



**AGENDA FOR THE COUNCIL MEETING OF THE BOROUGH OF MOUNTAIN LAKES  
HELD AT THE BOROUGH HALL, 400 BOULEVARD, MOUNTAIN LAKES, NJ 07046**

**JUNE 23, 2025**

**EXECUTIVE SESSION – BEGINS AT 6:30PM**

**PUBLIC SESSION – BEGINS AT 7PM**

**1) CALL TO ORDER AND OPEN PUBLIC MEETINGS ACT STATEMENT – Mayor**

This meeting is being held in compliance with Public Law 1975, Chapter 231, Sections 4 and 13, as notice of this meeting has been reported to The Citizen, the Morris County Daily Record, and The Star Ledger on January 9, 2025 and posted in the municipal building.

**2) ROLL CALL ATTENDANCE - Clerk**

**3) FLAG SALUTE – Mayor**

**4) EXECUTIVE SESSION**

- a. R119-25, Resolution to Enter an Executive Session – Potential Litigation & Attorney - Client Privilege (Approval of Executive Minutes)

**5) COMMUNITY ANNOUNCEMENTS**

**6) SPECIAL PRESENTATIONS**

**7) REPORTS OF BOROUGH ESTABLISHED BOARDS, COMMISSIONS AND COMMITTEES**

**8) BOROUGH COUNCIL DISCUSSION ITEMS**

**9) PUBLIC COMMENT**

**Please state your name for the record.** Each speaker is limited to one (1) comment of no more than five (5) minutes and no yielding of time to another person.

**10) ATTORNEY'S REPORT**

**11) MANAGER'S REPORT**

**12) RESOLUTIONS**

- a. R126-25, Endorsing the Housing Element and Fair Share Plan for 2025 through 2035 as Adopted by the Mountain Lakes Planning Board

**13) ORDINANCES TO INTRODUCE**

**14) ORDINANCES TO ADOPT**

- a. 13-25, Amending Chapter 245 of the Revised General Ordinances of the Borough of Mountain Lakes and Establishing Highlands Council Regional Master Plan Conformance

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**15) \*CONSENT AGENDA ITEMS**

*Matters listed as Consent Agenda Items are considered routine and will be enacted by one motion of the Council and one roll call vote. There will be no separate discussion of these items unless a Council member requests an item be removed for consideration.*

**\*RESOLUTIONS**

- a. R120-25, Authorizing the Payment of Bills  
b. R121-25, Authorizing the Cancellation of Appropriations

- c. *R122-25, Authorizing Change in Custodian of Petty Cash Fund*
- d. *R123-25, Authorizing the Sale of Surplus Personal Property No Longer Needed for Public Use on an Online Auction Website*
- e. *R124-25, Renewing Liquor Licenses for 2025-2026 Licensing Term*
- f. *R125-25, Appointing Jennifer Semler as Chief Financial Officer*
- g. *R127-25, Requesting Approval of Item of Revenue and Appropriation Under N.J.S.A. 40A: 4-87 for the Highlands Grant – Task 1: Housing Element and Fair Share Plan Ordinances \$18,000*
- h. *R128-25, Authorizing the Settlement of a Tax Appeal (Verizon New Jersey Inc. – Personal Property Tax)*
- i. *R129-25, Participation in a Cooperative Pricing System*

**\*APPROVAL OF MINUTES**

*3/24/25 (Executive)*

*5/28/25 (Regular)*

**\*BOARD, COMMITTEE AND COMMISSION APPOINTMENTS**

- a. *Mark Stuart to the Environmental Commission as Member with a term running through 12/31/27*
- b. *Peter Mills to the Historic Preservation Committee as Member with a term running through 12/31/28 (previously appointed)*
- c. *Wendy Navin to the Historic Preservation Committee as Member with a term running through 12/31/28*

**16) DEPARTMENT REPORTS SUBMITTED FOR FILING**

- Construction Department
- Department of Public Works
- Fire Department
- Health Department
- Police Department
- Recreation Department
- Code Enforcement/Property Maintenance
- Tax Collector

**17) COUNCIL REPORTS**

**18) PUBLIC COMMENT**

**Please state your name for the record.** Each speaker is limited to one (1) comment of no more than five (5) minutes and no yielding of time to another person.

**19) NEXT STEPS AND PRIORITIES**

**20) ADJOURNMENT**

**BOROUGH OF MOUNTAIN LAKES  
COUNTY OF MORRIS, NJ**

**RESOLUTION 119-25**

**RESOLUTION TO ENTER INTO AN EXECUTIVE SESSION**

**WHEREAS**, the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq. permits the exclusion of the public from a meeting in certain circumstances; and

**WHEREAS**, this public body is of the opinion that such circumstances presently exist; and

**WHEREAS**, the Governing Body wishes to discuss:

- Matters made confidential by state, federal law or rule by court
- Matters in which the release of information would impair the right to receive funds from the Government
- Matters involving individual privacy
- Collective bargaining
- Purchase or lease of property, setting of bank rates, investment of public funds if disclosure would harm the public interest
- Public safety
- Pending, ongoing or anticipated litigation or contract negotiation
- Personnel matters
- Civil penalty or loss of license
- Attorney – Client Privilege (Approval of Executive Minutes)

Minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public.

**NOW THEREFORE BE IT RESOLVED** that the public be excluded from this meeting.

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**CERTIFICATION:** I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Borough Council of Mountain Lakes, New Jersey, at a meeting held on June 23, 2025.

\_\_\_\_\_  
Cara Fox, Borough Clerk

Name	Motion	Second	Aye	Nay	Absent	Abstain
Cannon						
Howley						
Menard						
Sheikh						
Tsai						
Muilenburg						
Barnett						



# BOROUGH OF MOUNTAIN LAKES

LISTED IN NATIONAL AND STATE REGISTERS OF HISTORIC PLACES

**Mitchell Stern**  
**Borough Manager**  
mstern@mtnlakes.org

400 Boulevard  
Mountain Lakes, NJ 07046  
P -973-334-3131 ext. 2006

TO: Honorable Mayor and Borough Council  
SUBJ: Manager's Report for the Borough Council meeting of June 23, 2025  
CC: Robert Oostdyk, Borough Attorney

**Annual Road Paving** – Below is the list of roads that are expected to be repaved in 2025. A purchase order has been issued and sent to the paving contractor. We are now awaiting scheduling information.

- Baldwin – Pollard to Romaine
- Beechway Road – Hanover to MLHS
- Crystal Road – N. Crane to Overlook
- Fernwood Trail – Rainbow to Lakewood
- Fox Hill Lane – Rt. 46 to Brook Lane
- Hanover Road – Oakland to Fanny
- Laurelwood Drive – Pinewood to Denville border
- Midvale Road – Romain to Woodland
- Oakland Road – Boulevard to Melrose
- Yorke Road – Intervale to Warwick

**Chief Financial Officer** – I am pleased to announce that Jennifer Semler will be replacing our retiring CFO, Monica Goscicki. Jennifer brings extensive municipal finance experience, having most recently served as the CFO and Director of Finance in Bloomfield, and previously as the CFO in Union. In addition to being a certified Chief Municipal Finance Officer, Jennifer is also a Certified Public Accountant, a Certified Public School Accountant, and a Qualified Purchasing Agent. She also has prior experience in the corporate sector as both a finance officer and auditor. A resolution appointing Mrs. Semler as CFO is included on the meeting agenda.

As always, feel free to reach out with any questions or concerns.

Respectfully,

Mitchell

## RESOLUTION AND ORDINANCE REVIEW FOR THE JUNE 23, 2025 MEETING

TO: MAYOR AND COUNCIL

FROM: MITCHELL STERN, MANAGER

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### **RESOLUTIONS**

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**R121-25, AUTHORIZING THE CANCELLATION OF APPROPRIATIONS** - this resolution authorizes the CFO to cancel the unexpended balance for the Sunset Lake Dam loan balance. A complete explanation from our CFO is included with the resolution.

**R122-25, AUTHORIZING CHANGE IN CUSTODIAN OF PETTY CASH FUND** - this resolution changes the petty cash fund custodian to our Utility Collector Monika Strama. This resolution is necessary due to the upcoming retirement of the current custodian (CFO).

**R123-25, AUTHORIZING THE SALE OF SURPLUS PERSONAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE** - this resolution authorizes the sale of surplus property that is no longer needed for public use, through the use of an online auction service.

**R124-25, RENEWING LIQUOR LICENSES FOR 2025-2026 LICENSING TERM** - this resolution authorizes the approval of the Borough's annual liquor licenses for the 2025-2026 licensing term.

**R125-25, APPOINTING JENNIFER SEMLER AS CHIEF FINANCIAL OFFICER** – this resolution appoints Jennifer Semler as CFO. The appointment is necessary due to the retirement of the current CFO.

**R126-25, ENDORSING THE HOUSING ELEMENT AND FAIR SHARE PLAN FOR 2025 THROUGH 2035 AS ADOPTED BY THE MOUNTAIN LAKES PLANNING BOARD** – this resolution endorses and adopts the Fourth Round Housing Element & Fair Share Plan.

**R127-25, REQUESTING APPROVAL OF ITEM OF REVENUE AND APPROPRIATION UNDER N.J.S.A. 40A: 4-87 FOR THE HIGHLANDS GRANT – TASK 1: HOUSING ELEMENT AND FAIR SHARE PLAN ORDINANCES \$18,000** – passage of this resolution will amend the Borough's 2025 budget to include the \$18,000 Highlands grant. The grant funds the costs incurred to update the ordinances.

**R128-25, AUTHORIZING THE SETTLEMENT OF A TAX APPEAL (VERIZON NEW JERSEY INC. – PERSONAL PROPERTY TAX)** - - this resolution authorizes a settlement of a tax appeal for Verizon. The settlement was negotiated and recommended by the Borough Tax Assessor and the Borough Attorney.

**R129-25, MEMBER PARTICIPATION IN A COOPERATIVE PRICING SYSTEM** - this resolution authorizes the Borough to enter into a Cooperative Pricing Agreement with Monmouth-Ocean Educational Services Commission. Participation in this cooperative affords the Borough the opportunity to obtain favorably negotiated pricing for contracts that are offered under the cooperative. There is no cost to join the cooperative.

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### **ORDINANCES TO INTRODUCE**

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None.

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***ORDINANCES TO ADOPT***

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**13-25, AMENDING CHAPTER 245 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MOUNTAIN LAKES AND ESTABLISHING HIGHLANDS COUNCIL REGIONAL MASTER PLAN CONFORMANCE** – this ordinance amends Chapter 245 of the Borough Code to establish Highlands Council Regional Master Plan Conformance.

If you have any questions prior to the meeting, please feel free to contact me.

**BOROUGH OF MOUNTAIN LAKES  
MORRIS COUNTY, NEW JERSEY**

**ORDINANCE 13-25**

**ORDINANCE AMENDING CHAPTER 245 OF THE REVISED GENERAL ORDINANCES OF THE  
BOROUGH OF MOUNTAIN LAKES AND ESTABLISHING HIGHLANDS COUNCIL REGIONAL MASTER  
PLAN CONFORMANCE**

**WHEREAS**, the Highlands Water Protection and Planning Act (“Highlands Act,” N.J.S.A. 13:20-1 et seq.) was enacted by the State Legislature on August 10, 2004 for the purpose of protecting, enhancing, and restoring the natural resources of the New Jersey Highlands Region, in particular the water resources, which provide drinking water to over 5 million New Jersey residents; and

**WHEREAS**, the Highlands Act created the Highlands Water Protection and Planning Council (the “Highlands Council”) and charged it with crafting a comprehensive master plan for the New Jersey Highlands Region; and

**WHEREAS**, the Highlands Regional Master Plan was adopted by the Highlands Council through the adoption of Resolution 2008-27 on July 17, 2008, and became effective on September 8, 2008 as the product of a long-term, participatory, and region-wide planning effort; and

**WHEREAS**, Section 15 of the Highlands Act provides for voluntary Plan Conformance where any municipality located wholly or partially in the Planning Area may at any time voluntarily revise and conform its local master plan and development regulations, as related to the development and use of land in the Planning Area, with the goals, requirements and provisions of the Regional Master Plan; and

**WHEREAS**, the Borough of Mountain Lakes is located in the Highlands Region with lands lying entirely within the Planning Area, as defined by section 7 of the Highlands Act; and

**WHEREAS**, the Borough Council of the Borough of Mountain Lakes has, on behalf of the municipality, petitioned the Highlands Council for Plan Conformance with respect to Borough lands located within the Planning Area of the Highlands Region; and

**WHEREAS**, the Petition filed with the Highlands Council contains proposed amendments to the municipal planning program, including amendments to the Environmental Resource Inventory, Master

Plan, and Land Use Ordinance, which together are intended to achieve conformance with the Regional Master Plan and provide immediate protections to vital Highlands Resources located within the Borough of Mountain Lakes; and

**WHEREAS**, the Borough Council finds that the proposed changes to the municipal planning program are of broad and significant effect, are vital to the protection of the Highlands resources of the municipal Highlands Area, and are compelling to the interests and general welfare of the community.

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Mountain Lakes, in the County of Morris and State of New Jersey, as follows:

**Section 1.** Chapter 245, “Zoning,” of the Revised General Ordinances of the Borough of Mountain Lakes is hereby amended by the inclusion of new Article XV, “Highlands Council Regional Master Plan Conformance,” which shall read, in its entirety, as follows:

**Article XV**

**Highlands Council Regional Master Plan Conformance**

**§245-147. Petition for Plan Conformance.** The Borough of Mountain Lakes is located fully within that portion of the New Jersey Highlands Region defined by the Highlands Act as the “Planning Area” (see definitions). This Ordinance is enacted pursuant to Section 15.a. of the Highlands Water Protection and Planning Act (Highlands Act, N.J.S.A. 13:20-1 et seq.), which provides that a municipality may choose to conform its master plan, development regulations, and other regulations to the provisions of the Highlands Regional Master Plan, with respect to lands located within the Planning Area, and by Ordinance, petition the New Jersey Highlands Water Protection and Planning Council (Highlands Council) for Plan Conformance approval of such planning and regulatory documents.

By adoption of this Ordinance, the Borough Council of the Borough of Mountain Lakes establishes that the municipality shall conform its master plan, development regulations, and all other regulations applicable to the use and development of land within the Planning Area of the municipality, to achieve consistency with the goals, requirements, and provisions of the Highlands Regional Master Plan. Said conformance shall be in accordance with the provisions of Highlands Council approval of the municipality’s Petition for Plan Conformance, which was approved by Highlands Council Resolution No. 2024-33, adopted on December 12, 2024. Further, this Ordinance specifically reserves the right of the municipality as specified by the Highlands Act, with respect to the voluntary nature of Plan Conformance for the Planning Area.

**§245-148. Highlands Council Review of Land Development Ordinance Amendments.** Any amendment to the Borough of Mountain Lakes Land Development Regulations shall not be effective until deemed consistent with the Regional Master Plan or deemed not subject to review by the Highlands Council.

**§245-149. Amendment to Land Development Regulations.**

**A. Establishment of Highlands Districts.**

1. Highlands Planning Area
  - (i) In accordance with the delineation as set forth in the Highlands Act (C.13:30-7) the Borough of Mountain Lakes hereby establishes the Planning Area of the Highlands Region.
  - (ii) For purposes of this Ordinance, this Area shall henceforth be known and designated as the Borough of Mountain Lakes Highlands Area.
2. Highlands Land Use Capability Zones: In accordance with the Highlands RMP there are hereby established two primary Land Use Capability Zones (LUCZ) (the Protection Zone and Existing Community Zone) and two LUCZ sub-zones (Existing Community Zone–Environmentally Constrained Sub-Zone and Lake Community Sub-Zone).
3. Exhibits: The following exhibits are hereby adopted and a copy of Exhibits 1-5 as may be amended shall be kept on file in the office of the Borough Clerk
  - (a) Exhibit 1 entitled Highlands Area and Highlands Land Use Capability Zones depicting the municipality along with delineation of the Highlands Area and Highlands Land Use Capability Zones,
  - (b) Exhibit 2 entitled Forest Resources,
  - (c) Exhibit 3 entitled Highlands Open Water Buffers and Riparian Areas,
  - (d) Exhibit 4 entitled Net Water Availability, and
  - (e) Exhibit 5. entitled Wellhead Protection Areas.

**B. Applicability.**

The following Applications for Development involving lands located within the Borough of Mountain Lakes Highlands Area (as illustrated in Exhibit 1, “Borough of Mountain Lakes Highlands Area”) shall comply with the provisions of this ordinance:

1. For residential development, creates three (3) or more new dwelling units.
2. For non-residential development:
  - (a) Results in the ultimate disturbance of one (1) acre or more of land; or
  - (b) Produces a cumulative impervious surface area of one-quarter ( $\frac{1}{4}$ ) acre, or more.
3. Introduces or expands on any of the following land uses/facilities:
  - (a) Landfills;
  - (b) Permanent storage or disposal of hazardous wastes, industrial or municipal sludge or radioactive materials, including solid waste landfills;
  - (c) Collection and transfer facilities for hazardous wastes, solid wastes that contain hazardous materials, and radioactive materials;
  - (d) Industrial treatment facility lagoons; or
  - (e) Any Major or Minor Potential Contaminant Source (as identified in Appendix A and Appendix B of this Ordinance, respectively) on lands located within 200 feet of the wellhead of any public community well or public non-community well, as these are defined herein.

All thresholds above shall be interpreted to apply cumulatively over time, beginning as of the effective date of this Ordinance. If or when any one of the thresholds is reached, the Ordinance shall apply to any and all development in excess of that threshold. Where an application proposes a mixed use, the thresholds in 2., for non-residential development shall apply to the whole of the project, while that in 1., shall apply to the residential component. For purposes of this Ordinance, the phrases “Application for Development,” “Highlands Area,” “residential development,” “ultimate disturbance,” and “cumulative impervious surface area” shall be defined as provided herein.

### **C. HIGHLANDS COUNCIL CALL-UP.**

The municipality shall, within fifteen (15) calendar days of issuance of any decision under this ordinance, provide a copy of the decision to the Applicant and to the Highlands Council. The Highlands Council call-up review period shall expire 15 calendar days following the Highlands Council’s receipt of same. Any decision issued under this ordinance shall not be effective until the expiration of the call-up period, or upon notification that the Highlands Council is exercising its review authority and approval issued by the Highlands Council. Absent any notification from the Highlands Council within the 15-day timeframe, the decision shall be considered effective.

### **D. EXCLUSIONS AND EXEMPTIONS.**

The following applications shall not be subject to the standards of this ordinance:

1. Any application for development as follows below shall not be subject to any provisions of this ordinance.
  - (a) The reconstruction, within the same footprint, of any building or other structure lawfully existing as of the effective date of this Ordinance, in the event of its destruction or partial destruction by fire, storm, natural disaster, or any other unintended circumstance.
  - (b) Any improvement or alteration to a building or other structure lawfully existing as of the effective date of this Ordinance, where such improvement or alteration is necessary for compliance with the provisions of the Americans with Disabilities Act, or to otherwise provide accessibility to the disabled.
  - (c) Any Agricultural or Horticultural Use or Development that would not result in either:
    - (i) An increase, since the date of enactment of the Highlands Act (August 10, 2004), either individually or cumulatively, of new agricultural impervious cover of greater than three percent (3%) to the total land area of a Farm Management Unit. Solar panels shall not be included in any calculation of agricultural impervious cover (all terms as defined in Section 4, below); or
    - (ii) Construction of three (3) or more residential dwelling units (including accessory dwelling units) served by individual on-site septic system(s).
2. Highlands Act Exemptions: Any application for development exempt from the provision of the Highlands Act (C.13:20-28) shall be exempt from all provisions of this ordinance (with the exception of Section XVI Affordable Housing). Demonstration of a Highlands Act exemption for an Application for Development involving lands located in the Highlands Area shall consist of one of the following:
  - (a) State Agency Determination. State Agency Determinations shall include a Highlands Exemption Determination issued by the Highlands Council for a Planning Area proposal, indicating that the proposal qualifies as a Highlands Act Exemption.

- (b) Municipal Determination. Pursuant to Borough of Mountain Lakes Ordinance #13-25, entitled “Ordinance Amending Chapter 245 of the Revised General Ordinances of the Borough of Mountain Lakes and Establishing Highlands Council Regional Master Plan Conformance,” effective as of June 23, 2025, for any application involving Highlands Act Exemptions #1, #2, #4, #5, #6, #7, or #8 indicating that the proposal qualifies as a Highlands Act Exemption.

**E. Prohibited Uses.** Any of the following uses are prohibited within the Highlands Area:

1. Landfills;
2. Facilities for the permanent storage or disposal of hazardous wastes, industrial or municipal sludge or radioactive materials, including solid waste landfills;
3. Collection and transfer facilities for hazardous wastes, solid wastes that contain hazardous materials, and radioactive materials; and
4. Industrial treatment facility lagoons.
5. Any principal or accessory use, or structure related or devoted to such use, which is designated by the Highlands Council as a Major or Minor Potential Contaminant Source (PCS) (see Appendix A and Appendix B is expressly prohibited from that portion of any Tier 1 Wellhead Protection Area lying within 200 feet of the wellhead as shown on Exhibit 2.

**F. Highlands Open Waters.**

1. Highlands Open Waters and Buffers: All Highlands Open Waters shall include a minimum 300-foot-wide protection buffer, as measured from the edge of the Highlands Open Waters feature indicated in Exhibit 3.
  - (a) No disturbances of Highlands Open Waters are permitted except where previously approved by the Highlands Council.
  - (b) Highlands Open Waters buffers shall be maintained in their undisturbed or pre-existing condition, unless a disturbance is approved in accordance with following:
    - (i) Where a NJDEP Letter of Interpretation (LOI) has been issued delineating the location of a wetland, the boundaries of said wetland as identified shall govern. However, the buffer shall be 300 feet irrespective of the buffer identified in the LOI.
    - (ii) With respect to any wetlands and other Highlands Open Waters features not mapped in Exhibit 3, each shall include a 300-foot wide protection buffer measured from a delineated wetlands line described in a LOI from a field-delineated boundary line for other features.
    - (iii) Any lawful pre-existing structure or improvement located within a Highlands Open Waters protection buffer area may remain and be maintained or rehabilitated, provided that the existing area of disturbance attributed to or associated with such structure or improvement shall not be increased.
    - (iv) Disturbances of Highlands Open Waters buffers located in the Existing Community Zone are permitted in previously disturbed areas as follows.
      - (1) Agricultural & Horticultural Land Uses. For purposes of Highlands Open Water buffer disturbances in the Existing Community Zone, existing agricultural and horticultural uses, whether or not under active management or operation, shall not be considered “previously disturbed” buffer areas with regard to uses for non-agricultural development.

- (2) Any disturbance in a previously disturbed buffer must be accompanied by the finding that there will be no net loss of functional value of the buffer. This may include the use of mitigation and restoration of the Highlands Open Water Buffer.
  - (a) If existing land uses create a human, natural or development barrier to the buffer, then the buffer may be considered to be developable.
- (3) Protection and Conservation Zone Standards: Disturbances of Highlands Open Waters buffers located in the Protection and Conservation Zone are permitted in previously disturbed areas but in no case shall the remaining buffer be reduced to less than 150 feet from the edge of Highlands Open Waters.
  - (a) Agricultural & Horticultural Land Uses. For purposes of Highlands Open Water buffer disturbances in the Protection and Conservation Zone, existing agricultural and horticultural uses, whether or not under active management or operation, shall not be considered “previously disturbed” buffer areas with regard to uses for non- agricultural development.
  - (b) Any proposed disturbances must demonstrate full utilization of the following performance standards in the listed order, to demonstrate the necessity of an encroachment into Highlands Open Waters buffers:
    - (i) avoid the disturbance of Highlands Open Waters buffers;
    - (ii) minimize impacts to Highlands Open Waters buffers; and
    - (iii) mitigate all adverse impacts to Highlands Open Waters buffers so that there is no net loss of the functional value of the buffer.
- 2. Riparian Area Standards: Disturbance of any portion of a Highlands Riparian Area in the Protection Zone is prohibited except for linear development, which shall be permitted only where it has been shown that there is no feasible alternative for the linear development outside of the Riparian Area.
  - (a) To address the “no feasible alternative for linear development” standard, the applicant shall demonstrate that there is no other location, design or configuration for the proposed linear development that would reduce or eliminate the disturbance of Riparian Area
  - (b) For proposed linear development that would provide access to an otherwise developable lot, the applicant shall show that:
    - (i) The proposed linear development is the only point of access for roadways or utilities to an otherwise developable lot; and
    - (ii) Shared driveways are used to the maximum extent possible to access multiple lots.
    - (iii) An alternative shall not be excluded from consideration under this subsection merely because it includes or requires an area not owned by the applicant that could reasonably be obtained, utilized, expanded, or managed in order to fulfill the basic purpose of the proposed linear development.

**G. Critical Habitat.**

1. Critical Wildlife Habitat

- (a) No disturbance is permitted in any Critical Wildlife Habitat as defined in Section XVII (Definitions) accept in accordance with the following:
- (b) A Critical Wildlife Habitat area may be disturbed where a Habitat Suitability Analysis conducted by a qualified professional has been submitted to the land use board, which shall review and confirm findings that:
  - (i) The nature of the site is such that it does not provide habitat for species of concern;
  - (ii) The species of concern are not present on the site during any critical part of their life cycle, do not depend upon the site for food, shelter or breeding, and the habitat or the site is either unsuitable or not critical to species’ recovery in the Region; or

1. Disturbance of Prime Ground Water Recharge Area (PGWRA) [or Municipally Important Groundwater Recharge Area (MIGWRA)] by any regulated development is prohibited and shall be permitted only upon a finding by the reviewing board that the proposal complies with the provisions of this subsection.
2. Development shall not occur in PGWRA [MIGWRA] unless either, the entirety of the subject property is located within a Prime Ground Water Recharge Area and thus cannot be avoided, or the disturbance represents the only viable alternate means to avoid Critical Habitat, Highlands Open Waters buffers, Vernal Pool Buffers, Moderately Constrained Steep Slopes, or Severely Constrained Steep Slopes, to the extent that these resources are also present upon the subject property.
3. Where total avoidance is not feasible, total recharge area disruption (i.e., alteration of natural recharge patterns or volumes) shall not exceed 15% of the PGWRA [MIGWRA] located within the affected parcels, placed where feasible on those parts of the PGWRA [MIGWRA] having the lowest relative recharge rates and the least potential for aquifer recharge based upon site analysis.
4. Low Impact Development practices shall be used in the design of the development proposal to reduce total recharge disruption to the minimum feasible, within the 15% cap.
5. Any development application involving disturbance of a PGWRA [MIGWRA] shall be accompanied by a mitigation plan, providing for an equivalent of 125% of pre-construction recharge volumes for that portion of the PGWRA [MIGWRA] that will be disturbed. The recharge mitigation shall occur within the following areas, in order of priority: (1) the same development site to the maximum extent feasible; (2) the same HUC14 subwatershed; or (3) where no feasible option exists in the same HUC14 subwatershed, an interrelated HUC14 subwatershed approved by the Highlands Council.

**J. Septic Density.**

1. Nothing herein shall be deemed to apply to the replacement or repair of an existing septic system.
2. Planning Area. All development proposing new or increased demand for septic system capacity in the Planning Area shall be regulated in accordance with this subsection. The following are gross septic density requirements and shall not modify any minimum lot size requirements contained in the Mountain Lakes land development ordinance. Every development shall provide for a minimum acreage for each dwelling unit (or equivalent) as noted below.
  - (a) Septic System Density Allowances. Septic system density (gross acres per septic system) shall not exceed the following allowances, for each Highlands Zone:
    - (i) Existing Community Zone: 11 acres/septic system
    - (ii) Protection Zone: 20 acres/septic system
  - (b) These allowances indicate the minimum acreage required per septic system, where that system is designed for a one-family household generating a maximum flow of 300 gallons of wastewater per day. The resulting acreage shall be applied as the minimum average acreage necessary to support every 300 gallons of daily wastewater flow generated by any proposed use where the unit/square footage figures below shall be applied as 300 gallon- per-day equivalents.
  - (c) Equivalent Yields. The following unit/square footage figures shall be applied as 300 gallon-per-day equivalents:
    - (i) Residential Uses (All Types, except as provided below) – 1 dwelling unit
    - (ii) Deed-Restricted Senior Citizen Residential Units, or Mobile Home Parks with dwelling units less than 500 square feet in size – 1.5 dwelling units
    - (iii) Office and Commercial Uses – 2,400 square feet of floor area
    - (iv) Industrial (Including Warehousing/Distribution) Uses – 18,182 square feet of floor area (Excluding Process Wastewater Flow)

- (v) Specific Non-Residential Uses by Facility Type – In lieu of iii., or iv., above, 300 gallon-per-day equivalents may be computed based on the average sewage volumes provided in N.J.A.C. 7:9A-7.4.]

#### **K. New or Extended Water and Wastewater Infrastructure**

1. Planning Area – Protection Zone and Environmentally-Constrained Sub-Zones. New, expanded or extended public water supply systems, public wastewater collection and treatment systems, and community on-site wastewater treatment facilities are prohibited unless approved through a waiver to address a documented threat to public health and safety, for a Highlands Redevelopment Area or Takings Waiver (RMP Policies 7G1 and 7G2) or to serve a cluster development that meets the requirements of RMP Objective 2J4b.
2. Planning Area – Existing Community Zone (excluding Environmentally-Constrained Sub-Zone) and Lake Community Sub-Zone. Expansion or creation of public water supply systems, public wastewater collection and treatment systems, and community on-site wastewater treatment facilities are permitted: to serve lands which are appropriate for designated TDR Receiving Zones, infill development, or redevelopment; to address public health and safety; or to serve new areas for development.

#### **L. Net Water Availability**

1. Water Conservation Requirements. All development proposals shall incorporate, as applicable, the following water conservation measures to promote sound resource use, reduce supply deficits, and reduce the need for additional utility infrastructure:
  - (a) Provide automatic controls based on rain sensors (or soil moisture) for all new and replacement lawn irrigation systems, as required by the electrical subcode at N.J.A.C. 5:23-3.16;
  - (b) Design all non-potable irrigation water uses to ensure that only the necessary amounts of water are used to achieve optimum plant growth, to the maximum extent practicable;
  - (c) Provide for internal recycling or beneficial reuse of reclaimed water in new commercial development projects, to the maximum extent practicable;
  - (d) Rely on stormwater for irrigation purposes to the maximum extent practicable, including but not limited to methods recommended by the U.S. Green Building Council through its Leadership in Energy and Environmental Design (LEED) program;
  - (e) Reduce water losses to the maximum extent practicable, in the rehabilitation of on-site water supply utility infrastructure, through such means as application of American Water Works Association/International Water Association water loss analysis methods (AWWA Manual M-36 or most recent version).
2. The following shall apply for any development application proposing a new or increased use of potable or non-potable water averaging 6,000 gallons per day or more, derived from: a) any groundwater source in a Highlands Area HUC14 subwatershed, whether through a public community or non-community water supply system well, a non-public well, or an individual private well; or b) any surface water source in a Highlands Area HUC14 subwatershed that is not associated with a safe yield determined by the NJDEP through a water allocation permit.
  - (a) Where a Highlands Council-approved Water Use and Conservation Management Plan has been adopted, any development application involving the use of water derived from a subwatershed(s) with a deficit net water availability as shown in the Exhibit 4 shall be regulated fully in accordance with the requirements of such Plan.
  - (b) Absence of Water Use and Conservation Management Plan: No application shall be deemed complete or considered for review by the applicable Board until or unless the Highlands

Council has determined that the proposed water use will not exceed the remaining Net Water Availability for the source HUC14 subwatershed(s).

#### **M. Forest Resources.**

1. All portions of the Highlands Area identified as Forest Area are found in Exhibit 5.
2. Any disturbance of more than  $\frac{1}{4}$  acre within the Total Forest Area shall be permitted only upon a finding by the reviewing board that the following requirements have been satisfactorily addressed:
  - (a) Demonstration that the proposed disturbance can neither be avoided nor reduced in extent, while adequately providing for a proposed use that otherwise addresses the requirements of this Ordinance;
  - (c) Incorporation of Low Impact Development techniques appropriate to the activity or development project proposed;
  - (d) For any proposed disturbance of one half ( $\frac{1}{2}$ ) acre or more, other than that associated with the maintenance of a legally pre-existing use or structure (expressly excluding the expansion of any such use or structure), submission, approval and implementation of a Forest Mitigation Plan designed to minimize the extent of such disturbance, protect forest areas adjacent or proximate to the disturbance area, and mitigate for loss of trees or other forest vegetation removed during the course of such disturbance; and
  - (e) Notwithstanding the preceding provisions, in the case of any proposed disturbance that by definition constitutes deforestation; submission, approval and implementation of a Forest Mitigation Plan designed to minimize the extent of deforestation, protect forest areas to remain, and restore or mitigate for forest area loss.
3. Forest Impact Report Required. Where disturbance of 1 acre or more of Forest Area as shown on Exhibit 5 is proposed, a Forest Impact Report shall be prepared including the following:
  - (a) A map of Forest Area located on or within 500 feet of the subject property, as provided in Exhibit 5.
  - (b) A map indicating any Forest Area to be disturbed.
  - (c) A determination of whether the disturbance area qualifies as a Forest under the NJDEP Highlands Area Rules, at N.J.A.C. 7:38-3.9(c). This shall be the Confirmed Forest area.
  - (d) An analysis of the effects (direct and indirect) of the disturbance upon the Confirmed Forest Area.
  - (e) All Forest Impact Reports must be prepared by a State of New Jersey Approved Forester or other qualified professional.
4. Forest Mitigation Plan. Where the Forest Impact Report confirms that disturbance of 1 acre or more of Confirmed Forest Area will occur, a Forest Mitigation Plan shall be prepared in accordance with the following.
  - (a) All Forest Mitigation Plans must be prepared by a State of New Jersey Approved Forester or other qualified professional. A Forest Mitigation Plan must include each of the components listed herein.
  - (b) Mitigation Priority Area Map. Priority Areas are forested locations within the site having the highest ecological value to be targeted for conservation, restoration, or mitigation, including such areas as:
    - (i) Highlands Open Waters and Buffers
    - (ii) Riparian Areas, including Floodplains and Floodprone Areas
    - (iii) Critical Habitat
    - (iv) Steep Slopes and Ridgelines

- (v) Core Forests and Contiguous Forest Patches
- (vi) Forest Protection Plan. A plan incorporating pre-construction and construction best management practices to ensure the well-being of forest areas adjacent or proximate to the disturbance area.
- (vii) Mitigation Description.
- (c) A description of the proposed forest restoration, tree planting plan or other mitigation initiative proposed to provide equivalent or enhanced forest ecosystem benefit in consideration of the extent and type of disturbance or deforestation that would result if the use or activity is approved.
- (d) Planting Plan indicating the specific plantings proposed, including size, species, quantity, location, separation distances, planting details, deer and pest management protections, and maintenance plans.
- (e) Maintenance Agreement. A minimum 5-year maintenance agreement that outlines care-taking responsibilities of the applicant once the proposed planting has been completed. The maintenance agreement must include monitoring of newly planted stands, provide for protection devices in working order for 5 years, and ensure at least a 75% survival rate after 5 years.

## **N. Affordable Housing**

1. Any development consisting of newly constructed residential units shall reserve for occupancy at least 20 percent (20%) of the residential units constructed for low-or moderate-income households.
2. Development exempt from the Highlands Act is not exempt from the 20% reservation requirement.
3. A minimum of 13% of the total units residential units reserved for low- or moderate-income households should be designated for very low-income households pursuant to section 7 of P.L.2008, c.46 (C.52:27D-329.1).
4. No density bonus or presumptive density increase over existing zoning shall be required to be granted by the municipality for the construction of the affordable housing units on site. Density bonuses or presumptive density increases may be provided through Fair Share Plans and associated implementing ordinances to address affordable housing needs of the municipality where inclusionary housing projects are selected as a compliance mechanism by the municipality.
5. Municipalities shall provide for the local review of any proposed affordable units provided by requiring the submission of an Affordable Housing Production Plan in accordance with the following:
  - (a) An Affordable Housing Production Plan detailing all issues related to the affordable units shall be submitted to the municipality's Development Review Board at the time application is made for any development requiring affordable housing pursuant to this ordinance.
  - (b) The Affordable Housing Production Plan shall be a condition of the completeness determination and is hereby added to the submission requirements checklist for any new residential development or major residential subdivision.
  - (c) The Affordable Housing Production Plan shall include at a minimum the anticipated bedroom distribution, income split, anticipated administrative entity, tenure, estimated rent or sales prices, maintenance obligations and any other information pertinent to the creation and long-term support of the affordable housing units.
  - (d) The Affordable Housing Production Plan shall include a phasing plan detailing the proposed time frames for the construction and occupation of the affordable housing units.
  - (e) All Affordable Housing Production Plans shall be the subject of review by the municipality's Planning or Land Use Board for consistency with these guidelines, the RMP, and the municipalities certified Housing Element and Fair Share Plan.
  - (f) Compliance with the RMP, the Fair Housing Act and the Affordable Housing Production Plan shall be a condition of any local approval.

6. Any approval shall be accompanied by a development agreement between the applicant, the municipality, and any other party principal to the provision and/or the administration of the affordable housing units.
  - (a) The development agreement shall detail the responsibilities of all parties and shall include the phasing plan for the construction and occupancy of the affordable housing units.
  - (b) The cost of the construction of the units may be required to be covered by appropriate performance and/or maintenance guarantees to ensure the construction of the units.
7. Where it has been determined that the provision of some or all affordable housing units on-site would not be consistent with the RMP (i.e., regarding septic system density or resource protection), the units may be provided off-site within the municipality wherever feasible.

**O. Waivers and Exceptions**

In addition to any variance relief required under the Municipal Land Use Law, relief from sections V. (Prohibited Uses), XI. (Septic Density) and XII. (New or Extended Water and Wastewater Infrastructure) of this Ordinance shall require issuance of a Highlands Act waiver. Highlands Act waivers may be issued only by the NJDEP or the Highlands Council in accordance with the respective rules and criteria established by each agency in accordance with the provisions of the NJDEP Highlands Area Rules, the Highlands Act and the Highlands Regional Master Plan. The issuance of a Highlands Act Waiver shall in no case be construed to alter or obviate the requirements of any other applicable State or local laws, rules, regulations, development regulations, or ordinances.

**P. Definitions**

For the purpose of this Ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Ordinance clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

**Application for Development** – means the application form and all accompanying documents required by ordinance for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance, or direction of the issuance of a permit pursuant to section 25 or section 27 of P.L.1975, c.291 (C.40:55D-34 or C.40:55D-36).

**Critical Wildlife Habitat** - means within the Planning Area, Critical Wildlife Habitat consists of those areas within NJDEP’s Landscape Project Version 3.3 (or more recent version as amended) that are Landscape Rank 3 through 5. In addition, it includes areas that are designated Landscape Rank 2 and have a Highlands Conservation Rank of Critically Significant or Significant. Within the Preservation Area, Critical Wildlife Habitat consists of those areas within Landscape Rank 2 through 5, including all Highlands Conservation Ranks. Parcel level mapping may be found on the Highlands Council’s interactive map available through the Highlands Council website.

**Development** – means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to the MLUL.

**Disturbance** – means the placement of impervious surface, the exposure or movement of soil or bedrock, or the clearing, cutting, or removing of vegetation.

**Disturbance, Ultimate** – means the total existing or proposed area of disturbance of a lot, parcel, or other legally designated (or otherwise legally recognized) tract or subdivision of land, for the purpose of, and in connection with, any human activity, property improvement, or development, including the surface area of all buildings and structures, all impervious surfaces, and all associated land disturbances such as excavated, filled, and graded areas, and all lawn and landscape areas. Ultimate disturbance shall not include areas of prior land disturbance which at the time of evaluation: a) contain no known man-made structures (whether above or below the surface of the ground) other than such features as old stone rows or farm field fencing; and b) consist of exposed rock outcroppings, or areas which, through exposure to natural processes (such as weathering, erosion, siltation, deposition, fire, flood, growth of trees or other vegetation) are no longer impervious or visually obvious, or ecologically restored areas which will henceforth be preserved as natural areas under conservation restrictions.

**Forest** – means a biological community as determined by the method set forth under the NJDEP Highlands Rules, at N.J.A.C. 7:38-3.9.

**Highlands Council** – means the New Jersey Highlands Water Protection and Planning Council.

**Highlands Act** – means the Highlands Water Protection and Planning Act, P.L. 2004, c.120, as amended, codified in part at N.J.S.A. 13:20-1 et seq.

**Highlands Area** – means that portion of the municipality for which the land use planning and regulation are, or are intended or proposed to be, in conformance with the Highlands Regional Master Plan.

**Highlands Open Waters** – means all springs, streams including intermittent streams, wetlands, and bodies of surface water, whether natural or artificial, located wholly or partially within the boundaries of the Highlands Region, but not including swimming pools. Highlands Open Waters include seeps, lakes, ponds, and vernal pools; all categories (including springs, streams, and wetlands) as described and identified in Figure 3 or subsequently identified or modified by a Letter of Interpretation issued by the New Jersey Department of Environmental Protection.

**Highlands Region** – means all that area within the boundaries of the municipalities listed in subsection a. of section 7 of the Highlands Act.

**Impervious Surface** – means any structure, surface, or improvement that reduces or prevents absorption of stormwater into land, including, but not limited to, porous paving, paver blocks, gravel, crushed stone, decks, patios, elevated structures, and other similar structures, surfaces, or improvements.

**Impervious Surfaces, Cumulative** – means the total area of all existing or proposed impervious surfaces situated or proposed to be situated within the boundary lines of a lot, parcel, or other legally recognized subdivision of land, expressed either as a measure of land area such as acreage, or square feet, or as a percentage of the total lot or parcel area.

**Major Potential Contaminant Sources (PCS)** – means land uses and activities determined by the Highlands Council to pose a major risk of ground water contamination (see Appendix A).

**Minor Potential Contaminant Sources (PCS)** – means land uses and activities determined by the Highlands Council to pose a minor risk of ground water contamination (see APPENDIX B).

**Municipal Land Use Law (MLUL)** – means the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

**Natural Heritage Priority Site** - means any of the 95 NJDEP Natural Heritage Priority Sites, including habitat for documented threatened and endangered plant species, and lands that include unique or regionally significant ecological communities and other significant natural sites and features.

**NJDEP** – means the New Jersey Department of Environmental Protection

**NJDEP Highlands Area Rules** – means the regulations established by the NJDEP to implement requirements of the Highlands Act, titled “Highlands Water Protection and Planning Act Rules,” and codified at N.J.A.C. 7:38-1 et seq.

**Planning Area** – means lands within the Highlands Region not within the Preservation Area (N.J.S.A. 13:20-7).

**Plan Conformance** – means the process by which a municipality revises the master plan, development regulations and other regulations related to the development and use of land to conform them with the goals, requirements, and provisions of the Regional Master Plan in accordance with the Highlands Plan Conformance Procedures.

**Preservation Area** – means that portion of the Highlands Region so designated by subsection b. of section 7 of the Highlands Act.

**Prime Ground Water Recharge** - means those lands designated in the Regional Master Plan as being within a HUC14 subwatershed that most efficiently provide, in the aggregate, 40 percent of total drought recharge volume for the HUC14 subwatershed.

**Qualified Environmental Professional** - means someone who possesses sufficient specific education, training, and experience necessary to exercise professional judgment to develop opinions and conclusions.

**Regional Master Plan (RMP)** – means the Highlands Regional Master Plan or any revision thereof adopted by the Highlands Council pursuant to N.J.S.A. 13:20-8.

**Residential Development** – means development dedicated to the creation of new dwelling units or the improvement or expansion of existing dwelling units, whether by new construction or conversion of existing building areas or portions thereof, to dwelling use, including any type of residential structure whether a single-family home (including group home), duplex, townhouse, apartment or any other form of multi-family housing construction. For purposes of this ordinance, residential development shall include property improvements associated with and either, required in support of or customarily accessory to, the residential use, including but not limited to porches, patios, decks, driveways, garages, storage sheds, swimming pools, tennis courts, drywells, utility facilities, septic systems, yard grading and retaining walls.

**Riparian Area** - means areas adjacent to and hydrologically interconnected with Highlands Open Waters rivers and streams consisting of flood prone areas, wetlands, soils that are hydric, alluvial, or have a shallow depth to ground water, and including wildlife passage corridors within 300 feet of surface Highlands Open Waters features.

**Slopes, Moderately Constrained** – means all forested non-Riparian Area lands having a slope of 15% to less than 20%.

**Slopes, Severely Constrained** – means all lands having slopes of 20% or greater and all lands within Riparian Areas having slopes of 10% and greater.

**Structure** – means a combination of materials to form a construction for occupancy, use or ornamentation whether installed on, above, or below the surface of a parcel of land.

**Vernal Pool** - means a NJDEP-certified vernal pool plus a 300-meter-wide protection buffer surrounding the perimeter of each such pool. Vernal Pools consist of confined, ephemeral wet depressions that support distinctive, and often endangered, species that are specially adapted to periodic extremes in water pool levels.

### **Appendix A: MAJOR POTENTIAL CONTAMINANT SOURCES**

Land uses and activities determined by the Highlands Council (based on New Jersey Safe Drinking Water Act regulations at N.J.A.C. 7:10 and NJDEP regulations) to be Major Potential Contaminant Sources include those listed below.

1. Underground fuel and chemical storage and oil tanks regulated by NJDEP under provisions of the Underground Storage of Hazardous Substances Act (N.J.S.A. 58:10A-21 et seq.).
2. Above-ground storage facility for a hazardous substance or waste with a cumulative capacity greater than 2,000 gallons.
  3. Automotive service center (repair & maintenance).
  4. Dry cleaning processing facility.
  5. Road salt storage facility.
  6. Cemetery.
  7. Highway maintenance yard.
  8. Truck, bus, locomotive maintenance yard.
  9. Site for storage and maintenance of heavy construction equipment and materials.
10. Site for storage and maintenance of equipment and materials for landscaping, excluding household storage and maintenance of such equipment.
11. Livestock operation containing 300 or more Animal Units (AU) [1 AU= 1000 pounds of live animal weight] as defined by the NJ Department of Agriculture in its Criteria and Standards for Animal Waste Management, at NJAC 2:91.
  12. Quarrying and/or mining facility.
  13. Asphalt and/or concrete manufacturing facility.
  14. Junkyard/auto recycling and scrap metal facility.
15. Residential or agricultural motor fuel in NJDEP exempted underground storage tanks (i.e., under 1,000 gallons).

## **Appendix B: MINOR POTENTIAL CONTAMINANT SOURCES**

Land uses and activities determined by the Highlands Council (based on New Jersey Safe Drinking Water Act regulations at N.J.A.C. 7:10 and NJDEP regulations) to be Minor Potential Contaminant Sources include the following:

1. Underground storage of hazardous substances or waste of less than 50 gallons.
2. Underground heating oil storage tank with a capacity of less than 2,000 gallons.
3. Sewage treatment facility regulated by a NJPDES permit granted under NJAC 7:14A.
4. Industrial waste line.
5. Septic system disposal field.
6. Facility requiring a ground water discharge permit issued by the NJDEP pursuant to N.J.A.C 7:14A et seq.
7. Stormwater retention-recharge basin on an industrial property receiving runoff from surfaces other than roof areas.
8. Dry well on an industrial property receiving runoff from surfaces other than roof areas.
9. Waste oil collection, storage and recycling facility.
10. Agricultural chemical bulk storage and mixing or loading facility including crop dusting facilities.
11. Above-ground storage of hazardous substances or waste in quantities of less than 2,000 gallons.
12. Livestock operation containing 8 or more Animal Units (AU) [1 AU= 1000 pounds of live animal weight] or those receiving 142 or more tons of animal waste per year as defined by the NJ Department of Agriculture pursuant to its Criteria and Standards for Animal Waste Management, at NJAC 2:91.

