAL	\$0.00

AFFORDABILITY ASSISTANCE: JAN 1, 2019 - DEC 31, 2019	
TOTAL	\$0.00