**Exhibit 1: Highlands Area  
and Highlands Land Use  
Capability Zones  
Mountain Lakes Borough**

Land Use Capability Zones

Protection Zone

Existing Community Zone

Land Use Capability Sub-Zones

Existing Community

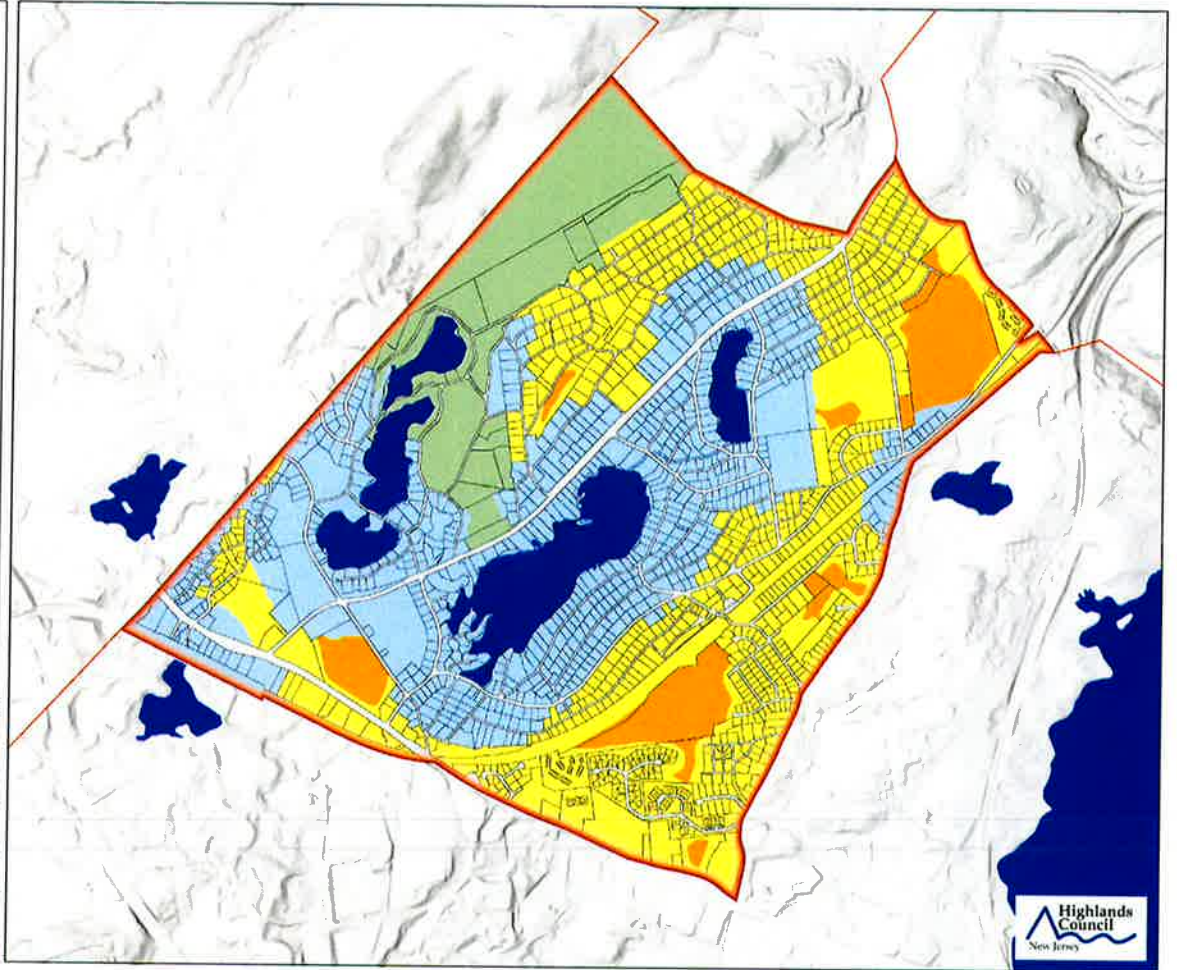
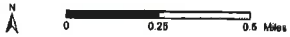
Environmentally Constrained Sub-Zone

Lake Community Sub-Zone

Parcel Boundaries

Lakes Greater Than 10 Acres

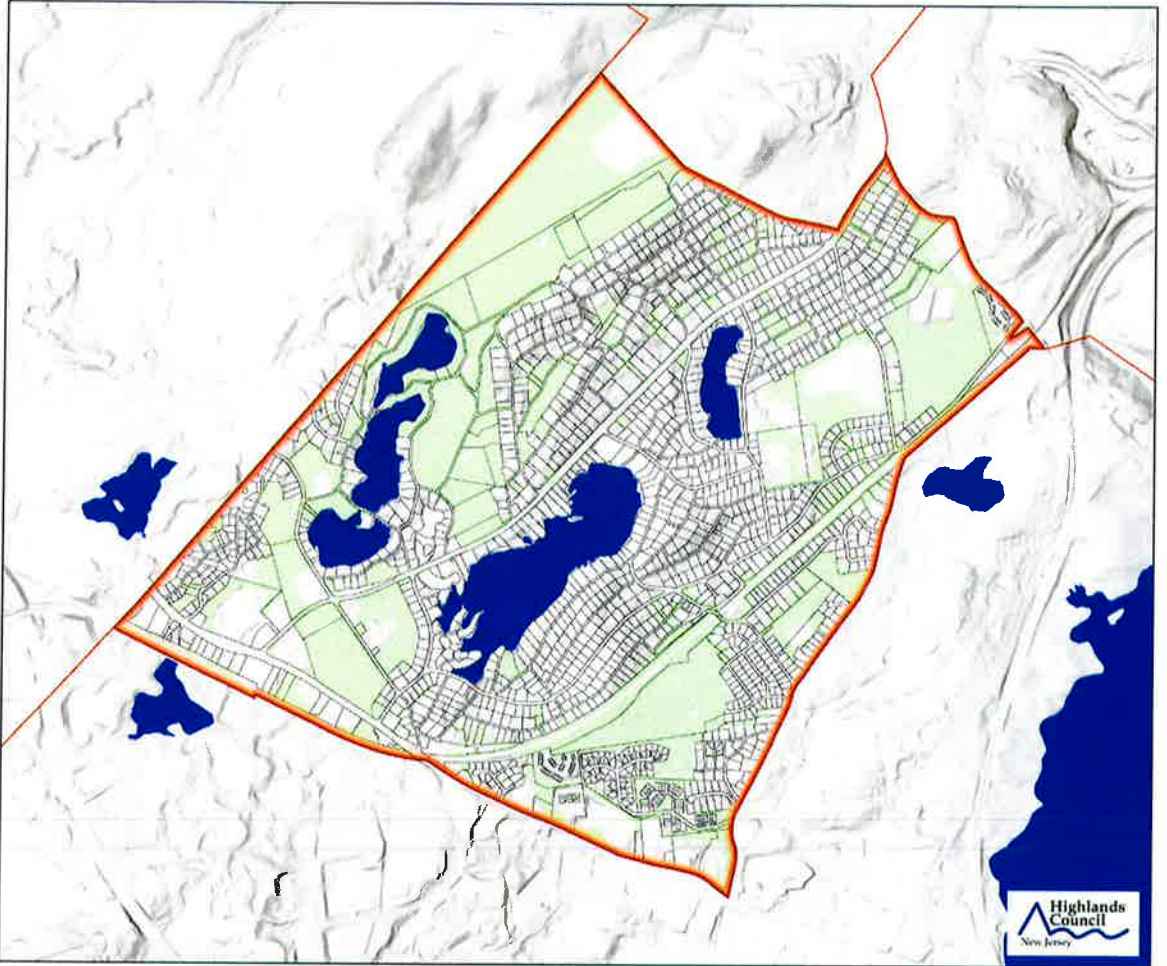
Municipal Boundary



## Exhibit 2: Forest Resources Mountain Lakes Borough

- Total Forest Area
- Parcel Boundaries
- Lakes Greater Than 10 Acres
- Municipal Boundary

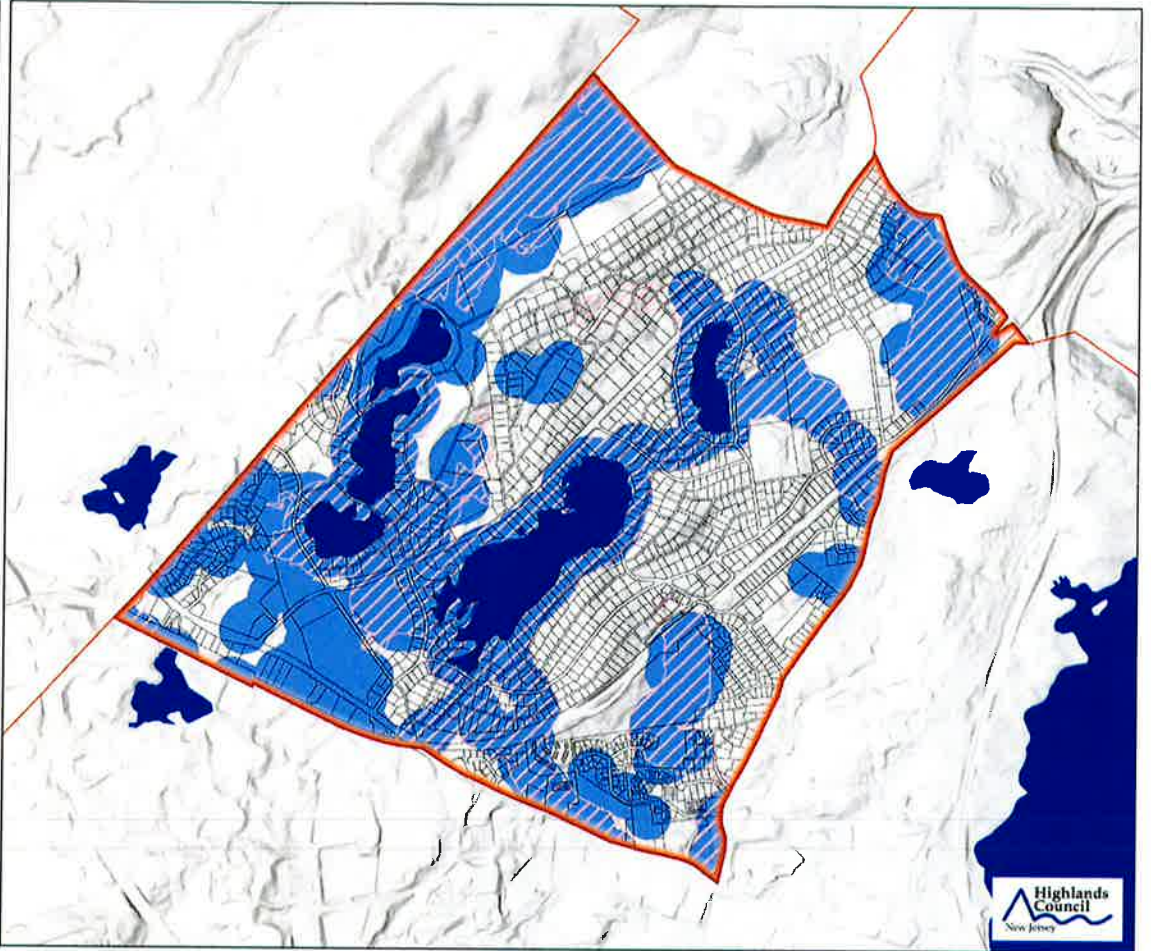
0 0.25 0.5 Miles



Highlands  
Council  
New Jersey







**Exhibit 3: Highlands Open Water Buffers and Riparian Areas  
Mountain Lakes Borough**




- Riparian Area
- Highlands Open Water Protection Area
- Parcel Boundaries
- Lakes Greater Than 10 Acres
- Municipal Boundary



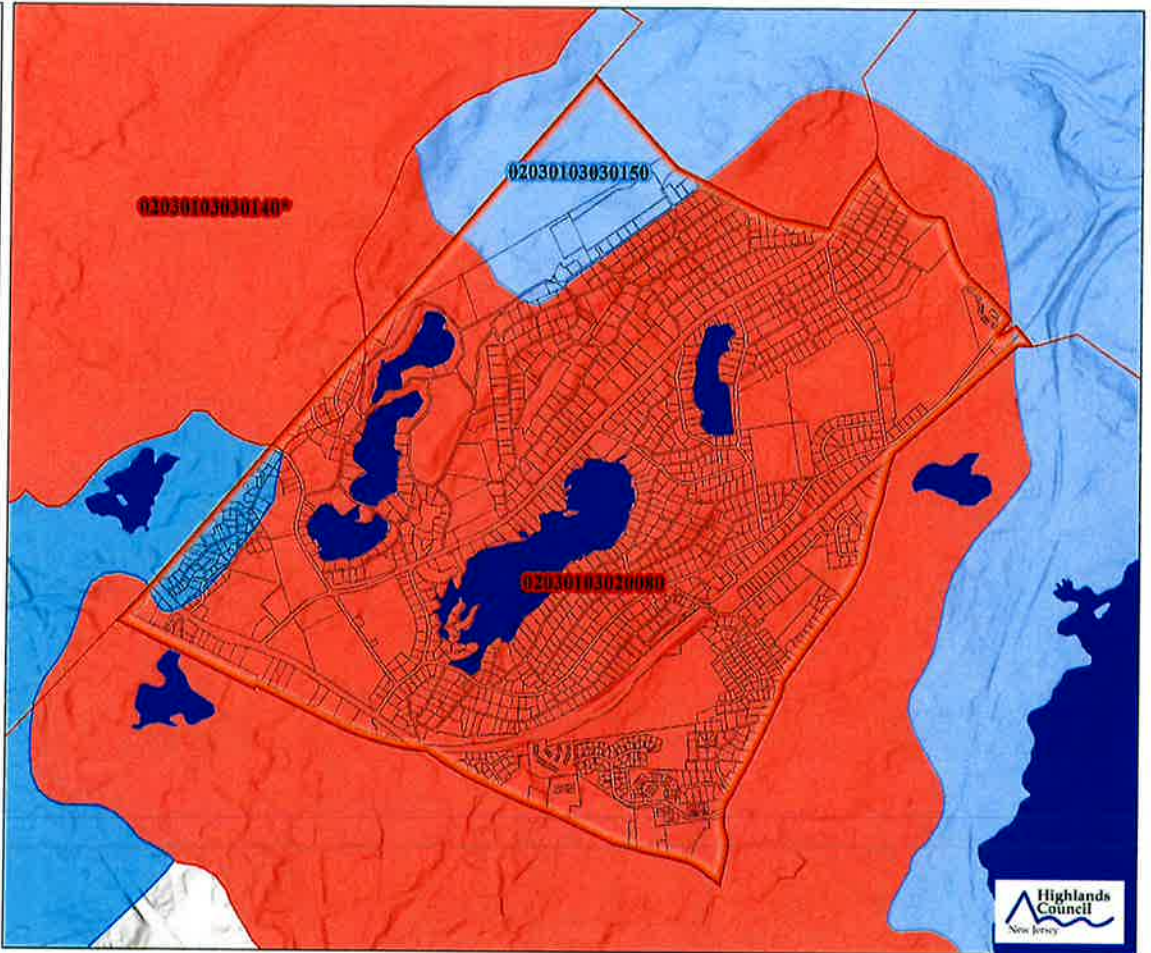
### Exhibit 4: Net Water Availability Mountain Lakes Borough

Net Water Availability by HUC14 Subwatershed (MGD)

-  0.09 - 0.39
-  0.04 - 0.09
-  0.00 - 0.04
-  -0.09 - 0.00
-  -0.99 - (-0.10)
-  -7.11 - (-1.00)







-  Parcel Boundaries
-  Lakes Greater Than 10 Acres
-  Municipal Boundary

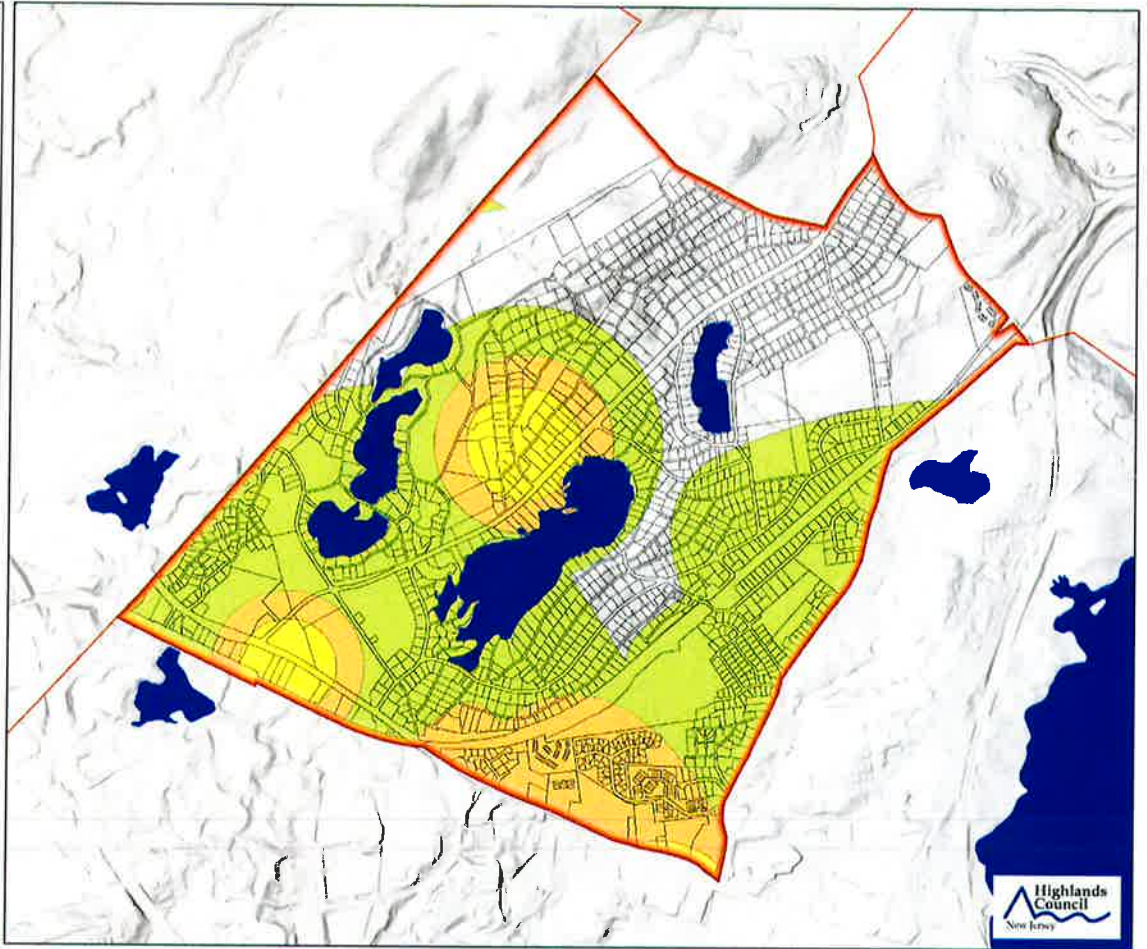
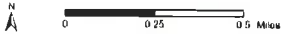
\* Increases updated data was used in for in a map.



### Exhibit 5: Wellhead Protection Areas Mountain Lakes Borough

Wellhead Protection Areas

-  Tier 1 (2 - Year)
-  Tier 2 (5 - Year)
-  Tier 3 (12 - Year)
-  Parcel Boundaries
-  Lakes Greater Than 10 Acres
-  Municipal Boundary





**BOROUGH OF MOUNTAIN LAKES  
COUNTY OF MORRIS, NJ**

**RESOLUTION 120-25**

**RESOLUTION AUTHORIZING THE PAYMENT OF BILLS**

**WHEREAS**, the Borough Manager has reviewed and approved purchase orders requested by the Department Heads; and

**WHEREAS**, the Finance Office has certified that funds are available in the proper account; and

**WHEREAS**, the Borough Treasurer has approved payment, upon certification from the Borough Department Heads that the goods and/or services have been rendered to the Borough.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Mountain Lakes, County of Morris, State of New Jersey, that the current bills, dated June 23, 2025 and on file and available for public inspection in the Office of the Treasurer and approved by him for payment, be paid.

XX

**CERTIFICATION:** I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Borough Council of Mountain Lakes, New Jersey, at a meeting held on June 23, 2025.

\_\_\_\_\_  
Cara Fox, Borough Clerk

Name	Motion	Second	Aye	Nay	Absent	Abstain
Cannon						
Howley						
Menard						
Sheikh						
Tsai						
Muilenburg						
Barnett						

## List of Bills - CLAIMS/CLEARING CHECKING ACCOUNT

Meeting Date: 06/23/2025 For bills from 05/23/2025 to 06/19/2025

Check#	Vendor	Description	Payment	Check Total
25694	4744 - ABIGAIL SIDDONS	PO 30976 REIMBURSEMENT FOR FINGERPRINTS	57.73	57.73
25695	219 - ACCESS	PO 31024 ADMIN: CUST# 156NFY04790 - MAY 2025	540.29	540.29
25696	4614 - ACME WATERPROOFING, INC	PO 30089 WATER OPERATING - REMOVAL OF SPOILS FROM	3,600.00	
		PO 30161 WATER OPERATING - REMOVAL OF SPOILS FROM	250.00	3,850.00
25697	2426 - AGL WELDING SUPPLY CO.	PO 30428 DPW - EQUIPMENT & TOOLS - BLANKET	97.77	97.77
25698	3861 - AMAZON CAPITAL SERVICES	PO 30912 WATER OPERATING: ORDER# 111-2508857-5497	1,379.47	
		PO 30944 POLICE: ORDER# 111-7338950-8608227	79.99	
		PO 30957 WATER: ORDER# 111-4000748-3048226	29.98	
		PO 30963 POLICE: ORDER# 111-3106416-6363424	94.94	
		PO 31036 RECREATION: ORDER# 111-9486975-0323408	22.90	1,607.28
25699	4708 - AMPT STUDIO, LLC	PO 30851 SUMMER RECREATION STAFF, CIT, AND CAMPER	2,398.00	2,398.00
25700	189 - ANCHOR ACE HARDWARE	PO 30303 DPW - DEPARTMENT SUPPLIES - BLANKET	623.79	623.79
25701	189 - ANCHOR ACE HARDWARE	PO 30972 FIRE DEPT: MAY INVOICES - ACCT# 100224	90.90	
		PO 30991 POLICE: MAY SUPPLIES - ACCT# 100049	86.32	177.22
25702	102 - ANDERSON & DENZLER ASSOC., INC	PO 31025 MAY 2025 PROFESSIONAL SERVICES	4,526.40	
		PO 31025 MAY 2025 PROFESSIONAL SERVICES	189.20	
		PO 31025 MAY 2025 PROFESSIONAL SERVICES	283.80	
		PO 31025 MAY 2025 PROFESSIONAL SERVICES	676.00	5,675.40
25703	4148 - ATAK TRUCKING, INC.	PO 30950 PARKS/BEACHES - GENERAL MAINTENANCE - BL	980.07	980.07
25704	3957 - ATLANTIC COAST RECYLING, LLC	PO 30792 SOLID WASTE - RECYCLING - 2025 - BLANKET	550.15	550.15
25705	2662 - BEDNAR LANDSCAPE SERVICES, INC	PO 30869 PROPERTY CLEANUP - 190 LAUREL HILL	14,160.00	14,160.00
25706	556 - BOB'S CUSTOM DOCKS, INC.	PO 30931 FIREWORKS BARGE REPLACEMENT	30,000.00	30,000.00
25707	3303 - BOROUGH OF CHESTER (MCLM)	PO 31018 CLERK: LEAGUE SEMINAR - 6/18/25- CARA FO	55.00	55.00
25708	3828 - BOROUGH OF MADISON	PO 31059 IT BILLING FOR APRIL 2025	1,148.26	1,148.26
25709	4745 - BRANDON PECARIFIC	PO 31007 REIMBURSEMENT FOR FINGERPRINTS	57.73	57.73
25710	4368 - BUY WISE AUTO PARTS, INC.	PO 30866 POLICE: VEHICLE REPAIR BLANKET	26.88	26.88
25711	542 - CAIN & SONS FIRE EQUIPMENT, INC	PO 30971 FIRE DEPT: ANNUAL INSPECTION	264.25	264.25
25712	3619 - CAMELBACK RESORT	PO 31072 TEEN ADVENTURE - ADDITIONAL CAMELBEACH T	35.00	35.00
25713	3650 - CARA FOX	PO 31004 REIMBURSEMENT: IIMC CONFERENCE	1,283.77	1,283.77
25714	4645 - CARDIO PARTNERS, INC	PO 30951 AED ADULT AND PEDIATRIC PADS	349.18	349.18
25715	2196 - CHRISTINA WHITAKER	PO 30334 2025 QUATERLY HEALTH BENEFITS REIMBURSEM	679.70	679.70
25716	4748 - CHRISTOPHER NIELSEN	PO 31032 REIMBURSEMENT FOR FINGERPRINTS	57.73	57.73
25717	4090 - CLEAN MAT SERVICES, LLC	PO 30750 2025 FLOOR MAT SERVICE / DPW APR - DEC -	210.66	210.66
25718	4150 - CLEARY GIACOBBE ALFIERIE JACOBS,	PO 31041 MAY 2025 LEGAL ATTORNEY SERVICES - LABOR	945.00	945.00
25719	455 - CONDURSOS GARDEN CENTER	PO 30933 BLDG/GROUNDS: MEMORIAL DAY FLOWERS - BLA	516.75	516.75
25720	4257 - CONNOR GRADY	PO 30992 POLICE: UNIFORM REIMBURSEMENT - CONNOR G	160.00	160.00
25721	1481 - CORE & MAIN, LP	PO 31040 WATER OPERATING - MAINTENANCE - WATER ME	3,341.98	3,341.98
25722	2396 - COUNTY WELDING SUPPLY CO.	PO 30429 DPW - EQUIPMENT & TOOLS - BLANKET	36.00	36.00
25723	506 - DAN COMO & SONS, INC	PO 30996 SOLID WASTE: LEAF/BRUSH REMOVAL- BLANKET	1,160.00	1,160.00
25724	576 - DAVE'S TIRE, LLC	PO 30981 DPW - VEHICLE REPAIR & MAINTENANCE CONTR	291.00	291.00
25725	4695 - DAVID LECKE	PO 31002 REIMBURSEMENT FOR MUSEUM ADMISSION - LAK	35.00	35.00
25726	4713 - EZ DOCK INNOVATIONS	PO 30380 SUNSET LAKE DOCK	7,179.00	7,179.00
25727	3480 - FASTSIGNS	PO 30962 LAWSIGNS - DOG WASTE	204.48	204.48
25728	2517 - FIREFIGHTER ONE, LLC	PO 30695 FIRE DEPT: Hydro Testing Cylinders	1,435.00	
		PO 31014 FIRE DEPT: KEVLAR HEAD HARNESS	430.11	
		PO 31064 FIRE DEPT: ANNUAL TESTING	760.00	2,625.11
25729	3611 - FLORHAM PARK ROLLER SKATING RINK	PO 31045 TEEN ADVENTURE - ROLLER SKATING JULY 7	705.00	705.00
25730	3611 - FLORHAM PARK ROLLER SKATING RINK	PO 31046 TEEN ADVENTURE - ROLLER SKATING JULY 14	1,275.00	1,275.00
25731	3611 - FLORHAM PARK ROLLER SKATING RINK	PO 31047 TEEN ADVENTURE - ROLLER SKATING JULY 21	925.00	925.00
25732	653 - GANNET NEW YORK/NEW JERSEY LOCALIQ	PO 30391 PLANNING/ZONING - 2025 ADVERTISING - BLA	76.54	
		PO 30993 CLERK: ADVERTISING	533.52	610.06
25733	876 - GARDEN STATE LABORATORIES, INC	PO 30538 WATER OPERATING - TREATMENT OF WELLS - B	144.00	144.00
25734	863 - GRAPH-TEX	PO 30973 LAKER FUTURE LACROSSE APPAREL	1,707.55	1,707.55
25735	196 - GRIFFITH-ALLIED TRUCKING, LLC	PO 30965 DPW - UNLEADED GASOLINE - MCCPC CONTRACT	2,655.43	2,655.43
25736	3991 - GRM INFORMATION MANAGEMENT SERVICES	PO 30749 2025 ARCHIVE STORAGE ACCT 01QA0220 - 20	503.46	503.46
25737	4134 - HOGWASH CARWASH, INC	PO 31001 POLICE: CAR WASHES	20.25	20.25
25738	911 - HOME DEPOT CREDIT SERVICES	PO 30663 DPW - BUILDING MAINTENANCE - BLANKET - 1	27.91	
		PO 30845 DPW - DEPARTMENT SUPPLIES - 18-FLEET-002	348.00	375.91
25739	4209 - HUNTER CARRIER SERVICES	PO 30909 ADMIN: 2025 PHONES - ACCT BOML- BLANKET	1,088.44	1,088.44
25740	4670 - HUTCHINS HVAC, INC	PO 30969 BORO HALL: THERMOSTATS	725.00	
		PO 31060 HVAC SYSTEM - POLICE DEPT	500.00	1,225.00
25741	859 - JCP&L	PO 31078 ACCT#100 076 421 971/ BILL PRD: 5/6 - 6/	333.07	
		PO 31079 MAST ACCT# 200 000 021 275 / BILL DATE:	2,809.40	3,142.47
25742	859 - JCP&L	PO 31081 MASTER ACCT#200 000 574 000/ BILL DATE:	41.72	
		PO 31082 MAST ACCT#200 000 054 011 BILL DATE: JUN	4.73	46.45
25743	3609 - JENKINSON'S PAVILION	PO 31048 TEEN ADVENTURE - JENKINSON'S JULY 8	567.00	567.00
25744	3609 - JENKINSON'S PAVILION	PO 31049 TEEN ADVENTURE - JENKINSON'S JULY 15	1,216.00	1,216.00
25745	3609 - JENKINSON'S PAVILION	PO 31050 TEEN ADVENTURE - JENKINSON'S JULY 22	784.00	784.00
25746	1040 - JESCO, INC.	PO 30644 DPW - EQUIPMENT REPAIR - BLANKET	65.75	65.75

**List of Bills - CLAIMS/CLEARING CHECKING ACCOUNT**

Meeting Date: 06/23/2025 For bills from 05/23/2025 to 06/19/2025

Check#	Vendor	Description	Payment	Check Total
25747	4319 - JMS PRINTING, LLC	PO 30934 VOTER PARKING SIGNS	490.00	490.00
25748	1090 - KENVIL POWER MOWER	PO 30643 DPW - EQUIPMENT REPAIR - BLANKET	161.94	
		PO 30862 S & R: LAWMOWER - ESCNJ CO-OP #65MCESSC	14,556.73	14,718.67
25749	4537 - LEXIPOL, LLC	PO 31028 POLICE: TRAINING	1,767.57	1,767.57
25750	4743 - LORELEI WOODLEE	PO 30975 REIMBURSEMENT FOR FINGERPRINTS	57.73	57.73
25751	4749 - LUDVIG LARSEN	PO 31042 REIMBURSEMENT FOR FINGERPRINTS	57.73	57.73
25752	4529 - MAG ELECTRIC AND LIGHTING DESIGN, LLC	PO 29596 VOLLEYBALL COURT TIMER AND LIGHTS	475.00	475.00
25753	1438 - MAIN POOL & CHEMICAL COMPANY	PO 30679 WATER OPERATING - TREATMENT OF WELLS - B	750.00	750.00
25754	2790 - MC PUBLIC SAFETY TRAINING ACADEMY	PO 30997 POLICE: TRAINING - DAVID BROWN	100.00	100.00
25755	1338 - MGL PRINTING SOLUTIONS, LLC	PO 30877 ENVELOPES FOR PFOA MAILING AND ADMIN.- M	120.00	
		PO 30877 ENVELOPES FOR PFOA MAILING AND ADMIN.- M	169.00	
		PO 30918 BOAT REGISTRATION LABELS	281.00	570.00
25756	4700 - MONICA GOSCICKI - PETTY CASH	PO 31075 JUNE 2025 - REIMBURSE PETTY CASH	29.68	29.68
25757	1295 - MORRIS COUNTY MUNICIPAL UTILITIES	PO 31043 SOLID WASTE DISPOSAL - MAY 2025	12,181.95	12,181.95
25758	1309 - MORRIS CTY TAX COLL/TREAS ASSN	PO 31003 TAX DEPARTMENT - 6/18/25 LUNCHEON - MONI	80.00	
		PO 31011 FINANCE: WORK TOGETHER BANK SVCS. - LUNC	40.00	120.00
25759	1311 - MORRIS CTY TREASURER	PO 31057 MORRIS COUNTY COMMUNICATIONS DISPATCH SE	26,447.42	26,447.42
25760	2766 - MOTOROLA SOLUTIONS, INC.	PO 31052 POLICE: BODY CAM SERVICE/ SOFTWARE	10,128.00	10,128.00
25761	1392 - MOUNTAIN LAKES POLICE ASSOCIATION	PO 31000 POLICE: PBA REIMBURSEMENT FOR UNIFORMS M	515.10	515.10
25762	1371 - MTN. LAKES BOARD OF EDUCATION	PO 31044 ARBITER FACILITIES SCHEDULER ANNUAL FEE	1,207.50	1,207.50
25763	1371 - MTN. LAKES BOARD OF EDUCATION	PO 31051 JULY 2025 MTN LAKES SCHOOL DISTRICT GENE	2,207,005.34	2,207,005.34
25764	1394 - MTN. LAKES PUBLIC LIBRARY	PO 30659 2025 APR - DEC MTN LAKES PUBLIC LIBRARY	33,460.41	33,460.41
25765	4615 - NAPA AUTO PARTS	PO 30640 DPW - VEHICLE REPAIR & MAINTENANCE - BLA	85.87	85.87
25766	479 - NEW JERSEY HILLS MEDIA GROUP	PO 30392 ZBOA/PLANNING BRD - 2025 - BLANKET ACCT	51.15	51.15
25767	1559 - NJ STATE ASSOC. OF CHIEFS OF POLICE	PO 30793 POLICE: CONFERENCE REGISTRATION 2025 - S	465.00	
		PO 30802 POLICE: 113TH ANNUAL TRAINING CONFERENCE	485.00	950.00
25768	1754 - NORTHEAST COMMUNICATIONS, INC.	PO 30998 POLICE: RADIO/MIC REPAIR	98.00	
		PO 31070 FIRE DEPT: Replace Rescue 1 antenna	582.15	680.15
25769	2500 - NORTON SEWER AND DRAIN	PO 30892 WATER OPERATING - MISC - BLANKET	300.00	300.00
25770	2727 - ONE CALL CONCEPTS, INC.	PO 31023 ACCT# 12-BML / 2025 MAY - DECEMBER BLAN	348.30	348.30
25771	1676 - PHYLLIS DEERING	PO 31020 SHADE TREE: REIMBURSEMENT - TREE ORDER#	225.00	225.00
25772	1714 - POWER PLACE, INC.	PO 30680 DPW - EQUIPMENT REPAIR - BLANKET	18.48	18.48
25773	4600 - PROSHRED NORTHERN NEW JERSEY	PO 30935 ADMIN: SHREDDING SERVICES ACCT# 30-00000	120.00	120.00
25774	3028 - REINER GROUP, INC	PO 30947 FIREHOUSE HEATERS	9,325.00	9,325.00
25775	4079 - ROBERT GRIGGS PLUMBING & HEATING, LLC	PO 30970 DPW - BUILDING MAINTENANCE	1,269.36	1,269.36
25776	417 - RONALD CARROLL	PO 30336 2025 QUARTERLY HEALTH BENEFITS REIMBURSE	1,985.84	1,985.84
25777	3500 - RUTGERS UNIVERSITY	PO 30995 RECYCLING COORDINATOR COURSES - MAYA ADA	299.00	299.00
25778	285 - SHAWN BENNETT	PO 31026 POLICE: REIMBURSEMENT FOR SHAWN BENNETT	100.00	100.00
25779	2774 - STAPLES CONTRACT & COMMERCIAL, LLC	PO 30926 POLICE: ORDER# 7657853453	116.82	
		PO 30968 ADMIN: ORDER# 7658309886	370.53	487.35
25780	2774 - STAPLES CONTRACT & COMMERCIAL, LLC	PO 30983 DPW: ORDER# 7658933627	52.51	52.51
25781	3944 - STEVEN M. GLUCK	PO 30974 CONSTRUCTION: REIMBURSEMENT	774.53	774.53
25782	1981 - SUBURBAN DISPOSAL, INC	PO 30785 SOLID WASTE / RECYCLING COLLECTION - BLA	71,949.99	71,949.99
25783	3489 - SWANK MOTION PICTURES, INC	PO 31071 MOVIE NIGHT LICENSING - 2025	510.00	510.00
25784	4578 - T-MOBILE	PO 31034 DATA SERVICE FOR IPADS - APRIL & MAY	213.70	213.70
25785	4152 - TARGET SOLUTIONS LEARNING, LLC	PO 30999 POLICE: GUARDIAN	1,363.60	1,363.60
25786	4591 - TIGRIS	PO 30765 LAKES MANAGEMENT: 2025 MARCH-DECEMBER SE	6,810.00	6,810.00
25787	603 - TOWNSHIP OF DENVILLE	PO 31056 2nd QTR 2025 SHARED MUNICIPAL COURT SERV	16,197.75	16,197.75
25788	4646 - TOWNSHIP OF MT. OLIVE	PO 30726 INTER-LOCAL HEALTH SERVICES AGREEMENT 20	9,125.00	9,125.00
25789	1536 - TREAS, STATE OF NJ - D.O.H.	PO 31017 MAY 2025 DOG LICENSE FEES	2.40	2.40
25790	2079 - TREASURER, STATE OF NEW JERSEY	PO 31016 JANUARY - MARCH 2025 MARRIAGE LICENSE F	100.00	100.00
25791	4088 - TURN OUT UNIFORMS, INC	PO 30014 POLICE: UNIFORM - BARBARA GIULIANO	22.99	
		PO 31054 POLICE: UNIFORM PURCHASES - CONNOR GRADY	369.95	392.94
25792	1736 - TWP OF PARSIPPANY - TROY HILLS	PO 30656 2025 SEWER MAINTENANCE CHARGES - APR - D	41,226.06	41,226.06
25793	3822 - ULINE, INC	PO 30990 POLICE: FURNITURE MISC.	799.10	799.10
25794	1062 - UNITED SITE SERVICES	PO 31019 PORTA JOHNS: MAY EVENT - LAKE DRIVE- CUS	330.00	
		PO 31077 PORTA JOHNS: MAY/JUNE 2025 - CUST ID# AC	1,287.30	1,617.30
25795	2102 - UNIVAR SOLUTIONS, USA	PO 30678 WATER OPERATING - TREATMENT OF WELLS - B	1,945.01	1,945.01
25796	4480 - VERIZON	PO 30767 BOROWIDE: 2025 INTERNET SERVICES: ACCT 3	199.30	199.30
25797	4481 - VERIZON	PO 30768 DPW: 2025 INTERNET SERVICES ACCT# 457-15	45.78	
		PO 30768 DPW: 2025 INTERNET SERVICES ACCT# 457-15	31.61	
		PO 30768 DPW: 2025 INTERNET SERVICES ACCT# 457-15	31.61	109.00
25798	4177 - WEINER LAW GROUP, LLP	PO 31015 MAY 2025 PROFESSIONAL SERVICES - PB	1,200.00	1,200.00
25799	2161 - WELDON QUARRY CO., LLC	PO 30715 S & R - POTHOLE REPAIR - BLANKET	240.21	240.21
TOTAL				2,579,592.95

### List of Bills - CLAIMS/CLEARING CHECKING ACCOUNT

Meeting Date: 06/23/2025 For bills from 05/23/2025 to 06/19/2025

Check#	Vendor	Description	Payment	Check Total	
<b>Summary By Account</b>					
ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
01-201-20-100-020	GENERAL ADMIN - OTHER EXPENSE	1,666.80			
01-201-20-120-020	MUNICIPAL CLERK - OTHER EXP'S	2,313.62			
01-201-20-130-020	FINANCE - OTHER EXPENSES	69.88			
01-201-20-140-020	COMPUTER SERVICES	947.40			
01-201-20-145-020	TAX COLLECTOR - OTHER EXPENSES	80.00			
01-201-20-155-020	LEGAL SERVICES - OTHER EXPENSE	945.00			
01-201-20-165-020	ENGINEERING SERVICES	676.00			
01-201-21-180-020	PLANNING BOARD - OTHER EXPENSE	1,308.78			
01-201-21-185-020	BD OF ADJUST - OTHER EXPENSES	18.91			
01-201-22-195-020	UNIFORM CONST - OTHER EXPENSES	1,000.83			
01-201-23-220-020	GROUP INSURANCE PLANS-EMPLOYEE	2,665.54			
01-201-25-240-020	POLICE DEPT - OTHER EXPENSES	7,021.80			
01-201-25-250-020	INTERLOCAL SERVICES: MC DISPATCH - OE	26,447.42			
01-201-25-251-020	INTERLOCAL SERVICES: DENVILLE COURT - OE	16,197.75			
01-201-25-255-020	FIRE DEPT - OTHER EXPENSES	2,980.26			
01-201-26-290-020	STREETS & ROADS - OTHER EXP.	31,704.23			
01-201-26-300-020	SHADE TREE COMMISSION - O/E	225.00			
01-201-26-305-020	SOLID WASTE - OTHER EXPENSES	85,524.30			
01-201-26-306-020	Recycling Tax	317.79			
01-201-26-310-020	BLDG & GROUNDS - MUNIC BLDG	2,180.24			
01-201-26-315-020	VEHICLE REPAIRS & MAINTENANCE	985.90			
01-201-28-370-020	PARKS & PLAYGROUNDS OTHER EXP.	1,486.73			
01-201-28-375-020	MAINT OF PARKS (BEACHES/LAKES)	9,407.37			
01-201-29-390-020	AID TO PUBLIC LIBRARY	33,460.41			
01-201-31-435-020	ELECTRICITY - ALL DEPARTMENTS	337.80			
01-201-31-440-020	TELECOMMUNICATIONS	1,088.44			
01-201-31-447-020	PETROLEUM PRODUCTS	2,655.43			
01-201-42-114-020	SHARED SERVICES - HEALTH SERVICES	9,125.00			
01-203-25-240-020	(2024) POLICE DEPT - OTHER EXPENSES		22.99		
01-207-55-000-000	LOCAL SCHOOL TAXES PAYABLE			2,207,005.34	
01-260-05-100	DUE TO CLEARING			0.00	2,449,966.96
01-290-55-000-002	DUE TO NJ - MARRIAGE LIC. FEES			100.00	
<b>TOTALS FOR</b>	<b>Current Fund</b>	<b>242,838.63</b>	<b>22.99</b>	<b>2,207,105.34</b>	<b>2,449,966.96</b>
02-200-40-700-340	Clean Communities Grant	299.00			
02-200-40-700-490	AMERICAN RESCUE PLAN	3,850.00			
02-200-40-700-560	RECREATION GRANT	4,526.40			
02-260-05-100	DUE TO CLEARING			0.00	8,675.40
<b>TOTALS FOR</b>	<b>FEDERAL AND STATE GRANTS</b>	<b>8,675.40</b>	<b>0.00</b>	<b>0.00</b>	<b>8,675.40</b>
04-215-55-992-000	2022 CAPITAL ORDINANCE 2-22			10,128.00	
04-215-56-803-000	2025 CAPITAL ORDINANCE 8-25			39,325.00	
04-260-05-100	DUE TO CLEARING			0.00	49,453.00
<b>TOTALS FOR</b>	<b>General Capital</b>	<b>0.00</b>	<b>0.00</b>	<b>49,453.00</b>	<b>49,453.00</b>
05-201-55-520-520	Water Operating - Other Expenses	11,532.55			
05-260-05-100	DUE TO CLEARING			0.00	11,532.55
<b>TOTALS FOR</b>	<b>Water Operating</b>	<b>11,532.55</b>	<b>0.00</b>	<b>0.00</b>	<b>11,532.55</b>
07-201-55-520-520	Sewer Operating - Other Expenses	41,488.59			
07-260-05-100	DUE TO CLEARING			0.00	41,488.59
<b>TOTALS FOR</b>	<b>Sewer Operating</b>	<b>41,488.59</b>	<b>0.00</b>	<b>0.00</b>	<b>41,488.59</b>

Summary By Account

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
13-260-05-100	DUE TO CLEARING			0.00	2.40
13-295-56-000-000	DOG LICENSE FEES-DUE STATE NJ			2.40	
<b>TOTALS FOR</b>	<b>Animal Trust</b>	<b>0.00</b>	<b>0.00</b>	<b>2.40</b>	<b>2.40</b>
33-260-05-100	DUE TO CLEARING			0.00	18,474.05
33-600-00-090-000	Recreation Trust Reserves			18,474.05	
<b>TOTALS FOR</b>	<b>Recreation Trust</b>	<b>0.00</b>	<b>0.00</b>	<b>18,474.05</b>	<b>18,474.05</b>

Total to be paid from Fund 01 Current Fund	2,449,966.96
Total to be paid from Fund 02 FEDERAL AND STATE GRANTS	8,675.40
Total to be paid from Fund 04 General Capital	49,453.00
Total to be paid from Fund 05 Water Operating	11,532.55
Total to be paid from Fund 07 Sewer Operating	41,488.59
Total to be paid from Fund 13 Animal Trust	2.40
Total to be paid from Fund 33 Recreation Trust	18,474.05
	<u>2,579,592.95</u>

Checks Previously Disbursed

25679	DIRECT ENERGY BUSINESS	Multiple:	3,555.63	6/09/2025
25680	DIRECT ENERGY BUSINESS	Multiple:	1,040.52	6/09/2025
25681	GEESE CHASERS NORTH JERSEY, LLC	PO# 30834 PARKS: 2025 GOOSE MANAGEMENT ANNUA	1,175.00	6/09/2025
25682	JCP&L	Multiple:	986.36	6/09/2025
25683	JCP&L	PO# 31022 ACCT# 100 050 702 156 - BILL PRD:	6.65	6/09/2025
25684	MTN. LAKES BOARD OF EDUCATION	PO# 30984 JUNE 2025 MTN LAKES SCHOOL DISTRIC	2,153,145.30	6/09/2025
25685	NJ DEPT OF LABOR -WORKFORCE DEVELOPMENT	PO# 30977 3RD QTR 2024 UNEMPLOYMENT	13,867.86	6/09/2025
25686	OPTIMUM	PO# 30758 DPW: 2025 INTERNET SERVICES ACCT#	12.94	6/09/2025
25687	OPTIMUM	PO# 30759 DPW: 2025 INTERNET SERVICES ACCT#	161.44	6/09/2025
25688	T-MOBILE	PO# 30518 WATER: T-MOBILE ACCT - 999393642 -	31.15	6/09/2025
25689	TMS, INC	PO# 30189 ADMIN: 2025 DNS HOSTING / ACCT# GT	30.00	6/09/2025
25690	UGI ENERGY SERVICES, INC.	PO# 30979 CUST# J0001077, 1078, 1079 - MOUNT	335.89	6/09/2025
25691	VERIZON	PO# 30689 ADMIN: ACCT# 357-361-129-0001-26 -	251.10	6/09/2025
25692	ALEXANDER IAQUINTA	PO# 31030 JR LAKER WRESTLING TRAINING	1,000.00	6/17/2025
25693	JAMES FRANCO	PO# 31031 PAYMENT FOR JR LAKER WRESTLING TRA	1,000.00	6/17/2025
			<u>2,176,599.84</u>	

Totals by fund	Previous Checks/Voids	Current Payments	Total
Fund 01 Current Fund	2,157,462.14	2,449,966.96	<b>4,607,429.10</b>
Fund 02 FEDERAL AND STATE GRANTS		8,675.40	<b>8,675.40</b>
Fund 04 General Capital		49,453.00	<b>49,453.00</b>
Fund 05 Water Operating	3,240.13	11,532.55	<b>14,772.68</b>
Fund 07 Sewer Operating	29.71	41,488.59	<b>41,518.30</b>
Fund 13 Animal Trust		2.40	<b>2.40</b>
Fund 14 Unemployment Trust	13,867.86		<b>13,867.86</b>
Fund 33 Recreation Trust	2,000.00	18,474.05	<b>20,474.05</b>

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
	BILLS LIST TOTALS	2,176,599.84	2,579,592.95	4,756,192.79	

# List of Bills - (1210101001001) PAYROLL AGENCY-CASH-PROVIDENT BANK

## Payroll Agency Account

Meeting Date: 06/23/2025 For bills from 05/23/2025 to 06/19/2025

Check#	Vendor	Description	Payment	Check Total
5097	1392 - MOUNTAIN LAKES POLICE ASSOCIATION	PO 31058 POLICE UNION DUES - MAY 2025	550.00	550.00
TOTAL				550.00

Summary By Account

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
12-101-01-001-001	PAYROLL AGENCY-CASH-PROVIDENT BANK			0.00	550.00
12-200-00-000-800	POLICE UNION DUES	550.00			
<b>TOTALS FOR</b>	<b>Payroll Agency Account</b>	<b>550.00</b>	<b>0.00</b>	<b>0.00</b>	<b>550.00</b>

Total to be paid from Fund 12 Payroll Agency Account

550.00

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550.00

## List of Bills - (1710101001002) Escrow - Developers - Checking

### Developer's Escrow

Meeting Date: 06/23/2025 For bills from 05/23/2025 to 06/19/2025

Check#	Vendor	Description	Payment	Check Total
5457	3985 - KING OF KINGS LUTHERAN CHURCH	PO 31085 ESCROW REFUND	8,509.08	8,509.08
5458	4750 - NOUVELLE, LLC	PO 31086 REFUND ESCROW	3,080.50	3,080.50
TOTAL				11,589.58

Summary By Account

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
17-101-01-001-002	Escrow - Developers - Checking			0.00	11,589.58
17-500-00-091-413	NOUVELLE, LLC - INSPECTON FEES			3,080.50	
17-500-00-091-423	KING OF KINGS LUTHERAN CHURCH			8,509.08	
<b>TOTALS FOR</b>	<b>Developer's Escrow</b>	<b>0.00</b>	<b>0.00</b>	<b>11,589.58</b>	<b>11,589.58</b>

Total to be paid from Fund 17 Developer's Escrow

11,589.58

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11,589.58

**BOROUGH OF MOUNTAIN LAKES  
COUNTY OF MORRIS, NJ**

**RESOLUTION 121-25**

**RESOLUTION AUTHORIZING THE CANCELLATION OF APPROPRIATIONS**

**WHEREAS**, the Sunset Lake Dam loan balance as listed in the Current Appropriations in the 2025 Municipal Budget will not be expended:

**WHEREAS**, it is necessary to formally cancel the unexpended balance totaling \$60,522.39 from the appropriations indicated below to the current fund balance:

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Mountain Lakes, in the County of Morris and State of New Jersey that, the Chief Financial Officer (CFO) is hereby authorized and directed to cancel the unexpended balance totaling \$60,522.39 from the appropriations indicated.

<u>APPROPRIATION</u>	<u>Amount Canceled</u>
Current – St. of NJDEP Sunset Lake Dam Loan	\$60,522.39

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**CERTIFICATION:** I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Borough Council of Mountain Lakes, New Jersey, at a meeting held on June 23, 2025.

\_\_\_\_\_  
Cara Fox, Borough Clerk

Name	Motion	Second	Aye	Nay	Absent	Abstain
Cannon						
Howley						
Menard						
Sheikh						
Tsai						
Muilenburg						
Barnett						

BOROUGH OF MOUNTAIN LAKES  
RESOLUTION 121-25  
CANCELLATION OF CURRENT BUDGET APPROPRIATIONS 2025  
EXPLANATION OF CANCELLATION

**Current Budget:**

Funds were budgeted in the amount of \$111,746.85 in the 2025 current budget for the St of NJDEP Sunset Lake Dam loan. The total amount expended in 2025 will be \$51,224.46 for accrued interest on the loan. The remaining funds will not be needed before year end. The cancellation resolution will allow the \$60,522.39 to be credited back to the current fund balance before 12/31/25.

**BOROUGH OF MOUNTAIN LAKES  
COUNTY OF MORRIS**

**RESOLUTION 122-25**

**RESOLUTION AUTHORIZING CHANGE IN CUSTODIAN OF PETTY CASH FUND**

**WHEREAS**, Monica Goscicki was custodian of the Administration Department Petty Cash Fund, and

**WHEREAS**, in accordance with N.J.S.A. 40:5-21, the Borough of Mountain Lakes is changing custodians to Monika Strama; and

**WHEREAS**, Monika Strama is bonded in the amount of \$50,000 by virtue of a surety bond.

**NOW THEREFORE, BE IT RESOLVED**, that the Borough of Mountain Lakes, County of Morris hereby authorizes such action effective 7/1/25, and this resolution will be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

XX

**CERTIFICATION:** I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Borough Council of Mountain Lakes, New Jersey, at a meeting held on June 23, 2025.

\_\_\_\_\_  
Cara Fox, Borough Clerk

<b>Name</b>	<b>Motion</b>	<b>Second</b>	<b>Aye</b>	<b>Nay</b>	<b>Absent</b>	<b>Abstain</b>
<b>Cannon</b>						
<b>Howley</b>						
<b>Menard</b>						
<b>Sheikh</b>						
<b>Tsai</b>						
<b>Muilenburg</b>						
<b>Barnett</b>						

**BOROUGH OF MOUNTAIN LAKES  
COUNTY OF MORRIS, NJ**

**RESOLUTION 123-25**

**RESOLUTION AUTHORIZING THE SALE OF SURPLUS PERSONAL PROPERTY NO LONGER NEEDED FOR  
PUBLIC USE ON AN ONLINE AUCTION WEBSITE**

**WHEREAS**, the Borough Manager in conjunction with the various department managers has determined that the property described on Schedule A attached hereto and incorporated herein is no longer needed for public use; and

**WHEREAS**, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) authorizes the sale of surplus personal property no longer needed for public use through the use of an online auction service; and

**WHEREAS**, the Borough of Mountain Lakes intends to utilize the online auction services of "GovDeals – online government auctions" ("GovDeals") located at "www.govdeals.com"; and

**WHEREAS**, the sales are being conducted pursuant to the Division of Local Government Services' Local Finance Notice 2008-9 & 2008-21R; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Mountain Lakes, that the Borough is hereby authorized to sell the surplus personal property as indicated on Schedule A on an online auction website located at "www.municibid.com"; and

**BE IT FURTHER RESOLVED**, that a certified copy of this Resolution be forwarded by the Borough Clerk to the Director, Division of Local Government Services; and

**BE IT FURTHER RESOLVED**, by the Mayor and Council of the Borough of Mountain Lakes that pursuant to N.J.S.A. 40A:11-36, the Borough Clerk shall cause to be placed in the official newspaper of the Borough a notice of public auction of the above mentioned tangible personal property to be held within 30 days of the date of approval of this resolution.

XX

**CERTIFICATION:** I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Borough Council of Mountain Lakes, New Jersey, at a meeting held on June 23, 2025.

\_\_\_\_\_  
Cara Fox, Borough Clerk

Name	Motion	Second	Aye	Nay	Absent	Abstain
Cannon						
Howley						
Menard						
Sheikh						
Tsai						
Muilenburg						
Barnett						

SCHEDULE "A"

2014 Ford F-550 Vin# 1FDUF5HY6EEA60684

2008 Ford F-550 Vin# 1FDAF57R98ED27771

2008 Ford F-350 Vin# 1FTWF31578EC58678



**BOROUGH OF MOUNTAIN LAKES  
COUNTY OF MORRIS, NJ**

**RESOLUTION 125-25**

**RESOLUTION APPOINTING JENNIFER SEMLER AS CHIEF FINANCIAL OFFICER**

**WHEREAS**, N.J.S.A. 40A:9-140.10 provides that in every municipality there shall be a chief financial officer appointed by the governing body for a term of four years beginning on January 1 of the year in which they are appointed; and

**WHEREAS**, Monica Goscicki, who is retiring, was appointed Chief Financial Officer for the Borough of Mountain Lakes initially on June 13, 2016 to fill an unexpired term and was reappointed twice to four-year terms and obtained tenure after the second reappointment; and

**WHEREAS**, N.J.S.A. 40A:9-140.13 requires that a person appointed chief financial officer of a municipality hold a municipal finance officer certification issued by the State of New Jersey; and

**WHEREAS**, Jennifer Semler holds the necessary certification; and

**WHEREAS**, the Borough Council wishes to appoint Jennifer Semler as Chief Financial Officer for a four-year term which shall run until December 31, 2028.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Mountain Lakes, in the County of Morris and State of New Jersey, that Jennifer Semler is hereby appointed Chief Financial Officer of the Borough of Mountain Lakes for a term commencing on July 1, 2025 and expiring December 31, 2028.

XX

**CERTIFICATION:** I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Borough Council of Mountain Lakes, New Jersey, at a meeting held on June 23, 2025.

\_\_\_\_\_  
Cara Fox, Borough Clerk

Name	Motion	Second	Aye	Nay	Absent	Abstain
Cannon						
Howley						
Menard						
Sheikh						
Tsai						
Muilenburg						
Barnett						

**BOROUGH OF MOUNTAIN LAKES  
COUNTY OF MORRIS, NJ**

**RESOLUTION 126-25**

**RESOLUTION OF THE BOROUGH OF MOUNTAIN LAKES ENDORSING THE HOUSING ELEMENT AND FAIR SHARE PLAN FOR 2025 THROUGH 2035 AS ADOPTED BY THE MOUNTAIN LAKES PLANNING BOARD**

**WHEREAS**, the New Jersey Supreme Court, through its rulings in Southern Burlington County NAACP v. Mount Laurel, 67 13 N.J. 151 (1975) and Southern Burlington County NAACP 14 v. Mount Laurel, 92 N.J. 158 (1983), determined that every municipality in New Jersey has a constitutional obligation to provide through its land use regulations a realistic opportunity for its fair share of its region's present and prospective needs for housing for low- and moderate-income families; and

**WHEREAS**, on March 20, 2024, Governor Murphy signed P.L. 2024, c.2. into law, establishing a new framework for determining and enforcing municipalities' affordable housing obligations under the New Jersey Supreme Court's Mount Laurel doctrine and the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et al.); and

**WHEREAS**, N.J.S.A. 52:27D-304.1(f)(2)(a), participating municipalities must adopt a housing element and fair share plan on or before June 30, 2025; and

**WHEREAS**, on May 29, 2025, the Borough of Mountain Lakes Planning Board adopted the "Housing Element and Fair Share Plan for 2025-2035, Borough of Mountain Lakes, NJ"" , dated May 2025, prepared by Elizabeth Leheny, P.P., A.I.C.P., of Phillips Preiss Grygiel Leheny Hughes LLC said adoption having occurred after hearing as duly noticed pursuant to N.J.S.A. 40:55D-13 (a copy of the Resolution and Fourth Round Housing Element & Fair Share Plan are appended hereto as Schedule A); and

**WHEREAS**, pursuant to Administrative Directive No. 14-12 of the Superior Court, the Housing Element and Fair Share Plan must not only be adopted by the Planning Board but also adopted by the governing body of the Borough; and

**WHEREAS**, the Borough Council of the Borough of Mountain Lakes has reviewed the action of the Mountain Lakes Borough Planning Board and the Fourth Round Housing Element & Fair Share Plan as prepared and finds that the plan is consistent with the goals and objectives of the Borough of Mountain Lakes's Master Plan and that the adoption and implementation of the Housing Element and Fair Share Plan are in the public interest and protect the public health, safety and promote the general welfare.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Mountain Lakes, in the County of Morris and State of New Jersey, as follows:

1. That it hereby endorses and adopts the Fourth Round Housing Element & Fair Share Plan as appended hereto as Schedule A and as adopted by the Borough of Mountain Lakes Planning Board.
2. A notice of this endorsement and a copy of this Resolution, the adopted Housing Element and Fair Share Plan and all supporting documentation shall be made available for public inspection at the Borough of Mountain Lakes Municipal Clerk's Office during the normal business hours.
3. The Borough Council hereby authorizes and directs its professionals to file with the Court the Housing Element & Fair Share Plan, accompanying Resolutions and any and all documents that are deemed necessary and required pursuant to P.L. 2024, c. 2 and such other law.



# HOUSING ELEMENT AND FAIR SHARE PLAN

## FOR 2025-2035

### BOROUGH OF MOUNTAIN LAKES, NJ

*Prepared for:*

Planning Board  
Borough of Mountain Lakes  
400 Boulevard  
Mountain Lakes, N.J. 07046

*Prepared by:*

Phillips Preiss Grygiel Leheny Keller LLC  
Planning and Real Estate Consultants  
70 Hudson Street, Suite 5B  
Hoboken, New Jersey 07307

*Adopted:*

May 22, 2025

The original copy of this document was signed and sealed  
in accordance with N.J.S.A. 45:14 A-1 et seq.



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Elizabeth C. Leheny

New Jersey Professional Planner License #6133

ACKNOWLEDGMENTS

MAYOR AND COUNCIL

Mayor Lauren Barnett  
Melissa Muilenburg  
Chris Cannon  
Joshua Howley  
Tom Menard  
Khizar Sheikh  
Angela Tsai

PLANNING BOARD

Martin Kane, Chair  
Bethany Russo, Vice-Chair  
Jeff Berei  
Mimi Kaplan (Environmental Commission Rep.)  
Kelly Holliday  
John Horan  
Mitchell Stern  
Thomas Menard  
Lauren Barnett  
Nicholas Coppola, 1<sup>st</sup> Alternate  
Christopher Ryan, 2<sup>nd</sup> Alternate

PLANNING BOARD PROFESSIONALS

Cynthia Shaw	Administrative Officer/Secretary
William Ryden, PE	Borough Engineer
Steven Tombalakian, Esq.	Planning Board Attorney
Elizabeth Leheny/Kate Keller	Board Planners

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## I. Introduction

This Housing Element and Fair Share Plan has been prepared on behalf of the Borough of Mountain Lakes, Morris County, in accordance with the New Jersey Municipal Land Use Law per N.J.S.A. 40:55D-28b(3) and the Fair Housing Act (N.J.S.A. 52:27D-301, et seq.). This document addresses the Borough's 2025-2035 obligation to provide its fair share of the regional need for affordable housing.

The Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., requires that a municipal master plan include a Housing Element in order for the municipality to exercise the power to zone and regulate land use. The Housing Element and Fair Share Plan is adopted by the Borough Planning Board and endorsed by the governing body. It is intended to achieve the goal of meeting the Borough's obligations to plan and regulate land use to provide for a fair share of the regional need for affordable housing.

Mountain Lakes remains committed to meeting its constitutional obligation to provide, through its land use regulations, a realistic opportunity for a fair share of the region's present and prospective needs for housing for low- and moderate-income families. The Borough will be a Highlands-conforming municipality by June 30, 2025 and is entitled to the statutory benefits associated with Highlands Plan Conformance. Pursuant to the [2024 Highlands Affordable Housing RMP Amendment](#), conforming municipalities shall implement both the resource protection requirements of the Highlands Regional Master Plan ("RMP") and provide for a realistic opportunity for a fair share of its region's needs for housing for low- and moderate-income households. Proposed affordable housing developments in conforming municipalities must therefore be consistent with the RMP Land Use Capability Zone designations while providing for the protection of individual Highlands region resources. This Housing Element and Fair Share Plan document outlines how the Borough will address its affordable housing obligations while conforming to the Highlands RMP.

## II. Affordable Housing in New Jersey and Mountain Lakes

### Mount Laurel I and Mount Laurel II

In 1975 the Supreme Court of New Jersey in South Burlington County N.A.A.C.P. v. Township of Mount Laurel, 67 N.J. 151 (1975), ruled that the developing municipalities in the State of New Jersey exercising their zoning power, in general, had a constitutional obligation to provide a realistic opportunity for the construction of their fair share of the region's low- and moderate-income housing needs. In 1983, the Supreme Court refined that constitutional obligation in South Burlington County N.A.A.C.P. v. Township of Mount Laurel, 92 N.J. 158 (1983), to apply to those municipalities having any portion of their boundaries within the growth area as shown on the State Development Guide Plan.

### Fair Housing Act (1985) and COAH Rounds One and Two

In 1985, the New Jersey Legislature adopted, and the Governor signed, the Fair Housing Act N.J.S.A. 52:2D-301, et seq. ("FHA") which transformed the judicial doctrine that became known as the "Mount Laurel doctrine" into a statutory one and provided an alternative administrative process in which municipalities could elect to participate in order to establish a Housing Element and Fair Share Plan ("HEFSP") that would satisfy its constitutional obligation by creating an administrative agency known as the Council on Affordable Housing ("COAH") to develop regulations to define the obligation and implement it. COAH proceeded to adopt regulations for First Round obligations applicable from 1987 to 1993 and Second Round obligations that created a cumulative obligation from 1987 to 1999.

During the Prior Round, Mountain Lakes undertook a vacant land adjustment ("VLA") pursuant to N.J.A.C. 5:93-4.2 of COAH's Second Round rules. It was determined that Mountain Lakes' had a realistic development potential ("RDP") of 18 units. In addition to addressing its RDP, pursuant to N.J.A.C. 5:93-4.1(b), "when a municipality seeks a vacant land adjustment the municipality shall provide a response toward the "unmet need" of the obligation not addressed by the RDP. In other words, the "unmet need" is the difference between the RDP and the Prior Round obligations. Therefore, if the Borough's Prior Round obligation is 80 units and its RDP is 18 units then its unmet need is 80 less 18, i.e., 62 units.

### COAH Round Three

COAH first proposed Third Round substantive and procedural rules in 2003, but due to multiple legal challenges, these rules were not adopted until 2008. However, the Third Round rules adopted in 2008 were challenged in an appeal entitled In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 416 N.J. Super. 462 (App. Div. 2010) (the "2010 Case"). In October 2010, the Appellate Division determined, among other things, that the methodology in the rules adopted in 2008 was invalid and that COAH should adopt regulations utilizing methodologies similar to the ones utilized in the First and Second Rounds, i.e. 1987-1999. In 2013, the Supreme Court of New Jersey affirmed the Appellate Division's invalidation of the third iteration of the Third Round regulations, sustained their determination that the growth share methodology was invalid, and directed COAH to adopt new regulations based upon the methodology utilized in the First and Second Rounds, In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council

on Affordable Housing, 215 N.J. 578 (2013) (the “2013 Case”). COAH proceeded to propose such regulations in accordance with the schedule established by the New Jersey Supreme Court in the 2013 Case. On October 20, 2014, COAH deadlocked with a 3-3 vote and failed to adopt the revised Third Round regulations.

### 2015 Lawsuit Transferring Jurisdiction to Courts

Due to COAH’s failure to adopt the revised regulations and subsequent inaction, Fair Share Housing Center (“FSHC”), a party in the 2010 Case and the 2013 Case, filed a motion with the New Jersey Supreme Court to enforce litigant’s rights. On March 10, 2015, the New Jersey Supreme Court issued its decision on FSHC’s motion. The Supreme Court found that the COAH administrative process had become non-functioning and, as a result, returned primary jurisdiction over affordable housing matters to the trial courts. In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (the “2015 Case”) (Mount Laurel IV). In doing so, the Supreme Court established a transitional process for municipalities to file a declaratory judgment action with the trial courts seeking to declare their HEFSPs as being constitutionally compliant and seeking protection and repose against exclusionary zoning litigation.

### Mountain Lake’s Third Round Settlement Agreement with Fair Share Housing Center

The Borough of Mountain Lakes (“Mountain Lakes” or “the Borough”) filed a declaratory judgment action In the Matter of the Borough of Mountain Lakes, County of Morris, (Docket No. MRS-L-1646-16) on July 25, 2016 (the “Declaratory Judgment Action”). The purpose of the Declaratory Judgment Action was to seek a declaration of its compliance with the Mt. Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq. in accordance with the New Jersey Supreme Court’s decision In the matter of the Adoption of Third Round Regulations, N.J.A.C. 5:96 and 5:97, by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (“Mt. Laurel IV”). The Borough Planning Board subsequently adopted a Housing Element and Fair Share Plan on March 24, 2016.

Through the declaratory judgment process, the Borough, the declaratory judgment plaintiff, and Fair Share Housing Center (“FSHC”), a Supreme Court-designated interested party in the matter in accordance with Mt. Laurel IV agreed to settle the litigation and to present the settlement to the trial court with jurisdiction over this matter for review, recognizing that the settlement of Mount Laurel litigation is favored because it avoids delays and the expense of trial and results more quickly in the construction of homes for lower-income households. The Borough executed a Settlement Agreement with FSHC on January 29, 2019.

As part of its 2015 Decision, the Supreme Court ruled that the municipal Fair Share obligation will be determined by the trial court on a case-by-case basis. The Supreme Court directed municipalities to rely on the 1987-1999 Prior Round obligation estimates listed in N.J.A.C. 5:93. However, the Court did not provided estimates for the Present Need or Third Round Prospective Need obligations for New Jersey municipalities. As part of its settlement, the Borough and FSHC agreed to use Fair Share obligation numbers published by FSHC and prepared

by David N. Kinsey<sup>1</sup> (the “Kinsey Report”) as adjusted. Accordingly, the Borough of Mountain Lakes’ affordable housing obligation for the Third Round was as follows: Present Need Obligation: 1 unit; Prior Round Obligation (1987-1999): 80 units; and Third Round Prospective Need Obligation (1999-2025)<sup>2</sup>: 271 units.

To address its Third Round obligation, the Borough also sought a vacant land adjustment pursuant to N.J.A.C. 5:93-4.2. All of the current vacant sites in the Borough were inventoried and the resulting analysis revealed that the Borough had a Third Round RDP of 17 units. The Third Round unmet need of 254 units (i.e., 271-17=254) plus the remaining Prior Round unmet need of 62 units results in a total unmet need of 316 units.

The Borough adopted an Amended Housing Element and Fair Share Plan (“Amended HEFSP” or “Plan”) on April 25, 2019 pursuant to the terms of the agreement reached between the Borough and FSHC. The Borough, through the adoption and implementation of the Amended HEFSP satisfied its obligations under the Mt. Laurel doctrine and Fair Housing Act for the Prior Round (1987-1999) and Third Round (1999-2025).

#### Amended Fair Housing Act (2024) and Fourth Round (2025-2035)

On March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, an Amendment to the 1985 Fair Housing Act (hereinafter “Amended FHA” or “Act”). The Amended FHA requires the New Jersey Department of Community Affairs (“DCA”) to provide an estimate of the fair share affordable housing obligations of all municipalities on or before October 20, 2024 based upon the criteria of the Amended FHA. DCA issued a report on October 18, 2024 (the “DCA Report”) wherein it reported its nonbinding estimate of the fair share affordable housing obligation for all municipalities based upon its interpretation of the standards in the Amended FHA. The DCA Report calculated Mountain Lakes’ Fourth Round (2025-2035) fair share obligation as follows: a Present Need (Rehabilitation) Obligation of 0; and a Prospective Need (New Construction) Obligation of 267 units.

Per the Amended FHA, each municipality is required to determine its present and prospective fair share obligation for affordable housing in accordance with the formulas established in the Amended FHA, and adopt a binding resolution describing the basis for the determination and binding the municipality to adopt a housing element and fair share plan based on that determination. Each municipality was required to adopt a binding resolution no later than January 31, 2025 setting forth that municipality’s present and prospective fair share obligation. A declaratory judgment action was required to be filed within forty-eight (48) hours of the adoption of the aforementioned binding resolution. The filing of a declaratory judgment action is required in order to protect the municipality from exclusionary zoning litigation and protect the municipality from losing its immunity from said litigation.

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<sup>1</sup> David N. Kinsey, PhD, PP, FAICP, “New Jersey Low and Moderate Income Housing Obligations for 1999-2025 Calculated Using the NJ COAH Prior Round (1987-1999) Methodology, May 2016.

<sup>2</sup> The Third Round Prospective Need includes the Gap Period Present Need which is a measure of households formed from 1999-2015 that need affordable housing. The Gap Period Present Need was recognized by the Supreme Court in In re Declaratory Judgment Actions Filed by Various Municipalities, 227 N.J. 508 (2017).

Pursuant to the Amended FHA, on January 27, 2025, the Borough Council adopted a binding resolution (Resolution #76-25) adopting the Borough's Fair Share Affordable Housing Obligation for the Fourth Round. The resolution stated the Borough's affordable housing obligations for the Fourth Round to include a Present Need of 0 units and a Prospective Need of 146 units. Subsequently, the Borough filed its resolution of participation before the Affordable Housing Dispute Resolution Program (the "Program") on January 28, 2025 (Docket No. MRS-L-244-25), in accordance with the requirements of N.J.S.A. 52:27D-301, et seq, and the timeframes set forth in Directive #14-24.

In accordance with the timeframes set forth in the Amended FHA and the Directive, FSHC filed an objection to Mountain Lakes' resolution on February 28, 2025 contending that the Borough improperly calculated its Prospective Need obligations and should be required to utilize the calculation prepared by FSHC in its February 28, 2025 report, setting the Prospective Need obligation at 234.

The Borough and FSHC engaged in the mediation process provided by the Program and conferred and reached an accord setting forth Mountain Lakes' Fourth Round fair share obligation as follows:

- **Present Need – 0 units**
- **Prospective Need – 190 units**

The Borough and FSHC jointly presented the mediation agreement to the Program and requested approval of the Agreement from the Program and if approved by the Program from the vicinage Mount Laurel judge. Pursuant to the mediation agreement, the Borough shall prepare a Fourth Round Housing Element and Fair Share Plan ("HEFSP") utilizing these present and prospective need obligations and submit the HEFSP to the Program by the deadline in the Amended FHA of June 30, 2025. This HEFSP is in conformance with the mediation agreement.

### III. Housing Element/ Fair Share Plan Requirements

In accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1, et seq.), a municipal Master Plan must include a housing element as the foundation for the municipal zoning ordinance. Pursuant to the Fair Housing Act, a municipality's housing element must be designed to provide access to affordable housing to meet present and prospective housing needs, with particular attention to low- and moderate-income housing. The housing element must contain at least the following, as per the FHA at N.J.S.A. 52:27D-310:

- An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low- and moderate-income households and substandard housing capable of being rehabilitated;
- A projection of the municipality's housing stock, including the probable future construction of low- and moderate-income housing, for the next ten years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development, and probable residential development of lands;
- An analysis of the municipality's demographic characteristics, including, but not necessarily limited to, household size, income level, and age;
- An analysis of the existing and probable future employment characteristics of the municipality;
- A determination of the municipality's present and prospective fair share of low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share of low- and moderate-income housing; and
- A consideration of the lands most appropriate for construction of low- and moderate-income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low- and moderate-income housing, including a consideration of lands of developers who have expressed a commitment to provide low- and moderate-income housing; and
- An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, pursuant to N.J.S.A. 52:27D-329.20f.(1);
- For a municipality located within the jurisdiction of the Highlands Water Protection and Planning Council, established pursuant to section 4 of P.L.2004, c.120 (C.13:20-4), an analysis of compliance of the housing element with the Highlands Regional Master Plan of lands in the Highlands Preservation Area, and lands in the Highlands Planning Area for Highlandsconforming municipalities. This analysis shall include consideration of the municipality's most recent Highlands Municipal Build Out Report, consideration of opportunities for redevelopment of existing developed lands into inclusionary or 100 percent affordable housing, or both, and opportunities for 100 percent affordable housing in both the Highlands Planning Area and Highlands Preservation Area that are consistent with the Highlands regional master plan; and
- An analysis of consistency with the State Development and Redevelopment Plan, including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission.

Administrative Directive #14-24 issued on December 13, 2024 by the Administrative Office of the Courts promulgates procedures and guidelines implementing the Affordable Housing Alternative Dispute Resolution Program (“the Program”) established pursuant to section 5 of P.L.2024, c.2 (N.J.S.A. 52:27D-313.2). Additional required elements of a Housing Element and Fair Share Plan (HEFSP) are appended to this Directive and included the following:

- Draft ordinances and resolutions needed to implement the HEFSP, including:
- An updated and adopted Spending Plan indicating how the municipality intends to allocate development fees and other funds, and detailing how the municipality proposes to expend funds for affordability assistance, especially those funds earmarked for very low income affordability assistance.
- A resolution from the Planning Board adopting the HEFSP, and, if a final Judgment is sought before all of the implementing ordinances and resolutions can be adopted, a resolution of the governing body endorsing the HEFSP.

## IV. Housing Stock and Demographic Analysis

### Housing Stock Inventory

In 2023, there were 1,451 housing units in Mountain Lakes, of which 33, or approximately 2 percent, were vacant. Of the 1,418 occupied units, 97 percent were owner occupied and close to 3 percent were renter occupied. Table 1, [Housing Units by Occupancy Status, 2023](#), illustrates this occupancy status.

Table 1. Housing Units by Occupancy Status, 2023

	Housing Units	Owner Occupied	Renter Occupied
<b>Occupied</b>	1,418	1,377	41
<b>Vacant</b>	33	-	-
<b>Total</b>	<b>1,451</b>	-	-

Source: American Community Survey, 2019-2023 (Table DP04 Selected Housing Characteristics)

Approximately 91 percent of the total housing stock is comprised of single-family detached units. Structures with three or more units make up 0.7% percent of the total housing stock. See Table 2, [Housing Units by Number of Units in Structure, 2023](#), for a detailed explanation of the housing units.

Table 2. Housing Units by Number of Units in Structure, 2023

Number of Units	Total	Percent
<b>1, Detached</b>	1,313	90.5%
<b>1, Attached</b>	128	8.8%
<b>2</b>	0	0%
<b>3 or 4</b>	0	0%
<b>5 to 9</b>	10	0.7%
<b>10 to 19</b>	0	0%
<b>20+</b>	0	0%
<b>Mobile Home</b>	0	0%
<b>Other</b>	0	0%
<b>Total</b>	<b>1,451</b>	<b>100%</b>

Source: American Community Survey, 2019-2023 (Table DP04 Selected Housing Characteristics)

Table 3, [Housing Units by Age, 2023](#), illustrates the age of the Borough's housing stock. Approximately 40 percent of the Borough's housing units were constructed prior to 1940, whereas only 12 percent were constructed in 2000 or later, of which of zero units were constructed in 2020 or later. A significant portion of the Mountain Lakes' housing units (i.e., 337 homes or 23 percent of the Borough's housing stock) were constructed between 1940 and 1959.

Table 3. Housing Units by Age, 2023

Year Built	Total Units	Percent
2020 or later	0	0%
2010 to 2019	74	5.1%
2000 to 2009	98	6.8%
1990 to 1999	112	7.7%
1980 to 1989	102	7.0%
1970 to 1979	63	4.3%
1960 to 1969	92	6.3%
1950 to 1959	146	10.1%
1940 to 1949	191	13.2%
Before 1940	573	39.5%
<b>Total</b>	<b>1,451</b>	<b>100%</b>

Source: American Community Survey, 2019-2023 (Table DP04 Selected Housing Characteristics)

Table 4, Housing Units by Number of Rooms for Mountain Lakes and Morris County, 2023, shows that in Mountain Lakes, fewer than 2 percent of the housing units have between one and three rooms; approximately 9 percent have between four and six rooms; and 89 percent have seven or more rooms. In Morris County, just under 13 percent of housing units have between one and three rooms; close to 36 percent have between four and six rooms; and almost 52 percent have seven or more rooms. The median number of rooms per unit in Mountain Lakes is 9 or more rooms, which indicates that the housing stock in the Borough is, on average, larger in size than that of Morris County (i.e., close to 7 rooms per unit).

Table 4. Housing Units by Number of Rooms for Mountain Lakes and Morris County, 2023

Rooms	Number of Units in Mountain Lakes	Percent of Units in Mountain Lakes	Number of Units in Morris County	Percent of Units in Morris County
1	11	0.8%	3,231	1.6%
2	0	0%	4,927	2.5%
3	10	0.7%	17,467	8.8%
4	29	2.0%	23,012	11.6%
5	3	0.2%	22,577	11.4%
6	104	7.2%	24,978	12.6%
7	58	4.0%	26,090	13.1%
8	353	24.3%	27,717	14.0%
9+	883	60.9%	48,612	24.5%
<b>Total</b>	<b>1,451</b>	<b>100%</b>	<b>198,611</b>	<b>100%</b>
<b>Median Rooms</b>	<b>9+</b>		<b>6.6</b>	

Source: American Community Survey, 2019-2023 (Table DP04 Selected Housing Characteristics)

Tables 5 and 6, Housing Values, Owner Occupied, 2013 and 2023, respectively, show that the median housing value of owner-occupied housing in Mountain Lakes increased by almost 12 percent between 2013 and 2023. During this same time period, the median value in Morris County increased by almost 29 percent. In 2013, Mountain Lakes' median housing value of \$820,500 was close to 62 percent higher than that of Morris County (\$432,400). In 2023, Mountain Lakes' median housing value of owner occupied units (\$915,100) was almost 49 percent higher than that of Morris County (\$557,000).

Table 5. Housing Values, Owner Occupied, 2013

<b>Housing Value</b>	<b>Number in Mountain Lakes</b>	<b>Percent in Mountain Lakes</b>	<b>Number in Morris County</b>	<b>Percent in Morris County</b>
Less than \$50,000	8	0.7%	2,083	1.5%
\$50,000 to \$99,999	6	0.5%	1,406	1.0%
\$100,000 to \$149,999	8	0.7%	1,311	1.0%
\$150,000 to \$199,999	0	0%	3,346	2.5%
\$200,000 to \$299,999	0	0%	18,812	13.8%
\$300,000 to \$499,999	113	9.8%	58,230	42.7%
\$500,000 to \$999,999	660	57.1%	43,837	32.2%
\$1,000,000 or more	360	31.2%	7,271	5.3%
<b>Total</b>	<b>1,155</b>	<b>100%</b>	<b>136,296</b>	<b>100%</b>
2013 Median Value	\$820,500		\$432,400	

Source: American Community Survey, 2009-2013 (Table DP04 Selected Housing Characteristics)

Table 6. Housing Values, Owner Occupied, 2023

Housing Value	Number in Mountain Lakes	Percent in Mountain Lakes	Number in Morris County	Percent in Morris County
Less than \$50,000	9	0.7%	1,404	1.0%
\$50,000 to \$99,999	0	0%	1,480	1.0%
\$100,000 to \$149,999	49	3.6%	878	0.6%
\$150,000 to \$199,999	0	0%	1,472	1.0%
\$200,000 to \$299,999	4	0.3%	9,969	7.0%
\$300,000 to \$499,999	16	1.2%	44,816	31.6%
\$500,000 to \$999,999	742	53.9%	67,465	47.6%
\$1,000,000 or more	557	40.5%	14,287	10.1%
<b>Total</b>	<b>1,377</b>	<b>100%</b>	<b>141,771</b>	<b>100%</b>
<b>2023 Median Value</b>	<b>\$915,100</b>		<b>\$557,000</b>	

Source: American Community Survey, 2019-2023 (Table DP04 Selected Housing Characteristics)

Median gross rent in Mountain Lakes (\$2,941) is significantly higher than median gross rent County-wide (\$1,860). Notably, all the occupied paid rental housing units in Mountain Lakes pay a gross rent of \$2,500 or more. The monthly rental costs in Morris County is more diverse, with significant percentage of occupied rental units paying gross rent between \$1,000 and \$2,499 (i.e., almost 68 percent). See Table 7, [Comparison of Mountain Lakes and Morris County Gross Rent - Renter Occupied Housing Units, 2023](#), for additional details.

Table 7. Comparison of Mountain Lakes and Morris County Gross Rent – Renter Occupied Housing Units, 2023

Gross Rent	Number in Mountain Lakes	Percent in Mountain Lakes	Number in Morris County	Percent in Morris County
No Rent Paid	11	-	1,629	-
Less than \$500	0	0%	2,209	4.6%
\$500 - \$999	0	0%	1,930	4.0%
\$1,000 - \$1,499	0	0%	9,666	20.0%
\$1,500 - \$1,999	0	0%	14,466	29.9%
\$2,000 - \$2,499	0	0%	8,520	17.6%
\$2,500 - \$2,999	17	56.7%	5,679	11.7%
\$3,000 or more	13	43.3%	5,970	12.3%
<b>Total</b>	<b>30</b>	<b>100%</b>	<b>48,440</b>	<b>100%</b>
<b>Median Rent</b>	<b>\$2,941</b>		<b>\$1,860</b>	

Source: American Community Survey, 2019-2023 (Table DP04 Selected Housing Characteristics)

In 2023, 22 percent of Mountain Lakes owner occupied households contributed thirty percent or more of their income towards monthly housing costs, whereas 54 percent contributed less than twenty percent of their income towards monthly housing costs. See Table 8, Monthly Housing Costs as a Percentage of Household Income in the Past 12 Months – Owner Occupied Housing Units, 2023, for further information.

Table 8. Monthly Housing Costs as Percentage of Household Income in the Past 12 Months – Owner Occupied Housing Units, 2023

	Less than 20 percent	20 to 29 percent	30 percent or more
<b>Less than \$20,000</b>	0%	0%	2.0%
<b>\$20,000 - \$34,999</b>	0%	0%	0.7%
<b>\$35,000 - \$49,999</b>	0%	0%	0.7%
<b>\$50,000 - \$74,999</b>	0%	0%	4.6%
<b>\$75,000 or more</b>	54.1%	23.9%	14.0%
<b>Total</b>	<b>54.1%</b>	<b>23.9%</b>	<b>22.0%</b>
<b>Zero or Negative Income</b>	0%		

Source: American Community Survey, 2019-2023 (Table S2503 Financial Characteristics)

In 2023, almost 59 percent of Mountain Lakes renter occupied housing units contributed more than thirty percent of their income towards monthly rental costs. No renter occupied housing units contributed less than twenty percent of their income toward monthly rental costs. A substantial portion of renter occupied units contributed no cash rent (i.e., close to 27 percent). See Table 9, Monthly Housing Costs as a Percentage of Household Income in the Past 12 Months – Renter Occupied Housing Units, 2023, for further information.

Table 9. Monthly Housing Costs as a Percentage of Household Income in the Past 12 Months – Renter Occupied Housing Units, 2023

	Less than 20 percent	20 to 29 percent	30 percent or more
<b>Less than \$20,000</b>	0%	0%	0%
<b>\$20,000 - \$34,999</b>	0%	0%	26.8%
<b>\$35,000 - \$49,999</b>	0%	0%	0%
<b>\$50,000 - \$74,999</b>	0%	0%	0%
<b>\$75,000 or more</b>	0%	14.6%	31.7%
<b>Total</b>	<b>0%</b>	<b>14.6%</b>	<b>58.5%</b>
<b>Zero or Negative Income</b>	0%		
<b>No Cash Rent</b>	26.8%		

Source: American Community Survey, 2019-2023 (Table S2503 Financial Characteristics)

There are no housing units in Mountain Lakes that are overcrowded (defined as having 1.01 or more persons per room). 13 housing units lack complete plumbing facilities, 13 lack complete kitchen facilities, and 11 have no telephone service available. See Table 10, Selected Quality Indicators, Occupied Housing Stock, 2023, for further information.

Table 10. Selected Quality Indicators, Occupied Housing Stock, 2023

	<b>Overcrowded</b>	<b>No Telephone Service Available</b>	<b>Lacking Complete Plumbing Facilities</b>	<b>Lacking Complete Kitchen Facilities</b>
<b>No. Units</b>	0	11	13	13

Source: American Community Survey, 2019-2023 (Table DP04 Selected Housing Characteristics)

### General Population Characteristics

The Borough of Mountain Lakes total population increased overall between 1990 and 2020 by 16 percent. Notably, the population declined from 2000 to 2010, but grew in the past decade. There was more significant population growth in the periods between 1990 through 2000 (i.e., almost 11 percent) and between 2010 and 2020 (i.e., close to 8 percent). In comparison, the County population has steadily increased since 1990, albeit at a decreasing rate. See Table 11, Population, 1990-2020, for more information.

Table 11. Population, 1990-2020

	<b>1990</b>	<b>2000</b>	<b>Percent Change (1990-2000)</b>	<b>2010</b>	<b>Percent Change (2000-2010)</b>	<b>2020</b>	<b>Percent Change (2010-2020)</b>
<b>Mountain Lakes</b>	3,847	4,256	10.6%	4,160	-2.3%	4,472	7.5%
<b>Morris County</b>	421,353	470,212	11.6%	492,276	4.7%	509,285	3.5%

Source: 1990, 2000, 2010, & 2020 U.S. Census

From 2010 through 2020, there were major shifts in the age distribution of Mountain Lakes. The age group of 5 through 14 decreased from 933 persons to 811 persons (i.e., 13 percent). The age group of 15 through 24 increased from 516 to 737 (i.e., close to 43 percent). The biggest total population increase occurred for the age group 15 through 24 as noted above, and the biggest total decrease occurred for the population group 35 through 44 which decreased from 597 to 467 persons (i.e., nearly 22 percent). It should be noted that the population group 55 through 64 also increased by 149 persons (i.e., 30 percent). The median age of the Borough generally remained the same. See Table 12, Comparison of Age Distribution, 2010-2020, for additional details.

Table 12. Comparison of Age Distribution, 2010-2020

Age Group	2010	Percent	2020	Percent	Percent Change
Under 5	200	4.8%	198	4.4%	-1.0%
5-14	933	22.4%	811	18.1%	-13.1%
15-24	516	12.4%	737	16.5%	42.8%
25-34	100	2.4%	206	4.6%	106.0%
35-44	597	14.4%	467	10.4%	-21.8%
45-54	904	21.7%	873	19.5%	-3.4%
55-64	491	11.8%	640	14.3%	30.4%
65-74	247	5.9%	307	6.9%	24.3%
75+	172	4.1%	233	5.2%	35.5%
<b>Total</b>	4160	100.0%	<b>4472</b>	<b>100.0%</b>	-
<b>Median Age</b>	41.8		41.7		-

Source: 2010 and 2020 U.S. Census (2020 - Table DP1 Profile Of General Population And Housing Characteristics)

### Household Characteristics

A household is defined by the U.S. Census Bureau as those persons who occupy a single room or group of rooms constituting a housing unit; however, these persons may or may not be related. As a subset of households, a family is identified as a group of persons including a householder and one or more persons related by blood, marriage or adoption all living in the same household. In 2023, there were 1,418 households in Mountain Lakes, of which 1,217 were family households and 201 were nonfamily households. Approximately 77 percent of the households are comprised of married couples with or without children. The average household size was 3.20 and the average family size was 3.50. (Source: ACS 2019-2023, Table S1101 & S2501).

### Income Characteristics

Households in Mountain Lakes have significantly higher median income than households county-wide. Notably, the vast majority of Mountain Lakes households have incomes of \$150,000 or more (i.e. 80 percent), whereas only 45 percent of Morris County households have the same income level. Table 13, Household Income in the Past 12 Months for Mountain Lakes and Morris County Households, 2023, further illustrates these findings by noting the number of households in each of the income categories.

Table 13. Household Income in the Past 12 Months for Mountain Lakes and Morris County Households, 2023

	Mountain Lakes		Morris County	
	Households	Percent	Households	Percent
<b>Less than \$5,000</b>	28	2.0%	3,659	1.9%
<b>\$5,000 to \$9,999</b>	0	0%	1,630	0.8%
<b>\$10,000 to \$14,999</b>	0	0%	2,711	1.4%
<b>\$15,000 to \$19,999</b>	0	0%	2,423	1.3%
<b>\$20,000 to \$24,999</b>	0	0%	2,975	1.6%
<b>\$25,000 to \$34,999</b>	20	1.4%	7,383	3.8%
<b>\$35,000 to \$49,999</b>	10	0.7%	10,491	5.5%
<b>\$50,000 to \$74,999</b>	74	5.2%	19,409	10.1%
<b>\$75,000 to \$99,999</b>	31	2.2%	19,283	10.1%
<b>\$100,000 to \$149,999</b>	119	8.4%	35,184	18.3%
<b>\$150,000 or more</b>	1,136	80.1%	86,692	45.2%
<b>Total</b>	<b>1,418</b>	<b>100%</b>	<b>191,840</b>	<b>100%</b>
<b>Median Income</b>	<b>250,000+</b>		<b>\$134,929</b>	

Source: American Community Survey, 2019-2023 (Table S2503 Financial Characteristics)

The percentage of persons and households below the poverty level, as defined by the 2023 American Community Survey, equates to just over 1 percent of all Mountain Lakes Residents. This is lower than the County as a whole, wherein 5 percent of County residents were living below the poverty level in 2023. (Source: ACS 2019-2023, Table S1701).

#### Employment Characteristics

Table 14, Employment Status of Mountain Lakes Residents 16 Years and Over, 2023 indicates the number of Borough residents 16 years and over who are in the labor force, the type of labor force (i.e., civilian or armed forces) and employment status. Approximately 66 percent of Mountain Lakes residents 16 and over are in the labor force and among those in the labor force, all are in the civilian labor force. Of the residents in the civilian labor force, approximately 98 percent are employed and approximately 2 percent are unemployed.

Table 14. Employment Status of Mountain Lakes Residents 16 Years and Over, 2023

	Number	Percentage
<b>Population 16 years and over</b>	3,234	-
<b>In Labor Force</b>	2,146	66.4%
<b>Civilian Labor Force</b>	2,146	66.4%
<i>Employed</i>	2,101	65.0%
<i>Unemployed</i>	45	1.4%
<b>Armed Forces</b>	0	0%
<b>Not in Labor Force</b>	1,088	33.6%

Source: American Community Survey, 2019-2023 (Table DP03 Selected Economic Characteristics)

Table 15, Occupation of Civilian Employed Population 16 Years and Over, Mountain Lakes, 2023, identifies the occupations of the employed civilian labor force. While Mountain Lakes residents work in a variety of industries, nearly 79 percent of employed residents work in Management, Business, Science, and Arts-related occupations; close to 10 percent are employed in Sales and Office-related occupations; and 6 percent work in Natural Resources, Construction, and Maintenance-related occupations.

Table 15. Occupation of Civilian Employed Population 16 Years and Over, Mountain Lakes, 2023

<b>Sector Jobs</b>	<b>Number</b>	<b>Percentage</b>
<b>Management, Business, Science, and Arts Occupations</b>	1,649	78.5%
<b>Service</b>	93	4.4%
<b>Sales and Office</b>	208	9.9%
<b>Natural Resources, Construction, and Maintenance</b>	126	6.0%
<b>Production, Transportation, and Material Moving</b>	25	1.2%
<b>Total</b>	<b>2,101</b>	<b>100%</b>

*Source: American Community Survey, 2019-2023 (Table DP03 Selected Economic Characteristics)*

Table 16, Employment by Industry, Civilian Employed Population 16 Years and Over, Mountain Lakes, 2023, shows the distribution of employment by industry for employed Mountain Lakes residents. The three industries to capture the largest segments of the population were the Professional, Scientific, Management, Administrative, and Waste Management Services sector at 23 percent; the Financing, Insurance, Real Estate, Renting, and Leasing sector at 19 percent; and the Educational, Health and Social Services sector at close to 18 percent.

Table 16. Employment by Industry, Civilian Employed Population 16 Years and Over, Mountain Lakes, 2023

<b>Sector Jobs</b>	<b>Number</b>	<b>Percent</b>
<b>Agriculture, Forestry, Fishing and Hunting, and Mining</b>	0	0%
<b>Construction</b>	53	2.5%
<b>Manufacturing</b>	298	14.2%
<b>Wholesale Trade</b>	39	1.9%
<b>Retail Trade</b>	60	2.9%
<b>Transportation and Warehousing, and Utilities</b>	24	1.1%
<b>Information</b>	70	3.3%
<b>Financing, Insurance, Real Estate, Renting, and Leasing</b>	403	19.2%
<b>Professional, Scientific, Management, Administrative, and Waste Management Services</b>	490	23.3%
<b>Educational, Health and Social Services</b>	368	17.5%
<b>Arts, Entertainment, Recreation, Accommodation and Food Services</b>	41	2.0%
<b>Public Administration</b>	70	3.3%
<b>Other</b>	185	8.8%
<b>Total</b>	<b>2,101</b>	<b>100%</b>

Source: American Community Survey, 2019-2023 (Table DP03 Selected Economic Characteristics)

Of employed Borough residents, approximately 87 percent are private wage and salary workers; close to 7 percent are government workers; and 6 percent are self-employed. See Table 17, Class of Worker, Civilian Employed Population 16 Years and Over, Mountain Lakes, 2023, for additional details.

Table 17. Class of Worker, Civilian Employed Population 16 Years and Over, Mountain Lakes, 2023

	<b>Number</b>	<b>Percentage</b>
<b>Private Wage and Salary Workers</b>	1,829	87.1%
<b>Government Workers</b>	136	6.5%
<b>Self-employed in own not incorporated business workers</b>	129	6.1%
<b>Unpaid family workers</b>	7	0.3%
<b>Total</b>	<b>2,101</b>	<b>100%</b>

Source: American Community Survey, 2019-2023 (Table DP03 Selected Economic Characteristics)

According to the US Census’s Longitudinal Employer-Household Dynamics data, there were 3,033 private sector jobs in Mountain Lakes in 2022. The three largest sectors of in-town employment in 2022 were Administration & Support, Waste Management and Remediation; Educational Services; and Professional, Scientific, and Technical Services, contributing 16 percent, approximately 15 percent, and close to 15 percent, respectively. Mountain Lakes also hosts sizeable Other Services (excluding Public Administration) and Health Care and Social

Assistance industries, contributing almost 13 percent and 11 percent respectively. Mountain Lakes increased in the total number of jobs between 2012 and 2022 (i.e., an increase of nearly 19 percent), although briefly decreasing between 2017 and 2022 by approximately 9 percent. The industry which gained the most total jobs between 2012 and 2022 was the Administration & Support, Waste Management and Remediation sector by 454 jobs (i.e. approximately 1195 percent increase). The industry which lost the most total jobs between 2012 and 2022 was the Other Services (excluding Public Administration) sector by 101 jobs (i.e. nearly 21 percent decrease). See Table 18, Private Sector Employment in Mountain Lakes by Industry Sector, 2012, 2017, 2022 for details.

Table 18. Private Sector Employment in Mountain Lakes by Industry Sector, 2012, 2017, 2022

PRIVATE SECTOR JOBS	2012		2017		2022	
	COUNT	SHARE	COUNT	SHARE	COUNT	SHARE
Agriculture, Forestry, Fishing and Hunting, and Mining	0	0.0%	0	0.0%	0	0.0%
Mining, Quarrying, and Oil and Gas Extraction	0	0.0%	0	0.0%	0	0.0%
Utilities	0	0.0%	0	0.0%	0	0.0%
Construction	34	1.3%	8	0.2%	198	6.5%
Manufacturing	126	4.9%	139	4.2%	120	4.0%
Wholesale Trade	81	3.2%	51	1.5%	76	2.5%
Retail Trade	153	6.0%	94	2.8%	66	2.2%
Transportation and Warehousing	4	0.2%	3	0.1%	41	1.4%
Information	83	3.3%	79	2.4%	47	1.5%
Finance and Insurance	60	2.4%	33	1.0%	63	2.1%
Real Estate and Rental and Leasing	31	1.2%	53	1.6%	67	2.2%
Professional, Scientific and Technical Services	315	12.3%	647	19.4%	445	14.7%
Management of Companies and Enterprises	0	0.0%	14	0.4%	8	0.3%
Administration & Support, Waste Management and Remediation	38	1.5%	487	14.6%	492	16.2%
Educational Services	525	20.6%	477	14.3%	446	14.7%
Health Care and Social Assistance	397	15.6%	420	12.6%	329	10.8%
Arts, Entertainment, and Recreation	17	0.7%	9	0.3%	0	0.0%
Accommodation and Food Services	113	4.4%	282	8.4%	173	5.7%
Other Services (Excluding Public Administration)	485	19.0%	469	14.0%	384	12.7%
Public Administration	89	3.5%	76	2.3%	78	2.6%
<b>TOTAL PRIVATE SECTOR</b>	<b>2,551</b>	<b>100.0%</b>	<b>3,341</b>	<b>100.0%</b>	<b>3,033</b>	<b>100.0%</b>

Source: State of New Jersey Department of Labor and Workforce Development Local Employment Dynamics; <http://onthemap.ces.census.gov/>

## Growth Trends and Projections

### RESIDENTIAL TRENDS AND PROJECTIONS

According to the New Jersey Department of Community Affairs, between 2013 and 2023, Mountain Lakes issued certificates of occupancy for 91 housing units, all of which were one- and two-family dwellings. See Table 19, Residential Certificates of Occupancy, 2013-2023, for additional details.

Table 19. Residential Certificates of Occupancy, 2013-2023

	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	Total

<b>1 &amp; 2 Family</b>	7	1	16	13	1	4	3	22	22	2	0	<b>91</b>
<b>Multifamily</b>	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
<b>Mixed Use</b>	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
<b>Total</b>	<b>7</b>	<b>1</b>	<b>16</b>	<b>13</b>	<b>1</b>	<b>4</b>	<b>3</b>	<b>22</b>	<b>22</b>	<b>2</b>	<b>0</b>	<b>91</b>

Source: New Jersey Construction Reporter

Although the Borough has seen the construction of predominantly one-family homes over the last decade, it is projected that there will be some multifamily development in the coming years through redevelopment of sites in the affordable housing overlay zones along Route 46.

#### **NONRESIDENTIAL TRENDS AND PROJECTIONS**

According to the New Jersey Department of Community Affairs, between 2013 and 2023, Mountain Lakes issued certificates of occupancy for a total of ±206,546 square feet of non-residential building space. See Table 20, Non-Residential Certificates of Occupancy, 2013-2023, for additional details. The majority of the non-residential growth can be attributed to:

- 155,836 square feet of institutional space for which a certificate of occupancy was issued in 2021;
- 42,014 square feet of educational space for which a certificate of occupancy was issued in 2020;
- 5,585 square feet of office space for which a certificate of occupancy was issued in 2023.

Table 20. Non-Residential Certificates of Occupancy, 2023

	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	Total
Office	0	0	0	0	0	0	0	0	0	0	5,585	5,585
Retail	0	0	0	0	0	0	0	0	0	0		0
A-1	0	0	0	0	0	0	0	0	0	0		0
A-2	0	0	0	0	0	0	0	0	0	0		0
A-3	0	0	0	0	0	864	0	0	0	0		864
A-4	0	0	0	0	0	0	0	0	0	0		0
A-5	0	0	0	0	0	0	0	0	0	0		0
Multifamily/ Dormitories	0	0	0	0	0	0	0	0	0	0		0
Hotel/ Motel	0	0	0	0	0	0	0	0	0	0		0
Education	0	0	0	0	0	0	0	42,014	0	0		42,014
Industrial	0	0	0	0	0	0	0	0	0	0		0
Hazardous	0	0	0	0	0	0	0	0	0	0		0
Institutional	0	0	0	0	0	0	0	0	155,836	0		155,836
Storage	0	0	0	0	0	0	0	0	0	0		0
Signs, Fences, Utility & Misc.	0	0	0	0	0	0	614	1,134	0	499		2,247
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>864</b>	<b>614</b>	<b>43,148</b>	<b>155,836</b>	<b>499</b>	<b>5,585</b>	<b>206,546</b>

Source: New Jersey Construction Reporter

### Capacity for Growth

Most of Mountain Lakes is served by public water utilities and public wastewater utility systems. However, the Borough is mostly built out and there is very little vacant, environmentally unconstrained land suitable for development. As a result, the Borough is seeking a Vacant Land Adjustment (“VLA”) undertaken on behalf of the Borough of Mountain Lakes pursuant to the rules of N.J.A.C. 5:93-4.2 (see **Appendix A** and **Appendix B**).

Additionally, the Borough will be a Highlands-conforming municipality by June 30, 2025 and is entitled to the statutory benefits associated with Highlands Plan Conformance. Pursuant to the 2024 Highlands Affordable Housing RMP Amendment, conforming municipalities shall implement both the resource protection requirements of the Highlands Regional Master Plan (“RMP”) and provide for a realistic opportunity for a fair share of its region’s needs for housing for low- and moderate-income households. Proposed affordable housing developments in conforming municipalities must therefore be consistent with the RMP Land Use Capability Zone designations while providing for the protection of individual Highlands region resources. As such, the Highlands Council created a Highlands Build-Out Analysis (BOA), to determine parcels eligible for development. This analysis applied a series of conditional determination rules to each parcel, determining, per Highlands standards, if the parcel is developable. The Borough’s VLA conforms to both the standards of N.J.A.C. 5:93-4.2 and the Highlands RMP.

## V. Mountain Lakes Affordable Housing Plan

### Prior Round Obligation (1987-1999)

#### **PRIOR ROUND PROSPECTIVE NEED OBLIGATION AND REALISTIC DEVELOPMENT POTENTIAL**

The Supreme Court in the 2015 Case preserved Prior Round obligations established in N.J.A.C. 5:93 et seq. Mountain Lakes' Prior Round obligation was 80 units. However, COAH granted the Borough a vacant land adjustment lowering the new construction portion of the obligation to the Borough's realistic development potential (RDP) of 18 units with an unmet need of 62 units.

To address its Prior Round obligation, the Borough enacted zoning for the inclusionary "Fusee" site (Block 88, Lots 18.01-18.44) to permit the construction of 34 multifamily dwellings, including six affordable units. These affordable units are complete and the project is known as Legacy at Mountain Lakes. Additionally, the Borough paid for a 12-unit Regional Contribution Agreement ("R.C.A.") with the City of Orange in 1997.

#### **PRIOR ROUND UNMET NEED**

In 1997, to address the remaining "unmet need" Mountain Lakes established a Borough-wide Affordable Housing Overlay Zone to capture future affordable housing (a 20% set aside) from any residential development comprised of five or more units. COAH granted substantive certification to the Borough on March 5, 1997 and the terms and requirements of Prior Round Substantive Certification have been met and zoning addressing the unmet need remains in place.

### Third Round Prospective Need Obligation (1999-2025)

#### **THIRD ROUND PROSPECTIVE NEED OBLIGATION AND REALISTIC DEVELOPMENT POTENTIAL**

Per its executed Third Round Settlement Agreement with FSHC (see **Appendix C**), Mountain Lakes had a Third Round Prospective Need Obligation (1999-2025) of 271 units. Per N.J.A.C. 5:93-4.2, the Borough requested an adjustment to available land capacity, i.e., a vacant land adjustment. Based on the vacant land adjustment for Mountain Lakes, the Borough's Third Round RDP was 17 units. The Third Round unmet need was 254 units (i.e.,  $271-17=254$ ) plus the remaining Prior Round unmet need of 62 units results in a total unmet need of 316 units.

The Borough addressed its Third Round RDP at three inclusionary sites: 2 units at the Fusee site/Legacy at Mountain Lakes (Block 88, Lots 18.01-18.44); 6 affordable family sale units on the King of Kings Backlands Lot (Block 116, Lot 3.0X) developed by Pulte Homes and known as the Enclave at Mountain Lakes; and 4 Medicaid beds at the Sunrise Assisted Living Facility at 1 Bloomfield Avenue (Block 118.04, Lot 2.01).

As part of its Third Round Plan, the Borough implemented an accessory apartment program (See **Appendix D** for details on the accessory apartment program) to encourage residents to establish five units of affordable housing for occupancy by low and moderate income households. However, to date, no homeowners have participated in the program. However, in 2023, four affordable units were developed by GFM Properties at 367 Bloomfield Avenue (Block 9, Lot 3) for very low-income households. The Borough is eligible for 4 rental bonus credits for the 4 units. See **Appendix E** for the deed restriction for 367 Bloomfield Avenue.

All of the projects used by the Borough to address its Prior Round RDP of 18 units and Third Round RDP of 17 units are complete and shown in Table 21, Prior Round and Third Round Compliance with RDP.

Table 21, Prior Round and Third Round Compliance with RDP

<b>PRIOR ROUND RDP (18 Units)</b>					
<u>Affordable Project</u>	<u>Units</u>	<u>Unit Type</u>	<u>Bonus Credits</u>	<u>Total Credits Plus Bonuses</u>	<u>Status</u>
RCA with City of Orange	12	RCA	0	12	Complete
Fusee Site/Legacy at Mountain Lakes	6	Family Sale	0	6	Complete
<i>Total</i>	18		0	18	
<b>THIRD ROUND RDP (17 Units)</b>					
<u>Affordable Project</u>	<u>Units</u>		<u>Anticipated Bonus Credits<sup>1</sup></u>	<u>Total Credits Plus Bonuses<sup>1</sup></u>	
Fusee Site/Legacy at Mountain Lakes	2	Family Sale	0	2	Complete
Enclave at Mountain Lakes/ Block 116/Lots 10-49, formerly Lot 3.0X ("King of Kings site")	6	Family Sale	0	6	Complete
Sunrise Assisted Living /Block 118.04/Lot 2.01 ("1 Bloomfield Avenue")	4	Medicaid Beds	0	4	Complete
367 Bloomfield Avenue (Block 9, Lot 3)	4		4	8	Complete
<i>Total</i>	16		4	20	

Source: Phillips Preiss Grygiel Leheny Hughes LLC

### THIRD ROUND UNMET NEED

Per N.J.A.C. 5:93-4.2, the Borough requested an adjustment to available land capacity, i.e., a vacant land adjustment to address its Prior Round and Third Round Prospective Need Obligations. The unmet need for the Prior Round was 62 units and the unmet need for the Third Round was 254 units. Therefore, the total unmet need was 316 units which was addressed by creating multi-family affordable housing overlay zoning on sites along Route 46 and adopting a mandatory affordable housing set aside ordinance.

The Borough adopted of overlay zoning that allows for inclusionary development on a number of sites within the municipality Table 22, Overlay Zones lists these sites. The overlay zones permit multi-family affordable housing at a density of 14 dwelling units per acre with a 15 percent set-aside in the event of rental units and a 20 percent set-aside in the event of for-sale units. The sites were selected for several reasons. First, they encompass the OL-zoned lands along the north side of Route 46 which are of a significant size and depth to accommodate residential development. Second, the neighborhoods immediately to the north of these lots are predominantly residential. Finally, these overlay zoning sites are outside the Mountain Lakes Historic District and are intended to have no adverse impact on the historic district or the historic character of the community. The overlay placed in the OL-1 zone is the Office and Light Industrial Zone OL-1/Multifamily Affordable Housing Overlay (OL-1/MF-AHO); and the overlay placed in the OL-2 zone is the Office and Light Industrial Zone OL-2/Multifamily Affordable Housing Overlay (OL-2/MF-AHO). See **Appendix F** for the adopted overlay zone ordinances.

Table 22. Overlay Zones

Block	Lot	Address	Zone	Acreage	Density (dwelling units/ acre)	Total Units	Set-Aside (%)	Potential Affordable Units
7	7	333 Route 46	OL-1/ MF-AHO	16.2	14	226	15/20	34/45
7	8	415 Boulevard	OL-2/ MF-AHO	3.04	14	42	15/20	6/8
7	9	425 Boulevard	OL-2/ MF-AHO	1.8	14	25	15/20	4/5
6	14	420 Boulevard	OL-2/ MF-AHO	5.87	14	82	15/20	12/16
116	5.01-5.52	115 Route 46	OL-2/ MF-AHO	5.5	14	77	15/20	12/15
116	6	105 Route 46	OL-2/ MF-AHO	11.7	14	164	15/20	25/33
								<b>93/122</b>

The Borough also adopted an ordinance requiring a mandatory affordable set-aside for all new multifamily residential developments of five units or more created through any municipal rezoning; Zoning Board of Adjustment use or density variance; redevelopment plan or rehabilitation plan providing for redevelopment. This does not give any developer the right to any such rezoning, variance or other relief, or establish any obligation on the part of Mountain Lakes to grant such rezoning, variance or other relief. The set aside for rental developments shall be fifteen percent and the set aside for for-sale developments shall be twenty percent. The provisions of the ordinance shall not apply to residential expansions, additions, renovations, replacement, or any other type of residential development that does not result in a net increase in the number of dwellings of five or more. See **Appendix G** for a proposed revised Affordable Housing Ordinance which includes the existing mandatory set-aside but has been updated to reflect the December 2024 revisions to the Uniform Housing Affordability Controls.

#### Fourth Round Obligation (2025-2035)

DCA proposed non-binding Prospective Need obligation released on October 20, 2024 for Mountain Lakes was 267 units. Pursuant to the Amended FHA, on January 27, 2025 the Borough Council adopted a binding resolution (Resolution #76-25) adopting the Borough’s Fair Share Affordable Housing Obligation for the Fourth Round. The resolution stated the Borough’s affordable housing obligations for the Fourth Round to include a Present Need of 0 units and a Prospective Need of 146 units. Subsequently, the Borough filed its resolution of participation before the Affordable Housing Dispute Resolution Program (the “Program”) on January 28, 2025 (Docket No. MRS-L-244-25), in accordance with the requirements of N.J.S.A. 52:27D-301, et seq, and the timeframes set forth in Directive #14-24.

In accordance with the timeframes set forth in the Amended FHA and the Directive, FSHC filed an objection to Mountain Lakes’ resolution on February 28, 2025 contending that the Borough improperly calculated its Prospective Need obligations and should be required to utilize the calculation prepared by FSHC in its February 28, 2025 report, setting the Prospective Need obligation at 234.

The Borough and FSHC engaged in the mediation process provided by the Program and conferred and reached an accord setting forth Mountain Lakes’ Fourth Round fair share obligation as follows (**Appendix H** provides a copy of the signed Mediation Agreement between the Borough and FSHC):

- **Present Need – 0 units**
- **Prospective Need – 190 units**

## **REHABILITATION (PRESENT NEED) OBLIGATION**

Present need, also known as the rehabilitation obligation, is defined as the number of substandard existing deficient housing units in the municipality currently occupied by low- and moderate-income (LMI) households. The DCA proposed a non-binding Present Need obligation for Mountain Lakes of 0. The Borough of Mountain Lakes has accepted this obligation and included it in its binding resolution submitted to the Program by January 31, 2025. The rehabilitation obligation was not challenged by Fair Share Housing Center which agreed in the Mediation Agreement that the obligation was 0.

Although the Borough does not have a rehabilitation obligation, Mountain Lakes will continue to participate in programs such as the Morris County Community Development Program. The Morris County Community Development Program is funded through the U.S. Department of Housing and Urban Development (HUD). This program is a cooperative effort of the federal government through the Morris County Board of Chosen Freeholders and 37 municipalities to meet housing and neighborhood needs throughout the County.

## **FOURTH ROUND PROSPECTIVE NEED OBLIGATION AND REALISTIC DEVELOPMENT POTENTIAL**

There is limited land in the Borough that is vacant or otherwise developable for affordable and/or inclusionary housing. This is largely due to numerous identified public/vacant parcels which are either environmentally constrained (i.e., wetlands, steep slopes, water bodies, and/or flood hazard areas) or are public open space and recreation lands. As a result, the Borough is seeking a Vacant Land Adjustment (“VLA”) analysis undertaken on behalf of the Borough of Mountain Lakes pursuant to the rules of N.J.A.C. 5:93-4.2.

Mountain Lakes remains committed to meeting its constitutional obligation to provide, through its land use regulations, a realistic opportunity for a fair share of the region’s present and prospective needs for housing for low- and moderate-income families. The Borough will be a Highlands-conforming municipality by June 30, 2025 and is entitled to the statutory benefits associated with Highlands Plan Conformance. Pursuant to the 2024 Highlands Affordable Housing RMP Amendment, conforming municipalities shall implement both the resource protection requirements of the Highlands Regional Master Plan (“RMP”) and provide for a realistic opportunity for a fair share of its region’s needs for housing for low- and moderate-income households. Proposed affordable housing developments in conforming municipalities must therefore be consistent with the RMP Land Use Capability Zone designations while providing for the protection of individual Highlands region resources. As such, the Highlands Council created a Highlands Build-Out Analysis (BOA), to determine parcels eligible for development. This analysis applied a series of conditional determination rules to each parcel, determining, per Highlands standards, if the parcel is developable. The Borough’s VLA conforms to both the standards of N.J.A.C. 5:93-4.2 and the Highlands RMP. See **Appendix A** for an explanation of the VLA methodology. **Appendix B** provides an inventory of each parcel analyzed and an explanation for why it was excluded. Appendix B also includes maps showing the locations of the parcels inventoried and maps of their respective constraints.

Based on the Highlands Build-Out Analysis and the provisions of N.J.A.C. 5:93-4.2, Mountain Lakes VLA indicates that approximately approximately  $\pm 0$ -acres exist within the Borough are suitable for inclusionary multifamily residential development, as such the Borough has a **RDP of 0 units**.

## **PROPOSED FOURTH ROUND COMPLIANCE MECHANISMS**

Although the Borough has a RDP of 0 units, the Borough intends to expand its overlay zoning by creating a new overlay zone on Block 118.04/Lot 1. The parcel is approximately 5.44-acres and is located at 49 Bloomfield Avenue. It has frontage on a portion of Bloomfield Avenue leading to Route 46 westbound and is accessed from a separate portion of Bloomfield Avenue which runs behind Sunrise Assisted Living. It is currently improved with a 2-story office building constructed in 1980 and associated surface parking lot.

The overlay zone will permit the option to redevelop the site for townhouses and/or stacked townhouses at a density of 14 dwelling units per acre and a 20 percent affordable housing set aside. The zoning has the potential to provide up to 15 affordable housing units. The zoning requires that any affordable units comply with the Uniform Housing Affordability Controls at N.J.A.C. 5:80-26.1, as amended.

The site is currently mostly developed and Highlands conformance is not expected to inhibit the ability to redevelop the site for townhouses and/or stacked townhouses. The site is suitable, developable, and approvable for affordable housing as it has access to appropriate streets, is adjacent to other multi-family uses including the townhouses on Sherwood Drive and Sunrise Assisted Living, has adequate sewer and water capacity and infrastructure, and can be developed in accordance with the Residential Site Improvement Standards ("RSIS").

Draft zoning for this overlay is provided in the **Appendix I. Figure 1** shows an aerial location map of the proposed overlay.



**Figure 1: Proposed New Overlay Zone for 49 Bloomfield Avenue/Block 118.04, Lot 1**

## VI. Appendixes:

**Appendix A:** Highlands Build-Out Analysis & Vacant Land Adjustment Methodology

**Appendix B:** Inventory and Maps of Parcels Investigated in Build-Out Analysis and Vacant Land Adjustment

**Appendix C:** Third Round Settlement Agreement

**Appendix D:** Existing Accessory Apartment Zoning

**Appendix E:** Deed Restrictions on Affordability for Block 9, Lot 3/ 367 Bloomfield Avenue

**Appendix F:** Existing Adopted Overlay Zones

**Appendix G:** Proposed Revisions to Affordable Housing Ordinance

**Appendix H:** Mediation Agreement with FSHC on Fourth Round Obligation

**Appendix I:** Proposed New Overlay Zone on Block 118.04, Lot 1/49 Bloomfield Avenue

**Appendix J:** Proposed Revisions to Development Fee Ordinance

**Appendix K:** Adopted Affirmative Marketing Plan

**Appendix L:** Resolution Appointing Administrative Agent

**Appendix M:** Spending Plan

# **Appendix A: Highlands Build-Out Analysis & Vacant Land Adjustment Methodology**

# Highlands Build-Out Analysis & Vacant Land Adjustment Analysis Methodology

## Introduction

The Borough of Mountain Lakes seeks an adjustment of its prospective need obligation for the Fourth Round based on a lack of vacant land. Per P.L.2024, c.2 (C.52:27D-310.1), when computing a municipal adjustment regarding available land resources as part of the determination of a municipality's fair share of affordable housing, the municipality, may exclude the following vacant land:

(a) any land that is owned by a local government entity that as of January 1, 1997, has adopted, prior to the institution of a lawsuit seeking a builder's remedy or prior to the filing of a petition for substantive certification of a housing element and fair share plan, a resolution authorizing an execution of agreement that the land be utilized for a public purpose other than housing;

(b) any land listed on a master plan of a municipality as being dedicated, by easement or otherwise, for purposes of conservation, park lands or open space and which is owned, leased, licensed, or in any manner operated by a county, municipality or tax-exempt, nonprofit organization including a local board of education, or by more than one municipality by joint agreement pursuant to P.L.1964, c.185 (C.40:61-35.1 et seq.), for so long as the entity maintains such ownership, lease, license, or operational control of such land;

(c) any vacant contiguous parcels of land in private ownership of a size which would accommodate fewer than five housing units based on appropriate standards pertaining to housing density;

(d) historic and architecturally important sites listed on the State Register of Historic Places or National Register of Historic Places prior to the date of filing a housing element and fair share plan pursuant to section 3 of P.L.2024, c.2 (C.52:27D-304.1) or initiation of an action pursuant to section 13 of P.L.1985, c.222 (C.52:27D-313);

(e) agricultural lands when the development rights to these lands have been purchased or restricted by covenant;

(f) sites designated for active recreation that are designated for recreational purposes in the municipal master plan; and

(g) environmentally sensitive lands where development is prohibited by any State or federal agency, including, but not limited to, the Highlands Water Protection and Planning Council, established pursuant to section 4 of P.L.2004, c.120 (C.13:20-4), for lands in the Highlands Preservation Area, and lands in the Highlands Planning Area for Highlands -conforming municipalities.

No municipality shall be required to utilize for affordable housing purposes land that is excluded from being designated as vacant land.

The Borough is seeking an adjustment adjustment of its prospective need obligations for the Fourth Round based on a lack of vacant land pursuant to P.L.2024, c.2 (C.52:27D-304.1) including P.L.2024, c.2 (C.52:27D-304.1(g)).

The Borough of Mountain Lakes is entitled to the statutory benefits associated with Highlands Plan Conformance as detailed in the Highlands Act, the Regional Master Plan (“RMP”), and the Plan Conformance Procedures in Addendum 2019-2. On April 18, 2024, the Highlands Council adopted an amendment to the RMP entitled Highlands Affordable Housing RMP Amendment. The amendment provides standards based on the RMP and the Fair Housing Act as to where it is appropriate to locate affordable housing based on the Goals, Policies and Objectives of the RMP. Policy 607 of the RMP requires that conforming municipalities implement both the resource protection requirements of the RMP and provide for a realistic opportunity for a fair share of its region’s needs for housing for low- and moderate-income households. Proposed affordable housing developments in conforming municipalities must therefore be consistent with the RMP Land Use Capability Zone (“LUCZ”) designations while providing for the protection of individual Highlands region resources. As such, the Highlands Council created a Highlands Build-Out Analysis (BOA), to determine parcels eligible for development. This analysis applied a series of conditional determination rules to each parcel, determining, per Highlands’ standards, if the parcel is developable. These rules reflect the policies and standards in the 2024 Highlands Affordable Housing RMP Amendment.

The Highlands Council conducted a Build-Out Analysis for Mountain Lakes which was reviewed by the Borough and used as a basis for the Borough to seek a Vacant Land Adjustment pursuant to P.L.2024, c.2 (C.52:27D-304.1). The Highlands Build-Out Analysis steps are summarized below as are the steps used by the Borough to conduct a Vacant Land Adjustment.

## Highlands Build-Out Analysis

### METHODOLOGY

**Step 1.** The Highlands Build-Out analysis update process begins with the inclusion of all parcels within the municipality, using the 2024 statewide parcel data layer. Any missing data was flagged and the Borough subsequently provided the data to the Highlands Council.

**Step 2.** The Highlands identified developable parcels. This involved including all of the following parcels identified as being vacant, underdeveloped, and eligible for development, specifically:

- Parcels with MODIV property class code 1 and 3B; or
- Parcels with a public or other MODIV property class code 15C or 15F where 0.83 acres or greater is available for development after the existing building footprint area (Microsoft, 2018) is subtracted from the maximum building coverage (based on the maximum building coverage percentage permitted by local zoning); or
- Parcel with a public or other MODIV property class code 15C or 15F where 0.83 acres or greater is available for development after the existing impervious surface area is subtracted from the maximum impervious surface lot coverage (based on the impervious lot coverage percentage permitted by local zoning).

**Step 3.** Next, the Highlands identified non-developable parcels. This involved excluding all parcels that met the following criteria:

- Any parcels identified as developable above but were subsequently determined to be developed, not vacant, or otherwise ineligible for development;
- Parcels with over 95% open water; or
- Parcels over 0.83 acre in area which are 95% preserved; or
- Parcels 95% in the Preservation Area; or
- Parcels with MODIV property class 2 or 3A and 3b combined; or
- Parcels with MODIV property class codes 4A, 4B, 4C, 15A, 15B, 15D, 15E; or
- Parcels with a public or other MODIV property class code 15C or 15F where 0.83 acres or less is available for development after the existing building footprint area (Microsoft, 2018) is subtracted from the maximum building coverage (based on the maximum building coverage percentage permitted by local zoning); or
- Parcel with a public or other MODIV property class code 15C or 15F where 0.83 acres or less is available for development after the existing impervious surface area is subtracted from the maximum impervious surface lot coverage (based on the impervious lot coverage percentage permitted by local zoning).

**Step 4.** Next, the Highlands assigned a septic density to each parcel. Where developable lots are not assigned a septic density, they were assumed to be able to be serviced by public wastewater. The following criteria were used:

- Sewer: Where a parcel was more than 5% or has more than 2,500 sq. ft. in a sewer service area, it is identified as being sewer eligible.
- Septic: Where a parcel is outside a sewer service area (less than 5% or 2,500 sq. ft. in a sewer service area) or the parcel contains any amount of Conservation and/or Protection Zone (based on the 2024 LUCZ).
- Additionally, the Highlands BOA eliminated parcels with a combined septic density greater than 0 units, but less than 5 units.

**Step 5.** Next, the Highlands identified Highlands resource constraints and overlaid them on each parcel. Where the overlaid resources left less than 0.83 acres developable area on a parcel, the parcel was considered not developable. The constraints used were based on the Highlands Affordable Housing RMP Amendment (2024) and include the following:

- Highlands Open Water and associated Highlands Open Water Buffers;
- Prime Groundwater Recharge Areas (or Municipally Important Groundwater Recharge Areas, as adopted);
- Severe Steep Slopes (20%+ slopes);
- Critical Habitat;
- Vernal Pools and associated 300-meter buffer;
- Natural Heritage Priority Sites; and/or
- Special Environmental Zone.

**Step 6.** The final output of the build-out update includes a dataset of 2024 parcels (Parcels and MOD-IV Composite of NJ downloaded from NJ-Office of Information Technology) with all the input information

used by the Highlands Council to determine the eligibility for development, as well as a related table of the rules, constraints, and determinations used to identify the development status of each parcel. Parcels that meet the conditions of a rule are assigned a related rule record in the Build-Out Rules table. See Appendix A Table 1. Highlands Build-Out Analysis Rules for a list of the rules applied to exclude parcels in Mountain Lakes. Exclusion Parcels can have multiple rules applied. A final determination of a parcel's eligibility for development is made using the full set of related determination rules.

The NJ Highlands Resource Protection Standards are measured and applied to their intersecting parcels using a geometric union to estimate the total combined acreage of constrained and developable lands. Parcels where the combined acreage of constrained resources leaves less than 0.83 acres of unconstrained land were considered totally constrained and excluded using rule (607) TOTALLY CONSTRAINED.

A final development determination is made after all the determination rules have been checked for and applied to every qualifying parcel. The final determination is made parcel-by-parcel, using the following criteria:

- **YES** Parcels with at least one INCLUDE rule (and no EXCLUDE or MISSING rules) are considered potentially non-vacant or underdeveloped and therefore eligible for further development.
- **NO** Parcels with a single EXCLUDE rule are considered non-vacant, developed, or ineligible for development.

Mountain Lakes then reviewed the Build-Out Analysis data, and provided any input to the Highlands Council who then returned to the Borough a spreadsheet and GIS data to aid in the completion of the Build-Out Analysis report. The spreadsheet indicates the following:

- Parcels that can support development of 5 units or more and have a net developable acreage of 0.83 acres or greater.
- Parcels that can be serviced by public wastewater or via on-site septic systems.
- A maximum residential unit septic density for parcels identified as developable that are to be serviced by one-site septic systems.
- Where parcels are to be serviced by public wastewater, the municipality determines the supportable density for each parcel. A minimum presumptive density of 6 units per acre based on developable acreage is assumed, which may be adjusted based on surrounding land uses. The presumptive density shall not exceed the available net water availability for the

The Build-Out Analysis determined that no parcels in Mountain Lakes met the above criteria.

Appendix A Table 1. Highlands Build-Out Analysis Rules for Exclusion

Code	Rule	Description
401	OPEN WATER	Parcels that are over 95% Open Water
402	PRESERVED	Parcels that are larger than 1 acre and are over 95% preserved
403	PRESERVATION AREA	Parcels that are 95% within the NJ Highlands Preservation Area
404	RESIDENTIAL DEVELOPED	Parcels where the following is a MODIV property class of: <ul style="list-style-type: none"> <li>• 2- Residential; or</li> <li>• 3A- Farm (Regular)</li> </ul>
405	EXCLUDE RAILROAD (5A, 5B)	Parcels with one of the following MODIV property classes: <ul style="list-style-type: none"> <li>• 5A- Class I Railroad Property</li> <li>• 5B- Class II Railroad Property</li> </ul>
406	PUBLIC EXCLUDE (15A, 15B, 15D, 15E)	Parcels with one of the following MODIV property classes: <ul style="list-style-type: none"> <li>• 15A- Public School Property</li> <li>• 15B- Other School Property</li> <li>• 15D- Church and Charitable Property</li> <li>• 15D- Cemeteries and Graveyards</li> </ul>
407	PUBLIC DEVELOPED BLD COV	Parcels with all of the following: <ul style="list-style-type: none"> <li>• A MODIV property class of: <ul style="list-style-type: none"> <li>○ 15C- Public Property; or</li> <li>○ 15F- Other Exempt</li> </ul> </li> <li>• A ZONE_BLDG_COVERAGE acreage, minus 0.83 acres reserved as available for development less than the acreage of all existing buildings detected on the parcel using Microsoft Building Footprints</li> </ul>
408	PUBLIC DEVELOPED LOT/IS COV	Parcels with all of the following: <ul style="list-style-type: none"> <li>• A MODIV property class of: <ul style="list-style-type: none"> <li>○ 15C- Public Property; or</li> <li>○ 15F- Other Exempt</li> </ul> </li> <li>• A ONE_BLDG_COVERAGE acreage, minus 0.83 acres reserved as available for development less than the acreage of all existing impervious coverage surfaces detected on the parcel using Highlands Impervious Surfaces</li> </ul>
504	INSUFFICIENT SEPTIC DENSITY THRESHOLD (<5 UNITS)	Parcels with both the following: <ul style="list-style-type: none"> <li>• <b>Combined Septic Density</b> is greater than zero (&gt;0 units)</li> <li>• <b>Combined Septic Density</b> is less than five (&lt;5 units)</li> </ul>
607	TOTALLY CONSTRAINED	Parcels where resource constraints cover the entire parcel, leaving less than 0.83 acres of developable land.

Source: Highlands Municipal Build-Out Update Prepared by the Highlands Water Protection and Planning Council in support of the Highlands Regional Master Plan; November 1, 2024.

### Vacant Land Analysis

The Build-Out Analysis formed the basis of the Borough’s Vacant Land Adjustment (“VLA”) analysis undertaken pursuant to P.L.2024, c.2 (C.52:27D-304.1). The VLA augments the results of the Build-Out analysis with additional parcel specific information used to substantiate the exclusion of parcels based on the Amended FHA. Specifically, C.52:27D-304.1:

- (b) any land listed on a master plan of a municipality as being dedicated, by easement or otherwise, for purposes of conservation, park lands or open space and which is owned, leased, licensed, or in any manner operated by a county, municipality or tax-exempt, nonprofit organization including a local board of education, or by more than one municipality by joint agreement pursuant to P.L.1964, c.185 (C.40:61-35.1 et seq.), for so long as the entity maintains such ownership, lease, license, or operational control of such land;

(d) historic and architecturally important sites listed on the State Register of Historic Places or National Register of Historic Places prior to the date of filing a housing element and fair share plan pursuant to section 3 of P.L.2024, c.2 (C.52:27D-304.1) or initiation of an action pursuant to section 13 of P.L.1985, c.222 (C.52:27D-313);

(f) sites designated for active recreation that are designated for recreational purposes in the municipal master plan; and

#### Summary of Build-Out Analysis and Vacant Land Adjustment

Based on both the Build-Out analysis and the Vacant Land Adjustment analysis, Mountain Lakes currently has **zero parcels** within its boundaries suitable for development of affordable housing. See **Appendix B** for a list of all properties inventoried and maps showing their locations and environmental and/or Highlands' area constraints.

**Appendix B:** Inventory and Maps of Parcels Investigated in Build-Out Analysis and Vacant Land Adjustment

Block	Lot	Property Class	Property Location	Owner Name	Zone	Lot Acreage	Total Constrained Acreage	Remaining Acreage	Percent within Sewer Service Area	LUCZ Existing Community Zone Acreage	Highlands Developable Designation	Developable Acreage	Highlands Constraint Notes	VLA CONCLUSION
1	2	15C	099 MIDVALE RD	MOUNTAIN LAKES BOROUGH	R-A	20.283	14.952	5.331	99.878	13.365	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED Developed with NJ Transit Station & Train Tracks	Property devoted to Community Purposes (Train Station) in master plan adopted 10/24/2013.
2	8	1	382 ROUTE 46	46 PROPERTIES LLC	B	0.230	0.230	0.000	93.637	0.000	NO	0.000	(607) TOTALLY CONSTRAINED	Property located entirely within open water protection area and vernal pool 300m buffer area.
4	22.01	15C	000 BLOOMFIELD AVE	MOUNTAIN LAKES BOROUGH	B	1.203	1.203	0.000	100.000	1.203	NO	0.000	(408) PUBLIC DEVELOPED BLD COV (607) TOTALLY CONSTRAINED	Steep slopes and wetlands present; located entirely within open water protection area.
4	2.01	1	000 ROUTE 46	PINNACLE BUILDING GROUP LLC	B	0.339	0.339	0.000	100.000	0.000	NO	0.000	(607) TOTALLY CONSTRAINED	Property located partially within open water protection area and entirely within vernal pool 300m buffer area.
5	1.01	1	000 BLOOMFIELD AVE	HADDAD GROUP LLC	B	1.769	1.769	0.000	100.000	1.769	NO	0.000	(607) TOTALLY CONSTRAINED	Wetlands and steep slopes encompass entire property.
6	1	15C	090 CRANE AVE	MOUNTAIN LAKES BOROUGH	R-A	0.838	0.838	0.000	0.892	0.838	NO	0.000	(504) INSUFFICIENT SEPTIC DENSITY THRESHOLD (<5 UNITS) (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present; located entirely within open water protection area.
6	12	15C	040 POCONO RD	MOUNTAIN LAKES BOROUGH	OL-2	21.382	21.382	0.000	1.368	3.846	NO	0.000	(402) PRESERVED (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes and wetlands present.
6	15	15C	410 BLVD	MOUNTAIN LAKES BOROUGH	OL-2	4.375	4.375	0.000	0.477	0.000	NO	0.000	(402) PRESERVED (504) INSUFFICIENT SEPTIC DENSITY THRESHOLD (<5 UNITS) (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes and wetlands present; located entirely within open water protection area.
9	1	15C	000 BLOOMFIELD AVE	MOUNTAIN LAKES BOROUGH	R-1	0.054	0.054	0.000	100.000	0.000	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present; located entirely within open water protection area and vernal pool 300m buffer area.
9	3	1	367 BLOOMFIELD AVE	GFM PROPERTIES INC	R-1	1.228	1.197	0.031	100.000	0.000	NO	0.000	(607) TOTALLY CONSTRAINED	Steep slopes lie along northern, eastern, and western boundaries and lot is partially within open water protection area; remaining acreage < 0.83 acres.
9	22	15C	008 FERNWOOD TRL	MOUNTAIN LAKES BOROUGH	R-1	0.447	0.447	0.000	100.000	0.447	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes are present and lot is partially within open water protection area.
9	21	1	000 FERNWOOD TRL	DALTON, THOMAS R & GLORIA F	R-1	0.232	0.193	0.039	100.000	0.232	NO	0.000	(607) TOTALLY CONSTRAINED	Steep slopes are present and lot is partially within open water protection area; remaining acreage < 0.83 acres.
9	13	15C	000 LAKEWOOD DR	BOROUGH OF MOUNTAIN LAKES	R-1	0.115	0.115	0.000	100.000	0.000	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present and lot entirely within open water protection area.
9	14	15C	014 LAKEWOOD DR	MOUNTAIN LAKES BOROUGH	R-1	0.329	0.329	0.000	100.000	0.000	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present and lot entirely within open water protection area.
12	1	1	000 GREAT BAY	LAKE ARROWHEAD CLUB	R-1	2.251	2.251	0.000	11.916	0.000	NO	0.000	(402) PRESERVED (607) TOTALLY CONSTRAINED	Steep slopes are present and lot is entirely within open water protection area.
12.01	1	1	000 BAY OF DEEP WATERS	LAKE ARROWHEAD CLUB	R-1	2.632	2.632	0.000	12.405	0.000	NO	0.000	(402) PRESERVED (607) TOTALLY CONSTRAINED	Steep slopes are present and lot is entirely within open water protection area.
15	5	15C	025 LAURELWOOD DR	MOUNTAIN LAKES BOROUGH	R-1	0.589	0.589	0.000	100.000	0.000	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present and lot almost entirely within open water protection area.
17	3	1	017 LAURELWOOD DR	EADES, JEFFREY/AMY	R-1	0.157	0.157	0.000	84.971	0.000	NO	0.000	(607) TOTALLY CONSTRAINED	Steep slopes are present and lot is entirely within open water protection area.
17	12	3B	000 LAURELWOOD DR	SCHWARZ, OLGA R/MILDRED ANN	R-1	0.403	0.403	0.000	79.608	0.000	NO	0.000	(607) TOTALLY CONSTRAINED	Steep slopes are present and lot is entirely within open water protection area.
17	16	15C	032 LAURELWOOD DR	MOUNTAIN LAKES BOROUGH	R-1	0.227	0.227	0.000	16.467	0.000	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present and lot entirely within open water protection area.
19	5	3B	000 NORTH POCONO RD	SCHWARZ, OLGA R/MILDRED ANN	RC-2	8.956	8.956	0.001	3.484	0.000	NO	0.000	(607) TOTALLY CONSTRAINED	Steep slopes and wetlands distributed across the lot and the entire lot is within the open water protection area.
19	7	1	006 LAURELWOOD DR REAR	LIUBIN & SHI, SHUANGPING	R-A	0.312	0.217	0.095	98.084	0.000	NO	0.000	(607) TOTALLY CONSTRAINED	Lot almost entirely within open water protection area; remaining acreage < 0.83 acres.
20	6	1	055 LAURELWOOD DR	MC GVERN, SEAN/NICOLE	R-1	0.313	0.307	0.006	100.001	0.313	NO	0.000	(607) TOTALLY CONSTRAINED	Steep slopes present and lot almost entirely within open water protection area; remaining acreage < 0.83 acres.
20	10	1	094 NORTH POCONO RD	TITZE, CHRISTOPHER & CAGGIANO,CARLA	R-A	0.144	0.106	0.038	100.005	0.144	NO	0.000	(607) TOTALLY CONSTRAINED	Lot almost entirely encompassed by steep slopes; remaining acreage < 0.83 acres.
21	40	15C	000 DORIAN RD	BOROUGH OF MOUNTAIN LAKES	R-A	0.498	0.407	0.091	100.000	0.000	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013.
21	41	15C	055 POCONO RD	MOUNTAIN LAKES BOROUGH	R-A	0.392	0.392	0.000	100.000	0.000	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; lot contains steep slopes and is entirely within open water protection area.
21	33	15C	008 CRANE RD	MOUNTAIN LAKES BOROUGH	R-A	0.373	0.330	0.043	100.000	0.000	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; lot is entirely within open water protection area.
21	38	15C	400 BOULEVARD & POCONO RD	MOUNTAIN LAKES BOROUGH	R-A	20.001	19.673	0.328	100.000	0.000	NO	0.000	(607) TOTALLY CONSTRAINED	Steep slopes and wetlands distributed across the lot and the entire lot is within the open water protection area; remaining acreage < 0.83 acres.
21	37	15C	002 CRANE RD	MOUNTAIN LAKES BOROUGH	R-A	0.289	0.289	0.000	100.000	0.000	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present and lot is entirely within open water protection area.
22	20	15C	401 EAST SHORE RD	MOUNTAIN LAKES BOROUGH	R-A	1.948	1.341	0.606	100.000	0.000	NO	0.000	(402) PRESERVED (409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present and lot is almost entirely within open water protection area.
22	10.01	15C	160 EAST SHORE RD	MOUNTAIN LAKES BOROUGH	R-A	2.558	2.558	0.000	100.000	0.000	NO	0.000	(402) PRESERVED (409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes and wetlands present and lot is entirely within open water protection area.

23	56	15C	049 NORTH POCONO RD	MOUNTAIN LAKES BOROUGH	C	0.562	0.562	0.000	32.085	0.000	NO	0.000	(607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; lot is entirely encompassed by wetlands and within open water protection area.
23	55	3B	000 NORTH POCONO RD	SCHWARZ, OLGA R/MILDRED ANN	R-AA	0.276	0.276	0.000	0.000	0.000	NO	0.000	(504) INSUFFICIENT SEPTIC DENSITY THRESHOLD (<S UNITS) (607) TOTALLY CONSTRAINED	Entire lot is encompassed by wetlands and is within open water protection area.
23	39	15C	002 EAST SHORE RD	MOUNTAIN LAKES BOROUGH	C	3.978	3.978	0.000	0.000	0.000	NO	0.000	(402) PRESERVED (409) PUBLIC DEVELOPED LOT/IS COV (504) INSUFFICIENT SEPTIC DENSITY THRESHOLD (<S UNITS) (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes and wetlands present and lot is entirely within open water protection area.
23	71	15C	025 NORTH POCONO RD	MOUNTAIN LAKES BOROUGH	R-A	0.158	0.158	0.000	79.286	0.000	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; lot is entirely within open water protection area.
24	1	15C	079 NORTH POCONO RD	MOUNTAIN LAKES BOROUGH	C	8.592	7.016	1.576	0.121	0.000	NO	0.000	(402) PRESERVED (504) INSUFFICIENT SEPTIC DENSITY THRESHOLD (<S UNITS)	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013 (Lyman Wilson Memorial Park); steep slopes present and partially within open water protection area.
24	12	1	000 NORTH POCONO RD	BUCKINGHAM, MICHAEL M/ANDREA P	R-AA	0.115	0.000	0.115	100.007	0.115	NO	0.000	(607) TOTALLY CONSTRAINED	Steep slopes present; remaining acreage < 0.83 acres.
24	4	1	000 NORTH POCONO RD	BARTUNG, ALINE E	R-AA	0.671	0.454	0.216	100.000	0.000	NO	0.000	(607) TOTALLY CONSTRAINED	Steep slopes present; remaining acreage < 0.83 acres.
26	1	15C	000 RATTLESNAKE MEADOW	MOUNTAIN LAKES BOROUGH	C	88.838	88.838	0.000	0.000	0.000	NO	0.000	(402) PRESERVED (504) INSUFFICIENT SEPTIC DENSITY THRESHOLD (<S UNITS) (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013 (Richard M. Wilcox Park); steep slopes and wetlands present throughout the property.
27	4	15C	033 CRESTVIEW RD	MOUNTAIN LAKES BOROUGH	C	2.436	2.431	0.004	2.366	2.436	NO	0.000	(402) PRESERVED (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present.
27	26	15C	000 CRESTVIEW RD	MOUNTAIN LAKES BOROUGH	C	5.869	5.869	0.000	0.004	0.000	NO	0.000	(402) PRESERVED (504) INSUFFICIENT SEPTIC DENSITY THRESHOLD (<S UNITS) (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013 (Richard M. Wilcox Park); steep slopes and wetlands present throughout the property and entire property within open water protection area.
27	16	15C	000 CRESTVIEW RD	MORRIS COUNTY PK COMMISSION	R-AA	15.281	15.225	0.056	0.857	1.812	NO	0.000	(402) PRESERVED (504) INSUFFICIENT SEPTIC DENSITY THRESHOLD (<S UNITS) (607) TOTALLY CONSTRAINED	Property within Highlands Scenic Resource Area; portion of Tourne County Park.
28	13	15C	000 CRESTVIEW RD	MORRIS COUNTY PK COMMISSION	C	3.947	3.945	0.002	0.000	0.000	NO	0.000	(402) PRESERVED (504) INSUFFICIENT SEPTIC DENSITY THRESHOLD (<S UNITS) (607) TOTALLY CONSTRAINED	Property within Highlands Scenic Resource Area; portion of Tourne County Park; steep slopes present and partially within open water protection area.
28	9	15C	000 CRESTVIEW RD	MOUNTAIN LAKES BOROUGH	C	26.181	26.095	0.086	3.627	0.000	NO	0.000	(402) PRESERVED (504) INSUFFICIENT SEPTIC DENSITY THRESHOLD (<S UNITS) (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013 (Richard M. Wilcox Park); steep slopes present throughout the property and property partially within open water protection area and vernal pool 300m protection buffer.
29	1	15C	049 WEST SHORE RD	MOUNTAIN LAKES BOROUGH	C	12.760	12.760	0.000	14.392	0.000	NO	0.000	(402) PRESERVED (504) INSUFFICIENT SEPTIC DENSITY THRESHOLD (<S UNITS) (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013 (Richard M. Wilcox Park); steep slopes and wetlands present throughout the property and property partially within open water protection area and vernal pool 300m protection buffer.
29	2	15C	045 WEST SHORE RD	MOUNTAIN LAKES BOROUGH	C	2.028	1.848	0.180	100.000	0.000	NO	0.000	(402) PRESERVED (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present and partially within open water protection area.
30	70	15C	000 BIRCH LN	MOUNTAIN LAKES BOROUGH	C	2.036	2.036	0.000	0.000	0.000	NO	0.000	(402) PRESERVED (504) INSUFFICIENT SEPTIC DENSITY THRESHOLD (<S UNITS) (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013 (Richard M. Wilcox Park); steep slopes present throughout the property and property entirely within open water protection area and vernal pool 300m protection buffer.
30	66	15C	000 WEST SHORE RD	MOUNTAIN LAKES BOROUGH	C	0.673	0.673	0.000	0.000	0.000	NO	0.000	(504) INSUFFICIENT SEPTIC DENSITY THRESHOLD (<S UNITS) (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013 (Richard M. Wilcox Park); steep slopes present throughout the property and property entirely within open water protection area and vernal pool 300m protection buffer.
30	1	15C	000 WEST SHORE RD	MOUNTAIN LAKES BOROUGH	C	9.932	9.932	0.000	8.091	0.000	NO	0.000	(402) PRESERVED (504) INSUFFICIENT SEPTIC DENSITY THRESHOLD (<S UNITS) (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013 (Richard M. Wilcox Park & Birchwood Beach); steep slopes present throughout the property and property partially within open water protection area and vernal pool 300m protection buffer.
31	29	15C	56 WEST SHORE RD	MOUNTAIN LAKES BOROUGH	C	6.150	6.150	0.000	6.987	0.000	NO	0.000	(402) PRESERVED (504) INSUFFICIENT SEPTIC DENSITY THRESHOLD (<S UNITS) (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013 (Richard M. Wilcox Park & Birchwood Beach); steep slopes present throughout the property and property partially within open water protection area and vernal pool 300m protection buffer.
32	1	15C	030 CRYSTAL RD	MOUNTAIN LAKES BOROUGH	C	21.863	21.173	0.691	0.000	0.000	NO	0.000	(402) PRESERVED (504) INSUFFICIENT SEPTIC DENSITY THRESHOLD (<S UNITS) (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013 (Richard M. Wilcox Park); steep slopes present throughout the property and property partially within open water protection area and vernal pool 300m protection buffer.
33	8.01	15C	000 BOULEVARD & NO. CRANE	MOUNTAIN LAKES BOROUGH	R-A	0.012	0.012	0.000	100.000	0.000	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; lot acreage < 0.83 acres.
34	5	15C	311 BLVD	MOUNTAIN LAKES BOROUGH	R-AA	3.295	3.186	0.109	2.970	0.000	NO	0.000	(402) PRESERVED (504) INSUFFICIENT SEPTIC DENSITY THRESHOLD (<S UNITS) (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present and lot is partially within open water protection area; remaining lot acreage < 0.83 acres.
35	1	15C	021 OVERLOOK RD	MOUNTAIN LAKES BOROUGH	R-AA	6.280	6.125	0.155	1.380	0.000	NO	0.000	(402) PRESERVED (504) INSUFFICIENT SEPTIC DENSITY THRESHOLD (<S UNITS) (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes and wetlands present and lot is partially within open water protection area; remaining lot acreage < 0.83 acres.
36	1	15C	027 OVERLOOK RD	MOUNTAIN LAKES BOROUGH	C	4.021	4.003	0.019	0.000	0.000	NO	0.000	(402) PRESERVED (504) INSUFFICIENT SEPTIC DENSITY THRESHOLD (<S UNITS) (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present and lot is partially within open water protection area; remaining lot acreage < 0.83 acres.

37	1	15C	000 LONGVIEW,LOCUST, J VY	MOUNTAIN LAKES BOROUGH	C	5.895	5.838	0.057	0.000	0.000	NO	0.000	(402) PRESERVED (504) INSUFFICIENT SEPTIC DENSITY THRESHOLD (<5 UNITS) (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present and lot is partially within open water protection area.
38	12	15C	000 WOODCLIFF RD	MOUNTAIN LAKES BOROUGH	C	2.796	2.523	0.273	4.586	0.000	NO	0.000	(402) PRESERVED (504) INSUFFICIENT SEPTIC DENSITY THRESHOLD (<5 UNITS) (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present and lot is partially within open water protection area.
39	1	15C	000 LONGVIEW RD	MOUNTAIN LAKES BOROUGH	C	2.636	2.615	0.021	0.915	0.000	NO	0.000	(402) PRESERVED (504) INSUFFICIENT SEPTIC DENSITY THRESHOLD (<5 UNITS) (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present and lot is partially within open water protection area and vernal pool 300m buffer area.
39	22	15C	000 LONGVIEW RD	MOUNTAIN LAKES BOROUGH	C	2.021	2.021	0.000	0.462	0.000	NO	0.000	(402) PRESERVED (504) INSUFFICIENT SEPTIC DENSITY THRESHOLD (<5 UNITS) (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present and lot is almost entirely within the vernal pool 300m buffer area.
40	19	15C	000 TOWER HILL RD	MOUNTAIN LAKES BOROUGH	C	4.647	4.647	0.000	0.344	0.000	NO	0.000	(402) PRESERVED (504) INSUFFICIENT SEPTIC DENSITY THRESHOLD (<5 UNITS) (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present and lot is partially within open water protection area and entirely within vernal pool 300m buffer area.
40	1	15C	056 TOWER HILL RD	MOUNTAIN LAKES BOROUGH	C	0.435	0.435	0.000	99.930	0.000	NO	0.000	(607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present and lot is entirely within vernal pool 300m buffer area.
41	1	15C	000 EAST SHORE RD NORTH	MOUNTAIN LAKES BOROUGH	C	5.875	5.875	0.000	0.000	0.000	NO	0.000	(402) PRESERVED (504) INSUFFICIENT SEPTIC DENSITY THRESHOLD (<5 UNITS) (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013 (Richard M. Wilcox Park); steep slopes present throughout the property and property partially within open water protection area and vernal pool 300m protection buffer.
42	12	15C	129 LOOKOUT RD WTR TWR	MOUNTAIN LAKES BOROUGH	R-AA	0.622	0.161	0.461	100.000	0.622	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Steep slopes present; remaining acreage < 0.83 acres.
42	29	15C	000 CRESTVIEW RD	MOUNTAIN LAKES BOROUGH	C	2.102	1.931	0.170	12.021	2.102	NO	0.000	(402) PRESERVED (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present and lot is partially within vernal pool 300m buffer area.
44	11	1	000 LOOKOUT RD	SENTIWANY, JOHN R. & JENNIFER A.	R-AA	0.385	0.107	0.278	100.000	0.385	NO	0.000	(607) TOTALLY CONSTRAINED	Steep slopes present; remaining acreage < 0.83 acres.
45	10	15C	000 CRESTVIEW RD	MOUNTAIN LAKES BOROUGH	C	1.396	1.269	0.127	2.096	1.396	NO	0.000	(402) PRESERVED (409) PUBLIC DEVELOPED LOT/IS COV (504) INSUFFICIENT SEPTIC DENSITY THRESHOLD (<5 UNITS) (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present; remaining acreage < 0.83 acres.
46	15	15C	001 LOOKOUT RD	MOUNTAIN LAKES BOROUGH	R-A	0.210	0.210	0.000	100.000	0.210	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; lot acreage < 0.83 acres.
47	8	15C	027 LAUREL HILL RD	MOUNTAIN LAKES BOROUGH	R-A	0.743	0.728	0.014	100.000	0.743	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present; remaining acreage < 0.83 acres.
48	28	15C	060 LOOKOUT RD	MOUNTAIN LAKES BOROUGH	R-AA	0.580	0.174	0.406	100.000	0.580	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present; remaining acreage < 0.83 acres.
49	3.02	1	000 LAUREL HILL RD	COTTON, LAWRENCE C/ALANNA YVONNE	R-AA	0.867	0.693	0.174	100.000	0.867	NO	0.000	(607) TOTALLY CONSTRAINED	Steep slopes present; remaining acreage < 0.83 acres.
50	23	15C	128 LOOKOUT RD	MOUNTAIN LAKES BOROUGH	R-AA	0.576	0.168	0.408	100.000	0.576	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present; remaining acreage < 0.83 acres.
51	12	1	134 LOOKOUT RD	ANDERSON, RICHARD JAMES & SAMANTHA	R-AA	0.289	0.060	0.229	100.000	0.289	NO	0.000	(607) TOTALLY CONSTRAINED	Steep slopes present; remaining acreage < 0.83 acres.
52	19.02	15C	050 CONDIR RD	MOUNTAIN LAKES BOROUGH	R-AA	0.720	0.720	0.000	100.000	0.720	NO	0.000	(607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present throughout the property and property entirely within open water protection area and vernal pool 300m protection buffer.
52	45	15C	000 OGDEN RD	MOUNTAIN LAKES BOROUGH	R-AA	1.762	1.723	0.039	100.000	1.762	NO	0.000	(402) PRESERVED (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present throughout the property and property partially within open water protection area and vernal pool 300m protection buffer.
52	13	15C	073 TOWER HILL RD	MOUNTAIN LAKES BOROUGH	R-AA	0.469	0.469	0.000	100.000	0.469	NO	0.000	(607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present throughout the property and property entirely within open water protection area and vernal pool 300m protection buffer.
52	54	15C	000 OGDEN RD	MOUNTAIN LAKES BOROUGH	R-AA	0.902	0.902	0.000	100.000	0.902	NO	0.000	(607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present throughout the property and property entirely within open water protection area and partially within vernal pool 300m protection buffer.
53	52	15C	000 OGDEN RD @ TWR HILL	MOUNTAIN LAKES BOROUGH	R-AA	6.050	5.821	0.228	100.000	3.613	NO	0.000	(402) PRESERVED (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes and wetlands present throughout the property and property partially within open water protection area.
53	1	15C	033 TOWER HILL RD	MOUNTAIN LAKES BOROUGH	R-AA	1.794	1.714	0.080	100.000	0.000	NO	0.000	(402) PRESERVED (409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Steep slopes present; remaining acreage < 0.83 acres.
53	15	15C	175 LAUREL HILL RD	MOUNTAIN LAKES BOROUGH	R-AA	1.240	1.228	0.013	100.000	0.000	NO	0.000	(402) PRESERVED (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present.
54	12	15C	200 LAUREL HILL RD	MOUNTAIN LAKES BOROUGH	R-AA	0.496	0.471	0.025	100.000	0.000	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013.
56	14	15C	187 BLVD	MOUNTAIN LAKES BOROUGH	R-AA	0.633	0.562	0.071	100.000	0.000	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present.
56	34	15C	120 LAUREL HILL RD	MOUNTAIN LAKES BOROUGH	R-AA	0.635	0.511	0.123	100.000	0.635	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present.

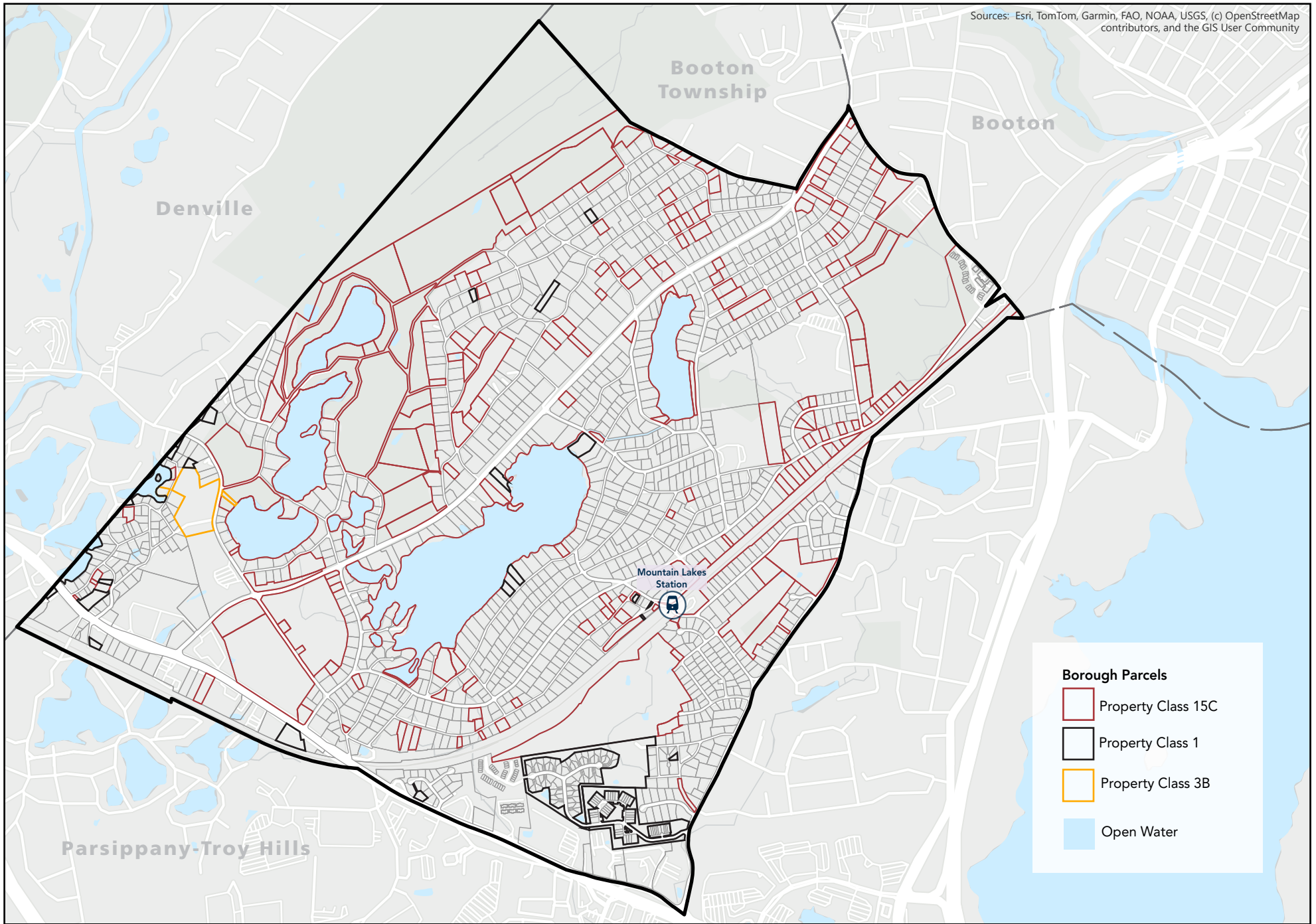
56	39	15C	110 LAUREL HILL RD	MOUNTAIN LAKES BOROUGH	R-AA	0.923	0.805	0.118	100.000	0.923	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present.
56	52.02	15C	000 LAUREL HILL RD	MOUNTAIN LAKES BOROUGH	R-AA	0.297	0.297	0.000	100.000	0.000	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present.
56	58.01	15C	030 NORTH BRIARCLIFF ROAD	MOUNTAIN LAKES BOROUGH	R-AA	0.409	0.168	0.241	100.000	0.000	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present.
57	1	15C	097 COBB RD	MOUNTAIN LAKES BOROUGH	R-AA	0.472	0.396	0.076	100.000	0.000	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present.
58	30	15C	082 COBB RD	MOUNTAIN LAKES BOROUGH	R-AA	0.945	0.931	0.014	100.000	0.000	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present throughout the property and property partially within open water protection area.
58	10	15C	129 BLVD	MOUNTAIN LAKES BOROUGH	R-AA	0.955	0.955	0.000	100.000	0.000	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes and wetlands present throughout the property and entirely partially within open water protection area.
58	24	15C	788 COBB RD	MOUNTAIN LAKES BOROUGH	R-AA	0.384	0.384	0.000	100.000	0.000	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes and wetlands present throughout the property and entirely partially within open water protection area.
59	46	15C	060 COBB RD	MOUNTAIN LAKES BOROUGH	R-A	0.418	0.389	0.028	100.000	0.000	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present.
59	39	15C	050 COBB RD	MOUNTAIN LAKES BOROUGH	R-A	1.047	1.009	0.038	100.000	0.000	NO	0.000	(402) PRESERVED (409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present.
60	5	15C	061 COBB RD	MOUNTAIN LAKES BOROUGH	R-A	0.429	0.417	0.011	100.000	0.000	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013.
60	9	15C	051 COBB RD	MOUNTAIN LAKES BOROUGH	R-A	0.433	0.348	0.086	100.000	0.433	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present.
60	27	15C	024 LAUREL HILL RD	MOUNTAIN LAKES BOROUGH	R-A	0.661	0.608	0.053	100.000	0.661	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013.
60	13	15C	041 COBB RD	MOUNTAIN LAKES BOROUGH	R-A	0.793	0.749	0.043	100.000	0.793	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013.
61	25	15C	009 LOWELL AVE	MOUNTAIN LAKES BOROUGH	R-A	0.690	0.662	0.028	100.000	0.690	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present.
61	31	15C	021 LOWELL AVE	MOUNTAIN LAKES BOROUGH	R-A	0.593	0.531	0.062	100.000	0.593	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013.
61	38	15C	035 LOWELL AVE	MOUNTAIN LAKES BOROUGH	R-A	0.434	0.406	0.028	100.000	0.434	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present.
61	45	15C	049 LOWELL AVE	MOUNTAIN LAKES BOROUGH	R-A	0.561	0.475	0.086	100.000	0.561	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013.
62	38	15C	040 BLVD	MOUNTAIN LAKES BOROUGH	R-A	0.506	0.488	0.018	100.000	0.506	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present.
62	33	15C	030 BLVD	MOUNTAIN LAKES BOROUGH	R-A	0.769	0.713	0.055	100.000	0.769	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013.
62	25	15C	020 BLVD	MOUNTAIN LAKES BOROUGH	R-A	0.822	0.785	0.037	100.000	0.822	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013.
62	20.01	15C	002 BLVD	MOUNTAIN LAKES BOROUGH	R-A	0.239	0.195	0.044	100.000	0.239	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013.
63	17	15C	060 BLVD	MOUNTAIN LAKES BOROUGH	R-A	0.791	0.604	0.187	100.000	0.791	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present.
63	11	15C	041 HANOVER RD	MOUNTAIN LAKES BOROUGH	R-A	0.883	0.839	0.044	100.000	0.883	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present.
64	8	15C	059 MELROSE RD	MOUNTAIN LAKES BOROUGH	R-A	0.247	0.050	0.198	100.000	0.247	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013.
64	11	15C	053 MELROSE RD	MOUNTAIN LAKES BOROUGH	R-A	0.558	0.192	0.366	100.000	0.558	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present; property is partially within open water protection area.
64	19	15C	040 HANOVER RD	MOUNTAIN LAKES BOROUGH	R-A	0.641	0.536	0.106	100.000	0.641	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present.
65	13	15C	001 MELROSE RD	MOUNTAIN LAKES BOROUGH	R-A	0.729	0.729	0.000	100.000	0.729	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present; property is partially within open water protection area.
66	16	15C	024 MELROSE RD	MOUNTAIN LAKES BOROUGH	R-A	3.017	3.017	0.000	100.000	3.017	NO	0.000	(402) PRESERVED (409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes and wetlands present; property is partially within open water protection area.
68	4	15C	075 KENILWORTH RD	MOUNTAIN LAKES BOROUGH	R-A	0.727	0.000	0.727	100.000	0.727	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013.
68	10	15C	061 KENILWORTH RD	MOUNTAIN LAKES BOROUGH	C	2.802	2.739	0.063	5.923	2.802	NO	0.000	(402) PRESERVED (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013 (Halsey A. Frederick Memorial Park); wetlands present; property is within open water protection area.
69	11	15C	064 KENILWORTH RD	MOUNTAIN LAKES BOROUGH	C	2.703	2.703	0.000	0.000	0.000	NO	0.000	(402) PRESERVED (504) INSUFFICIENT SEPTIC DENSITY THRESHOLD (<S UNITS) (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013 (Halsey A. Frederick Memorial Park); wetlands present; property is within open water protection area.
70	6	15C	100 KENILWORTH RD	MOUNTAIN LAKES BOROUGH	R-A	0.902	0.902	0.000	100.000	0.902	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013.

74	4	15C	117 HANOVER RD	MOUNTAIN LAKES BOROUGH	R-A	0.478	0.478	0.000	100.000	0.000	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; property is entirely within open water protection area.
74	21	15C	106 BLVD	MOUNTAIN LAKES BOROUGH	R-A	0.410	0.410	0.000	100.000	0.000	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present; property is entirely within open water protection area.
75	7	15C	121 MELROSE RD	MOUNTAIN LAKES BOROUGH	R-A	1.317	1.317	0.000	100.000	0.000	NO	0.000	(402) PRESERVED (409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes and wetlands present; property is entirely within open water protection area.
75	27	15C	124 HANOVER RD	MOUNTAIN LAKES BOROUGH	R-A	1.062	1.062	0.000	100.000	0.000	NO	0.000	(402) PRESERVED (409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; wetlands present; property is entirely within open water protection area.
76	28	15C	120 MELROSE RD	MOUNTAIN LAKES BOROUGH	R-A	2.098	2.098	0.000	100.000	0.000	NO	0.000	(402) PRESERVED (409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present; property is partially within open water protection area.
78	67	15C	136 BLVD	MOUNTAIN LAKES BOROUGH	R-A	0.411	0.411	0.000	100.000	0.000	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013 (Wildwood Park); steep slopes present; property is entirely within open water protection area.
78	33	15C	055 BRIARCLIFF RD	MOUNTAIN LAKES BOROUGH	R-A	0.327	0.327	0.000	37.459	0.000	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013 (Briarcliff Park); steep slopes present; property is entirely within open water protection area.
78	42	15C	058 GLEN RD	MOUNTAIN LAKES BOROUGH	R-A	0.899	0.899	0.000	100.000	0.000	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013 (Wildwood Dam); steep slopes present; property is entirely within open water protection area.
79	1	15C	000 WILDWOOD LAKE	MOUNTAIN LAKES BOROUGH	H20	16.502	16.502	0.000	21.936	0.000	NO	0.000	(402) PRESERVED (607) TOTALLY CONSTRAINED	Open water (Wildwood Lake).
80	1	15C	160 BLVD	MOUNTAIN LAKES BOROUGH	R-A	0.611	0.611	0.000	100.000	0.000	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013 (Frank B. Kaufmann Memorial Park); steep slopes present; property is partially within open water protection area.
80	28	15C	210 BLVD	MOUNTAIN LAKES BOROUGH	R-A	0.620	0.608	0.011	100.000	0.000	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present.
81	15.02	15C	027 LAKE DR	MOUNTAIN LAKES BOROUGH	R-A	0.256	0.256	0.000	100.000	0.000	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013 (Memorial Park); steep slopes present; property is entirely within open water protection area.
86	9	15C	131 MORRIS AVE	MOUNTAIN LAKES BOROUGH	R-A	0.418	0.407	0.011	100.000	0.418	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; property is almost entirely within open water protection area.
86	18	15C	115 MORRIS AVE	MOUNTAIN LAKES BOROUGH	R-A	0.380	0.380	0.000	100.000	0.000	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present; property is entirely within open water protection area.
86	13	15C	121 MORRIS AVE	MOUNTAIN LAKES BOROUGH	R-A	0.411	0.411	0.000	100.000	0.411	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; property is entirely within open water protection area.
86	22	15C	103 MORRIS AVE	MOUNTAIN LAKES BOROUGH	R-A	0.258	0.258	0.000	100.000	0.000	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present; property is partially within open water protection area.
86	40	15C	035 WILCOX DR	MOUNTAIN LAKES BOROUGH	R-A	0.479	0.479	0.000	100.000	0.479	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present; property is entirely within open water protection area.
86	41	15C	027 WILCOX DR	MOUNTAIN LAKES BOROUGH	R-A	0.681	0.681	0.000	100.000	0.681	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present; property is entirely within open water protection area.
86.01	1	15C	149 MORRIS AVE	MOUNTAIN LAKES BOROUGH	R-A	0.238	0.224	0.013	100.000	0.238	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present.
86.01	24	15C	000 BELLVALE RD	MOUNTAIN LAKES BOROUGH	R-A	4.127	4.127	0.000	100.000	4.127	NO	0.000	(402) PRESERVED (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present; property is partially within open water protection area.
86.01	33	15C	026 WILCOX DR	MOUNTAIN LAKES BOROUGH	R-A	0.398	0.398	0.000	100.000	0.398	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present; property is entirely within open water protection area.
86.01	32	15C	022 WILCOX DR	MOUNTAIN LAKES BOROUGH	R-A	0.330	0.330	0.000	100.000	0.330	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present; property is entirely within open water protection area.
88	21	15C	101 POWERVILLE RD	MOUNTAIN LAKES BOROUGH	C	1.667	1.606	0.061	0.448	1.667	NO	0.000	(402) PRESERVED (504) INSUFFICIENT SEPTIC DENSITY THRESHOLD (<5 UNITS) (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013 (Halsey A. Frederick Memorial Park); steep slopes present; property is within open water protection area.
88	6	15C	000 MORRIS AVE	MOUNTAIN LAKES BOROUGH	R-A	0.190	0.030	0.160	99.984	0.000	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present.
88	1	15C	101 MORRIS AVE	MOUNTAIN LAKES BOROUGH	R-A	0.333	0.325	0.008	100.000	0.000	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present.
88	22	15C	101 POWERVILLE RD	MOUNTAIN LAKES BOROUGH	C	1.582	1.582	0.000	1.453	1.582	NO	0.000	(402) PRESERVED (504) INSUFFICIENT SEPTIC DENSITY THRESHOLD (<5 UNITS) (607) TOTALLY CONSTRAINED	Halsey A. Frederick Park-Lot 22 dedicated as parkland by ordinance 13-74 and 4-91. Also chapter A313-1 indicates property is within Halsey A. Frederick Park; Steep slopes present and lot partially within open water protection area; remaining acreage < 0.83 acres.
88	17	15C	075 MORRIS AVE	MOUNTAIN LAKES BOROUGH	C	54.094	54.014	0.079	1.033	6.626	NO	0.000	(402) PRESERVED (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013 (Halsey A. Frederick Memorial Park); steep slopes and wetlands present; property is within open water protection area.

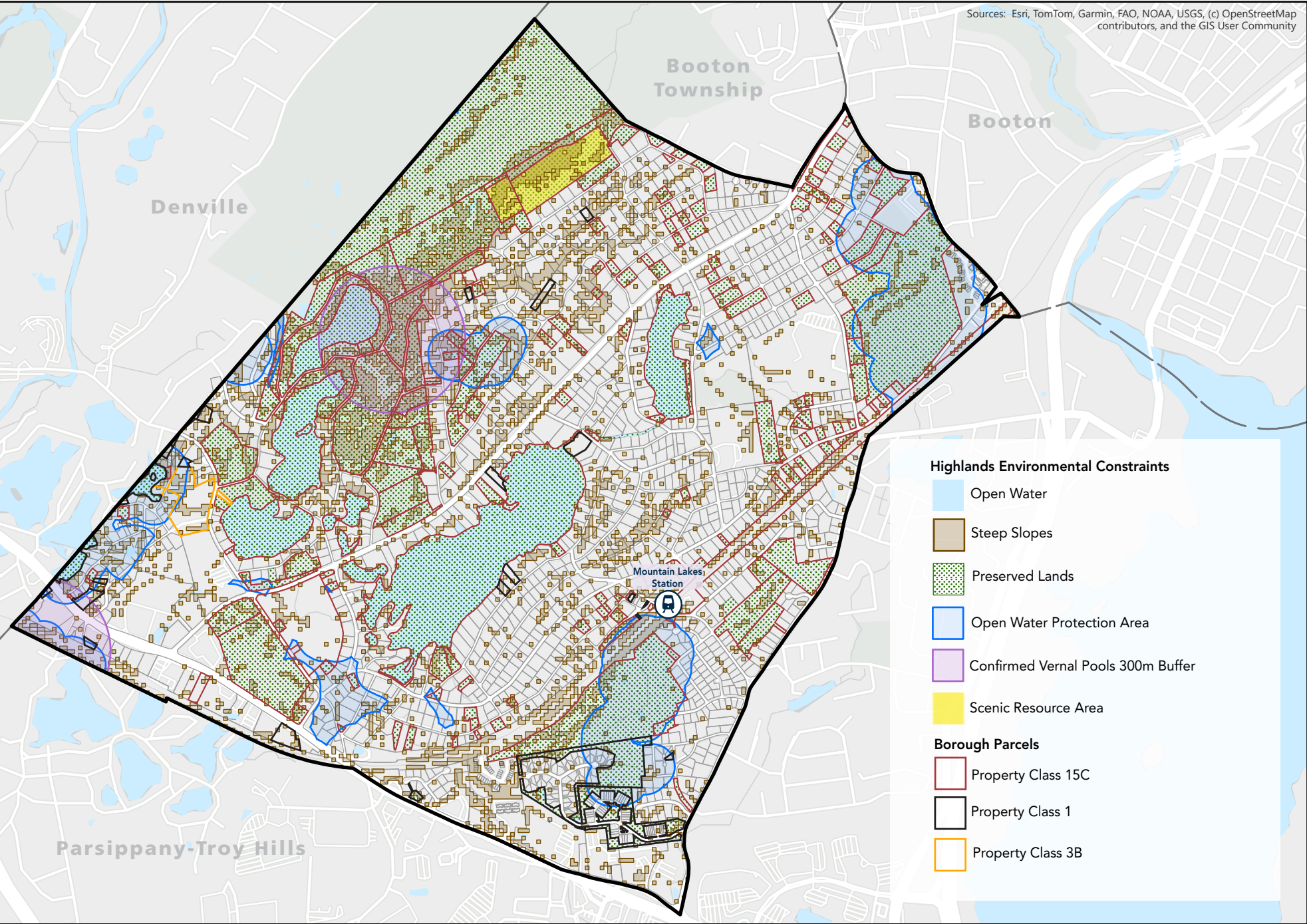
88	14	15C	079 MORRIS AVE	MOUNTAIN LAKES BOROUGH	C	0.395	0.395	0.000	100.000	0.000	NO	0.000	(607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013 (Halsey A. Frederick Memorial Park); property is entirely within open water protection area.
88	9	15C	085 MORRIS AVE	MOUNTAIN LAKES BOROUGH	R-A	0.386	0.077	0.309	100.000	0.000	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present.
88	27	15C	101 POWERVILLE RD	MOUNTAIN LAKES BOROUGH	R-A	2.142	2.093	0.048	91.542	0.000	NO	0.000	(402) PRESERVED (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013 (Halsey A. Frederick Memorial Park); steep slopes present.
91	43	15C	138 MORRIS AVE	MOUNTAIN LAKES BOROUGH	R-A	0.634	0.624	0.010	100.000	0.634	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013 (Halsey A. Frederick Memorial Park); steep slopes and wetlands present; property is partially within open water protection area.
91	35	15C	158 MORRIS AVE	MOUNTAIN LAKES BOROUGH	R-A	0.660	0.660	0.000	100.000	0.660	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present.
91	39	15C	148 MORRIS AVE	MOUNTAIN LAKES BOROUGH	R-A	0.708	0.666	0.042	100.000	0.708	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present.
91	50.02	15C	128 MORRIS AVE	MOUNTAIN LAKES BOROUGH	R-A	0.546	0.546	0.000	100.000	0.000	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013 (Halsey A. Frederick Memorial Park); steep slopes present; property is entirely within open water protection area.
91	1	15C	012 ELM RD	MOUNTAIN LAKES BOROUGH	R-A	0.520	0.519	0.001	100.000	0.520	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013.
91	14	15C	200 MORRIS AVE	MOUNTAIN LAKES BOROUGH	R-A	0.229	0.061	0.167	100.000	0.229	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013.
91	55	15C	118 MORRIS AVE	MOUNTAIN LAKES BOROUGH	R-A	0.437	0.437	0.000	100.000	0.000	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013 (Halsey A. Frederick Memorial Park); steep slopes present; property is partially within open water protection area.
94	9.01	15C	010 BALL RD	MOUNTAIN LAKES BOROUGH	R-A	0.203	0.163	0.040	100.000	0.203	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present.
94	16	15C	058 BELLVALE RD	MOUNTAIN LAKES BOROUGH	R-A	0.380	0.111	0.269	100.000	0.380	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present.
98	5	15C	009 ELM RD	PUBLIC LIBRARY	R-A	0.636	0.000	0.636	100.000	0.636	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Developed with Mountain Lakes Library; steep slopes present.
100	29	15C	276 BOULEVARD & BEACH	MOUNTAIN LAKES BOROUGH	R-A	1.217	1.217	0.000	98.979	0.000	NO	0.000	(402) PRESERVED (409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013 (Island Beach); steep slopes present; property is partially within open water protection area.
100	23.01	1	266 BLVD	HESSION, JOSEPH M/O'BRIEN, HALLEY	R-A	0.659	0.659	0.000	90.083	0.000	NO	0.000	(607) TOTALLY CONSTRAINED	Steep slopes present; lot entirely within open water protection area; remaining acreage < 0.83 acres.
101	79	15C	175 FERNWOOD PL	MOUNTAIN LAKES BOROUGH	R-A	2.081	2.081	0.000	95.297	0.000	NO	0.000	(402) PRESERVED (409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013 (Thorief Fillet Bird Sanctuary); steep slopes present; property is entirely within open water protection area.
101	71	15C	163 LAKE DR	MOUNTAIN LAKES BOROUGH	R-A	0.817	0.817	0.000	97.348	0.000	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013 (Thorief Fillet Bird Sanctuary); steep slopes present; property is entirely within open water protection area.
101	48.02	1	117 LAKE DR	KLINGENBURG, ROBERT L	R-A	0.419	0.419	0.000	100.000	0.000	NO	0.000	(607) TOTALLY CONSTRAINED	Steep slopes present; lot entirely within open water protection area; remaining acreage < 0.83 acres.
101	44	1	105 LAKE DR	MOUNTAIN LAKES BOROUGH	R-A	0.586	0.586	0.000	99.501	0.000	NO	0.000	(607) TOTALLY CONSTRAINED	Steep slopes present; lot entirely within open water protection area; remaining acreage < 0.83 acres.
101	30.02	15C	085 LAKE DR BEACH	MOUNTAIN LAKES BOROUGH	R-A	0.457	0.457	0.000	78.197	0.000	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013 (Midvale Boat Landing); steep slopes present; property is entirely within open water protection area.
101	105	1	026 LAKE DR	JOLDZIC, DUSKO/JANA	R-A	1.475	1.475	0.000	100.000	0.000	NO	0.000	(607) TOTALLY CONSTRAINED	Steep slopes present; lot entirely within open water protection area; remaining acreage < 0.83 acres.
104	44	15C	079 POLLARD RD	MOUNTAIN LAKES BOROUGH	R-A	0.279	0.042	0.236	100.000	0.279	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present.
104	71	15C	025 POLLARD RD	MOUNTAIN LAKES BOROUGH	R-A	0.547	0.049	0.498	100.000	0.547	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present.
104	78	15C	011 POLLARD RD	MOUNTAIN LAKES BOROUGH	R-A	0.360	0.345	0.014	100.000	0.360	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present.
105	27	15C	003 POLLARD RD	MOUNTAIN LAKES BOROUGH	R-A	0.148	0.147	0.000	100.000	0.148	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present.
105	15	15C	260 MORRIS AVE	MOUNTAIN LAKES BOROUGH	R-A	0.499	0.458	0.041	100.000	0.499	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013.
106	1	1	000 MIDVALE RD @ ROMAIN	VVRN MIDVALE PROPERTIES LLC	A	0.046	0.000	0.046	100.000	0.046	NO	0.000	(607) TOTALLY CONSTRAINED	Lot too small; lot acreage < 0.83 acres.
106	9	1	048 MIDVALE RD	MOUNTAIN LAKES BOROUGH	A	0.132	0.054	0.078	100.000	0.132	NO	0.000	(607) TOTALLY CONSTRAINED	Steep slopes present; remaining acreage < 0.83 acres.
106	9.01	15C	038 MIDVALE RD	MOUNTAIN LAKES BOROUGH	A	0.129	0.100	0.030	100.000	0.129	NO	0.000	(408) PUBLIC DEVELOPED BLD COV (409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present.
107	10	15C	010 POLLARD RD	MOUNTAIN LAKES BOROUGH	R-A	0.575	0.475	0.100	100.000	0.575	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present.
108	9	1	018 ROMAINE RD	SEVEN HUNDRED E LLC	A	0.041	0.037	0.004	100.000	0.041	NO	0.000	(607) TOTALLY CONSTRAINED	Steep slopes present; lot partially within open water protection area; remaining acreage < 0.83 acres.
108	10	15C	020 ROMAINE RD	MOUNTAIN LAKES BOROUGH	A	1.403	1.374	0.029	100.000	1.403	NO	0.000	(402) PRESERVED (408) PUBLIC DEVELOPED BLD COV (409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present; property is partially within open water protection area.

108	1	15C	002 MIDVALE RD	MOUNTAIN LAKES BOROUGH	A	0.104	0.024	0.081	100.000	0.104	NO	0.000	(408) PUBLIC DEVELOPED BLD COV (409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Steep slopes present; remaining acreage < 0.83 acres.
110	46	15C	120 POLLARD RD	MOUNTAIN LAKES BOROUGH	R-A	0.211	0.211	0.000	100.000	0.211	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present.
110	40	15C	000 POLLARD RD	MOUNTAIN LAKES BOROUGH	R-A	0.142	0.142	0.000	100.000	0.142	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present; property is entirely within open water protection area.
110	57	15C	140 POLLARD RD	MOUNTAIN LAKES BOROUGH	R-A	0.714	0.714	0.000	100.000	0.000	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present.
110	61	15C	150 POLLARD RD	MOUNTAIN LAKES BOROUGH	R-A	0.643	0.643	0.000	100.000	0.000	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; property is entirely within open water protection area.
110	33	15C	092 POLLARD RD	MOUNTAIN LAKES BOROUGH	R-A	0.530	0.520	0.010	100.000	0.530	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; property is almost entirely within open water protection area.
111	19	15C	178 LAKE DR	MOUNTAIN LAKES BOROUGH	R-A	0.391	0.253	0.138	100.000	0.000	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; property is partially within open water protection area.
111	10.02	15C	006 ROCKAWAY TER	MOUNTAIN LAKES BOROUGH	R-A	0.391	0.391	0.000	100.000	0.000	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present; property is entirely within open water protection area.
112	45	15C	107 POLLARD RD	MOUNTAIN LAKES BOROUGH	R-A	0.341	0.341	0.000	100.000	0.341	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present; property is entirely within open water protection area.
112	6	15C	366 MORRIS AVE	MOUNTAIN LAKES BOROUGH	R-A	0.642	0.642	0.000	100.000	0.000	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present; property is entirely within open water protection area.
114	1	15C	033 RAYNOLD RD	MOUNTAIN LAKES BOROUGH	R-A	0.141	0.071	0.070	100.000	0.000	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; property is partially within open water protection area.
114	20	15C	059 CRANE RD	MOUNTAIN LAKES BOROUGH	R-A	0.419	0.012	0.407	100.000	0.000	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present; property is entirely within open water protection area.
116	3.06	1	12 FOX HILL LN	SAMAT, PINKY/INDARU MAR R	R-A	0.383	0.226	0.158	100.000	0.383	NO	0.000	(607) TOTALLY CONSTRAINED	Steep slopes present; remaining acreage < 0.83 acres.
117	9.02	1	000 SHERWOOD DR REAR	COMM ASSOC SVC C/O WILKIN MGMT	RC-2	0.042	0.042	0.000	100.000	0.042	NO	0.000	(607) TOTALLY CONSTRAINED	Steep slopes present; property is entirely within open water protection area; remaining acreage < 0.83 acres.
117	17	1	000 SHERWOOD DR	COMM ASSOC SVC C/O WILKIN MGMT	RC-3	1.492	1.492	0.000	100.000	1.492	NO	0.000	(402) PRESERVED (607) TOTALLY CONSTRAINED	Steep slopes present; property is entirely within open water protection area; remaining acreage < 0.83 acres.
117.01	53	1	000 ROBIN HOOD DR	COMM ASSOC SVC C/O WILKIN MGMT	RC-3	10.837	10.326	0.511	100.000	7.899	NO	0.000	(402) PRESERVED (607) TOTALLY CONSTRAINED	Steep slopes and wetlands present; property is almost entirely within open water protection area; remaining acreage < 0.83 acres.
118.01	35	1	000 LOCKLEY CT	PINE EDGE TNHSE ASSOC., INC	RC-3	4.475	3.727	0.748	100.000	4.475	NO	0.000	(402) PRESERVED (607) TOTALLY CONSTRAINED	Steep slopes and wetlands present; property is almost entirely within open water protection area; remaining acreage < 0.83 acres.
118.02	6	1	000 LOCKLEY CT	PINE EDGE TNHSE ASSOC., INC	RC-3	0.985	0.860	0.124	100.000	0.985	NO	0.000	(607) TOTALLY CONSTRAINED	Steep slopes and wetlands present; property is partially within open water protection area; remaining acreage < 0.83 acres.
118.03	9	1	000 LOCKLEY CT	PINE EDGE TNHSE ASSOC., INC	RC-3	1.868	1.845	0.023	100.000	1.868	NO	0.000	(607) TOTALLY CONSTRAINED	Steep slopes and wetlands present; property is partially within open water protection area; remaining acreage < 0.83 acres.
118.05	1	1	000 LOCKLEY CT	PINE EDGE TNHSE ASSOC., INC	RC-3	0.071	0.054	0.017	100.000	0.071	NO	0.000	(607) TOTALLY CONSTRAINED	Property is partially within open water protection area; remaining acreage < 0.83 acres.
123	6	1	000 WHITBY RD	TERHUNE, TODD W/KIMBERLY M	R-A	0.150	0.120	0.030	100.000	0.150	NO	0.000	(607) TOTALLY CONSTRAINED	Steep slopes and wetlands present; property is partially within open water protection area; remaining acreage < 0.83 acres.
124	1	15C	000 SCARBOROUGH RD	MOUNTAIN LAKES BOROUGH	R-A	0.563	0.070	0.493	100.000	0.563	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013 (50 ft. ROW); property is partially within open water protection area.
127.04	13.01	15C	000 MAPLE WAY	MOUNTAIN LAKES BOROUGH	R-2	1.007	0.956	0.051	100.000	1.007	NO	0.000	(402) PRESERVED (409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; property is partially within open water protection area.
127.05	16	15C	005 CRESCENT DR	MOUNTAIN LAKES BOROUGH	C	0.308	0.308	0.000	100.000	0.308	NO	0.000	(607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; wetlands present; property is entirely within open water protection area.
127.05	6	15C	09B GROVE PL	MOUNTAIN LAKES BOROUGH	R-2	0.204	0.204	0.000	100.000	0.204	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present; property is partially within open water protection area.
127.06	1	15C	003 CRESCENT DR	MOUNTAIN LAKES BOROUGH	C	38.818	38.796	0.022	100.000	4.427	NO	0.000	(402) PRESERVED (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes and wetlands present; property is partially within open water protection area.
129	1	15C	056 WOODLAND AVE	MOUNTAIN LAKES BOROUGH	C	7.199	7.171	0.029	100.000	3.756	NO	0.000	(402) PRESERVED (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes and wetlands present; property is partially within open water protection area.
129.01	18.02	15C	044 WOODLAND AVE	MOUNTAIN LAKES BOROUGH	R-A	1.846	1.843	0.004	100.000	0.000	NO	0.000	(402) PRESERVED (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present; property is partially within open water protection area.
129.02	1	15C	000 INTERVALE RD	MOUNTAIN LAKES BOROUGH	R-A	8.012	4.661	3.351	100.000	5.560	NO	0.000	(402) PRESERVED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present; property is partially within open water protection area.
129.03	13	15C	119 MIDVALE RD	MOUNTAIN LAKES BOROUGH	C	3.539	2.196	1.343	100.000	3.539	NO	0.000	(402) PRESERVED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; steep slopes present.

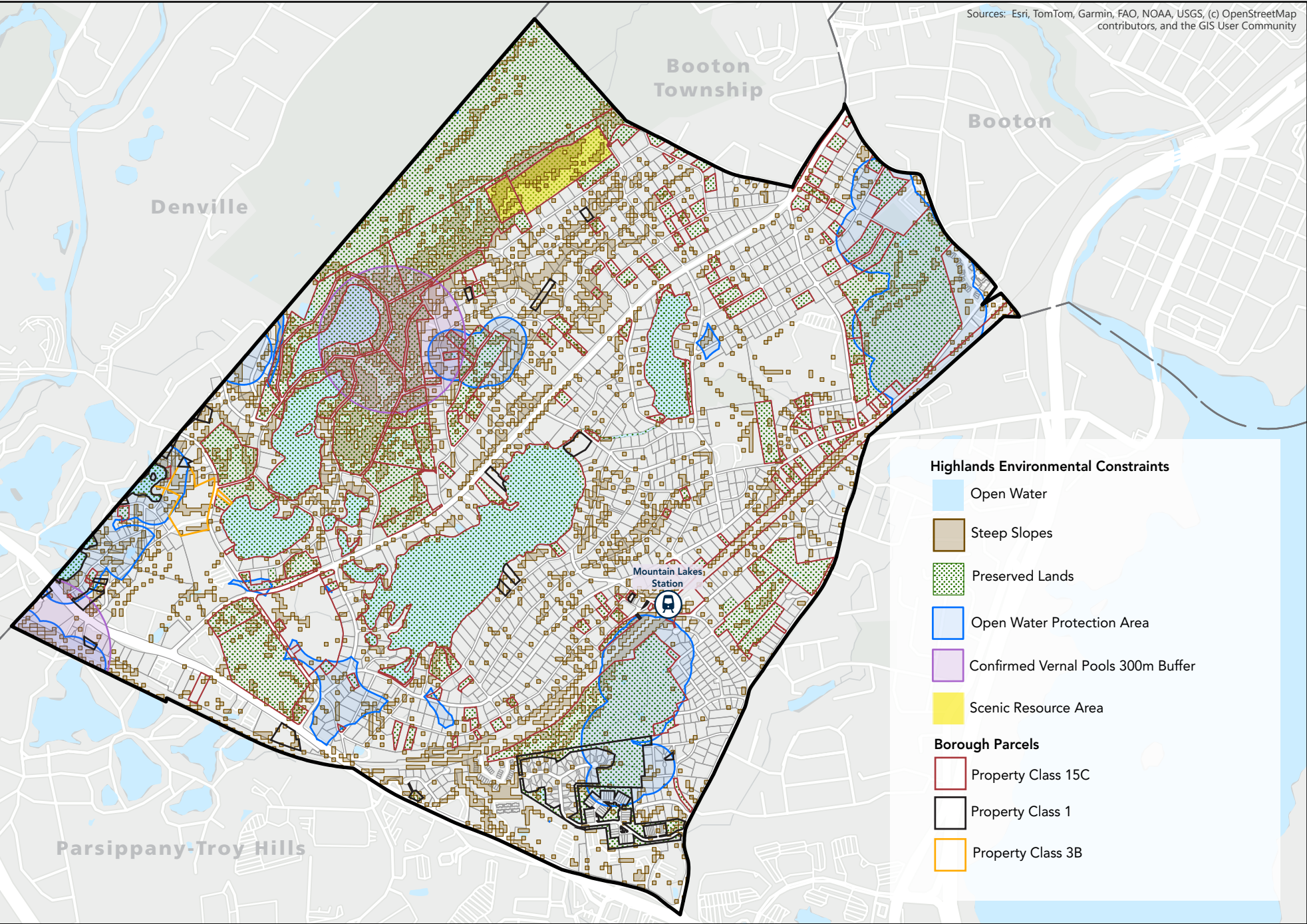
131	2	15C	000 MORRIS AVE	MOUNTAIN LAKES BOROUGH	R-A	0.277	0.277	0.000	27.704	0.000	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013; property is entirely within open water protection area.
131	3	15C	000 PUBLIC BEACH	MOUNTAIN LAKES BOROUGH	R-A	0.295	0.295	0.000	3.576	0.000	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (504) INSUFFICIENT SEPTIC DENSITY THRESHOLD (<S UNITS) (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013 (Island Beach); property is entirely within open water protection area.
131	1	15C	000 MOUNTAIN LAKE	MOUNTAIN LAKES BOROUGH	H20	79.098	79.098	0.000	8.624	0.000	NO	0.000	(401) OPEN WATER (402) PRESERVED (607) TOTALLY CONSTRAINED	Open water (Mountain Lake).
132	1	15C	000 RESERVOIR LAKE	MOUNTAIN LAKES BOROUGH	R-A	2.455	2.455	0.000	1.152	0.000	NO	0.000	(401) OPEN WATER (409) PUBLIC DEVELOPED LOT/IS COV (504) INSUFFICIENT SEPTIC DENSITY THRESHOLD (<S UNITS) (607) TOTALLY CONSTRAINED	Open water (Grunden's Pond).
133	1	15C	000 COVE LAKE	MOUNTAIN LAKES BOROUGH	H20	1.073	1.073	0.000	17.664	0.000	NO	0.000	(402) PRESERVED (409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Open water (Cove Lake).
134	1	15C	000 SHADOW LAKE & OLIVE	MOUNTAIN LAKES BOROUGH	H20	3.182	3.182	0.000	4.393	0.000	NO	0.000	(402) PRESERVED (409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Open water (Olive and Shadow Lakes).
135	1	15C	000 SUNSET LAKE	MOUNTAIN LAKES BOROUGH	H20	15.580	15.580	0.000	1.826	0.000	NO	0.000	(401) OPEN WATER (402) PRESERVED (607) TOTALLY CONSTRAINED	Open water (Sunset Lake).
136	1	15C	000 CRYSTAL LAKE	MOUNTAIN LAKES BOROUGH	R-AA	19.792	19.792	0.000	7.493	0.000	NO	0.000	(401) OPEN WATER (402) PRESERVED (607) TOTALLY CONSTRAINED	Open water (Crystal Lake).
137	1	15C	000 BIRCHWOOD LAKE	MOUNTAIN LAKES BOROUGH	R-AA	13.711	13.711	0.000	0.728	0.000	NO	0.000	(402) PRESERVED (504) INSUFFICIENT SEPTIC DENSITY THRESHOLD (<S UNITS) (607) TOTALLY CONSTRAINED	Open water (Birchwood Lake).
138	1	15C	000 BOULEVARD & ROCK LANE	MOUNTAIN LAKES BOROUGH	C	0.881	0.881	0.000	100.000	0.881	NO	0.000	(409) PUBLIC DEVELOPED LOT/IS COV (607) TOTALLY CONSTRAINED	Property designated for conservation, park lands and open space in master plan adopted 10/24/2013 (Linear Park).
											<b>TOTAL DEVELOPABLE ACREAGE</b>	0.000		



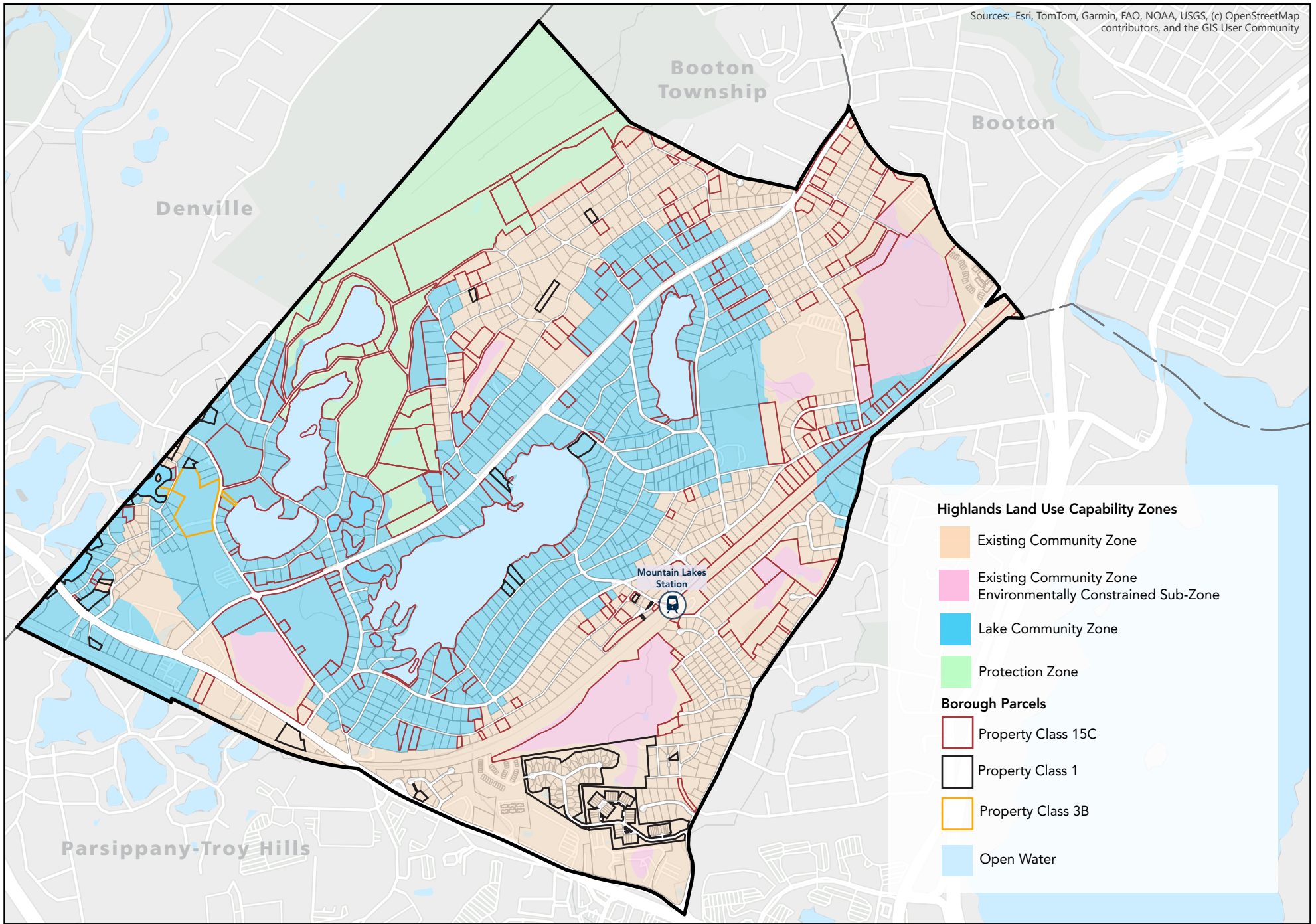
## Appendix B.1: Vacant Land Adjustment Borough Parcels Inventoried



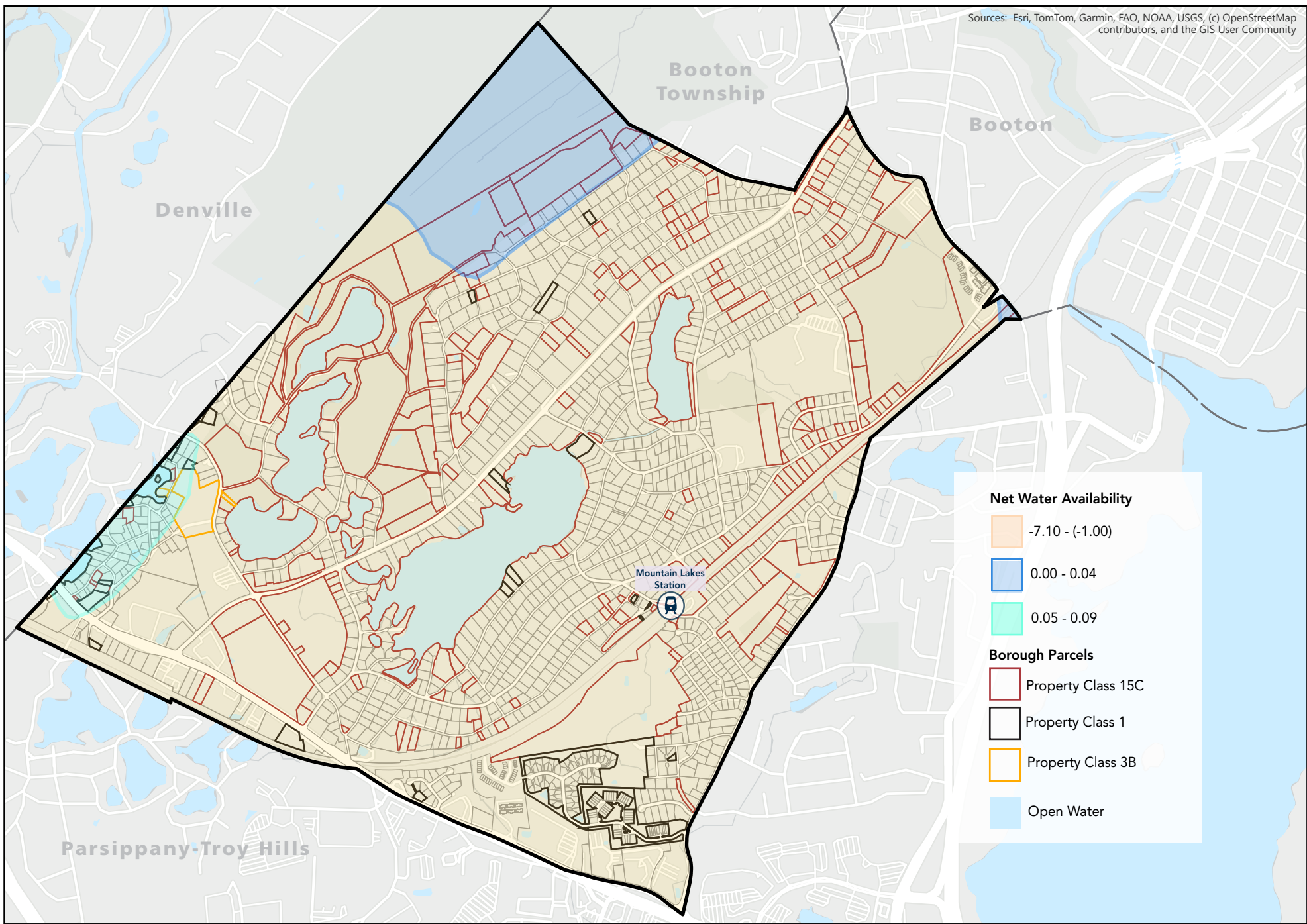
### Appendix B.2: Vacant Land Adjustment with Highlands Environmental Constraints



### Appendix B.2: Vacant Land Adjustment with Highlands Environmental Constraints



### Appendix B.3: Vacant Land Adjustment with Highlands Land Use Land Capability Zones



## Appendix B.4: Vacant Land Adjustment with Highlands Net Water Availability

# Appendix C: Third Round Settlement Agreement



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January 29, 2019

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Riverdale, NJ 07457

**Re: In the Matter of the Application of the Borough of Mountain Lakes,  
County of Morris, Docket No. MRS-L-1646-16**

Dear Mr. Oostdyk:

This letter memorializes the terms of an agreement reached between the Borough of Mountain Lakes (the Borough or "Mountain Lakes"), the declaratory judgment plaintiff, and Fair Share Housing Center (FSHC), a Supreme Court-designated interested party in this matter in accordance with In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015) (Mount Laurel IV) and, through this settlement, a defendant in this proceeding.

#### **Background**

Mountain Lakes filed the above-captioned matter on July 25, 2016 seeking a declaration of its compliance with the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq. in accordance with In re N.J.A.C. 5:96 and 5:97, supra. Through the declaratory judgment process, the Borough and FSHC agreed to settle the litigation and to present that settlement to the trial court with jurisdiction over this matter to review, recognizing that the settlement of Mount Laurel litigation is favored because it avoids delays and the expense of trial and results more quickly in the construction of homes for lower-income households.

#### **Settlement terms**

The Borough and FSHC hereby agree to the following terms:

1. FSHC agrees that the Borough, through the adoption of a Housing Element and Fair Share Plan conforming with the terms of this Agreement (hereafter "the Plan") and through the implementation of the Plan and this Agreement, satisfies its obligations under the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq., for the Prior Round (1987-1999) and Third Round (1999-2025).
2. At this time and at this particular point in the process resulting from the Supreme Court's Mount Laurel IV decision, when Third Round fair share obligations have yet to be definitively determined, it is appropriate for the parties to arrive at a settlement regarding a municipality's Third Round present and prospective need instead of doing so through plenary adjudication of the present and prospective need.
3. FSHC and Mountain Lakes hereby agree that Mountain Lakes' affordable housing obligations are as follows:

Rehabilitation Share (per Kinsey Report <sup>1</sup> )	1
Prior Round Obligation (pursuant to N.J.A.C. 5:93)	80
Third Round (1999-2025) Prospective Need (per Kinsey Report, as adjusted through this Agreement)	271

4. For purposes of this Agreement, the Third Round Prospective Need shall be deemed to include the Gap Period Present Need, which is a measure of households formed from 1999-2015 that need affordable housing, that was recognized by the Supreme Court in In re Declaratory Judgment Actions Filed By Various Municipalities, 227 N.J. 508 (2017).
5. The Borough's efforts to meet its present need include the following: Morris Community Development Block Grant Housing Rehabilitation Program. This is sufficient to satisfy the Borough's present need obligation of 1 units.
6. The municipality, as calculated in Exh. A, has a realistic development potential (RDP) of 18 units and an unmet need of 62 units for the Prior Round. That RDP will be satisfied as follows:

Development	Units	Bonus Credits	Total Credits
RCA with City of Orange	12	0	12
Fusee Site	6	0	6
<b>Total</b>	<b>18</b>	<b>0</b>	<b>18</b>

The RDP of 18, subtracted from the Prior Round Obligation of 80 units, results in an unmet need of 62 units. This will be addressed through a Borough-wide Affordable Housing Mandatory Set-aside Ordinance to capture future affordable housing (a 15% for rental 20% for sale set aside) from any residential development comprised of five or more units.

7. The municipality, as calculated in Exh. A, has a realistic development potential (RDP) of 17 units. That RDP will be satisfied as follows:

Development	Units	Bonus Credits	Total Credits
Fusee Site	2	0	2
Block 116/Lot 3.0x ("King of Kings site")	6	0	6
Block 118.04/Lot 2.01 ("1 Bloomfield Avenue")	4	0	4
Accessory Apartments	5	0	5

<sup>1</sup> David N. Kinsey, PhD, PP, FAICP, NEW JERSEY LOW AND MODERATE INCOME HOUSING OBLIGATIONS FOR 1999-2025 CALCULATED USING THE NJ COAH PRIOR ROUND (1987-1999) METHODOLOGY, May 2016.

<b>Total</b>			<b>17</b>
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8. The RDP of 17, subtracted from the Third Round obligation of 271 units, plus the remaining Prior Round unmet need of 62 results in a total unmet need of 316 units, which shall be addressed through the following mechanisms:

- a) The Borough agrees to place overlay zoning on the following sites permitting 14 du/a with a 15% set-aside in the event of rental units and a 20% set-aside in the event of for-sale units:
  - Block 7 Lot 7 – 333 Route 46 with 16.2 acres
  - Block 7 Lot 8 – 415 Boulevard with 3.04 acres
  - Block 7 Lot 9 – 425 Boulevard with 1.8 acres
  - Block 6 Lot 14 – 420 Boulevard with 5.87 acres
  - Block 116 Lot 5 – 115 Route 46 with 5.5 acres
  - Block 116 Lot 6 – 105 Route 46 with 11.7 acres
- b) 1 Bloomfield Avenue – Additional Medicaid units. This site is not yet constructed and will include Medicaid units in excess of those described in Paragraph 7. The Borough will describe in its final Housing Element and Fair Share Plan how many total units will be constructed on this site to contribute toward unmet need.
- c) The Borough shall adopt an ordinance requiring a mandatory affordable housing set aside for all new multifamily residential developments of five (5) units or more. The set aside for rental developments shall be fifteen percent (15%) and the set aside for for-sale developments shall be twenty percent (20%). The provisions of the ordinance shall not apply to residential expansions, additions, renovations, replacement, or any other type of residential development that does not result in a net increase in the number of dwellings of five or more. The form of the Ordinance shall be finalized prior to final judgment being issued in this matter through collaboration between FSHC and representatives of the Borough. This does not give any developer the right to any such rezoning, variance or other relief, or establish any obligation on the part of Mountain Lakes to grant such rezoning, variance or other relief. The Borough shall not permit any developer to subdivide a proposed development in a way that would avoid compliance with this requirement.

The Judgment of Compliance and Repose that is ultimately entered in this declaratory judgment action shall provide that the fact that the Borough has an unmet need: (a) shall not be deemed a legal reason to warrant the grant of any rezoning, variance or other relief; (b) shall not give any developer the right to any rezoning, variance, or other relief; (c) shall not establish any obligation on the part of the Borough to grant any rezoning, variance, or other relief; and (d) shall not be the basis of any rezoning, variance, or other relief, including but not limited to any relief requested through litigation, including but not limited to a builder's remedy and/or an appeal of a planning board or zoning board of adjustment denial of an application.

9. The Borough will provide a realistic opportunity for the development of affordable housing through the adoption of inclusionary zoning on the following sites:

- a) King of Kings – in November 2015 the Borough rezoned Block 116 Lot 3 (7.7 acres) to permit up to 40 townhomes with a 15% set-aside of 6 affordable housing units. This site has now received all of its approvals and is currently under construction.

10. The Borough will provide a realistic opportunity for the development of additional affordable housing that will be developed or created through means other than inclusionary zoning in the following ways:

Accessory Apartment program – the Borough proposes to address a part of its RDP utilizing credits from an accessory apartment program to be established pursuant to this agreement. The Borough proposes to incentivize property owners of existing accessory apartments pursuant to N.J.A.C. 5:93-5.9(c). The Borough shall identify how many existing accessory apartments exist within the Borough and thus how many may potentially be converted in this way.

In the event that the Borough cannot secure 5 deed restricted accessory apartments utilizing the process identified in N.J.A.C. 5:93-5.9(c) the Borough agrees to fund the accessory apartment program providing \$50,000 for very low-income units, \$40,000 for low-income units, and \$30,000 for moderate-income units.

11. The Borough agrees to require 13% of all affordable units referenced in this Agreement, excepting those units that were constructed or granted preliminary or final site plan approval prior to July 1, 2008, to be very low income units, with half of the very low income units being available to families. The municipality will comply with those requirements as follows:

- a) The Borough agrees that 13% of all units created pursuant to the overlay zoning identified in Paragraph 8(a) shall be reserved for households earning at or below 30% median income.
- b) The Borough agrees that 13% of all units created pursuant to the mandatory set-aside ordinance identified in Paragraph 8(c) shall be reserved for households earning at or below 30% median income.
- c) The Borough agrees to provide 1 accessory apartment unit as very low income. The Borough will demonstrate how this will be accomplished in its final Housing Element and Fair Share Plan.
- d) The parties understand that there are no very low income units included in the units under construction at the King of Kings site.

12. The Borough shall meet its Third Round Prospective Need in accordance with the following standards as agreed to by the Parties and reflected in the table in paragraph 7 and 8 above:

- a) Third Round bonuses will be applied in accordance with N.J.A.C. 5:93-5.15(d).
- b) At least 50 percent of the units addressing the Third Round Prospective Need shall be affordable to very-low-income and low-income households with the remainder affordable to moderate-income households.
- c) At least twenty-five percent of the Third Round Prospective Need shall be met through rental units, including at least half in rental units available to families.

- d) At least half of the units addressing the Third Round Prospective Need in total must be available to families.
  - e) The Borough agrees to comply with an age-restricted cap of 25% and to not request a waiver of that requirement. This shall be understood to mean that in no circumstance may the municipality claim credit toward its fair share obligation for age-restricted units that exceed 25% of all units developed or planned to meet its cumulative prior round and third round fair share obligation.
13. The Borough shall add to the list of community and regional organizations in its affirmative marketing plan, pursuant to N.J.A.C. 5:80-26.15(f)(5), Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, the Morris County Chapter of the NAACP, Newark NAACP, East Orange NAACP, Housing Partnership for Morris County, Community Access Unlimited, Inc., Northwest New Jersey Community Action Program, Inc. (NORWESCAP), Homeless Solutions of Morristown, and the Supportive Housing Association, and shall, as part of its regional affirmative marketing strategies during its implementation of the affirmative marketing plan, provide notice to those organizations of all available affordable housing units. The Borough also agrees to require any other entities, including developers or persons or companies retained to do affirmative marketing, to comply with this paragraph.
14. All units shall include the required bedroom distribution, be governed by controls on affordability and affirmatively marketed in conformance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et. seq. or any successor regulation, with the exception that in lieu of 10 percent of affordable units in rental projects being required to be at 35 percent of median income, 13 percent of affordable units in such projects shall be required to be at 30 percent of median income, and all other applicable law. The Borough as part of its HEFSP shall adopt and/or update appropriate implementing ordinances in conformance with standard ordinances and guidelines developed by COAH to ensure that this provision is satisfied. Income limits for all units that are part of the Plan required by this Agreement and for which income limits are not already established through a federal program exempted from the Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26.1 shall be updated by the Borough annually within 30 days of the publication of determinations of median income by HUD as follows:
- a) Regional income limits shall be established for the region that the Borough is located within (i.e. Region 2) based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated households within the county according to the most recent decennial Census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households from the most recent decennial Census in the Borough's housing region. This quotient represents the regional weighted average of median income for a household of four. The income limit for a moderate-income unit for a household of four shall be 80 percent of the regional weighted average median income for a family of four. The income limit for a low-income unit for a household of four shall be 50 percent of the HUD determination of the regional weighted average median income for a family of four. The income limit for a very low income unit for a household of four shall be 30 percent of the regional weighted average median income for a family of four. These income limits shall be adjusted by household size based on multipliers used

- by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.
- b) The income limits attached hereto as Exhibit B are the result of applying the percentages set forth in paragraph (a) above to HUD's determination of median income for FY 2017, and shall be utilized until the Borough updates the income limits after HUD has published revised determinations of median income for the next fiscal year.
  - c) The Regional Asset Limit used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3 shall be calculated by the Borough annually by taking the percentage increase of the income limits calculated pursuant to paragraph (a) above over the previous year's income limits, and applying the same percentage increase to the Regional Asset Limit from the prior year. In no event shall the Regional Asset Limit be less than that for the previous year.
  - d) The parties agree to request the Court prior to or at the fairness hearing in this matter to enter an order implementing this paragraph of this Agreement.
15. All new construction units shall be adaptable in conformance with P.L.2005, c.350/N.J.S.A. 52:27D-311a and -311b and all other applicable law.
16. As an essential term of this Agreement, within one hundred and twenty (120) days of Court's approval of this Agreement, the Borough shall introduce and adopt an ordinance or ordinances providing for the amendment of the Borough's Affordable Housing Ordinance and Zoning Ordinance to implement the terms of this Agreement and the zoning contemplated herein and adopt a Housing Element and Fair Share Plan and Spending Plan in conformance with the terms of this Agreement.
17. The parties agree that if a decision of a court of competent jurisdiction in Morris County, or a determination by an administrative agency responsible for implementing the Fair Housing Act, or an action by the New Jersey Legislature, would result in a calculation of an obligation for the Borough for the period 1999-2025 that would be lower by more than twenty (20%) percent than the total prospective Third Round need obligation established in this Agreement, and if that calculation is memorialized in an unappealable final judgment, the Borough may seek to amend the judgment in this matter to reduce its fair share obligation accordingly. Notwithstanding any such reduction, the Borough shall be obligated to adopt a Housing Element and Fair Share Plan that conforms to the terms of this Agreement and to implement all compliance mechanisms included in this Agreement, including by adopting or leaving in place any site specific zoning adopted or relied upon in connection with the Plan adopted pursuant to this Agreement; taking all steps necessary to support the development of any 100% affordable developments referenced herein; maintaining all mechanisms to address unmet need; and otherwise fulfilling fully the fair share obligations as established herein. The reduction of the Borough's obligation below that established in this Agreement does not provide a basis for seeking leave to amend this Agreement or seeking leave to amend an order or judgment pursuant to R. 4:50-1. If the Borough prevails in reducing its prospective need for the Third Round, the Borough may carry over any resulting extra credits to future rounds in conformance with the then-applicable law.
18. The Borough shall prepare a Spending Plan within the period referenced above, subject to the review of FSHC and approval of the Court, and reserves the right to seek approval from the Court that the expenditures of funds contemplated under the Spending Plan

constitute "commitment" for expenditure pursuant to N.J.S.A. 52:27D-329.2 and -329.3, with the four-year time period for expenditure designated pursuant to those provisions beginning to run with the entry of a final judgment approving this settlement in accordance with the provisions of In re Tp. Of Monroe, 442 N.J. Super. 565 (Law Div. 2015) (aff'd 442 N.J. Super. 563). On the first anniversary of the execution of this Agreement, which shall be established by the date on which it is executed by a representative of the Borough, and on every anniversary of that date thereafter through the end of the period of protection from litigation referenced in this Agreement, the Borough agrees to provide annual reporting of trust fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services. The reporting shall include an accounting of all housing trust fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.

19. On the first anniversary of the execution of this Agreement, and every anniversary thereafter through the end of this Agreement, the Borough agrees to provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to Fair Share Housing Center, using forms previously developed for this purpose by the Council on Affordable Housing or any other forms endorsed by the FSHC.
20. The Fair Housing Act includes two provisions regarding action to be taken by the Borough during the ten-year period of protection provided in this Agreement. The Borough agrees to comply with those provisions as follows:
  - a) For the midpoint realistic opportunity review due on July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Borough will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its implementation of the Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether any mechanisms to meet unmet need should be revised or supplemented. Such posting shall invite any interested party to submit comments to the municipality, with a copy to Fair Share Housing Center, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether any mechanisms to meet unmet need should be revised or supplemented. Any interested party may by motion request a hearing before the court regarding these issues.
  - b) For the review of very low income housing requirements required by N.J.S.A. 52:27D-329.1, within 30 days of the third anniversary of this Agreement, and every third year thereafter, the Borough will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its satisfaction of its very low income requirements, including the family very low income requirements referenced herein. Such posting shall invite any interested party to submit comments to the municipality and Fair Share Housing Center on the issue of whether the municipality has complied with its very low income housing obligation under the terms of this settlement.
21. FSHC is hereby deemed to have party status in this matter and to have intervened in this matter as a defendant without the need to file a motion to intervene or an answer or other

pleading. The parties to this Agreement agree to request the Court to enter an order declaring FSHC is an intervenor, but the absence of such an order shall not impact FSHC's rights.

22. This Agreement must be approved by the Court following a fairness hearing as required by Morris Cty. Fair Hous. Council v. Boonton Twp., 197 N.J. Super. 359, 367-69 (Law Div. 1984), aff'd o.b., 209 N.J. Super. 108 (App. Div. 1986); East/West Venture v. Borough of Fort Lee, 286 N.J. Super. 311, 328-29 (App. Div. 1996). The Borough shall present its planner as a witness at this hearing. FSHC agrees to support this Agreement at the fairness hearing. In the event the Court approves this proposed settlement, the parties contemplate the municipality will receive "the judicial equivalent of substantive certification and accompanying protection as provided under the FHA," as addressed in the Supreme Court's decision in In re N.J.A.C. 5:96 & 5:97, 221 N.J. 1, 36 (2015). The "accompanying protection" shall remain in effect through July 1, 2025. If this Agreement is rejected by the Court at a fairness hearing it shall be null and void.
23. The Borough agrees to pay FSHC's attorneys fees and costs in the amount of \$3,000 within ten (10) days of the Court's approval of this Agreement pursuant to a duly-noticed fairness hearing.
24. If an appeal is filed of the Court's approval or rejection of this Agreement, the Parties agree to defend the Agreement on appeal, including in proceedings before the Superior Court, Appellate Division and New Jersey Supreme Court, and to continue to implement the terms of this Agreement if the Agreement is approved before the trial court unless and until an appeal of the trial court's approval is successful, at which point the Parties reserve their right to rescind any action taken in anticipation of the trial court's approval. All Parties shall have an obligation to fulfill the intent and purpose of this Agreement.
25. This Agreement may be enforced through a motion to enforce litigant's rights or a separate action filed in Superior Court, Morris County. A prevailing movant or plaintiff in such a motion or separate action shall be entitled to reasonable attorney's fees.
26. Unless otherwise specified, it is intended that the provisions of this Agreement are to be severable. The validity of any article, section, clause or provision of this Agreement shall not affect the validity of the remaining articles, sections, clauses or provisions hereof. If any section of this Agreement shall be adjudged by a court to be invalid, illegal, or unenforceable in any respect, such determination shall not affect the remaining sections.
27. This Agreement shall be governed by and construed by the laws of the State of New Jersey.
28. This Agreement may not be modified, amended or altered in any way except by a writing signed by each of the Parties.
29. This Agreement may be executed in any number of counterparts, each of which shall be an original and all of which together shall constitute but one and the same Agreement.
30. The Parties acknowledge that each has entered into this Agreement on its own volition without coercion or duress after consulting with its counsel, that each party is the proper person and possess the authority to sign the Agreement, that this Agreement contains the

entire understanding of the Parties and that there are no representations, warranties, covenants or undertakings other than those expressly set forth herein.

31. Each of the Parties hereto acknowledges that this Agreement was not drafted by any one of the Parties, but was drafted, negotiated and reviewed by all Parties and, therefore, the presumption of resolving ambiguities against the drafter shall not apply. Each of the Parties expressly represents to the other Parties that: (i) it has been represented by counsel in connection with negotiating the terms of this Agreement; and (ii) it has conferred due authority for execution of this Agreement upon the persons executing it.
32. Any and all Exhibits and Schedules annexed to this Agreement are hereby made a part of this Agreement by this reference thereto. Any and all Exhibits and Schedules now and/or in the future are hereby made or will be made a part of this Agreement with prior written approval of both Parties.
33. This Agreement constitutes the entire Agreement between the Parties hereto and supersedes all prior oral and written agreements between the Parties with respect to the subject matter hereof except as otherwise provided herein.
34. No member, official or employee of the Borough shall have any direct or indirect interest in this Agreement, nor participate in any decision relating to the Agreement which is prohibited by law, absent the need to invoke the rule of necessity.
35. Anything herein contained to the contrary notwithstanding, the effective date of this Agreement shall be the date upon which all of the Parties hereto have executed and delivered this Agreement.
36. All notices required under this Agreement ("Notice[s]") shall be written and shall be served upon the respective Parties by certified mail, return receipt requested, or by a recognized overnight or by a personal carrier. In addition, where feasible (for example, transmittals of less than fifty pages) shall be served by facsimile or e-mail. All Notices shall be deemed received upon the date of delivery. Delivery shall be affected as follows, subject to change as to the person(s) to be notified and/or their respective addresses upon ten (10) days notice as provided herein:

**TO FSHC:** Adam M. Gordon, Esq.  
Fair Share Housing Center  
510 Park Boulevard  
Cherry Hill, NJ 08002  
Phone: (856) 665-5444  
Telecopier: (856) 663-8182  
E-mail: adamgordon@fairsharehousing.org

**TO THE BOROUGH:** Robert H. Oostdyk, Jr., Esq.  
Murphy McKeon P.C.  
51 Route 23 South  
Riverdale, NJ 07457  
Telecopier: (973) 835-1732  
Email: roostdyk@murphymckeonlaw.com

**WITH A COPY TO THE**

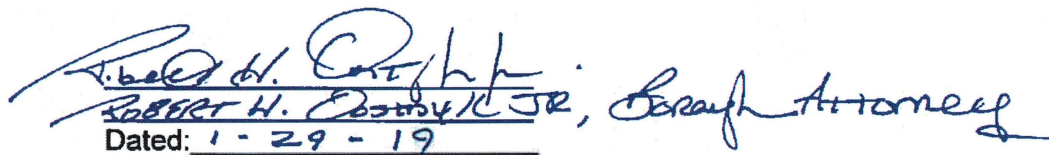
Please sign below if these terms are acceptable.

Sincerely,



Adam M. Gordon, Esq.  
Counsel for Intervenor/Interested Party  
Fair Share Housing Center

On behalf of the Borough of Mountain Lakes, with the authorization  
of the governing body:

  
Robert W. Costello Jr., Borough Attorney  
Dated: 1-29-19

# Appendix D: Existing Accessory Apartment Zoning

**BOROUGH OF MOUNTAIN LAKES**

**MORRIS COUNTY, NEW JERSEY**

**ORDINANCE # 6-19**

**AN ORDINANCE AMENDING CHAPTER 245, ZONING OF THE CODE OF THE BOROUGH OF MOUNTAIN LAKES THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MOUNTAIN LAKES AND ESTABLISHING AN ACCESSORY APARTMENT ORDINANCE**

**WHEREAS**, on March 10, 2015, the New Jersey Supreme Court issued its decision In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015). In that decision, the New Jersey Supreme Court transferred primary jurisdiction over affordable housing matters from the New Jersey Council on Affordable Housing (“COAH”) to the New Jersey Superior Court and established a transitional process for municipalities, like the Borough of Mountain Lakes (“Borough”), to file declaratory judgement actions seeking to declare their Housing Element and Fair Share Plans (“HEFSPs”) as being constitutionally compliant and seeking similar protections to what they would have received if they had continued to proceed before COAH; and

**WHEREAS**, on July 25, 2016, the Borough filed a declaratory judgement action with the New Jersey Superior Court seeking to declare its HEFSP as being constitutionally compliant and seeking protection and repose against exclusionary zoning litigation; and

**WHEREAS**, the Borough negotiated and executed a Settlement Agreement dated January 29, 2019 with the Fair Share Housing Center (“FSHC”), which included agreement on the extent of the Borough’s affordable housing fair share obligation for the period from 1999 to 2025 and the methods the Borough intends to use to satisfy the obligation; and

**WHEREAS**, Borough zoning rules prohibit the presence of accessory apartments in residential zones, but the Settlement Agreement includes a requirement that the Borough establish five affordable Accessory Apartments

**NOW, THEREFORE**, the general purpose of this Chapter is to provide an opportunity for the creation of accessory apartments within Residential and “A” Business districts of the Borough, sufficient to meet the terms of the settlement agreement, and to provide the ability for the owner-occupant of a Borough dwelling to apply to provide one such accessory apartment which shall be rented according to the provisions of the Uniform Housing Affordability Control Rules (N.J.A.C. 5:80-36.1, et seq.), and administered by the appropriate Borough officer;

IT IS HEREBY ORDAINED by the Borough Council of the Borough of Mountain Lakes, Morris County, State of New Jersey, as follows:

Section 1: Chapter 245, Article VII, “Municipal Housing Liaison,” of the Code is hereby repealed.

Section 2: Chapter 245, Article VII, “Affordable Accessory Apartments” is hereby added to the Code to read as follows:

## **Article VII**

### **Affordable Accessory Apartments**

#### **§245-39. Applicability and purpose.**

- A. **Applicability.** This chapter applies to the establishment of accessory apartments in the Borough, in any Residential District and in the A Business District. Until passage of this ordinance, only single-family housing has been allowed in Residential Districts.
- B. **Purpose.** It is the purpose of this program to help meet a portion of the Borough's fair share housing obligation and provide a realistic opportunity for the development of affordable housing through creation of up to five (5) accessory apartments for occupancy by very low-income, low-income, or moderate-income households/

#### **§245-40. Definitions.**

Definitions pertaining to affordable housing not found below are the same as those definitions that appear in the rules and regulations adopted by the Council on Affordable Housing in N.J.A.C. 5:93-1 et seq. as used in this chapter;

“**Applicant**” shall mean the person or persons applying to establish an accessory apartment in accordance with the provisions of this chapter.

“**Contributing Dwelling**” shall mean (1) One of the dwellings covered under Borough Ordinance Chapter 40 Article VI Historic Preservation that (a) was constructed on or before December 31, 1938, (b) is listed as “contributing buildings” within the Mountain Lakes Historic District in the National Register of Historic Places Registration Form for the Mountain Lakes Historic District, and (c) has not been demolished; and (2) such other structures as are designated as “contributing dwellings” by ordinance upon the recommendation of the Mountain Lakes Historic Preservation Committee or successor entities and the Planning Board.

#### **§245-41. Minimum Standards.**

- A. An accessory apartment shall be permitted in an existing structure on a property which is in conformity with the regulations of the zoning district in which it is located, including minimum required lot area, lot frontage, lot width, lot depth, maximum floor area ratio (FAR), maximum impervious lot coverage (ILC) and all setback and other bulk requirements. An accessory apartment shall also be permitted in a pre-existing non-conforming property as long as it does not require an additional bulk variance.
- B. Creation of any accessory apartment shall require a building permit prior to construction of additions and/or alterations and issuance of a Certificate of Occupancy prior to signing a lease with a tenant.

- C. An accessory apartment shall be created within the existing footprint of the existing dwelling or the existing footprint of the existing accessory structure (e.g. detached garage). A new entry door, landing, or covered porch, dormers and modifications to the roof-lines that are architecturally consistent with the details, materials, windows, massing and scale of the existing structure shall be permitted. All additions shall comply with the bulk requirements of the Zone.
- D. An accessory apartment may be created within an existing Contributing Dwelling and shall be eligible for bulk incentives as specified in the latest adopted version of the Borough Ordinance 40-47 Establishing a Historic Preservation Committee and Establishing Special Zoning Requirements for Contributing Dwelling. Any accessory apartment provided within a Contributing Dwellings shall utilize the Historic Mountain Lakes Restoration and Renovation Handbook Design standards.
- E. Accessory apartments shall have living/sleeping space, cooking facilities, a kitchen sink, and complete sanitary facilities for the exclusive use of its occupants. The accessory apartment shall have a private entrance. The ceiling height for habitable spaces shall be no less than 7 feet.
- F. The potable water supply and sewage disposal system for the accessory apartment shall be adequate as evidenced by approval of the Borough Water & Sewer Utility.
- G. The creation of an accessory apartment shall not create a non-conforming condition on the site regarding applicable zoning requirements. An accessory apartment that is detached from the principal dwelling shall conform to all of the accessory building requirements of the zone.
- H. There shall be no more than one (1) accessory apartment located on any (1) lot unless the property is in the A Business zone and has more than one pre-existing apartment.
- I. Off-street parking shall be provided for the occupants of the affordable accessory Apartment in conformance with Chapter 245: Zoning; Article IV-Use Regulations; §245-15(L) Supplementary Use Regulations, and shall be depicted on the submitted sketch or site plan.
- J. Any renovation relative to the creation of an accessory apartment shall be architecturally consistent with the appearance of other structures on the same site. Accessory apartments shall be designed to blend and harmonize with the existing exterior architectural design of the original dwelling unit using similar materials, colors and details. The present exterior architectural design of the original dwelling unit shall be maintained to preserve the residential character of the neighborhood. Any accessory apartment provided within a Contributing Dwelling shall utilize the Historic Mountain Lakes Restoration and Renovation Handbook design standards.
- K. Any dwelling unit created or designated as an accessory apartment pursuant to this section shall be and shall remain permanently accessory to the primary use of the

property, and shall in no way confer upon the property owner any future rights to subdivide the existing lot.

- L. In the case of an accessory apartment created without proper permits, which the property owner desires to designate as an accessory apartment under this program, all of the requirements of this Ordinance and all requirements of the U.C.C. shall apply.
- M. Any existing code deficiencies in the portion of the building to be devoted to the accessory apartment unit shall be corrected, and the unit shall be brought up to code standard. The standard for evaluating any rehabilitation activity on an existing dwelling unit shall be N.J.A.C. 5:23-2.4 and 5:23-2.5.
- N. Any accessory apartment created within an existing dwelling or an accessory structure (e.g. if provided above a detached garage) shall be fire-separated vertically and/or horizontally from the existing structure in accordance with the New Jersey Uniform Construction Code Rehabilitation Subcode 5 23-6 6(e)12
- O. The owner shall agree to rent the accessory apartment unit only to a moderate, low or very low-income tenant.
- P. The owner shall agree that prior to the issuance of a Certificate of Occupancy for the initial tenant of the accessory apartment, there shall be a recorded deed or declaration of covenants and restrictions applied to the property running with the land that maintains the affordability of the accessory apartment for the minimum 10-year period. A sample deed restriction and/or loan agreement prepared by the Borough Attorney shall be supplied to the applicant.
- Q. The accessory apartments shall adhere to all current building code requirements of the latest adopted editions of (1) the International Residential Code- New Jersey Edition and (2) the New Jersey Uniform Construction Code.

#### **§245-42. Affordability Controls.**

- A. Liens on property. An owner who receives financial assistance under the provisions of the accessory apartments program shall be required to place a lien on his or her property. The following requirement shall apply to such liens:
  - (1) The Borough shall be specified as the lienholder.
  - (2) The lien shall specify that the value of the lien equals the Amount of the monetary benefits received by the applicant under the accessory apartments program.
  - (3) A record of the lien will be kept on the property tax record, in the County Clerk's files, in the Administrative Agent's records, and notification to the tax collector with the deed and with the insurance policy, as required by this program.
  - (4) The owner shall notify the Administrative Agent, in writing, of the intent to sell a property that has benefited from the accessory apartments program, if the accessory

apartment is still under the affordability controls and restrictions required by this program.

- (5) Each time the unit is re-rented, the Administrative Agent will verify that the unit will continue to be occupied by a qualified moderate, low-income or very low-income household and that the rent charged meets the affordability guidelines of the program.
- (6) All properties shall be periodically checked for liens, and any suspected violations of the program shall be reported to the Administrative Agent for further investigation.
- (7) At the termination of the affordability controls, the loan shall be forgiven and the lien shall be discharged by way of a Notice of Lien Discharged filed with the County Clerk.

B. Length of affordability. Owners who utilize the provisions of the accessory apartments program shall accept a deed restriction on the property. The deed restriction shall state that only a moderate, low income, or very low income tenant, as determined by the Administrative Agent, shall occupy the accessory apartment unit. The deed restriction shall be recorded with the County Clerk, and a copy of the recorded deed shall be forwarded to the Administrative Agent. The deed restriction shall go into effect as soon as a certificate of occupancy has been issued and shall apply for a period of at least ten (10) years.

C. Pricing

- (1) Gross rents, including a utility allowance consistent with the utility allowance approved by HUD for use in New Jersey, shall be set so as not to exceed thirty percent (30%) of the gross monthly income for the appropriate household size and income level. Maximum rents for each household size and income level shall be calculated based on the regional weighted average of the current uncapped Section 8 income limits published by HUD.
- (2) Rents of accessory apartments shall be affordable to very low, low, or moderate income households as per the FHA, COAH or its successor agency, and UHAC regulations.
- (3) Annual indexed increases. The rents of the accessory apartment units may be increased annually in accordance with N.J.A.C. 5:93-9.15.

**§245-43. Program Compliance.**

A. The Borough shall designate an Administrative Agent to administer the accessory apartments program. The Administrator's responsibilities shall include advertising the accessory apartments, income qualifying prospective renters, setting rents and annual rent increases, maintaining a waiting list, distributing subsidies as applicable, securing certificates of occupancy, qualifying properties, handling application forms, filing deed restrictions, monitoring reports, and affirmatively marketing the affordable accessory Apartment program in accordance with the UHAC.

that it will cause irreparable harm to the municipality, in light of the public policies set forth in the Fair Housing Act and the obligation for the provision of very low-, low- and moderate-income housing.

**§245-44. Sunset Clause.**

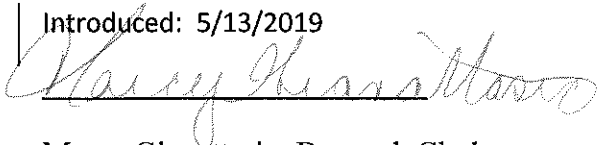
The provisions of this article permitting accessory apartments shall become null and void, having no further force or effect, upon the issuance of a Certificate of Occupancy for the fifth accessory apartment within the Borough of Mountain Lakes. The administrative provisions shall remain in full force and effect until the last deed restriction expires.

Section 3. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 4. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

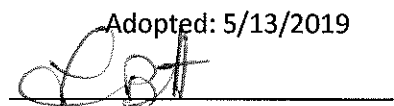
Section 5. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

Introduced: 5/13/2019



Marcy Gianattasio, Borough Clerk

Adopted: 5/13/2019



Lauren Barnett, Mayor

**Ordinance 6-19, AN ORDINANCE AMENDING CHAPTER 245, ZONING OF THE CODE OF THE BOROUGH OF MOUNTAIN LAKES THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MOUNTAIN LAKES AND ESTABLISHING AN ACCESSORY APARTMENT ORDINANCE**


Subject to rules and regulations coming to Council within 120 days.

Introduced: May 13, 2019

Adopted: May 29, 2019

Name	Motion	Second	Aye	Nay	Absent	Abstain	Motion	Second	Aye	Nay	Absent	Abstain
Happer					X				X			
Horst			X					X	X			
Korman	X		X				X		X			
Lane			X								X	
Menard			X						X			
Shepherd		X	X						X			
Barnett			X						X			

  
 Marcy Gianattasio, Municipal Clerk

  
 Lauren Barnett, Mayor

**Appendix E: Deed Restrictions on  
Affordability for Block 9, Lot 3/ 367  
Bloomfield Avenue**

Morris County Recording Cover Sheet



Honorable Ann F. Grossi, Esq.  
Morris County Clerk

MORRIS COUNTY, NJ  
Ann F. Grossi  
RTC-OR BOOK 24574 PG 1826  
RECORDED 03/09/2023 08:52:54  
FILE NUMBER 2023008376  
RCPT # 1772439; RECD BY: LHERNANDEZ eRecord  
RECORDING FEES 100.00  
INDEX FEE

Official Use Only - Realty Transfer Fee

Official Use Only - Barcode

Date of Document:  
09/06/2022

Type of Document:  
RESTRICTIVE COVENANT

First Party Name:  
GFM PROPERTIES INC.

Second Party Name:  
NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS  
DIVISION OF HOUSING AND COMMUNITY RESOURCES  
NATIONAL HOUSING TRUST FUND

ADDITIONAL PARTIES

THE FOLLOWING SECTION IS REQUIRED FOR DEEDS ONLY

Block:	Lot:
Municipality: MOUNTAIN LAKES BORO	
Consideration:	
Mailing Address of Grantee:	

THE FOLLOWING SECTION IS FOR ORIGINAL MORTGAGE BOOK & PAGE INFORMATION FOR AN ASSIGNMENT, RELEASE, OR SATISFACTION OF A MORTGAGE OR AN AGREEMENT RESPECTING A MORTGAGE

Original Book:	Original Page:
----------------	----------------

MORRIS COUNTY RECORDING COVER SHEET

Please do not detach this page from the original document as it contains important recording information and is part of the permanent record.

WARNING: Information contained on the Recording Cover Sheet must exactly match the information within the attached document or the document will be rejected and returned.

# DEED OF EASEMENT AND RESTRICTIVE COVENANTS

## NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS DIVISION OF HOUSING AND COMMUNITY RESOURCES NATIONAL HOUSING TRUST FUND

**THIS DEED OF EASEMENT AND RESTRICTIVE COVENANTS**, (hereinafter referred to as the "Deed") is made on the 6 day of SEPT., 2022 by, GFM Properties, Inc., whose address is 610 Anderson Ave, Cliffside Park, New Jersey, 07417 (hereinafter referred to as "Owner") to,

**The New Jersey Department of Community Affairs, Division of Housing and Community Resources, National Housing Trust Fund, whose address is 101 S. Broad Street, 5<sup>th</sup> Floor, P.O. Box 806, Trenton New Jersey 08625-0806 (hereinafter referred to as the "DCA").**

### WITNESSETH:

#### **Article I: Consideration**

The Owner hereby agrees to abide by the covenants, terms and conditions set forth in this Deed of Easement and Restrictive Covenants in consideration of the award of National Housing Trust Fund ("NHTF") funds provided to the Owner and or a Predecessor in Interest pursuant to Grant Agreement # 2021-02360-0346 by DCA in accordance with the Title I of the Housing and Economic Recovery Act of 2008, Section 1131, 24 CFR, Part 93 (the "Act").

#### **Article II: Property Description**

The Owner, or the Predecessor in Interest has utilized an allocation of NHTF funds for the development of the project known as Mountain Lakes Housing, a residential affordable housing rental property located at Tax Map Lot No: 3, Block No: 9, Street: 376 Bloomfield Ave, Route 46, Municipality: Mountain Lakes Borough, County: Morris. In the State of New Jersey, which is more specifically described in Schedule "A" and title to which has been recorded in favor of the Owner in the County Clerk or Register's Office of the County of \_\_\_\_\_ in Deed Book No. \_\_\_\_\_ at Page No. \_\_\_\_\_ or Instrument No. \_\_\_\_\_, (hereinafter referred to as the "Property").

#### **Article III - Occupancy and Use Restriction ("Affordability Controls").**

This Deed of Easement and Restrictive Covenants shall run with the land imposing affordable housing regulations for the duration of the restriction upon the Property. This Deed shall be recorded and shall therefore provide actual and constructive notice to all present and future Grantees' of the Property

The Owner represents, warrants, covenants and agrees that throughout the term of the Affordability Controls and in order to satisfy the requirements of the NHTF program and Title I of the Housing and Economic Recovery Act of 2008, Section 1131, 24 CFR, Part 93, the Property shall be used solely as affordable rental housing and shall meet the following requirements:

- A. The Property shall be used solely for the purpose of providing rental dwelling units for households eligible for assistance pursuant to the New Jersey Department of Community Affairs DCA National Housing Trust Fund, HUD NHTF regulations, appropriate Grant Agreement and accompanying security documents. No commitment for any such dwelling unit shall be given or implied, without exception, to any individual who has not been qualified by the New Jersey Department of Community Affairs or its designee.
- B. Sale of the Property must be expressly subject to these Deed Restrictions, deeds of conveyance must have these Deed Restrictions appended thereto, with a certification from the new owner as to acceptance of the deed restriction limitations, in recordable form and no sale of the Property shall be lawful, unless approved in advance and in writing by the NJDCA or its designee.
- C. Rental units must remain rental units for the term of this restriction.

D. No improvements may be made to the Property that would affect the bedroom configuration of any of its dwelling units, and any improvements to the Property must be approved in advance and in writing by the DCA.

E. The Owner shall notify the NJDCA or its designee, of any foreclosure actions filed with respect to the Property within five (5) business days of service upon Owner.

F. The Owner shall notify the NJDCA or its designee, within three (3) business days of the filing of any petition for protection from creditors or reorganization filed by or on behalf of the Owner.

G. Any purported transfer of title of a the Property that is not in strict conformance with the provisions of this Deed, shall be void and of no effect.

#### **Article IV - Term of Deed**

(a) This Deed, and the term of restricted use specified herein (hereinafter referred to as the "Affordability Period") shall apply to the NHTF-Assisted Unit and/or Property immediately upon signing, and said Deed shall be recorded upon signing. This Deed shall terminate **30 thirty years** following the date that the NHTF-Assisted Unit and/or Property is certified for occupancy. The subsequent Grantee/Owner shall cooperate with the DCA in executing and recording all documents necessary to effectuate continuance of the Deed restrictions. .

(b) Pursuant to the Grant Agreement the New Jersey Department of Community Affairs DCA National Housing Trust Program, National Housing Trust Fund regulations, appropriate Grant Agreement and accompanying security documents this Deed and the term of affordability shall remain in full force and effect for not less than the Affordability Period described in section IV (a) above without regard to the term of any mortgage or other underlying encumbrance upon the subject Property and without regard to any transfer of ownership.

#### **Article V - Enforcement of Restrictions**

(a) The Owner shall submit any other information, documents, or certifications requested by the DCA to substantiate the Owner's continued compliance with the provisions of Deed.

(b) The Owner hereby warrants that the representations and covenants set forth herein shall be relied upon by the DCA and all persons interested in compliance of the Deed restrictions.

(c) The Owner covenants that the Owner will not knowingly take or permit any action that would result in a violation of the Deed restriction requirements. The Owner covenants to take any lawful action (including amendment of this Deed as may be necessary, in the opinion of the DCA) to comply fully with all applicable rules, rulings, policies, procedures, regulations or other official statements promulgated or proposed and published by HUD from time to time pertaining to the Owner's obligations under the NHTF.

(d) The Owner acknowledges that the primary purpose for requiring compliance by the Owner with the restrictions provided in this Deed is to assure compliance with the Title I of the Housing and Economic Recovery Act of 2008, Section 1131, 24 CFR, Part 93, and other applicable regulations, and by reason thereof, in consideration of NHTF Funds provided by the DCA to the Owner and/or the Owner's Predecessor in Interest, hereby agrees and consents that the DCA shall be entitled, for any breach of the provisions hereon, and in addition to all other remedies provided by law or in equity, to enforce specific performance by the Owner of its obligations under this Deed in a court of competent jurisdiction. The Owner hereby further specifically acknowledges that the beneficiaries of the Owner's obligations hereunder cannot be adequately compensated by monetary damages in the event of any default hereunder.

(e) For the term of this Deed, each and every contract, deed or other instrument hereafter executed conveying the NHTF-Assisted Unit or Property, shall expressly provide that

such conveyance is subject to this Deed; provided, however, the covenants contained therein shall survive and be effective regardless of whether such contract, deed, or other instrument hereafter executed, conveying the NHTF-Assisted Unit or Property, provides that such conveyance is subject to this Deed.

(f) The Owner agrees to take any and all actions reasonably required by the DCA to substantiate the Owner's compliance with the occupancy restrictions of this Deed.

(g) This Deed shall be deemed a contract enforceable by the DCA under the Laws of the State of New Jersey. In the event the Owner fails to satisfy the requirements of this Deed and legal costs are incurred by the DCA, and/or its successors and or assigns, such legal costs, including attorney fees and court costs (including costs of appeal), are the responsibility of, and may be recovered from the Owner.

**Article VI • Miscellaneous**

(a) **Severability.** The invalidity of any clause, part, or provision of this Deed shall not affect the validity of the remaining portions thereof.

(b) **Notices.** All notices to be given pursuant to this Deed shall be in writing and shall be deemed given when mailed by certified or registered mail, return receipt requested, to the Parties hereto at the addresses set forth below, or to such other place as a party may from time to time designate in writing. The DCA may, by notice given hereunder, designate any further or different addresses to which subsequent notices, certificates or other communications shall be sent.

If to DCA:  
New Jersey Department of Community Affairs  
Division of Housing and Community Resources  
101 South Broad Street, 5<sup>th</sup> floor  
P. O. Box 806  
Trenton, New Jersey 08625-0806  
Attention: DCA National Housing Trust Fund Program

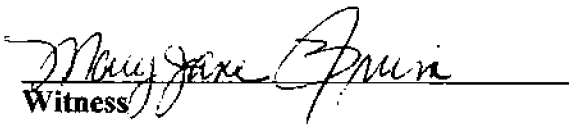
(c) **Amendment.** The Owner agrees to take all actions necessary to effect amendment of this Deed as may be necessary to comply with all applicable regulation or law whether State or Federal. The DCA, together with the Owner, may execute and record any amendment or modification to this Deed and such amendment or modification shall be binding on third-parties granted rights under this Deed.

(d) **Governing Law.** This Deed shall be governed by the Laws of the State of New Jersey and, where applicable, the Laws of the United States of America.

**IN WITNESS WHEREOF**, the Eligible Owner hereto has executed this Declaration the day and year first written above.

Signed, Sealed and Delivered in the presence of:

GFM Properties, Inc.

  
Witness

  
Luciano Bruni , President

STATE OF NEW JERSEY, COUNTY OF BERGEN SS:

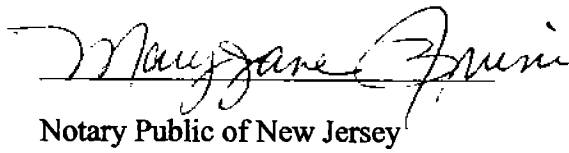
I CERTIFY that on SEPT 6, 2022, LUCIANO BRUNI, personally came before me and stated to my satisfaction that this person (or if more than one, each person);

- (a) was the maker of the attached instrument;
- (b) was authorized to and did execute this instrument as PRESIDENT, of the entity named in this instrument; and
- (c) executed this instrument as the act of the entity named in this instrument.



SWORN TO AND SUBSCRIBED

before me on the date above.



Notary Public of New Jersey

My commission expires on 3/31/2025

Mary J Bruni NOTARY PUBLIC STATE OF NEW JERSEY ID # 50013139 MY COMMISSION EXPIRES March 31, 2025
---

R&R:  
Techno Title Agency  
27 E. Main Street  
Little Falls, NJ 07424

*This is not an official document*

**SCHEDULE A**  
**Legal Description of – NHTF Assisted Unit(s)**

***This is not an official document***



First American Title™

# ALTA Commitment for Title Insurance

ISSUED BY

**First American Title Insurance Company**

COMMITMENT NUMBER

**TT21-4679**

## Schedule C

### LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY AND IS DESCRIBED AS FOLLOWS:

**ALL that certain lot, parcel or tract of land, situate and lying in the Borough of Mountain Lakes, County of Morris, State of New Jersey, and being more particularly described as follows:**

Beginning at a point in the northeasterly right-of-way line of New Jersey State Highway Route 46 (variable width right-of-way), said point being the corner common to Lots 3 and 26, Block 9, and having New Jersey State Plane NAD 83 coordinates N:747,480.20, E:502,468.93, running, thence;

1. Northwestery along said right-of-way line, a curve to the right having a radius of 1850.08 feet, an arc length of 207.77 feet, and a central angle of 06°26'04" (chord - N 47°47'14" W, 207.66 feet), thence;
2. N 45°26'19" E, 21.79 feet along Lot 1, Block 9, thence;
3. S 44°33'41" E, 22.63 feet along Lot 7, Block 9, thence;
4. N 58°26'19" E, 206.45 feet along Lots 7, 8, 10 and 11, passing over a concrete monument found at the rear corner common to Lots 10 and 11, thence;
5. N 27°58'19" E, 41.72 feet along said Lot 11, thence;
6. S 74°43'41" E, 175.00 feet along Lot 22, Block 9, thence;
7. N 50°22'20" E, 43.12 feet along the same to a point in the westerly right-of-way line of Rainbow Trail (variable width right-of-way), thence;
8. S 17°50'17" W, 45.00 feet along said right-of-way line, thence;
9. S 52°50'17" W, 254.19 feet along Lots 25 and 25.01, Block 9, thence;
10. S 40°34'17" W, 90.33 feet along Lot 26, Block 9 to the point or place of beginning.

The above description is based on plan titled "Boundary and Topographic Survey Plan, Block 9, Lot 3, New Jersey State Highway Route 46, Borough of Mountain Lakes, Morris County, New Jersey", prepared by Dykstra Walker Design Group,

*This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.*

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AMERICAN  
LAND TITLE  
ASSOCIATION





First American Title™

# ALTA Commitment for Title Insurance

ISSUED BY

**First American Title Insurance Company**

COMMITMENT NUMBER

**TT21-4679**

## Schedule C

dated 6/10/21, and last revised 8/25/22. Bearings are in accordance with New Jersey State Plane Coordinate System NAD 83 per said map.

**FOR INFORMATIONAL PURPOSES ONLY: Also known as Lot 3 in Block 9 on the Borough of Mountain Lakes Tax Map.**

*This is not an official document*

*This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.*

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LAND TITLE  
ASSOCIATION



# Appendix F: Existing Adopted Overlay Zones

**BOROUGH OF MOUNTAIN LAKES  
MORRIS COUNTY, NEW JERSEY**

**ORDINANCE # 4-19**

**AMENDING CHAPTER 245, ZONING OF THE CODE OF  
THE BOROUGH OF MOUNTAIN LAKES**

IT IS HEREBY ORDAINED by the Borough Council of the Borough of Mountain Lakes, Morris County, State of New Jersey, as follows:

Section 1: Chapter 245, Article II, § 245-4. Zoning Districts is hereby amended to add the following:

OL-1/MF-AHO Office and Light Industrial Zone/Multi-Family Affordable Housing Overlay

OL-2/MF-AHO Office and Light Industrial Zone/Multi-Family Affordable Housing Overlay

Section 2: Chapter 245, Article II, § 245-5. Zoning Map is hereby amended to change the zone classification of the following tax lot from OL-1 to OL-1/MF-AHO: Block 7, Lot 7; and to change the zone classification of the following tax lots from OL-2 to OL-2/MF-AHO: Block 7, Lot 8 and Lot 9, Block 6, Lot 14, Block 116, Lots 5.01 through 5.52 and Block 116, Lot 6.

Section 3: Chapter 245, Article IV. Use Regulations is hereby amended by adding the following:

§ 245-14.1 Office and Light Industrial Zone OL-1/Multi-Family Affordable Housing Overlay

A. Permitted principal, accessory and conditional uses

- (1) As set forth under § 245-12.
- (2) Multi-family inclusionary development consisting of townhouses and/or multi-family dwelling units as permitted principal uses with a required set aside for low- and moderate-income households of 20% if such units are for sale and 15% if such units are for rent. Low- and moderate-income units shall comply with the

provisions of Article VI of this chapter (i.e., Affordable Housing Ordinance) Permitted accessory uses shall include uses which are customarily incidental to the permitted principal use, including, but not limited to, indoor and outdoor recreational facilities and related amenities for the exclusive use of residents and guests.

B. Bulk and Development Standards

- (1) For permitted uses other than multi-family inclusionary development, as set forth in Article V of this chapter for the OL-1 Zone.
- (2) For multi-family inclusionary development, as set forth below.
  - (a) Minimum lot size: 3 acres
  - (b) Minimum lot frontage: 250 feet
  - (c) Maximum density: 14 units per gross acre
  - (d) Maximum building height: 3 stories/40 feet
  - (e) Minimum front yard setback: 75 feet
  - (f) Minimum side yard setback: 50 feet
  - (g) Minimum rear yard setback: 75 feet
  - (h) Maximum building coverage: 25%
  - (i) Maximum improved coverage: 50%
  - (j) There shall be no more than eight (8) townhouse units in any building
  - (k) There shall be no more than sixteen (16) units in any 2-story multi-family building and no more than twenty-four (24) units in any 3-story building.
  - (l) The minimum distance between buildings shall be as follows:
    - i. Windowless wall to windowless wall: 25 feet
    - ii. Window wall to windowless wall: 30 feet
    - iii. Window wall to window wall:
      - Front to front: 75 feet
      - Rear to rear: 50 feet
      - End to end: 35 feet
  - (m) Development shall maintain a minimum fifty (50) landscaped buffer to any residential zone boundary line which shall consist of either existing vegetation or new plantings, or where appropriate, a combination of existing vegetation and new plantings.
  - (n) No parking area shall be located within fifty (50) feet of a front lot line or within twenty-five (25) feet of any other lot line.
  - (o) Parking shall be provided in accordance with New Jersey Residential Site Improvement Standards (RSIS).

§ 245-14.2 Office and Light Industrial OL-2/Multifamily Affordable Housing Overlay

A. Permitted principal, accessory and conditional uses

- (1) As set forth under § 245-12.
- (2) Multi-family inclusionary development consisting of townhouses and/or multi-family dwelling units as permitted principal uses with a required set aside for low- and moderate-income households of 20% if such units are for sale and 15% if such units are for rent. Low- and moderate-income units shall comply with the provisions of Article VI of this chapter (i.e., Affordable Housing Ordinance). Permitted accessory uses shall include uses which are customarily incidental to the permitted principal use, including, but not limited to, indoor and outdoor recreational facilities and related amenities for the exclusive use of residents and guests.

C. Bulk and Development Standards

- (1) For permitted uses other than multi-family inclusionary development, as set forth in Article V of this chapter for the OL-2 Zone.
- (2) For multi-family inclusionary development, as set forth below.
  - (a) Minimum lot size: 3 acres
  - (b) Minimum lot frontage: 250 feet
  - (c) Maximum density: 14 units per gross acre
  - (d) Maximum building height: 3 stories/40 feet
  - (e) Minimum front yard setback: 75 feet
  - (f) Minimum side yard setback: 50 feet
  - (g) Minimum rear yard setback: 75 feet
  - (h) Maximum building coverage: 25%
  - (i) Maximum improved coverage: 50%
  - (j) There shall be no more than eight (8) townhouse units in any building
  - (k) There shall be no more than sixteen (16) units in any 2-story multi-family building and no more than twenty-four (24) units in any 3-story building.
  - (l) The minimum distance between buildings shall be as follows:
    - i. Windowless wall to windowless wall: 25 feet
    - ii. Window wall to windowless wall: 30 feet
    - iii. Window wall to window wall:
      - Front to front: 75 feet
      - Rear to rear: 50 feet

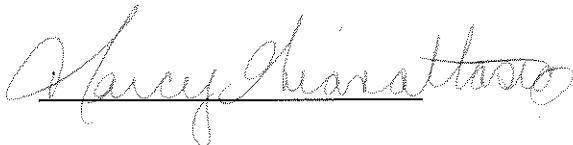
- End to end: 35 feet
- (m) Development shall maintain a minimum fifty (50) landscaped buffer to any residential zone boundary line which shall consist of either existing vegetation or new plantings, or where appropriate, a combination of existing vegetation and new plantings.
  - (n) No parking area shall be located within fifty (50) feet of a front lot line or within twenty-five (25) feet of any other lot line.
  - (o) Parking shall be provided in accordance with New Jersey Residential Site Improvement Standards (RSIS).

Section 4: If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 5: All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 6: This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

Introduced: 5/13/2019



Marcy Gianattasio, Borough Clerk

Adopted: 5/29/2019



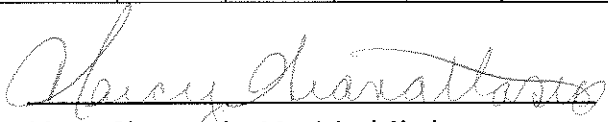
Lauren Barnett, Mayor


**Ordinance 4-19, AMENDING CHAPTER 245, ZONING OF THE CODE OF THE BOROUGH OF MOUNTAIN LAKES**

Introduced: May 13, 2019

Adopted: May 29, 2019

Name	Motion	Second	Aye	Nay	Absent	Abstain	Motion	Second	Aye	Nay	Absent	Abstain
Happer					X				X			
Horst			X						X			
Korman		X	X				X		X			
Lane			X								X	
Menard	X		X					X	X			
Shepherd			X						X			
Barnett			X						X			

  
 Marcy Gianattasio, Municipal Clerk

  
 Lauren Barnett, Mayor

# Appendix G: Proposed Revisions to Affordable Housing Ordinance

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**BOROUGH OF MOUNTAIN LAKES  
MORRIS COUNTY, NEW JERSEY**

**ORDINANCE #XX-1925**

**AMENDING**

**AN ORDINANCE AMENDING CHAPTER 245, ZONING OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MOUNTAIN LAKES ~~AND ESTABLISHING ARTICLE VI, AFFORDABLE HOUSING~~**

IT IS HEREBY ORDAINED by the Borough Council of the Borough of Mountain Lakes, Morris County, State of New Jersey, as follows:

Section 1: ~~Chapter 245, Article III, “Affordable Housing Overlay,” Article VI, “Affordable Housing Regulations,” Article VII, “Municipal Housing Liaison,” of the Code is hereby repealed.~~

Section 2: Chapter 245, Article VI is hereby ~~added to the Code~~ amended to read as follows:

**Article VI**

**Affordable Housing**

**§245-21. Purpose**

~~A. This article sets forth regulations regarding the provisions addressing the Borough’s constitutional obligation to provide for its fair share of low- and moderate-income housing, as directed by the Administrative Director of the Courts and as stipulated by P.L. 2024, c. 2 and N.J.S.A. 52:27D-301 et seq. (the amended Fair Housing Act). These regulations supersede N.J.A.C. 5:93-1 et seq., as amended and supplemented, and N.J.A.C. 5:94-1 et seq., as amended and supplemented, where applicable, which otherwise remain valid. P.L. 2024, c. 2 established the Affordable Housing Dispute Resolution Program (“Dispute Resolution Program”), which provides a new process for municipalities to come into constitutional compliance with their affordable housing obligations. This chapter is intended to assure compliance with the foregoing provisions and with the regulations of the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq., as amended and supplemented, including provisions for unit affordability controls as well as eligibility for low- and moderate-income households. This chapter shall apply except where inconsistent with applicable law. This Ordinance sets forth regulations regarding the low- and moderate-income housing units in the Borough consistent with the provisions known as the “Substantive Rules of the New Jersey Council on Affordable Housing,” N.J.A.C. 5:93 et seq., the Uniform Housing Affordability~~

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~~Controls (“UHAC”), N.J.A.C. 5:80-26.1 et seq., and the Borough’s constitutional obligation to provide a fair share of affordable housing for low- and moderate-income households. In addition, this section applies requirements for very low income housing established in P.L. 2008, c.46 (the “Roberts Bill”).~~

~~B.A.~~ This Ordinance is intended to assure that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy these units. This Ordinance shall apply except where inconsistent with applicable law.

~~C.B.~~ The Mountain Lakes Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Fair Share Plan has been endorsed by the governing body. The Fair Share Plan describes the ways the Borough of Mountain Lakes shall address its fair share for low- and moderate-income housing as determined by the Superior Court and documented in the Housing Element.

~~D.C.~~ This Ordinance implements and incorporates the Fair Share Plan and addresses the requirements of N.J.A.C. 5:93, as may be amended and supplemented.

~~E.D.~~ The Borough shall file monitoring reports with the Superior Court and place the reports on its municipal website.

**§245-22. Monitoring and Reporting Requirements**

~~The Borough of Mountain Lakes shall comply with the following monitoring and reporting requirements set forth in N.J.S.A. 52:27D-329.2 and N.J.S.A. 52:27D-329.4. The Borough of Mountain Lakes shall comply with the following monitoring and reporting requirements regarding the status of its implementation of its Court approved Housing Element and Fair Share Plan and N.J.A.C. 5:93.~~

~~A. Beginning on January 29, 2020, and on every anniversary of that date through January 29, 2025, the Borough agrees to provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to Fair Share Housing Center (FSHC), using forms previously developed for this purpose by the Council on Affordable Housing or any other forms endorsed by the FSHC.~~

~~B. By July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Borough will post on its municipal website, with a copy provided to FSHC, a status report as to its implementation of the Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether any mechanisms to meet unmet need should be revised or supplemented. Such posting shall invite any interested party to submit comments to the municipality, with a copy to Fair Share Housing Center, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether any mechanisms to meet unmet need should be revised or supplemented. Any interested party may by motion request a hearing before the court regarding these issues.~~

~~C. By January 29, 2022, and every third year thereafter, as required by N.J.S.A. 52:27D-329.1, the Borough will post on its municipal website, with a copy provided FSHC, a status report as to its satisfaction of its very low income requirements, including the family very low~~

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~~income requirements referenced herein. Such posting shall invite any interested party to submit comments to the municipality and FSHC on the issue of whether the municipality has complied with its very low income housing obligation under the terms of this settlement.~~

**§245-23. Definitions**

The following terms when used in this Ordinance shall have the meanings given in this Section:

**“Accessory apartment”** means a self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters and a private entrance, which is created within an existing home, or through the conversion of an existing accessory structure on the same site, or by an addition to an existing home or accessory building, or by the construction of a new accessory structure on the same site.

**“Act”** means the Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.), as amended through P.L. 2024, c. 2.

**“Adaptable”** means constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

**“Administrative agent”** means ~~the entity designated by the Borough to administer affordable units in accordance with this chapter, the regulations of the amended Fair Housing Act (P.L.1985, c. (N.J.S.A. 52:27D-301 et seq.)), and the Uniform Housing Affordability Controls set forth at N.J.A.C. 5:80-26 et seq.~~ the entity responsible for the administration of affordable units in accordance with this ordinance, N.J.A.C. 5:93 and N.J.A.C. 5:80-26.1 et seq.

**“Affirmative marketing”** means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.165.

**“Affordability average”** means the average percentage of median income at which restricted units in an affordable housing development are affordable to low- and moderate-income households.

**“Affordable”** means, a sales price or rent within the means of a low- or moderate-income household as defined in N.J.A.C. 5:93-7.4; in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.76, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.132, as may be amended and supplemented.

**“Affordable development”** means a housing development all or a portion of which consists of restricted units.

**“Affordable housing development”** means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.

**“Affordable housing program(s)”** means any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality’s fair share obligation.

**“Affordable unit”** means a housing unit proposed or created pursuant to the Act, approved for crediting by the Court and/or funded through an affordable housing trust fund.

**“Agency”** means the New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1, et seq.).

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**“Age-restricted unit”** means a housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development where the unit is situated are 62 years or older; or 2) at least 80 percent of the units are occupied by one person that is 55 years or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as “housing for older persons” as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

**“Alternative living arrangement”** a structure in which households live in distinct bedrooms, yet share kitchen and plumbing facilities, central heat and common areas. Alternate living arrangements includes, but are not limited to: transitional facilities for the homeless, Class A, B, C, D, and E boarding homes, as regulated by the New Jersey Department of Community Affairs; residential health care facilities as regulated by the New Jersey Department of Health; group homes for the developmentally disabled and mentally ill as licensed and/or regulated by the New Jersey Department of Human Services; and congregate living arrangements.

**“Assisted living residence”** means a facility licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

**“Certified household”** means a household that has been certified by an Administrative Agent as a low-income household or moderate-income household.

**“COAH”** means the Council on Affordable Housing, which ~~is~~ was in, but not of, the Department of Community Affairs of the State of New Jersey, that was previously established under the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.), prior to its abolition through P.L. 2024, c. 2.

**“DCA”** means the State of New Jersey Department of Community Affairs.

**“Deficient housing unit”** means a housing unit with health and safety code violations that require the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

**“Developer”** means any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land proposed to be included in a proposed development including the holder of an option to contract or purchase, or other person having an enforceable proprietary interest in such land.

**“Development”** means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to N.J.S.A. 40:55D-1 et seq.

**“Dispute Resolution Program”** means the Affordable Housing Dispute Resolution Program, established pursuant to section 5 of P.L. 2024, c. 2 (N.J.S.A. 52:27D-313.2). The Dispute Resolution Program is established within the Judiciary of the State, for the purpose of resolving disputes associated with the Fair Housing Act with respect to municipalities seeking to obtain a certification of compliance of their adopted Housing Element & Fair Share Plan.

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**“Inclusionary development”** means a development containing both affordable units and market rate units. This term includes, but is not necessarily limited to: new construction, the conversion of a non-residential structure to residential and the creation of new affordable units through the reconstruction of a vacant residential structure.

**“Low-income household”** means a household with a total gross annual household income equal to 50 percent or less of the regional median household income by household size.

**“Low-income unit”** means a restricted unit that is affordable to a low-income household.

**“Major system”** means the primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement or load bearing structural systems.

**“Market-rate units”** means housing not restricted to low- and moderate-income households that may sell or rent at any price.

**“Median income”** means the median income by household size for the applicable ~~county housing region~~, as adopted annually by ~~COAH the Affordable Housing Professionals of New Jersey or other entity approved by the court~~ approved by the New Jersey Superior Court.

**“Moderate-income household”** means a household with a total gross annual household income in excess of 50 percent but less than 80 percent of the median household income.

**“Moderate-income unit”** means a restricted unit that is affordable to a moderate-income household.

**“Non-exempt sale”** means any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor’s deed to a Class A beneficiary and the transfer of ownership by court order.

**“Random selection process”** means a process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

**“Regional asset limit”** means the maximum housing value in each housing region affordable to a four-person household with an income at 80 percent of the regional median as defined ~~by approved regional income limits~~ by duly adopted Regional Income Limits published annually by the Affordable Housing Professionals of New Jersey or other entity approved by the court.

**“Rehabilitation”** means the repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

**“Rent”** means the gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

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“**Restricted unit**” means a dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as may be amended and supplemented, but does not include a market-rate unit financed under UHORP or MONI.

“**Special Master**” means an expert appointed by a judge to make sure that judicial orders are followed. A master’s function is essentially investigative, compiling evidence or documents to inform some future action by the court.

“**UHAC**” means the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et seq. as amended and supplemented.

“**Very low-income household**” means a household with a total gross annual household income equal to 30 percent or less of the median household income.

“**Very low-income unit**” means a restricted unit that is affordable to a very low-income household.

“**Weatherization**” means building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for rehabilitation.

**§245-24. Borough-wide Mandatory Set-Aside**

A. Any future multi-family residential development providing a minimum of five (5) new housing units or more is required to include an affordable housing set-aside of 20% if the affordable units will be for sale and 15% if the affordable units will be for rent. This requirement shall not apply to residential expansions, additions, renovations, replacement, or any other type of residential development that does not result in a net increase in the number of dwellings of five or more. This requirement does not give any developer the right to any such rezoning, variance or other relief, or establish any obligation on the part of Mountain Lakes to grant such rezoning, variance or other relief. No subdivision shall be permitted or approved for the purpose of avoiding compliance with this requirement.

~~B. This requirement shall not apply to any sites or specific zones otherwise identified in the Borough’s Settlement Agreement with Fair Share Housing Center dated January 29, 2019, or in the Borough’s Housing Element and Fair Share Plan, adopted by the Borough Planning Board and endorsed by the Borough Council, for which density and set-aside standards shall be governed by the specific standards set forth therein.~~

**§245-25. Accessory Apartment Program**

Accessory apartments created under this program shall abide by the regulations in this chapter and those outlined in Chapter 245, Article VI, Affordable Accessory Apartments.

**§245-26. New Construction**

The following general guidelines apply to all newly constructed developments that contain low- and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units. The required income and bedroom distribution of affordable housing units shall be as set forth in UHAC, N.J.A.C. 5:80-26.1 et seq., as amended and supplemented.

A. Phasing. Final site plan or subdivision approval shall be contingent upon the affordable housing development meeting the following phasing ~~schedule for low- and moderate income~~

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~~units requirements as set forth in UHAC, N.J.A.C. 5:80-26.1 et seq., as amended as supplemented.~~

<del>Maximum Percentage of Market Rate</del>	<del>Minimum Percentage of Low- and Moderate-Income Units Completed</del>
<del>25%</del>	<del>0%</del>
<del>25% +1</del>	<del>10%</del>
<del>50%</del>	<del>50%</del>
<del>75%</del>	<del>75%</del>
<del>90%</del>	<del>100%</del>

- B. -Design. In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.
- C. Off-site construction. A developer may construct affordable units off-site at the discretion of either the Planning or Zoning Board, whichever is the applicable reviewing entity, in accordance with N.J.A.C. 5:93, ~~as amended and supplemented.~~
- D. Utilities. Affordable units shall utilize the same type of heating source as market units within the affordable development.
- E. Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:
  - (1) The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit.
  - (2) In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be low-income units.
  - (3) Within rental developments, of the total number of affordable rental units, at least 13% shall be affordable to very low-income households.
  - (4) Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
    - (a) The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total low- and moderate-income units;
    - (b) At least 30 percent of all low- and moderate-income units shall be two bedroom units;
    - (c) At least 20 percent of all low- and moderate-income units shall be three bedroom units; and
    - (d) The remaining units may be allocated among two and three bedroom units at the discretion of the developer.
  - (5) Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

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F. Accessibility Requirements:

- (1) The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.
- (2) All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:
  - (a) An adaptable toilet and bathing facility on the first floor;
  - (b) An adaptable kitchen on the first floor;
  - (c) An interior accessible route of travel on the first floor;
  - (d) An interior accessible route of travel shall not be required between stories within an individual unit;
  - (e) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
  - (f) An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7, or evidence that the Borough has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:
    - [1.] Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
    - [2.] To this end, the builder of restricted units shall deposit funds within the Borough's affordable housing trust fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.
    - [3.] The funds deposited under subsection [b] above shall be used by the Borough for the sole purpose of making the adaptable entrance of any affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
    - [4.] The developer of the restricted units shall submit a design plan and cost estimate for the conversion from adaptable to accessible entrances to the Construction Official of the Borough of Mountain Lakes.
    - [5.] Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to Mountain Lakes' affordable housing trust fund in care of the Borough's Chief Financial Officer who shall ensure that the funds are deposited into the affordable housing trust fund and appropriately earmarked.
    - [6.] Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is impracticable to meet the requirements.

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Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, N.J.A.C. 5:23-7.

G. Maximum Rents and Sales Prices

- (1) In establishing rents and sales prices of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC and by the Superior Court, utilizing the regional income limits established.
- (2) The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of median income, and the average rent for restricted low- and moderate-income units shall be affordable to households earning no more than 52 percent of median income.
- (3) The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units. At least 13 percent of all low- and moderate-income rental units shall be affordable to households earning no more than 30 percent of median income.
- (4) The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income, and each affordable development must achieve an affordability average of 55 percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type. At least 13 percent of all low- and moderate-income rental units shall be affordable to households earning no more than 30 percent of median income. These very low-income units shall be part of the low-income requirement.
- (5) In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units other than assisted living facilities, the following standards shall be used:
  - (a) A studio shall be affordable to a one-person household;
  - (b) A one-bedroom unit shall be affordable to a one and one-half person household;
  - (c) A two-bedroom unit shall be affordable to a three-person household;
  - (d) A three-bedroom unit shall be affordable to a four and one-half person household;  
and
  - (e) A four-bedroom unit shall be affordable to a six-person household.
- (6) In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units in assisted living facilities, the following standards shall be used:
  - (a) A studio shall be affordable to a one-person household;
  - (b) A one-bedroom unit shall be affordable to a one and one-half person household; and
  - (c) A two-bedroom unit shall be affordable to a two-person household or to two one-person households.

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- (7) The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.54, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.43, as may be amended and supplemented.
- (8) The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate household size as determined under N.J.A.C. 5:80-26.54, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.43, as may be amended and supplemented.
- (9) The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.
- (10) The rent of low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed nine percent in any one year. Rent increases for units constructed pursuant to low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low- income housing tax credits.
- (11) Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.
- (12) Condominium and Homeowners Associates Fees. For any affordable housing unit that is part of a condominium association and/or homeowner's association, the Master Deed shall reflect that the association fee assessed for each affordable housing unit shall be established at 100 percent of the market rate fee.

**§245-27. Occupancy Standards.**

- A. In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to:
  - (1) Provide an occupant for each bedroom;
  - (2) Provide children of different sex with separate bedrooms;
  - ~~(2)(3)~~ Provide separate bedrooms for parents and children; and
  - ~~(3)(4)~~ Prevent more than two persons from occupying a single bedroom.
- B. Additional provisions related to occupancy standards (if any) shall be provided in the municipal Operating Manual.

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**§245-28. Control Periods for Restricted Ownership Units and Enforcement Mechanisms**

- A. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.65, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Ordinance until Mountain Lakes elects to release the unit from such requirements however, and prior to such an election, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.
- B. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
- C. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the administrative agent shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value.
- D. At the time of the first sale of the unit, the purchaser shall execute and deliver to the Administrative Agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the requirements of this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
- E. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
- F. A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all code standards upon the first transfer of title that follows the expiration of the applicable minimum control period provided under N.J.A.C. 5:80-26.65(a), as may be amended and supplemented.

**§245-29. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices**

Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:

- A. The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.
- B. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
- C. The method used to determine the condominium association fee amounts and special assessments shall be indistinguishable between the low- and moderate-income unit owners and the market unit owners.
- D. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.

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**§245-30. Buyer Income Eligibility.**

- A. Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 percent of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80 percent of median income.
- B. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33 percent of the household's certified monthly income.

**§245-31. Limitations on indebtedness secured by ownership unit; subordination.**

- A. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the administrative agent shall determine in writing that the proposed indebtedness complies with the provisions of this section.
- B. With the exception of original purchase money mortgages, during a control period neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95 percent of the maximum allowable resale price of that unit, as such price is determined by the administrative agent in accordance with N.J.A.C.5:80-26.7~~6~~(b).

**§245-32. Control Periods for Restricted Rental Units**

- A. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.1~~2~~<sup>4</sup>, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance until the [insert name of municipality] elects to release the unit from such requirements pursuant to action taken in compliance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, and prior to such an election, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.
- B. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of [insert name of county]. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.
- C. A restricted rental unit shall remain subject to the affordability controls of this Ordinance, despite the occurrence of any of the following events:
  - (1) Sublease or assignment of the lease of the unit;
  - (2) Sale or other voluntary transfer of the ownership of the unit; or
  - (3) The entry and enforcement of any judgment of foreclosure.

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**§245-33. Price Restrictions for Rental Units; Leases**

- A. A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.
- B. No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
- C. Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.

**§245-34. Tenant Income Eligibility.**

- A. Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.1~~43~~, as may be amended and supplemented, and shall be determined as follows:
  - (1) Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of median income.
  - (2) Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of median income.
  - (3) Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of median income.
- B. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.1~~76~~, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
  - (1) The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
  - (2) The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
  - (3) The household is currently in substandard or overcrowded living conditions;
  - (4) The household documents the existence of assets with which the household proposes to supplement the rent payments; or
  - (5) The household documents proposed third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.

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C. The applicant shall file documentation sufficient to establish the existence of the circumstances in (2)(a) through (e) above with the Administrative Agent, who shall counsel the household on budgeting.

**§245-35. Municipal Housing Liaison.**

- A. The position of Municipal Housing Liaison (MHL) for Mountain Lakes is established by this ordinance. The MHL shall be appointed by duly adopted resolution of the Borough Council and be subject to the approval by the Superior Court.
- B. The MHL must be either a full-time or part-time employee of the Borough of Mountain Lakes.
- C. The Municipal Housing Liaison shall be approved by the Court and shall be duly qualified through a training program sponsored by Affordable Housing Professionals of New Jersey before assuming the duties of Municipal Housing Liaison.
- D. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for Mountain Lakes, including the following responsibilities which may not be contracted out to the Administrative Agent:
  - (1) Serving as the municipality's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
  - (2) The implementation of the Affirmative Marketing Plan and affordability controls.
  - (3) When applicable, supervising any contracting Administrative Agent.
  - (4) Monitoring the status of all restricted units in the Borough of Mountain Lakes' Fair Share Plan;
  - (5) Compiling, verifying and submitting annual reports as required by the Superior Court;
  - (6) Coordinating meetings with affordable housing providers and Administrative Agents, as applicable; and
  - (7) Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by the Superior Court.

**§245-36. Administrative Agent.**

- A. The Borough shall designate by resolution of the Borough Council, subject to the approval of the Superior Court, one or more Administrative Agents to administer newly constructed affordable units in accordance with N.J.A.C. 5:93 and UHAC, as amended and supplemented.
- B. An Operating Manual shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body and subject to approval of the Superior Court. The Operating Manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s).
- C. The Administrative Agent shall perform the duties and responsibilities of an administrative agent as are set forth in UHAC and which are described in full detail in the Operating Manual, including those set forth in N.J.A.C. 5:80-26.1~~54~~, 1~~76~~ and 1~~98~~ thereof, which includes:
  - (1) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Superior Court;

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- (2) Affirmative Marketing;
- (3) Household Certification;
- (4) Affordability Controls;
- (5) Records retention;
- (6) Resale and re-rental;
- (7) Processing requests from unit owners; and
- (8) Enforcement, though the ultimate responsibility for retaining controls on the units rests with the municipality.
- (9) The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities, hereunder.

**§245-37. Affirmative Marketing Requirements**

- A. Mountain Lakes shall adopt by resolution an Affirmative Marketing Plan, subject to approval of the Superior Court, compliant with N.J.A.C. 5:80-26.165, as may be amended and supplemented.
- B. The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The affirmative marketing plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward ~~COAH~~ Housing Region 2 and covers the period of deed restriction.
- C. The affirmative marketing plan shall provide a regional preference for all households that live and/or work in ~~COAH~~ Housing Region 2 comprised of Essex, Morris, Union and Warren Counties.
- D. The Administrative Agent designated by Mountain Lakes shall assure the affirmative marketing of all affordable units consistent with the Affirmative Marketing Plan for the municipality.
- E. In implementing the affirmative marketing plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- F. The affirmative marketing process for available affordable units shall begin at least four months prior to the expected date of occupancy.
- G. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by Mountain Lakes.
- H. Selection of Occupants of Affordable Housing Units.
  - (1) The administrative agent shall use a random selection process to select occupants of low- and moderate-income housing.

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- (2) A waiting list of all eligible candidates will be maintained in accordance with the provisions of N.J.A.C. 5:80-26 et seq., as amended and supplemented.

**§245-38. Enforcement of Affordable Housing Regulations**

- A. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an Owner, Developer or Tenant the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
- B. After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may take the following action against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
- (1) The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is found by the court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the court:
- (a) A fine of not more than \$500 or imprisonment for a period not to exceed 90 days, or both. Each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense;
- (b) In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Mountain Lakes Affordable Housing Trust Fund of the gross amount of rent illegally collected;
- (c) In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the court.
- (2) The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- and moderate-income unit.
- (a) Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.

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- (b) The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating Owner shall be personally responsible for and to the extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the Owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the Owner shall make a claim with the municipality for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the Owner or forfeited to the municipality.
- (c) Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
- (d) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.
- (e) Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.
- (f) The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

Section 2: If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this

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Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 3: All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

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Section 4: This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

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Introduced:

Adopted:

\_\_\_\_\_  
Cara Fox, Borough Clerk

\_\_\_\_\_  
Lauren Barnett, Mayor

# Appendix H: Mediation Agreement with FSHC on Fourth Round Obligation

March 28, 2025

**Via eCourts and Electronic Mail**

Hon. Stephan C. Hansbury J.S.C.. (ret. and on rec.)  
Affordable Housing Dispute Resolution Program  
Richard J. Hughes Justice Complex  
P.O. Box 037  
Trenton, New Jersey 08625

**Re: In the Matter of the Application of the Borough of Mountain Lakes,  
Docket No.: MRS-L-000244-25**

Dear Judge Hansbury:

Please find enclosed the mediation agreement between the Borough of Mountain Lakes and FSHC in the above-captioned matter. The agreement has been executed by both parties. We thank Your Honor and the Special Adjudicator for your assistance in resolving this matter.

Respectfully,



\_\_\_\_\_  
Esmé M. Devenney, Esq.  
Counsel for Fair Share Housing Center

Cc: Special Adjudicator Brian Slaugh, PP, AICP.  
All Parties, via eCourts and email

MEDIATION AGREEMENT BEFORE THE AFFORDABLE HOUSING DISPUTE  
RESOLUTION PROGRAM

IN THE MATTER OF THE APPLICATION OF THE BOROUGH OF MOUNTAIN LAKES,  
DOCKET NO. MRS-L-000244-25

**WHEREAS**, on March 20, 2024, Governor Murphy signed P.L. 2024, c.2., into law, which established a new framework for determining and enforcing municipalities' affordable housing obligations under the Mount Laurel doctrine and the Fair Housing Act (the "Amended Act");

**WHEREAS**, the Amended Act required the Department of Community Affairs (the "DCA") to prepare a report with the calculation of the regional and municipal Prospective Need and the municipal Present Need for the Fourth Round in accordance with the formula required by the Amended Act;

**WHEREAS**, the DCA released this report entitled "Affordable Housing Obligations for 2025-2035 (Fourth Round)" on October 18, 2024;

**WHEREAS**, the DCA report concluded that Mountain Lakes Borough ("Mountain Lakes" or the "Borough") fair share obligations for the Fourth Round included a Present Need of 0 units and a Prospective Need of 267 units;

**WHEREAS**, the Borough having filed its resolution of participation before the Affordable Housing Dispute Resolution Program (the "Program") on January 28, 2025, in accordance with the requirements of N.J.S.A. 52:27D-301, et seq, and the timeframes set forth in Directive #14-24;

**WHEREAS**, the Borough's resolution proposed to set Mountain Lakes' affordable housing obligations for the Fourth Round to include a Present Need of 0 units and a Prospective Need of 146 units;

**WHEREAS**, in accordance with the timeframes set forth in the Amended Act and the Directive, FSHC filed a timely objection to Mountain Lakes' resolution on February 28, 2025;

**WHEREAS**, FSHC's objection contended that Mountain Lakes had improperly calculated its Prospective Need obligations and should be required to utilize the calculation prepared by FSHC in its February 28, 2025 report, setting the Prospective Need obligation at 234;

**WHEREAS**, Mountain Lakes disputes the contentions raised in FSHC's objection;

**WHEREAS**, within the Affordable Housing Dispute Resolution Program ("Program") established pursuant to N.J.S.A. 52:27D-313.2, the parties have engaged in the mediation process provided by the Program and conferred and reached an accord setting forth Mountain Lakes' Fourth Round Prospective Need obligations, without either party admitting the validity of the others' claims;

**WHEREAS**, recognizing that this agreement is reached prior to the adjudication of any challenges by the Program or any potential subsequent review in the judicial system, the parties agree that 190 units is within the range of possibilities of outcomes for Mountain Lakes' Fourth Round Prospective Need;


**WHEREAS**, resolving the Fourth Round Prospective Need at this juncture and allowing Mountain Lakes to move forward with preparing its Fourth Round HEFSP is important to the interests of lower-income households; and

**WHEREAS**, the Borough and FSHC thus agree to present this mediation agreement to the Program and consent to the Mediation Agreement, upon the approval by the Program, setting forth Mountain Lakes' Fourth Round obligations and binding the Borough to utilize these obligations and foreclosing FSHC from further challenge to said obligations.


THEREFORE, the Borough and FSHC agree:

1. Mountain Lakes' Fourth Round fair share obligations shall be set forth as follows:
  - Present Need – 0 units
  - Prospective Need – 190 units
2. A Fourth Round Fair Share Obligation of 190 units is within the range possible outcomes were the court to fully-adjudicate the Borough's Prospective Need.
3. A Fourth Round Fair Share Obligation of 190 units is fair to the interests of lower-income households.
4. The Borough and FSHC will jointly present this mediation agreement to the Program and request approval of this Agreement from the Program and if approved by the Program from the vicinage Mount Laurel judge. If the Program, trial court, or any appellate court reject approval of this Agreement, the Parties reserve their right to return to the *status quo ante*.
5. Mountain Lakes shall prepare a Fourth Round Housing Element and Fair Share Plan ("HEFSP") utilizing these present and prospective need obligations and submit the HEFSP to the Program by the deadline in the Amended Act of June 30, 2025, unless said deadline for submission is extended by the Program or Mount Laurel judge at the Borough's request for a grace period pursuant to the Amended Act and the promulgated rules and procedures for the Program. FSHC reserves all rights as to its review of the HEFSP pursuant to the Amended Act.

The undersigned, on behalf of their respective clients, have consented to this Mediation Agreement and represent that they are authorized to execute it on their behalf. This Mediation Agreement shall not be further modified, amended or altered in any way except by a writing signed by both the Borough and FSHC.

By:   
Robert H. Oostdyk, Esq.  
Counsel for the Borough of Mountain Lakes

Dated: 03/26/2025

By:   
Joshua D. Bauers, Esq.  
Counsel for Fair Share Housing Center

Dated: 3/28/25

# Appendix I: Proposed New Overlay Zone on Block 118.04, Lot 1/49 Bloomfield Avenue

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**BOROUGH OF MOUNTAIN LAKES**  
**MORRIS COUNTY, NEW JERSEY**

**ORDINANCE # XX-25**  
**AMENDING CHAPTER 245, ZONING OF THE CODE OF**  
**THE BOROUGH OF MOUNTAIN LAKES**

IT IS HEREBY ORDAINED by the Borough Council of the Borough of Mountain Lakes, Morris County, State of New Jersey, as follows:

Section 1: Chapter 245, Article IX, § 245-70. Zoning Districts is hereby amended to add the following:

OL-2/MF-AHO-2 Office and Light Industrial Zone/Multi-Family Affordable Housing Overlay-2

Section 2: Chapter 245, Article IX, § 245-71. Zoning Map is hereby amended to change the zone classification of the following tax lot from OL-2 to OL-2/MF-AHO-2: Block 118.04, Lot 1.

Section 3: Chapter 245, Article X. Zoning District Regulations is hereby amended by adding the following:

§ 245-83.1 Office and Light Industrial OL-2/Multifamily Affordable Housing Overlay-2.

A. Permitted principal, accessory and conditional uses.

- (1) For permitted uses other than multifamily inclusionary development, as set forth this chapter for the OL-2 Zone.
- (2) Multi-family inclusionary development consisting of townhouses and/or stacked townhouses as permitted principal uses with a required set aside for low- and moderate-income households of 20%. Low- and moderate-income units shall comply with the provisions of Article XVII of this chapter (i.e., Affordable Housing Ordinance). Permitted accessory uses shall include uses which are customarily incidental to the permitted principal use, including, but not limited to, indoor and outdoor recreational facilities and related amenities for the exclusive use of residents and guests.

A. Bulk and Development Standards

- (1) For permitted uses other than multifamily inclusionary development, as set forth this chapter for the OL-2 Zone.
- (2) For multi-family inclusionary development, as set forth below.
  - (a) Minimum lot size: 5 acres.
  - (b) Minimum lot frontage: 250 feet.
  - (c) Maximum density: 14 units per gross acre.
  - (d) Maximum building height for townhouses/stacked townhouses: 3 stories/40 feet.
  - (e) Minimum front yard setback: 75 feet.
  - (f) Minimum side yard setback: 50 feet.
  - (g) Minimum rear yard setback: 75 feet.
  - (h) Maximum building coverage: 25%.
  - (i) Maximum improved coverage: 50%
  - (j) There shall be no more than eight (8) townhouse units in any building
  - (k) There shall be no more than sixteen (16) stacked townhouse units in any building.
  - (l) The minimum distance between buildings shall be as follows:
    - i. Windowless wall to windowless wall: 25 feet
    - ii. Window wall to windowless wall: 30 feet
    - iii. Window wall to window wall:
      - Front to front: 75 feet
      - Rear to rear: 50 feet
      - End to end: 35 feet
  - (m) Development shall maintain a minimum fifty-foot landscaped buffer to any residential zone boundary line which shall consist of either existing vegetation or new plantings, or where appropriate, a combination of existing vegetation and new plantings.
  - (n) No parking area shall be located within 50 feet of a front lot line or within 25 feet of any other lot line.
  - (o) Parking shall be provided in accordance with New Jersey Residential Site Improvement Standards (RSIS).

# Appendix J: Proposed Revisions to Development Fee Ordinance

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**BOROUGH OF MOUNTAIN LAKES  
MORRIS COUNTY, NEW JERSEY**

**ORDINANCE #XX-25**

**AMENDING**

**AN ORDINANCE AMENDING CHAPTER 65, ZONING OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MOUNTAIN LAKES**

IT IS HEREBY ORDAINED by the Borough Council of the Borough of Mountain Lakes, Morris County, State of New Jersey, as follows:

Section 1: Chapter 65, Article I is hereby amended to read as follows:

**Article I**

**Development Fees**

**§ 65-1. Purpose.**

- A. In *Holmdel Builders Association v. Holmdel Borough*, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the "Act"), N.J.S.A. 52:27D-301 et seq., and the State Constitution, subject to the then functioning Council on Affordable Housing's ("COAH's") adoption of rules.
- B. Pursuant to P.L. 2008, c. 46, Section 8 (N.J.S.A. 52:27D-329.2), and the Statewide Nonresidential Development Fee Act (N.J.S.A. 40:55D-8.1 through 40:55D-8.7), COAH was authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are were under the jurisdiction of the Council or court of competent jurisdiction and have had an approved spending plan may were able to retain fees collected from nonresidential development.
- C. In Re: Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015), also known as the Mount Laurel IV decision, the Supreme Court remanded COAH's duties to the Superior Court. As a result, affordable housing development fee collections and expenditures from the municipal affordable housing trust funds to implement municipal Third Round Fair Share Plans through July 1, 2025 are were under the Court's jurisdiction and are were subject to approval by the Court.
- ~~B.D.~~ Pursuant to P.L. 2024, c. 2, the authority relating to rulemaking on the collection of residential and non-residential development fees is appropriately delegated to the

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Department of Community Affairs, following the abolition of COAH. As such, municipalities which have obtained or are in the process of seeking compliance certification may retain and expend these development fees.

(+)E. This article establishes standards for the collection, maintenance and expenditure of development fees pursuant to P.L. 2024, c. 2, which amend those regulations originally established in accordance with P.L. 2008, c. 46, Sections 8 and 32 through 38, and supersede the COAH's regulations where in conflict, which remain otherwise valid. Court approval since the Borough has sought and received a declaratory judgment approving its affordable housing plan and in accordance P.L. 2008, c. 46, Sections 8 and 32 through 38. Fees collected pursuant to this article shall be used for the sole purpose of providing low- and moderate-income housing. ~~This article shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:97-8.[1]~~

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[1] Editor's Note: The provisions of N.J.A.C. 5:97 expired on 6-2-2015.

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**§ 65-2. Definitions.**

The following terms, as used in this article, shall have the following meanings:

**"Affordable Housing Development"** means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100% affordable development.

**"COAH"** means the New Jersey Council on Affordable Housing as previously established by the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.), prior to its abolition through P.L.2024, c.2, or a successor to be established under state law which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the state.

**"Developer"** means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

**"Development Fee"** means money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:97-8.3, as amended and supplemented,

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**"Dispute Resolution Program"** means the Affordable Housing Dispute Resolution Program, established pursuant to section 5 of P.L. 2024, c.2 (N.J.S.A. 52:27D-313.2). The Dispute Resolution Program is established within the Judiciary of the State, for the purpose of resolving disputes associated with the Fair Housing Act with respect to municipalities seeking to obtain a certification of compliance of their adopted Housing Element & Fair Share Plan.

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**"Equalized Assessed Value"** means the value of a property determined by the Municipal Tax Assessor through a process designed to ensure that all property in the municipality is assessed at the same assessment ratio or ratios required by law. Estimates at the time of issuance of a building permit may be obtained utilizing estimates for construction cost. Final equalized assessed value will be determined at project completion by the Municipal Tax Assessor.

**"Green Building Strategies"** means those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable,

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low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

**§ 65-3. Nonresidential development fees.**

Nonresidential development fees shall be collected in accordance with the New Jersey Statewide Non-Residential Development Fee Act, N.J.S.A. 40:55D-8.1 through 40:55D-8.8, as amended and supplemented.

**§ 65-4. Residential development fees.**

A. Imposed fees.

- (1) Developers or owners of new residential development shall pay a fee of 1.5% of the equalized assessed value for the new residential development.
- (2) Developers or owners of any property which has an addition or other improvement to an existing residential structure shall pay a fee of 1% of the equalized assessed value improvement. No fee, however, shall be charged for any addition or improvement to an existing residential structure as long as the addition or improvement does not increase the equalized assessed value of the existing structure (the improvement value only) by more than 50%. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure (improvement value only).

B. Eligible exemptions for residential development.

(1) Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.

(+)(2) Developers of low- and moderate-income units shall be exempt from paying development fees.

(2)(3) Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose.

(3)(4) Residential structures demolished and replaced as a result of a natural disaster or a fire shall be exempt from paying a development fee.

**§ 65-5. Procedure for collection of development fees.**

- A. The Construction Official responsible for the issuance of a building permit shall notify the local Tax Assessor of the issuance of the first building permit for a development which is subject to a development fee.
- B. Within 90 days of receipt of that notice, the Municipal Tax Assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.

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- C. The Construction Official responsible for the issuance of a final certificate of occupancy notifies the local Assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- D. Within 10 business days of a request for the scheduling of a final inspection, the Municipal Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- E. Should the Borough of Mountain Lakes fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b of Section 37 of P.L. 2008, c. 46 (N.J.S.A. 40:55D-8.6) as amended and supplemented.
- F. Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at issuance of the building permit and that determined at issuance of the certificate of occupancy.
- G. Appeal of development fees.
  - (1) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest-bearing escrow account by the Borough of Mountain Lakes. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
  - (2) A developer may challenge nonresidential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the Borough of Mountain Lakes. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

**§ 65-6. Affordable Housing Trust Fund.**

- A. There is hereby created a separate, interest-bearing affordable housing trust fund to be maintained by the Chief Financial Officer for the purpose of depositing development fees collected from residential and nonresidential developers and proceeds from the sale of units with extinguished controls.
- B. The following additional funds shall be deposited in the affordable housing trust fund and shall at all times be identifiable by source and amount:

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- (1) Payments in lieu of on-site construction of affordable units;
- (2) Developer-contributed funds to make ten (10%) percent of the adaptable entrances in a townhouse or other multistory attached development accessible;
- (3) Rental income from municipally operated units;
- (4) Repayments from affordable housing program loans;
- (5) Recapture funds;
- (6) Proceeds from the sale of affordable units; and,
- (7) Any other funds collected in connection with the Borough's affordable housing program.

C. In the event of a failure by the Borough to comply with trust fund monitoring and reporting requirements or to submit accurate monitoring reports; or a failure to comply with the conditions of the judgment of compliance or a revocation of the judgment of compliance; or a failure to implement the approved Spending Plan and to expend funds within the applicable required time period as set forth in In re Tp. of Monroe, 442 N.J. Super. 565 (Law Div. 2015) (aff'd 442 N.J. Super. 563); or the expenditure of funds on activities not approved by the Court; or for other good cause demonstrating the unapproved use(s) of funds, the Court may authorize the State of New Jersey, Department of Community Affairs, Division of Local Government Services (LGS), to direct the manner in which the funds in the Affordable Housing Trust Fund shall be expended, provided that all such funds shall, to the extent practicable, be utilized for affordable housing programs within the Borough, or, if not practicable, then within the County or the Housing Region.

Any party may bring a motion before the Superior Court presenting evidence of such condition(s), and the Court may, after considering the evidence and providing the municipality a reasonable opportunity to respond and/or to remedy the non-compliant condition(s), and upon a finding of continuing and deliberate non-compliance, determine to authorize LGS to direct the expenditure of funds in the Trust Fund. The Court may also impose such other remedies as may be reasonable and appropriate to the circumstances.

D. Interest accrued in the Affordable Housing Trust Fund shall only be used to fund eligible affordable housing activities approved by the Court.

**§ 65-7. Use of Funds.**

A. The expenditure of all funds shall conform to a spending plan approved by the court. Funds deposited in the housing trust fund may be used for any activity approved by the court to address the Borough's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to, preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, market to affordable, or regional housing partnership programs, conversion of existing nonresidential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.S.A.

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52:27D-301 et seq. and N.J.A.C. 5:93-8, as applicable, and specified in the approved spending plan.

B. Development fee revenues shall not be expended to reimburse the Borough for past housing activities.

C. At least thirty (30%) percent of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning thirty (30%) percent or less of median income by region.

(1) Affordability assistance programs may include down payment assistance, security deposit assistance, low-interest loans, rental assistance, assistance with homeowners' association or condominium fees and special assessments, and assistance with emergency repairs.

(2) Affordability assistance to households earning thirty (30%) percent or less of median income may include buying down the cost of low- or moderate-income units in the third-round Municipal Fair Share Plan to make them affordable to households earning thirty (30%) percent or less of median income. The use of development fees in this manner shall entitle the Borough to bonus credits pursuant to N.J.S.A. 52:27D-301 et seq. and N.J.A.C. 5:94-4.22, as applicable.

(3) Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.

D. The Borough may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.S.A. 52:27D-301 et seq. and N.J.A.C. 5:94-7, as applicable.

E. No more than twenty (20%) percent of all revenues collected from development fees may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than twenty (20%) percent of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with the monitoring requirements for the affordable housing in in compliance with the Housing Element and Fair Share Plan. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's DCA or other court approved entity's regulations and/or action are not eligible uses of the affordable housing trust fund.

**§ 65-8. Monitoring.**

A. The Borough of Mountain Lakes shall comply with the reporting requirements set forth in N.J.S.A. 52:27D-329.

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**§ 65-7. Ongoing Collection of Fees.**

A. The ability for the Borough to impose, collect and expend development fees shall expire with its judgment certification of compliance unless the Borough has filed an adopted Housing Element and Fair Share Plan with the court Dispute Resolution Program or other appropriate jurisdiction, has filed a Declaratory Judgment action and has received court approval of its development fee ordinance. If the Borough fails to renew its ability to impose and collect development fees prior to the expiration of its Judgment Certification of Compliance and Repose, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to Section 20 of P.L. 1985, c. 222 (N.J.S.A. 52:27D-320), as amended and supplemented. The Borough shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its Judgment of Compliance and Repose, nor shall the Borough retroactively impose a development fee on such a development. The Borough shall not expend development fees after the expiration of its substantive certification or Judgment of Compliance and Repose.

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Section 2: If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 3: All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 4: This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

Introduced:

Adopted:

\_\_\_\_\_  
Cara Fox, Borough Clerk

\_\_\_\_\_  
Lauren Barnett, Mayor

# Appendix K: Adopted Affirmative Marketing Plan

**ORDINANCE 5-19 - AFFIRMATIVE FAIR HOUSING MARKETING PLAN**

For Affordable Housing in **(REGION 2)**

**I. APPLICANT AND PROJECT INFORMATION**

(Complete Section I individually for all developments or programs within the municipality.)

1a. Administrative Agent Name, Address, Phone Number		1b. Development or Program Name, Address	
1c. Number of Affordable Units:  Number of Rental Units:  Number of For-Sale Units:	1d. Price or Rental Range  From  To	1e. State and Federal Funding Sources (if any)	
1f. <input type="checkbox"/> Age Restricted  <input type="checkbox"/> Non-Age Restricted	1g. Approximate Starting Dates  Advertising: <span style="float:right">Occupancy:</span>		
1h. County <b>Essex, Morris, Union, Warren</b>		1i. Census Tract(s):	
1j. Managing/Sales Agent's Name, Address, Phone Number			
1k. Application Fees (if any):			

(Sections II through IV should be consistent for all affordable housing developments and programs within the municipality. Sections that differ must be described in the approved contract between the municipality and the administrative agent and in the approved Operating Manual.)

**II. RANDOM SELECTION**

<p>2. Describe the random selection process that will be used once applications are received.</p> <ol style="list-style-type: none"> <li>1. An initial deadline date, no less than 60 days after the start of the marketing process, will be established. All of the preliminary applications received by the Administrative Agent, on or before the initial deadline date, shall be deemed received on that date.</li> <li>2. Households that apply for very low-, low- and moderate-income housing will be prescreened by the Administrative Agent for preliminary income eligibility by comparing their total income and household size to the very low-, low- and moderate-income limits adopted by the Court, COAH or its successors and other program restrictions that may apply. All households will be notified as to their preliminary status.</li> <li>3. A drawing (using a web-based randomizer) will be held under the direction of the Administrative Agent to determine the priority order of the pre-qualified applications received on or before the initial deadline date. All preliminary applications received after the initial deadline will be processed on a "first come, first served" basis after the applicants who were in the random selection.</li> <li>4. In order to ensure an adequate supply of qualified applicants, the advertising phase will continue until there are at least ten (10) pre-qualified applicants for each very low-, low- and moderate-income unit available, or until all of the affordable units within the development have been rented.</li> <li>5. Final applications will be mailed by the Administrative Agent to an adequate number of pre-qualified</li> </ol>
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applicants, in priority order, for each available affordable unit. The final application will require the applicants to supply documents to verify their identity and household composition as well as their income and assets.

6. Completed final applications will be forwarded to the Administrative Agent. The Administrative Agent will make a determination as to their eligibility for an affordable unit.
7. Applicants will receive a letter from the Administrative Agent with respect to the status of their application each time a review is performed.
8. Applicants will be reviewed by the Landlord for compliance with the tenant selection criteria set for the property. The tenant selection criteria shall comply with all fair housing standards and be set forth in a policy statement made available to all applicants by the Landlord. The Landlord will be responsible for the assessment of all criteria beyond the income and household size criteria set forth by the affordable housing criteria.
9. Certified applicants will be given a pre-determined amount of time to sign a lease agreement with the Landlord.

### III. MARKETING

3a. Direction of Marketing Activity: (indicate which group(s) in the housing region are least likely to apply for the housing without special outreach efforts because of its location and other factors)

- White (non-Hispanic)   
  Black (non-Hispanic)   
  Hispanic   
  American Indian or Alaskan Native  
 Asian or Pacific Islander   
  Other group:

3b. **HOUSING RESOURCE CENTER** ([www.njhousing.gov](http://www.njhousing.gov)) A free, online listing of affordable housing   
**BOROUGH OF MOUNTAIN LAKES** (<https://mtnlakes.org/>)

3c. Commercial Media (required) (Check all that applies)

	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL NEWSPAPER(S)	CIRCULATION AREA
<b>TARGETS ENTIRE HOUSING REGION 2</b>			
Daily Newspaper			
<input checked="" type="checkbox"/>	Once at start of Affirmative Marketing Process with additional monthly advertising if necessary.	Star-Ledger	
<input type="checkbox"/>		New York Times	
<b>TARGETS PARTIAL HOUSING REGION 2</b>			
Daily Newspaper			
<input checked="" type="checkbox"/>	Once at start of Affirmative Marketing Process with additional monthly advertising if necessary.	Daily Record	Morris
<input type="checkbox"/>		Express Times	Warren
Weekly Newspaper			
<input type="checkbox"/>		Belleville Post	Essex

<input type="checkbox"/>		Belleville Times	Essex
<input type="checkbox"/>		Bloomfield Life	Essex
<input type="checkbox"/>		East Orange Record	Essex
<input type="checkbox"/>		Glen Ridge Paper	Essex
<input type="checkbox"/>		Glen Ridge Voice	Essex
X	Once at start of Affirmative Marketing Process with additional monthly advertising if necessary.	Independent Press	Essex
X	Once at start of Affirmative Marketing Process with additional monthly advertising if necessary.	Worrall Community Newspapers, Inc. 1291 Stuyvesant Avenue PO Box 3639 Union, NJ 07083 P: (908) 686-7700 F: (908) 688-0401	Essex, Union
<input type="checkbox"/>		Irvington Herald	Essex
<input type="checkbox"/>		Item of Millburn and Short Hills	Essex
<input type="checkbox"/>		Montclair Times	Essex
<input type="checkbox"/>		News-Record	Essex
<input type="checkbox"/>		Nutley Journal	Essex
<input type="checkbox"/>		Nutley Sun	Essex
<input type="checkbox"/>		Observer	Essex
<input type="checkbox"/>		Orange Transcript	Essex
<input type="checkbox"/>		Progress	Essex
<input type="checkbox"/>		Vailsburg Leader	Essex
<input type="checkbox"/>		Verona-Cedar Grove Times	Essex
<input type="checkbox"/>		West Essex Tribune	Essex
<input type="checkbox"/>		West Orange Chronicle	Essex
<input type="checkbox"/>		Atom Tabloid & Citizen Gazette	Middlesex, Union
<input type="checkbox"/>		Chatham Courier	Morris
<input type="checkbox"/>		Chatham Independent Press	Morris
X	Once at start of Affirmative Marketing Process with additional monthly advertising if necessary.	Citizen of Morris County	Morris
<input type="checkbox"/>		Florham Park Eagle	Morris
<input type="checkbox"/>		Hanover Eagle	Morris

<input type="checkbox"/>		Madison Eagle	Morris
X	Once at start of Affirmative Marketing Process with additional monthly advertising if necessary.	Morris News Bee	Morris
<input type="checkbox"/>		Mt. Olive Chronicle	Morris
<input type="checkbox"/>		Neighbor News	Morris
<input type="checkbox"/>		Randolph Reporter	Morris
<input type="checkbox"/>		Roxbury Register	Morris
<input type="checkbox"/>		Parsippany Life	Morris
<input type="checkbox"/>		Clark Patriot	Union
<input type="checkbox"/>		Cranford Chronicle	Union
<input type="checkbox"/>		Echo Leader	Union
<input type="checkbox"/>		Elizabeth Reporter	Union
<input type="checkbox"/>		Hillside Leader	Union
<input type="checkbox"/>		Leader of Kenilworth & Roselle Park	Union
<input type="checkbox"/>		Madison Independent Press, The	Union
<input type="checkbox"/>		Millburn and Short Hills Independent Press	Union
<input type="checkbox"/>		News Record	Union
<input type="checkbox"/>		Record-Press	Union
<input type="checkbox"/>		Scotch Plains Times (Fanwood Times)	Union
<input type="checkbox"/>		Spectator Leader	Union
<input type="checkbox"/>		Union Leader	Union
X	Once at start of Affirmative Marketing Process with additional monthly advertising if necessary.	Warren Reporter	Warren

	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL TV STATION(S)	CIRCULATION AREA AND/OR RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
<b>TARGETS ENTIRE HOUSING REGION 2</b>			
<input type="checkbox"/>		2 WCBS-TV Cbs Broadcasting Inc.	
		3 KYW-TV Cbs Broadcasting Inc.	
<input type="checkbox"/>		4 WNBC NBC Telemundo License Co. (General Electric)	

<input type="checkbox"/>		5 WNYW Fox Television Stations, Inc. (News Corp.)	
<input type="checkbox"/>		7 WABC-TV American Broadcasting Companies, Inc (Walt Disney)	
<input type="checkbox"/>		9 WWOR-TV Fox Television Stations, Inc. (News Corp.)	
<input type="checkbox"/>		11 WPIX Wpix, Inc. (Tribune)	
<input type="checkbox"/>		13 WNET Educational Broadcasting Corporation	
<input type="checkbox"/>		25 WNYE-TV New York City Dept. Of Info Technology & Telecommunications	
<input type="checkbox"/>		31 WPXN-TV Paxson Communications License Company, Llc	
<input type="checkbox"/>		41 WXTV Wxtv License Partnership, G.p. (Univision Communications Inc.)	
<input type="checkbox"/>		47 WNJU NBC Telemundo License Co. (General Electric)	
<input type="checkbox"/>		50 WNJN New Jersey Public Broadcasting Authority	
<input type="checkbox"/>		52 WNJT New Jersey Public Broadcasting Authority	
<input type="checkbox"/>		54 WTBY-TV Trinity Broadcasting Of New York, Inc.	
<input type="checkbox"/>		58 WNJB New Jersey Public Broadcasting Authority	
<input type="checkbox"/>		62 WRNN-TV Wrmn License Company, Llc	
<input type="checkbox"/>		63 WMBC-TV Mountain Broadcating Corporation	
<input type="checkbox"/>		68 WFUT-TV Univision New York Llc	Spanish
<b>TARGETS PARTIAL HOUSING REGION 2</b>			
<input type="checkbox"/>		42 WKOB-LP Nave Communications, Llc	Essex
<input type="checkbox"/>		22 WMBQ-CA Renard Communications Corp.	Essex, Morris, Union
<input type="checkbox"/>		66 WFME-TV Family Stations Of New Jersey, Inc.	Essex, Morris, Union
<input type="checkbox"/>		21 WLIW Educational Broadcasting Corporation	Essex, Union
<input type="checkbox"/>		60 W60AI Ventana Television, Inc	Essex, Union

<input type="checkbox"/>		36 W36AZ New Jersey Public Broadcasting Authority	Morris
<input type="checkbox"/>		6 WPVI-TV American Broadcasting Companies, Inc (Walt Disney)	Morris, Union, Warren
<input type="checkbox"/>		65 WUVP-TV Univision Communications, Inc.	Morris, Union, Warren
<input type="checkbox"/>		23 W23AZ Centenary College	Morris, Warren
<input type="checkbox"/>		28 WBRE-TV Nexstar Broadcasting, Inc.	Morris, Warren
<input type="checkbox"/>		35 WYBE Independence Public Media Of Philadelphia, Inc.	Morris, Warren
<input type="checkbox"/>		39 WLVT-TV Lehigh Valley Public Telecommunications Corp.	Morris, Warren
<input type="checkbox"/>		44 WVIA-TV Ne Pa Ed Tv Association	Morris, Warren
<input type="checkbox"/>		56 WOLF-TV Wolf License Corp	Morris, Warren
<input type="checkbox"/>		60 WBPH-TV Sonshine Family Television Corp	Morris, Warren
<input type="checkbox"/>		69 WFMZ-TV Maranatha Broadcasting Company, Inc.	Morris, Warren
<input type="checkbox"/>		10 WCAU NBC Telemundo License Co. (General Electric)	Warren
<input type="checkbox"/>		16 WNEP-TV New York Times Co.	Warren
<input type="checkbox"/>		17 WPHL-TV Tribune Company	Warren
<input type="checkbox"/>		22 WYOU Nexstar Broadcasting, Inc.	Warren
<input type="checkbox"/>		29 WTXF-TV Fox Television Stations, Inc. (News Corp.)	Warren
<input type="checkbox"/>		38 WSWB Mystic Television of Scranton Llc	Warren
<input type="checkbox"/>		48 WGTW-TV Trinity Broadcasting Network	Warren
<input type="checkbox"/>		49 W49BE New Jersey Public Broadcasting Authority	Warren
<input type="checkbox"/>		55 W55BS New Jersey Public Broadcasting Authority	Warren
<input type="checkbox"/>		57 WPSG Cbs Broadcasting Inc.	Warren
<input type="checkbox"/>		61 WPPX Paxson Communications License Company, Llc	Warren
	<b>DURATION &amp; FREQUENCY OF OUTREACH</b>	<b>NAMES OF CABLE PROVIDER(S)</b>	<b>BROADCAST AREA</b>

<b>TARGETS PARTIAL HOUSING REGION 2</b>			
<input type="checkbox"/>		Cablevision of Newark	Partial Essex
<input type="checkbox"/>		Comcast of NJ (Union System)	Partial Essex, Union
<input type="checkbox"/>		Cablevision of Oakland	Partial Essex, Morris
<input type="checkbox"/>		Cable Vision of Morris	Partial Morris
<input type="checkbox"/>		Comcast of Northwest NJ	Partial Morris, Warren
<input type="checkbox"/>		Patriot Media & Communications	Partial Morris
<input type="checkbox"/>		Service Electric Broadband Cable	Partial Morris, Warren
<input type="checkbox"/>		Cablevision of Elizabeth	Partial Union
<input type="checkbox"/>		Comcast of Plainfield	Partial Union
<input type="checkbox"/>		Cable Vision of Morris	Partial Warren
<input type="checkbox"/>		Service Electric Cable TV of Hunterdon	Partial Warren

	<b>DURATION &amp; FREQUENCY OF OUTREACH</b>	<b>NAMES OF REGIONAL RADIO STATION(S)</b>	<b>BROADCAST AREA AND/OR RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE</b>
<b>TARGETS ENTIRE HOUSING REGION 2</b>			
<b>AM</b>			
<input type="checkbox"/>		WFAN 660	
<input type="checkbox"/>		WOR 710	
<input type="checkbox"/>		WABC 770	
<b>FM</b>			
<input type="checkbox"/>		WFNY-FM 92.3	
<input type="checkbox"/>		WPAT-FM 93.1	Spanish
<input type="checkbox"/>		WNYC-FM 93.9	
<input type="checkbox"/>		WFME 94.7	Christian
<input type="checkbox"/>		WPLJ 95.5	
<input type="checkbox"/>		WQXR-FM 96.3	
<input type="checkbox"/>		WQHT 97.1	
<input type="checkbox"/>		WRKS 98.7	
<input type="checkbox"/>		WAWZ 99.1	Christian
<input type="checkbox"/>		WHTZ 100.3	
<input type="checkbox"/>		WCBS-FM 101.1	

<input checked="" type="checkbox"/>	Once at the start of Affirmative Marketing Process with additional monthly advertising if necessary.	WKXW-FM 101.5	
<input type="checkbox"/>		WQCD 101.9	
<input type="checkbox"/>		WNEW 102.7	
<input type="checkbox"/>		WKTU 103.5	
<input type="checkbox"/>		WAXQ 104.3	
<input type="checkbox"/>		WWPR-FM 105.1	
<input type="checkbox"/>		WLTW 106.7	
<b>TARGETS PARTIAL HOUSING REGION 2</b>			
<b>AM</b>			
<input type="checkbox"/>		WWRL 1600	Essex
<input type="checkbox"/>		WXMC 1310	Essex, Morris
<input type="checkbox"/>		WWRV 1330	Essex, Morris (Spanish)
<input type="checkbox"/>		WZRC 1480	Essex, Morris (Chinese/Cantonese)
<input type="checkbox"/>		WMCA 570	Essex, Morris, Union (Christian)
<input type="checkbox"/>		WNYC 820	Essex, Morris, Union
<input type="checkbox"/>		WCBS 880	Essex, Morris, Union
<input type="checkbox"/>		WPAT 930	Essex, Morris, Union (Caribbean, Mexican, Mandarin)
<input type="checkbox"/>		WWDJ 970	Essex, Morris, Union (Christian)
<input type="checkbox"/>		WINS 1010	Essex, Morris, Union
<input type="checkbox"/>		WEPN 1050	Essex, Morris, Union
<input type="checkbox"/>		WKMB 1070	Essex, Morris, Union (Christian)
<input type="checkbox"/>		WBBR 1130	Essex, Morris, Union
<input type="checkbox"/>		WLIB 1190	Essex, Morris, Union (Christian)
<input type="checkbox"/>		WMTR 1250	Essex, Morris, Union
<input type="checkbox"/>		WADO 1280	Essex, Morris, Union (Spanish)
<input type="checkbox"/>		WNSW 1430	Essex, Morris, Union (Portuguese)
<input type="checkbox"/>		WJDM 1530	Essex, Morris, Union (Spanish)
<input type="checkbox"/>		WQEW 1560	Essex, Morris, Union
<input type="checkbox"/>		WWRU 1660	Essex, Morris, Union (Korean)

<input type="checkbox"/>		WCTC 1450	Union
		WCHR 1040	Warren
		WEEX 1230	Warren
		WNNJ 1360	Warren
		WRNJ 1510	Warren
FM			
<input type="checkbox"/>		WMSC 90.3	Essex
<input type="checkbox"/>		WFUV 90.7	Essex
<input type="checkbox"/>		WBGO 88.3	Essex, Morris, Union
<input type="checkbox"/>		WSOU 89.5	Essex, Morris, Union
<input type="checkbox"/>		WKCR-FM 89.9	Essex, Morris, Union
<input type="checkbox"/>		WFMU 91.1	Essex, Morris, Union
<input type="checkbox"/>		WNYE 91.5	Essex, Morris, Union
<input type="checkbox"/>		WSKQ-FM 97.9	Essex, Morris, Union (Spanish)
<input type="checkbox"/>		WBAI 99.5	Essex, Morris, Union
<input type="checkbox"/>		WDHA -FM 105.5	Essex, Morris, Union
<input type="checkbox"/>		WCAA 105.9	Essex, Morris, Union (Latino)
<input type="checkbox"/>		WBLS 107.5	Essex, Morris, Union
<input type="checkbox"/>		WHUD 100.7	Essex, Morris, Warren
<input type="checkbox"/>		WPRB 103.3	Essex, Union, Warren
<input type="checkbox"/>		WMNJ 88.9	Morris
<input type="checkbox"/>		WJSV 90.5	Morris
<input type="checkbox"/>		WNNJ-FM 103.7	Morris, Warren
<input type="checkbox"/>		WMGQ 98.3	Union
<input type="checkbox"/>		WCTO 96.1	Union, Warren
<input type="checkbox"/>		WNTI 91.9	Warren
<input type="checkbox"/>		WSBG 93.5	Warren
<input type="checkbox"/>		WZZO 95.1	Warren
<input type="checkbox"/>		WAEB-FM 104.1	Warren
<input type="checkbox"/>		WHCY 106.3	Warren

3d. Other Publications (such as neighborhood newspapers, religious publications, and organizational newsletters) (Check all that applies)

		NAME OF PUBLICATIONS	OUTREACH AREA	RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
<b>TARGETS ENTIRE HOUSING REGION 2</b>				
Monthly				
<input type="checkbox"/>		Sino Monthly	North Jersey/NYC area	Chinese-American
<b>TARGETS PARTIAL HOUSING REGION 2</b>				
Daily				
<input type="checkbox"/>		24 Horas	Bergen, Essex, Hudson, Middlesex, Passaic, Union Counties	Portuguese-Language
Weekly				
<input type="checkbox"/>		Arab Voice Newspaper	North Jersey/NYC area	Arab-American
<input type="checkbox"/>		Brazilian Voice, The	Newark	Brazilian-American
<input type="checkbox"/>		Catholic Advocate, The	Essex County area	Catholic
<input type="checkbox"/>		La Voz	Hudson, Union, Middlesex Counties	Cuban community
<input type="checkbox"/>		Italian Tribune	North Jersey/NYC area	Italian community
<input type="checkbox"/>		New Jersey Jewish News	Northern and Central New Jersey	Jewish
<input type="checkbox"/>		El Nuevo Coqui	Newark	Puerto Rican community
<input type="checkbox"/>		Banda Oriental Latinoamérica	North Jersey/NYC area	South American community
<input type="checkbox"/>		El Especialito	Union City	Spanish-Language
<input type="checkbox"/>		La Tribuna Hispana	Basking Ridge, Bound Brook, Clifton, East Rutherford, Elizabeth, Fort Lee, Greebrook, Linden, Lydenhurst, Newark, North Plainfield, Orange, Passaic, Paterson, Plainfield, Roselle, Scotch Plains, Union, Union City, West NY	Spanish-Language
<input checked="" type="checkbox"/>	Once at start of Affirmative Marketing Process with additional monthly advertising if necessary.	Reporte Hispano	Regional	Spanish-Language
<input type="checkbox"/>		Ukranian Weekly	New Jersey	Ukranian community

3e. Employer Outreach (names of employers throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing) (Check all that applies)

DURATION & FREQUENCY OF OUTREACH	NAME OF EMPLOYER/COMPANY	LOCATION
<b>Essex County</b>		
<input type="checkbox"/>	Newark Liberty International Airport	Newark Airport, Newark, NJ
<input type="checkbox"/>	Verizon Communications	540 Broad St Newark, NJ 07102
<input type="checkbox"/>	Prudential Financial, Inc.	751 Broad St Newark, NJ 07102
<input type="checkbox"/>	Continental Airlines	1 Newark Airport, Newark, NJ
<input type="checkbox"/>	University of Medicine/Dentistry	Office of Marketing & Media Relations 150 Bergen Street Room D347 Newark, NJ 07103
<input type="checkbox"/>	Public Service Enterprise Group	80 Park Plz Newark, NJ 07102
<input type="checkbox"/>	Prudential Insurance	751 Broad Street, Newark, NJ 07102-3777
<input type="checkbox"/>	Horizon Blue Cross & Blue Shield of NJ	3 Raymond Plz W Newark, NJ 07102
<input type="checkbox"/>	Newark Liberty International Airport	Newark Airport, Newark, NJ
<input type="checkbox"/>	Horizon Blue Cross & Blue Shield of NJ	540 Broad St Newark, NJ 07102
<b>Morris County</b>		
<input checked="" type="checkbox"/>	Atlantic Health System-Morristown Memorial Hospital	100 Madison Avenue Morristown, NJ 07962
<input type="checkbox"/>	AT&T	295 N Maple Ave, Basking Ridge, NJ and 180 Park Ave, Florham Park, NJ
<input type="checkbox"/>	US Army Armament R&D	21 Picatinny Arsenal, Picatinny Arsnl, NJ
<input type="checkbox"/>	Lucent Technologies	67 Whippany Rd, Whippany, NJ and 475 South St, Morristown, NJ and 5 Wood Hollow Rd, Parsippany, NJ and 24 Mountain Ave, Mendham, NJ
<input type="checkbox"/>	Pfizer	Morris Plains/Parsippany
<input type="checkbox"/>	Novartis Pharmaceutical	59 State Route 10, East Hanover, NJ
<input type="checkbox"/>	Kraft foods	200 Deforest Ave, East Hanover, NJ and 7 Campus Dr, Parsippany, NJ
<input type="checkbox"/>	Mennen Sports Arena	161 E Hanover Ave, Morristown, NJ
<input type="checkbox"/>	Honeywell	101 Columbia Rd Morristown, NJ 07960
<input type="checkbox"/>	Pfizer	5 Woodhollow Rd, Parsippany and 175 Tabor Rd, Morris Plains
<input checked="" type="checkbox"/>	St. Clare's Hospital	130 Powerville Road Boonton Township, NJ 07005 and 25 Pocono Road Denville, NJ 07834 and 400 West Blackwell Street Dover, NJ 07801 and 3219 Route 46 East, Suite 110 Parsippany, NJ

			07054
<b>Union County</b>			
<input type="checkbox"/>		A&M Industrial Supply Co	1414 Campbell St Rahway
<input type="checkbox"/>		A.J. Seabra inc,	574 Ferry St Newark
<input type="checkbox"/>		Bristol-myers Products Research & Dev	1350 Liverty Ave Hillside
<input type="checkbox"/>		Cede Candy Inc	1091 Lousons Road PO Box 271 Union, NJ
<input type="checkbox"/>		Comcast Network	800 Rahway Ave Union, NJ
<input type="checkbox"/>		HoneyWell Inc.	1515 West Blancke Street Bldgs 1501 and 1525 Linden, NJ
<input type="checkbox"/>		IBM Corporation	27 Commerce Drive Cranford, nj
<input type="checkbox"/>		Howard Press	450 West First Ave Roselle,nj
<input type="checkbox"/>		Lucent Technologies	600 Mountain Ave Murray Hill,NJ
<input type="checkbox"/>		Merck & Co. Inc	1 Merck Drive PO Box 2000 (RY60-200E) Rahway, NJ
<input type="checkbox"/>		Rahway Hospital	865 Stone Street Rahway, NJ
<input type="checkbox"/>		Rotuba Extruders, Inc	1401 Park Ave South Linden
<input type="checkbox"/>		Union County College	1033 Springfield Ave Cranford,NJ
<b>Warren County</b>			
<input type="checkbox"/>		Masterfoods USA	800 High Street Hackettstown, NJ
<input type="checkbox"/>		Warren Hospital	185 Roseberry St Phillipsburg, NJ
<input type="checkbox"/>		Roche Vitamins	206 Roche Drive Belvidere, NJ
<input type="checkbox"/>		Hackettstown Hospital	651 Willow Grove St. Hackettstown, NJ
<input type="checkbox"/>		Pechiney	191 Route 31 North Washington, NJ
<input type="checkbox"/>		Lopatcong Care Center	390 Red School Lane Phillipsburg, NJ
<input type="checkbox"/>		Mallinckrodt/Baker, Inc	222 Red School Lane Phillipsburg, NJ

3f. Community Contacts (names of community groups/organizations throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing)			
Name of Group/Organization	Outreach Area	Racial/Ethnic Identification of Readers/Audience	Duration & Frequency of Outreach
Fair Share Housing Center	Statewide	Diverse	Once at the start of marketing
The NJ State Conference of the NAACP	Statewide	African-American	Once at the start of marketing
The Latino Action Network	Statewide	Latino	Once at the start of marketing
East Orange NAACP	Region 2	African-American	Once at the start of marketing
Newark NAACP	Region 2	African-American	Once at the start of marketing
Morris County NAACP	Region 2	African-American	Once at the start of marketing
Housing Partnership for Morris County	Region 2	Diverse	Once at the start of marketing
Community Access Unlimited, Inc.	Region 2	Diverse	Once at the start of marketing
Northwest New Jersey Community Action Program, Inc. (NORWESCAP)	Region 2	Diverse	Once at the start of marketing
Homeless Solutions of Morristown	Region 2	Diverse	Once at the start of marketing
Supportive Housing Association	Region 2	Diverse	Once at the start of marketing

#### IV. APPLICATIONS

Applications for affordable housing for the above units will be available at the following locations:		
4a. County Administration Buildings and/or Libraries for all counties in the housing region (list county building, address, contact person) (Check all that applies)		
	BUILDING	LOCATION
X	Morris County Library	30 East Hanover Avenue, Whippany, NJ 07981
X	Warren County Library Headquarters	199 Hardwick Street, Belvidere, NJ 07823
X	Essex County/Hall of Records	465 Dr. Martin Luther King, Jr. Blvd, Newark, NJ 07102 (973)621-4400
X	Union County/Administration Building	Elizabethtown Plaza, Elizabeth, NJ 07207 (908)527-4100
4b. Municipality in which the units are located (list municipal building and municipal library, address, contact person)		

Mountain Lakes Borough Hall 400 Boulevard Mountain Lakes, NJ 07046
4c. Sales/Rental Office for units (if applicable)

V. CERTIFICATIONS AND ENDORSEMENTS

I hereby certify that the above information is true and correct to the best of my knowledge. I understand that knowingly falsifying the information contained herein may affect the (select one: Municipality's substantive certification or DCA Balanced Housing Program funding or HMFA UHORP/MONI/CHOICE funding).	
<hr/>	
Name (Type or Print)	
<hr/>	
Title/Municipality	
<hr/>	
Signature	Date
<hr/>	<hr/>

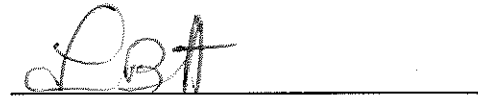
**Ordinance 5-19, AFFIRMATIVE FAIR HOUSING MARKETING PLAN**

Introduced: May 13, 2019

Adopted: May 29, 2019

Name	Motion	Second	Aye	Nay	Absent	Abstain	Motion	Second	Aye	Nay	Absent	Abstain
Happer					X		X		X			
Horst			X					X	X			
Korman			X						X			
Lane	X		X								X	
Menard		X	X						X			
Shepherd			X						X			
Barnett			X						X			

  
 Marcy Gianattasio, Municipal Clerk

  
 Lauren Barnett, Mayor

# Appendix L: Resolution Appointing Administrative Agent

**BOROUGH OF MOUNTAIN LAKES  
COUNTY OF MORRIS, NJ**

**RESOLUTION 54-24**

**“RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT FOR AFFORDABLE HOUSING ADMINISTRATIVE AGENT SERVICES BETWEEN THE BOROUGH OF MOUNTAIN LAKES AND CGP&H (COMMUNITY GRANTS, PLANNING & HOUSING)”**

**WHEREAS**, there exists the need for Affordable Housing Administrative Agent Services for the Borough of Mountain Lakes; and

**WHEREAS**, CGP&H has submitted a proposal indicating that Affordable Housing Administrative Agent Services will be provided for an **annual fee not to exceed \$17,300 per year**; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" and the contract itself must be available for public inspection.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Mountain Lakes, County of Morris, State of New Jersey:

**Section 1.** The Borough Manager and Deputy Borough Clerk are hereby authorized and directed to execute a contract with CGP&H for Affordable Housing Administrative Agent Services for the Borough of Mountain Lakes as set forth in a proposal dated November 30, 2023, for an **annual fee not to exceed \$17,300 per year**.

**Section 2.** This contract is awarded as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because the contract is for a service performed by a person(s) authorized by law to practice a recognized profession that is regulated by law.

**Section 3.** The term of this agreement shall be for one year, from January 1, 2024 to December 31, 2024.

**Section 4.** A notice of this action shall be printed once in the legal newspaper of the Borough of Mountain Lakes.

XX

**CERTIFICATION:** I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Borough Council of Mountain Lakes, New Jersey, at a meeting held on January 3, 2024.

\_\_\_\_\_  
Cara Fox, Borough Clerk

Name	Motion	Second	Aye	Nay	Absent	Abstain
Cannon		X	X			
Korman	X		X			
Menard			X			
Muilenburg			X			
Richter			X			
Barnett			X			
Sheikh			X			

# Appendix M: Spending Plan

The Spending Plan will be adopted under separate cover.



**BOROUGH OF MOUNTAIN LAKES  
COUNTY OF MORRIS, NJ**

**RESOLUTION 128-25**

**RESOLUTION AUTHORIZING THE SETTLEMENT OF A TAX APPEAL (VERIZON NEW JERSEY INC. – PERSONAL  
PROPERTY TAX)**

**WHEREAS**, a tax appeal has been filed in the Tax Court of New Jersey captioned “Verizon New Jersey, Inc. v. Borough of Mountain Lakes” challenging the 2012-2025 personal property tax assessments on Verizon properties; and

**WHEREAS**, the Plaintiff and the Tax Assessor have agreed to a settlement of this tax appeal as set forth in a proposed Stipulation of Settlement attached hereto; and

**WHEREAS**, the Borough Council finds that it is in the best interest of the Borough to approve the proposed settlement.

**NOW, THEREFORE BE IT RESOLVED** by the Borough Council of the Borough of Mountain Lakes, County of Morris, State of New Jersey, that the Borough Attorney is authorized to execute a Stipulation of Settlement in settlement of all pending tax appeals captioned “Verizon New Jersey, Inc. v. Borough of Mountain Lakes”; and be it further,

**BE IT FURTHER RESOLVED**, that the Tax Collector is hereby authorized to process any refund required as a result of the settlement of this tax appeal.

XX

**CERTIFICATION:** I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Borough Council of Mountain Lakes, New Jersey, at a meeting held on June 23, 2025.

\_\_\_\_\_  
Cara Fox, Borough Clerk

<b>Name</b>	<b>Motion</b>	<b>Second</b>	<b>Aye</b>	<b>Nay</b>	<b>Absent</b>	<b>Abstain</b>
<b>Cannon</b>						
<b>Howley</b>						
<b>Menard</b>						
<b>Sheikh</b>						
<b>Tsai</b>						
<b>Muilenburg</b>						
<b>Barnett</b>						

**BOROUGH OF MOUNTAIN LAKES  
COUNTY OF MORRIS, NJ**

**RESOLUTION 129-25**

**RESOLUTION FOR MEMBER PARTICIPATION IN A COOPERATIVE PRICING SYSTEM**

**WHEREAS**, N.J.S.A. 40A:11-11 (5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

**WHEREAS**, the Monmouth-Ocean Educational Services Commission (MOESC), hereinafter referred to as the "Lead Agency " has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services;

**WHEREAS**, on June 23, 2025 the governing body of the Borough of Mountain Lakes, County of Morris, State of New Jersey, pursuant to N.J.A.C 5:34-7.6 (a), duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services.

**NOW, THEREFORE BE IT RESOLVED** as follows:

**TITLE**

This resolution shall be known and may be cited as the Cooperative Pricing Resolution of the Monmouth-Ocean Educational Services Commission (MOESC),

**AUTHORITY**

Pursuant to the provisions of N.J.S.A. 40A:11-11(5) and N.J.A.C 5:34-7.6 (a), the Borough of Mountain Lakes is hereby authorized to enter into a Cooperative Pricing Agreement with Monmouth-Ocean Educational Services Commission (MOESC), the Lead Agency.

**CONTRACTING UNIT**

The Lead Agency shall comply with the Public School Contracts Law (N.J.S.A. 18A:18A-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.

**EFFECTIVE DATE**

This resolution shall take effect immediately upon passage.

XX

**CERTIFICATION:** I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Borough Council of Mountain Lakes, New Jersey, at a meeting held on June 23, 2025.

\_\_\_\_\_  
Cara Fox, Borough Clerk

Name	Motion	Second	Aye	Nay	Absent	Abstain
Cannon						
Howley						
Menard						
Sheikh						
Tsai						
Muilenburg						
Barnett						



**MONMOUTH-OCEAN EDUCATIONAL SERVICES COMMISSION  
TINTON FALLS, NEW JERSEY 07712**

**COOPERATIVE PRICING SYSTEM AGREEMENT  
AGREEMENT FOR A COOPERATIVE PRICING SYSTEM**

This Agreement made and entered into this      day of      , 20\_\_\_\_ , by and between the, MONMOUTH-OCEAN EDUCATIONAL SERVICES COMMISSION of Tinton Falls, New Jersey and the BOROUGH OF MOUNTAIN LAKES, New Jersey who desires to participate in the MONMOUTH-OCEAN EDUCATIONAL SERVICES COMMISSION Cooperative Pricing System.

WITNESSETH

**WHEREAS**, N.J.S.A. 40A:11-11(5) and N.J.S.A. 18A:18A-11, specifically authorizes two or more contracting units to establish a Cooperative Pricing System for the provision and performance of goods and services and enter into a Cooperative Pricing Agreement for its administration; and

**WHEREAS**, the MONMOUTH-OCEAN EDUCATIONAL SERVICES COMMISSION is conducting a voluntary Cooperative Pricing System with other contracting units; and

**WHEREAS**, this Cooperative Pricing System is to effect substantial economies in the provision and performance of goods and services; and

**WHEREAS**, all parties hereto have approved the within Agreement by Resolution in accordance with the aforesaid statute; and

**WHEREAS**, it is the desire of all parties to enter into such Agreement for said purposes;

**NOW, THEREFORE**, IN CONSIDERATION OF the promises and of the covenants, terms and conditions hereinafter set forth, it is mutually agreed as follows:

1. The goods or services to be priced cooperatively may include goods and services and such other items as two or more participating contracting units in the system agree can be purchased on a cooperative basis.
2. The items and classes of items which may be designated by the participating contracting units hereto may be purchased cooperatively for the period commencing with the execution of this Agreement and continuing until terminated as hereinafter provided.



3. The Lead Agency, on behalf of all participating contracting units, shall upon approval of the registration of the System and annually thereafter in **January** of each succeeding year publish a legal ad in such format as required by N.J.A.C. 5:34-7.9 (a) in its official newspaper normally used for such purposes by it to include such information as:

(A) The Monmouth-Ocean Educational Services Commission soliciting competitive bids or informal quotations.

(B) The address and telephone number of the Lead Agency.

(C) The names of the participating contracting units.

(D) The State Identification Code assigned to the Cooperative Pricing System.

(E) The expiration date of the Cooperative Pricing System.

4. Each of the participating contracting units shall designate, in writing, to the Lead Agency, the items to be purchased and indicate therein the approximate quantities desired [IF NOT AN OPEN-ENDED CONTRACT], the location for delivery and other requirements, to permit the preparation of specifications as provided by law.

5. The specifications shall be prepared and approved by the Lead Agency and no changes shall be made thereafter except as permitted by law. Nothing herein shall be deemed to prevent changes in specifications for subsequent purchases.

6. A single advertisement for bids or the solicitation of informal quotations for the goods or services to be purchased shall be prepared by the Lead Agency on behalf of all of the participating contracting units desiring to purchase any item.

7. The Lead Agency when advertising for bids or soliciting informal quotations shall receive bids or quotations on behalf of all participating contracting units. Following the receipt of bids, the Lead Agency shall review said bids and on behalf of all participating contracting units, either reject all or certain of the bids or make one award to the lowest responsible bidder or bidders for each separate item. This award shall result in the Lead Agency entering into a Master Contract with the successful bidder(s) providing for two categories of purchases:

(A) The quantities ordered for the Lead Agency's own needs, and

(B) The estimated aggregate quantities to be ordered by other participating contracting units by separate contracts, subject to the specifications and prices set forth in the Lead Agency's Master Contract.



8. The Lead Agency shall enter into a formal written contract(s) directly with the successful bidder(s) only after it has certified the funds available for its own needs.
9. Each participating contracting unit shall also certify the funds available only for its own needs ordered; enter into a formal written contract, when required by law, directly with the successful bidder(s); issue purchase orders in its own name directly to successful vendor(s) against said contract; accept its own deliveries; be invoiced by and receive statements from the successful vendor(s); make payment directly to the successful vendor(s) and be responsible for any tax liability.
10. No participating contracting unit in the Cooperative Pricing System shall be responsible for payment for any items ordered or for performance generally, by any other participating contracting unit. Each participating contracting unit shall accordingly be liable only for its own performance and for items ordered and received by it and none assumes any additional responsibility or liability.
11. The provisions of Paragraphs 7, 8, 9, and 10 above shall be quoted or referred to and sufficiently described in all specifications so that each bidder shall be on notice as to the respective responsibilities and liabilities of the participating contracting units.
12. No participating contracting unit in the Cooperative Pricing System shall issue a purchase order or contract for a price which exceeds any other price available to it from any other such system in which it is authorized to participate or from bids or quotations which it has itself received.
13. The Lead Agency reserves the right to exclude from consideration any good or service if, in its opinion, the pooling of purchasing requirements or needs of the participating contracting units is either not beneficial or not workable.
14. The Lead Agency shall appropriate sufficient funds to enable it to perform the administrative responsibilities assumed pursuant to this Agreement.
15. It is agreed that each participating contracting unit shall pay the Lead Agency an annual fee of **\$0.00** as its estimated prorated share of the administrative costs incurred by the Lead Agency. MOESC will not charge any administrative fee for cooperative purchasing services to contracting units.
16. For the first year of the term of this Agreement, the MONMOUTH-OCEAN EDUCATIONAL SERVICES COMMISSION shall serve as the Lead Agency.
17. This Agreement shall become effective on or about June 23, 2025, subject to the review and approval of the Director of the Division of Local Government Services and shall continue in



effect for a period not to exceed five (5) years from said date unless any party to this Agreement shall give written notice of its intention to terminate its participation. <sup>4</sup>

18. Additional local contracting units may from time to time, execute this Agreement by means of a Rider annexed hereto, which addition shall not invalidate this Agreement with respect to other signatories. The Lead Agency is authorized to execute the Rider on behalf of the members of the System.

19. All records and documents maintained or utilized pursuant to terms of this Agreement shall be identified by the System Identifier assigned by the Director, Division of Local Government Services, and such other numbers as are assigned by the Lead Agency for purposes of identifying each contract and item awarded.

20. This Agreement shall be binding upon and inure to the benefit of the successors and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be signed and executed by their authorized corporate officers and their respective seals to be hereto affixed the day and year above written.

FOR THE LEAD AGENCY MONMOUTH-OCEAN EDUCATIONAL SERVICES COMMISSION

**Christopher Mullins** \_\_\_\_\_  
School Business Administrator/Board Secretary                      Date

FOR THE PARTICIPATING UNIT BOROUGH OF MOUNTAIN LAKES

**Mitchell Stern** \_\_\_\_\_  
Borough Manager    Date



**MEETING MINUTES OF THE COUNCIL OF THE BOROUGH OF MOUNTAIN LAKES  
MAY 28, 2025  
HELD AT BOROUGH HALL, 400 BOULEVARD, MOUNTAIN LAKES, NJ**

**CALL TO ORDER AND OPEN PUBLIC MEETINGS ACT STATEMENT**

This meeting is being held in compliance with Public Law 1975, Chapter 231, Sections 4 and 13, as notice of this meeting has been reported to The Citizen, the Morris County Daily Record, and The Star Ledger on January 9, 2025 and posted in the municipal building.

Mayor Barnett called the meeting to order at 7p.m.

**ROLL CALL ATTENDANCE**

<b>Roll Call</b>	<b><u>Present</u></b>	<b><u>Absent</u></b>		<b><u>Present</u></b>	<b><u>Absent</u></b>
Cannon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Tsai	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Howley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Muilenburg	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Menard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Barnett	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sheikh	<input type="checkbox"/>	<input checked="" type="checkbox"/>			

**FLAG SALUTE**

Mayor Barnett led the salute to the flag.

**EXECUTIVE SESSION**

There was no executive session.

**COMMUNITY ANNOUNCEMENTS**

Mayor Barnett thanked all those who helped make the Memorial Day Parade a success and announced that the PBA Block Party will be held on Saturday, June 7th, from noon to 5 p.m.

Deputy Mayor Muilenburg announced that there will be a Pride Celebration on June 6<sup>th</sup> at Birchwood Lake from 6-8pm.

**SPECIAL PRESENTATIONS**

There were no presentations.

**REPORTS OF BOROUGH ESTABLISHED BOARDS, COMMISSIONS AND COMMITTEES**

There were no reports.

**BOROUGH COUNCIL DISCUSSION ITEMS**

**2024 Annual Audit & Audit Corrective Action Plan**

Borough Manager Stern discussed the 2024 Annual Audit and the Corrective Action Plan. The only Auditor recommendation is for an adequate segregation of duties to be maintained with respect to the recording of treasury funds. Mr. Stern advised that this comment is common in smaller municipalities, and it is not cost effective to hire additional employees to segregate duties.

**PUBLIC COMMENT**

Mayor Barnett opened the meeting to the public.

There was no one from the public wishing to speak.

**ATTORNEY'S REPORT**

Borough Attorney Oostdyk reported that the Borough received a letter from the Mountain Lakes Board of Education Attorney raising some concerns with the conditions of Ordinance 10-25, Authorizing the Conveyance of Property Owned by the Borough of Mountain Lakes Known As Block 86.01, Lot 24 (AKA "The Pit") to the Mountain Lakes Board Of Education. Mayor Barnett advised that the Borough Council Shared Services Committee will review and address the letter first before the Council addresses it, following standard procedure.



**MEETING MINUTES OF THE COUNCIL OF THE BOROUGH OF MOUNTAIN LAKES  
MAY 28, 2025  
HELD AT BOROUGH HALL, 400 BOULEVARD, MOUNTAIN LAKES, NJ**

**MANAGER'S REPORT**

Mr. Stern reported that the Borough's personnel policy manual will be updated pursuant to the Joint Insurance Fund's recent recommendations and that departments are implementing their 2025 capital budgets.

**RESOLUTIONS**

There were no resolutions.

**ORDINANCES TO INTRODUCE**

**13-25, Amending Chapter 245 of the Revised General Ordinances of the Borough of Mountain Lakes and Establishing Highlands Council Regional Master Plan Conformance**

Introduced: 5/28/25

Council member	M	2nd	Yes	No	Abstain	Absent
Cannon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Howley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Menard	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sheikh	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Tsai	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Muilenburg	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Barnett	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**ORDINANCES TO ADOPT**

**11-25, Authorizing the Salary and/or Wages of the Officers and Employees of the Borough of Mountain Lakes, County of Morris, New Jersey**

Introduced: 5/12/25

Council member	M	2nd	Yes	No	Abstain	Absent
Cannon	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Howley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Menard	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sheikh	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tsai	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Muilenburg	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Barnett	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**PUBLIC COMMENT/HEARING**

Mayor Barnett opened the meeting to the public.

There was no one from the public wishing to speak.

Adopted: 5/28/25

Council member	M	2nd	Yes	No	Abstain	Absent
Cannon	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Howley	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Menard	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sheikh	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Tsai	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Muilenburg	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Barnett	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



**MEETING MINUTES OF THE COUNCIL OF THE BOROUGH OF MOUNTAIN LAKES  
MAY 28, 2025  
HELD AT BOROUGH HALL, 400 BOULEVARD, MOUNTAIN LAKES, NJ**

**12-25, Appropriating the Sum of \$138,000 Currently Located Within General Capital Fund Balance**

Introduced: 5/12/25

Council member	M	2nd	Yes	No	Abstain	Absent
Cannon	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Howley	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Menard	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sheikh	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tsai	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Muilenburg	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Barnett	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**PUBLIC COMMENT/HEARING**

Mayor Barnett opened the meeting to the public.

There was no one from the public wishing to speak.

Adopted: 5/28/25

Council member	M	2nd	Yes	No	Abstain	Absent
Cannon	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Howley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Menard	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sheikh	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Tsai	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Muilenburg	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Barnett	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**\*CONSENT AGENDA ITEMS**

Matters listed as Consent Agenda Items are considered routine and will be enacted by one motion of the Council and one roll call vote. There will be no separate discussion of these items unless a Council member requests an item be removed for consideration.

**\*RESOLUTIONS**

- a. R116-25, *Certifying Compliance with Requirements of Audit*
- b. R117-25, *Approving the Corrective Action Plan for the Borough of Mountain Lakes*
- c. R118-25, *Amending Resolution 104-25 Authorizing a Professional Services Agreement between the Borough of Mountain Lakes and Appraisal Systems Inc. to Correct the Term of the Agreement*

**\*APPROVAL OF MINUTES**

5/12/25 (Regular)

**\*BOARD, COMMITTEE AND COMMISSION APPOINTMENTS**

**\*Approval of the Consent Agenda**

Council member	M	2nd	Yes	No	Abstain	Absent
Cannon	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Howley	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Menard	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sheikh	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Tsai	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Muilenburg	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Barnett	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



**MEETING MINUTES OF THE COUNCIL OF THE BOROUGH OF MOUNTAIN LAKES  
MAY 28, 2025  
HELD AT BOROUGH HALL, 400 BOULEVARD, MOUNTAIN LAKES, NJ**

**DEPARTMENT REPORTS SUBMITTED FOR FILING** (reports are included only if checked)

- Construction Department
- Department of Public Works
- Fire Department
- Health Department
- Police Department
- Recreation Department
- Code Enforcement/Property Maintenance
- Tax Collector

**COUNCIL REPORTS**

Shade Tree Commission – Councilmember Menard reported that the commission discussed the Arbor Day celebration, and Mayor Barnett reported that the commission recognized former member Lucas Stelling for all his hard work and contributions.

Environmental Commission – Councilmember Howley reported that the commission discussed the Borough joining the Highlands Council and recycling issues at Mountain Lakes High School.

Woodlands Committee – Deputy Mayor Muilenburg reported the following: The Red Trail design is in progress. The committee was not awarded the archery range grant. A Boy Scout will be repairing the planks on Rattlesnake Trail. The committee is waiting to hear back from the NJ Forest Fire Service about conducting a controlled burn.

Planning Board – Mayor Barnett reported the following: The board voted to amend the Master Plan to include the Highlands Element and the Affordable Housing and Fair Share Element. There will be a special meeting on May 29<sup>th</sup> to review Ordinance 13-25, Establishing Highlands Council Regional Master Plan Conformance.

**PUBLIC COMMENT**

Mayor Barnett opened the meeting to the public.

There was no one from the public wishing to speak.

**NEXT STEPS AND PRIORITIES**

There were no next steps or priorities.

**ADJOURNMENT at 7:21P.M.**

Motion made by Deputy Mayor Muilenburg, second by Councilmember Menard to adjourn the meeting at 7:21p.m., with all members in favor signifying by "Aye".

Respectfully Submitted,

---

Cara Fox, Borough Clerk



# BOROUGH OF MOUNTAIN LAKES

LISTED IN NATIONAL AND STATE REGISTERS OF HISTORIC PLACES

## CONSTRUCTION OFFICE MONTHLY ACTIVITY REPORT

MAY 2025

### ADMINISTRATIVE SUMMARY

An additional permit application was received for a new tenant at 333 Route 46 West. The building continues to attract new, medical-type tenants. Three fit-outs are in the process of construction at this location.

Construction documents for both the self-storage facility and the proposed Starbuck's building have yet to be submitted.

Two applications involving the demolition of existing single-family dwellings and the construction of new houses have been submitted for zoning approval. At least one application will need Zoning Board of Adjustment approvals.

The New Jersey Building Safety Conference was held mid-month. Information on legislative, code and regulatory changes was discussed. Continuing education courses were offered on various subjects of importance.



Mountain Lakes Borough  
 400 BOULEVARD  
 MOUNTAIN LAKES, NJ 07046

## Construction Permit Activity Report

5/1/2025 -> 5/31/2025

### Summary

	Cost:	Count:			
New:	\$0.00	0	Cubic Footage:	0 Cu.ft	Permits Issued: 22
Addition:	\$0.00	0	Square Footage:	0 Sq.ft	Updates Issued: 2
Alteration:	\$312,649.00	24			
Demolition:	\$0.00	0			
<b>Total:</b>	<b>\$312,649.00</b>	<b>24</b>			

Permits	Count	Permit Fees	Admin Fees	Total	Inspections	Passed	Failed	Other
Building:	5	\$2,155.00	\$0.00	\$2,155.00	B 18	12 %66.7	3 %16.7	3 %16.7
Plumbing:	7	\$1,035.00	\$0.00	\$1,035.00	P 15	10 %66.7	2 %13.3	3 %20
Electrical:	15	\$2,180.00	\$0.00	\$2,180.00	E 31	26 %83.9	2 %6.5	3 %9.7
Fire:	0	\$0.00	\$0.00	\$0.00	F 11	7 %63.6	2 %18.2	2 %18.2
Elevator:	0	\$0.00	\$0.00	\$0.00	V 0	0 %	0 %	0 %
Mechanical:	14	\$1,375.00	\$0.00	\$1,375.00	M 22	20 %90.9	0 %0	2 %9.1
	<u>41</u>	<u>\$6,745.00</u>	<u>\$0.00</u>	<u>\$6,745.00</u>		<u>97</u>	<u>75</u>	<u>9</u>
								<u>13</u>
DCA Training:	0		0		(Note: Does not include result of none)			
DCA State:	23		596	\$0.00				
DCA Minimum:	1		1					
	<u>24</u>		<u>\$597</u>					

Variations	Total	Paid	Certificates	Issued Total	Paid Total
Building	0	0	CA 9	\$0.00	\$0.00
Plumbing	0	0	CCO 0	\$0.00	\$0.00
Electrical	0	0	CO 2	\$150.00	\$0.00
Fire	0	0	CC 0	\$0.00	\$0.00
Mechanical	0	0	TCO 0	\$0.00	\$0.00
Elevator	0	0	TCC 0	\$0.00	\$0.00
<b>Total:</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>Total: 11</b>	<b>\$150.00</b>	<b>\$0.00</b>

**NOTE:**  
 Information gathered is based on the Issue date for that item, ie permit issue date, certificate issue date.  
 This will cause discrepancies between the payments section which uses Payment date. Example you took in money for a CO but the CO has not been issued yet.

Permit Subcode Exempted (State) Fees			Permit Subcode Waived (Local) Fees		
	Record Count	Total Exempted		Record Count	Total Waived
Building	0	\$0	Building	0	\$0
Plumbing	0	\$0	Plumbing	0	\$0
Electrical	0	\$0	Electrical	0	\$0
Fire	0	\$0	Fire	0	\$0
Mechanical	0	\$0	Mechanical	0	\$0
Elevator	0	\$0	Elevator	0	\$0
<b>Total:</b>		<b>\$0</b>	<b>Total:</b>		<b>\$0</b>
	Record Count	Total Exempted	<b>Violations</b>	Fines	Paid
DCA Fees	0	\$0	Issued	0	\$0.00

Payments (Based on Payment Date)	
Permit (50)	\$7,427.00
NON-UCC (0)	\$0.00
Variation Payments	\$0.00
Penalty (0)	\$0.00
Inspection Payments	\$0.00
Ongoing Invoice	\$0.00
Test Payments	\$0.00
Other Payments	\$0.00
<b>Grand Total</b>	<b>\$7,427.00</b>



Mountain Lakes Borough  
 400 BOULEVARD  
 MOUNTAIN LAKES, NJ 07046

## Building Summary Report Comparison

Building Summary between the dates of 5/1/2025 and 5/31/2025.

Permit Summary	5/1/2025-5/31/2025	5/1/2024-5/31/2024	Month Diff %	YTD	YTD last Year	YTD Diff %
Permits Issued:	22	21	4.8%	124	111	11.7%
Updates Issued:	2	5	-60%	16	14	14.3%
Inspections Scheduled:	97	107	-9.3%	454	517	-12.2%
Inspections Passed:	75	89	-15.7%	356	410	-13.2%
Inspections Failed	9	10	-10%	61	69	-11.6%
Certificates Of Occupancy Issued:	2	0	NA	4	4	0%
Certificates of Approval Issued:	9	14	-35.7%	109	77	41.6%
Cert Continuing Occupancy Issued:	0	0	NA	1	0	NA
Permit Payments Count:	50	48	4.2%	288	243	18.5%
Fee Collected:	\$7,427	\$13,952	-46.8%	\$70,890	\$79,765	-11.1%
Fee Collected (Subcodes Only):	\$6,745	\$12,776	-43.2%	\$65,035	\$72,152	-8.9%
Violations	0	1	-100%	2	3	-33.3%
Violation Payments	\$0.00	\$250.00	-100%	\$0.00	\$250.00	-100%
Ongoing Location Payments	\$0.00	\$0.00	NA	\$0.00	\$0.00	NA
Ongoing Test Payments	\$0.00	\$0.00	NA	\$0.00	\$0.00	NA



# BOROUGH OF MOUNTAIN LAKES

LISTED IN NATIONAL AND STATE REGISTERS OF HISTORIC PLACES

## CONSTRUCTION OFFICE SUMMARY OF FEES COLLECTED

PERIOD	2023 COLLECTED	YEAR TO DATE	COMMENTS	AMOUNT
JANUARY	6,040.00	6,040.00		
FEBRUARY	18,631.00	24,671.00		
MARCH	17,114.00	41,785.00		
APRIL	7,334.00	49,119.00		
MAY	11,092.00	60,211.00		
JUNE	12,920.00	73,131.00		
JULY	21,403.00	94,534.00		
AUGUST	7,709.00	102,243.00		
SEPTEMBER	5,562.00	107,805.00		
OCTOBER	5,309.00	113,114.00		
NOVEMBER	19,533.00	132,647.00		
DECEMBER	14,543.00	147,190.00		

PERIOD	2024 COLLECTED	YEAR TO DATE	COMMENTS	AMOUNT
JANUARY	23,174.00	23,174.00		
FEBRUARY	8,673.00	31,847.00		
MARCH	21,867.00	53,714.00	The Craig School	17,900.00
APRIL	12,212.00	65,926.00		
MAY	14,457.00	80,383.00		
JUNE	53,134.00	133,517.00	The Craig School	41,809.00
JULY	11,296.00	144,813.00		
AUGUST	10,115.00	154,928.00		
SEPTEMBER	10,716.00	165,644.00		
OCTOBER	12,041.00	177,685.00		
NOVEMBER	9,134.00	186,819.00		
DECEMBER	3,174.00	189,993.00		

PERIOD	2025 COLLECTED	YEAR TO DATE	COMMENTS	AMOUNT
JANUARY	6,635.00	6,635.00		
FEBRUARY	11,433.00	18,068.00		
MARCH	12,913.00	30,981.00		
APRIL	67,234.00	98,215.00	26 Lake Drive	15,351.00
MAY	7,427.00	105,642.00		
JUNE				
JULY				
AUGUST				
SEPTEMBER				
OCTOBER				
NOVEMBER				
DECEMBER				



# BOROUGH OF MOUNTAIN LAKES

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## Department of Public Works Department Activity Report May 2025

### **IN HOUSE:**

All regular work details include building maintenance, vehicle maintenance and repair, trash and recycling, trash bag delivery, street sweeping, lawn maintenance, leaf and brush disposal, daily maintenance.

### **DPW:**

- Ordered and received additional sand at the volleyball court.
- Beach startups for the upcoming season.
- Installed diving boards and swim perimeter ropes at Birchwood and repaired the dock boards.
- Delivered playground mulch to Taft, Haswell, and Island Beach.
- Memorial Day parade setup which included setting up the stage, bleachers, mulch, and planting flowers.

### **STORM WATER**

- Repaired basins by Larchdell and Briarcliff.

### **WATER DEPARTMENT:**

- Completed quarter two water sampling.
- Installed yard hydrant at Borough Hall.
- Meter/Reader repairs and installs.
- Completed monthly water testing.
- Installed new chlorine lines at Wells 2 & 3.



# BOROUGH OF MOUNTAIN LAKES

LISTED IN NATIONAL AND STATE REGISTERS OF HISTORIC PLACES

**Joe Mullaney**  
**Fire Admin Officer**  
[info@mlvfd.com](mailto:info@mlvfd.com)

400 Boulevard  
Mountain Lakes, NJ 07046  
P -973-394-1094

TO: Mitchell Stern  
DATE: 6/20/24  
SUBJECT: May Fire Report

The following lists the activity for the Mountain Lakes Volunteer Fire Department during the month of May 2025:

## FIRE CALLS (10)

LOCATION	DATE	TIME	DESCRIPTION
271 Boulevard	5/1	12:40 PM	Fire Alarm-Malfunction
72 Briarcliff Rd	5/7	9:05 PM	Gas Leak. NJNG responded
109 Laurel Hill Rd	5/10	3:13 PM	Fire Alarm-Culinary Mishap
174 Laurel Hill Rd	5/11	7:57 AM	Fire Alarm-Culinary Mishap
Sunrise Assisted Living	5/12	11:30 PM	Smoke Condition. Malfunction of Washing machine
WaWa	5/16	11:54 PM	Fire Alarm-Culinary Mishap
91 Elcock Lane	5/26	10:35 AM	Assist Boonton Twp FD
30 Oak Lane	5/29	5:30 PM	Car Fire
14 Littlewood Ct	5/29	9:26 PM	Public Assist
38 Cobb Road	5/31	3:40 AM	Fire Alarm-Malfunction

## DRILLS/TRAINING (4)

LOCATION	DATE	TIME	DESCRIPTION
High School	5/13	8:00 PM	Senior Drill
High School	5/18	1:00 PM	JFD Drill
High School	5/22	7:00 PM	Pre-Academy Training
High School	5/27	6:00 PM	Driver Training

## MEETINGS (2)

LOCATION	DATE	TIME	DESCRIPTION
Firehouse	5/6	8:00 PM	Officers Meeting
Firehouse	5/27	8:00 PM	Monthly Meeting

**WORK DETAILS (1)**

<b>LOCATION</b>	<b>DATE</b>	<b>TIME</b>	<b>DESCRIPTION</b>
Firehouse	5/20	8:00	Truck Cleaning

**COMMUNITY EVENTS (1)**

<b>LOCATION</b>	<b>DATE</b>	<b>TIME</b>	<b>DESCRIPTION</b>
Borough	5/26	10:00 AM	Memorial Day Parade

**ANNOUNCEMENTS (0)**

**Breakdown of Manhours**

Calls- 155  
Training 90  
Meetings 30  
Miscellaneous-40

**TOTAL: 315**



# BOROUGH OF MOUNTAIN LAKES

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*Derrick Webb*  
*Director of Health/Health*  
*Officer*  
[dwebb@mtolivetwp.org](mailto:dwebb@mtolivetwp.org)

*204 Flanders-Drakestown Rd.*  
*Budd Lake, NJ 07828*

*P - (973) 691-0700 EXT. 7330*

## **PUBLIC HEALTH SERVICES REPORT OF ACTIVITIES April 2025**

### **Administration:**

#### **Major Activities/Updates**

- Attended NJACCHO's NJ Costing Assessment Meeting.
- Attended NJACCHO's Environmental and Consumer Health Workgroup Meeting.
- Attended Spring MRPHP Meeting.
- Attended NJEHA Executive Committee Meeting.
- Interviewed several candidates for the Department's vacant Registered Environmental Health Specialist Position.
- Attended several NJACCHO Board of Director Meetings regarding the March 24, 2025, federal stop order to federal grants, Enhancing Local Public Health Infrastructure (OLPH23PHI001; CFDA number 93.323) and Sustaining Local Public Health Infrastructure (OLPH25PHI001; CFDA number 93.323).

### **Environmental Health:**

#### **Major Activities/Updates**

- None



# BOROUGH OF MOUNTAIN LAKES

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*Derrick Webb*  
 Director of Health/Health  
 Officer  
[dwebb@mtolivetwp.org](mailto:dwebb@mtolivetwp.org)

204 Flanders-Drakestown Rd.  
 Budd Lake, NJ 07828

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## April 2025 Statistics

### INSPECTIONS & OTHER ACTIVITIES

Inspection Type	Number	March Results			YTD	2024
		Sat.	Cond.	Unsat.		
Retail Food Establishment (RFE) Inspections	4	3	1	0	6	14
Food Re-Inspections	0	0	0	0	0	1
Mobile Food Vendors	0	0	0	0	1	0
Temp. Food Vendors	0	0	0	0	0	0
RFE - Plan Reviews	0	0	0	0	2	0
RTF - Pre-Operation Insp.	0	0	0	0	0	0
Public Recreational Bathing Inspections	0	0	0	0	0	5
Public Recreational Bathing Sample Results Reviewed	0	0	0	0	22	56
Youth Camp Inspections	0	0	0	0	0	0
Meetings/Consultations	2	N/A	N/A	N/A	9	5
Violation Notices Issued	0	N/A	N/A	N/A	0	0
<b>Nuisance Complaints</b>						
Residential	0	N/A	N/A	N/A	0	0
Commercial	0	N/A	N/A	N/A	0	0
Chapter 24 (Food)	0	N/A	N/A	N/A	0	0
Other	0	N/A	N/A	N/A	0	0
<b>Summonses Issued</b>						
Residential	0	N/A	N/A	N/A	0	0
Commercial	0	N/A	N/A	N/A	0	0
Chapter 24 (Food)	0	N/A	N/A	N/A	0	0
Other	0	N/A	N/A	N/A	0	0
Court Appearances	0	N/A	N/A	N/A	0	0
<b>Total</b>	<b>6</b>	<b>3</b>	<b>1</b>	<b>0</b>	<b>40</b>	<b>76</b>

#### \*Retail Food Establishment Inspections:

- 04/28 – Mountain Lakes Bagels Deli – 350 Route 46 – **Conditional Satisfactory**
- 04/28 – El Dorado Wine House - 350 Route 46 – Satisfactory



# BOROUGH OF MOUNTAIN LAKES

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**Derrick Webb**  
**Director of Health/Health**  
**Officer**  
[dwebb@mtolivenwp.org](mailto:dwebb@mtolivenwp.org)

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3. 04/28 – Barka Mediterranean – 60 Route 46 – Satisfactory
4. 04/29 – Paul’s Diner – 320 Route 46 – Satisfactory

## Health Education:

### Major Activities/Updates

- Created/Shared Outreach and Educational Materials:
  - Allergy Season Flyer
  - Autism Awareness Educational Materials
  - Cervical Cancer Awareness Materials
  - Child Health Clinic Flyer
  - Cold weather tips for pet safety Flyer
  - Dental Health Tips on Cleaning and Flossing Access for Children Flyer
  - H5N1 education information flyer and awareness created based on guidance.
  - Heart Health CPR Safety Tips Flyer
  - Heart Health Month Posters
  - Measles Travel Advisory
  - Mental Health awareness flyer for Mindful tips to keep up with self-care.
  - NJCEED March & April Events & Presentation Flyers
  - NJDOH Measles Fact Sheet
  - Prevention & Nutrition Links to Heart Health Flyer.
  - RSV Awareness Tips Flyer
  - Spring Cleaning Flyer
  - Tick Prevention Flyer
  - Traumatic Brain Injury Awareness Materials
  - Weather alert and advisory of winter/cold weather health and home safety Flyer
  - Winter and Heart Health Safety Flyer
- Discuss with PH nurse options on how to outreach to local communities about service access.
- Met with the Health Officer regarding H5N1 guidance updates and website edits.



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- Created H5N1 education information flyer and awareness disseminated with a press release reminding community members to avoid touching or getting near dead birds.
- Created and disseminated Spring Newsletter- March Nutrition tips, Bird Flu, Measles education and vaccine reminders, upcoming April awareness topics of Autism Awareness month, Allergies, Public Health Week, and Stress Awareness.
- Landing page for Lead on the website to include resource links and awareness prevention information.
- Created Cover Pages for the Morris County Community Health Assessment (CHA) & Community Health Improvement Plan (CHIP).

## **Public Health Nursing:**

### **Major Activities/Updates**

- Conducted Outbreak Surveillance and provided public health guidance.
- (4/14/25) Provided measles education and guidance to childcare providers and school nurses.
- (4/14/25) Attended Regional Epidemiology Meeting.
- (4/23/25) Attended APHN Members Meeting.
- (4/24/25) Shared Public Health Alert- Air Quality (NJ Wildfires)
- Notification of community engagement/ health programs:
  - NJCEED (Morris County Cancer Education and Early Detection Program) screenings/programs through Atlantic Health.
  - Program on Women's Health Challenges by Atlantic Health System for National Women's Health Month in May.
  - Free Smoking cessation program at Atlantic Health System.
  - *Smiles For Our Heroes*- Free dental services and resources for veterans through Zufall Community Health Centers.



# BOROUGH OF MOUNTAIN LAKES

LISTED IN NATIONAL AND STATE REGISTERS OF HISTORIC PLACES

**Derrick Webb**  
 Director of Health/Health  
 Officer  
[dwebb@mtolivenwp.org](mailto:dwebb@mtolivenwp.org)

204 Flanders-Drakestown Rd.  
 Budd Lake, NJ 07828

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## April Statistics

### INVESTIGATIONS & OTHER ACTIVITIES

Activity	April 2025	YTD	2024
School audits	0	6	0
Childcare/Pre-school audits	0	9	0
School/Childcare charts audited	0	750	0
Child Immunizations/NJIS Registration	0	0	0
Adult Office Visits	0	0	0
Home Visits	0	0	0
Record Request	0	0	0
Blood Chemistry Screenings	0	0	0
Blood Pressure Screenings	0	0	0
Influenza Vaccinations	0	0	12
COVID-19 Vaccinations (Adult)	0	0	0
COVID-19 Vaccinations (Pediatric)	0	0	0
Phone Consultations	2	3	6
Female Cancer Screenings	0	0	0
Skin Cancer Screening	0	0	0
Foot Screenings	0	0	0
Hearing Screenings	0	0	0

### Communicable Disease Investigations

March	Communicable Diseases	YTD	2024
0	Amoebiasis	0	0
0	Alpha-Gal	0	1
0	Anaplasmosis	0	0
0	Babesiosis	0	0
0	Brucellosis	0	1
0	Campylobacteriosis	0	2
0	Chikungunya	0	0
0	Creutzfeldt-Jakob Disease	0	0



# BOROUGH OF MOUNTAIN LAKES

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**Officer**  
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0	Cryptosporidiosis	0	0
1	COVID - 19 (Confirmed)	7	24
0	COVID - 19 (Probable)	8	15
0	Cyclosporiasis	0	1
0	Cryptosporidiosis	0	0
0	Dengue Fever	0	0
0	Diphtheria	0	0
0	Ehrlichiosis	0	0
0	Giardiasis	0	0
0	Haemophilus Influenza	0	0
0	Hepatitis A	0	0
0	Hepatitis B	0	0
0	Hepatitis B (Chronic)	1	0
0	Hepatitis B (Perinatal)	0	0
0	Hepatitis C (Acute)	0	0
1	Hepatitis C (Chronic)	1	0
0	Influenza A	49	9
0	Influenza B	6	0
0	Influenza Outbreak	0	0
0	Other respiratory outbreak	1	2
0	Legionellosis	0	0
1	Lyme	2	1
0	Measles	0	0
0	Monkeypox Virus	0	0
0	Multisystem Inflammatory Syndrome	0	0
0	Mumps	0	0
0	Pertussis	0	1
0	Rocky Mountain Spotted Fever	0	0
0	Salmonellosis	0	0
1	Shiga-Toxin E. Coli (STEC)	1	0
0	Shigellosis	0	0
0	Strep (GBS and GAS)	0	0
0	Strep Pneumoniae	0	0
0	<i>Rabies Post Exposure Prophylaxis</i>	1	10



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0	Tuberculosis	0	0
1	Varicella	1	0
0	Yersiniosis	0	0
0	<i>Zika Testing Approvals/Denials</i>	0	0

Note: *Italicized diseases are 'non-reportable'.*

## Quality Management Activities:

### Major Activities/Updates

- VMSG Updates:
  - Staff training (certificates).
  - Workforce Development training (certificates).
  - PHAB Documentation collection.
    - Staff meeting minutes.
    - MOHIC Meeting agenda, minutes, sign in sheets.

## Workforce Development:

Professional Development			
Date	Name of Event	Attendee	# of CEU's
4/7/25	Rutgers 30 <sup>th</sup> Annual Public Health Symposium: The Work Ahead- Practical strategies for long-term impact	Angie Deiling	0.00
4/9/25	APHN Coffee Break: The future of nursing is geospatial: Using a GIS fused nursing approach	Angie Deiling	0.00
4/16/25	Ready for Summer 2025: Key responsibilities and best practices for Local Health Officials	Angie Deiling	0.00
4/22/25	Morris County Public Health Nurse meeting: Update on tick borne illnesses and Update on CDS (Measles)	Angie Deiling	0.00
4/24/25	NJIIS Webinar: Vaccine ordering for Vaccine For Children program (VFC)	Angie Deiling	0.00



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Respectfully submitted,

*Derrick Webb*

Derrick Webb, Health Officer



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## **PUBLIC HEALTH SERVICES REPORT OF ACTIVITIES May 2025**

### **Administration:**

#### **Major Activities/Updates**

- Attended NJACCHO's Health Officer Retreat.
- Attended NJACCHO's NJ Costing Assessment Meeting. Submitted the Costing Assessment Tool on behalf of the Township of Mount Olive. The data collected will be utilized to calculate a per capital cost for public health services in New Jersey.
- Attended Spring Borough of Mountain Lakes Health Committee Meeting.
- Attended NJEHA Executive Committee Meeting.
- Attended The College of New Jersey (TCNJ) Public Health Advisory Committee Meeting.
- Attended NJDOH Local Health Report Modernization Advisory Committee Meeting.
- Attended NJACCHO Board of Directors Meeting.
- Met with The College of New Jersey (TCNJ) regarding the close out of the Morris County Community Health Assessment/Community Health Improvement Plan Contract.
- Finalized the 2025 Morris County Community Health Assessment/Community Health Improvement Plan.

### **Environmental Health:**

#### **Major Activities/Updates**

- None



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## May 2025 Statistics

### INSPECTIONS & OTHER ACTIVITIES

Inspection Type	Number	May Results			YTD	2024
		Sat.	Cond.	Unsat.		
Retail Food Establishment (RFE) Inspections	11	10	1	0	13	14
Food Re-Inspections	2	2	0	0	2	1
Mobile Food Vendors	0	0	0	0	1	0
Temp. Food Vendors	0	0	0	0	0	0
RFE - Plan Reviews	0	0	0	0	2	0
RTF - Pre-Operation Insp.	0	0	0	0	0	0
Public Recreational Bathing Inspections	3	3	0	0	3	5
Public Recreational Bathing Sample Results Reviewed	18	18	0	0	40	56
Youth Camp Inspections	0	0	0	0	0	0
Meetings/Consultations	1	N/A	N/A	N/A	8	5
Violation Notices Issued	0	N/A	N/A	N/A	0	0
<b>Nuisance Complaints</b>						
Residential	0	N/A	N/A	N/A	0	0
Commercial	0	N/A	N/A	N/A	0	0
Chapter 24 (Food)	0	N/A	N/A	N/A	0	0
Other	0	N/A	N/A	N/A	0	0
<b>Summonses Issued</b>						
Residential	0	N/A	N/A	N/A	0	0
Commercial	0	N/A	N/A	N/A	0	0
Chapter 24 (Food)	0	N/A	N/A	N/A	0	0
Other	0	N/A	N/A	N/A	0	0
Court Appearances	0	N/A	N/A	N/A	0	0
<b>Total</b>	<b>35</b>	<b>33</b>	<b>1</b>	<b>0</b>	<b>69</b>	<b>76</b>



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## **\*Retail Food Establishment Inspections:**

1. 05/01 – Lakeland Hills Family YMCA – 100 Fanny Rd. – Satisfactory
2. 05/01 – Mountain Lakes High School – 96 Power Ville Rd. – Satisfactory
3. 05/01 – Wildwood Elementary School – 51 Glen Rd. – **Conditional Satisfactory**
4. 05/01 – Lake Drive School – 10 Lake Drive – Satisfactory
5. 05/01 – Briarcliff School – 93 Briarcliff Rd. – Satisfactory
6. 05/08 – Wildwood Elementary School – 51 Glen Rd. – Satisfactory (**Re-Inspection**)
7. 05/11 – The Mansion – 90 Route 46 – Satisfactory
8. 05/11 – The Station at Mountain Lakes – 99 Midvale Rd. – Satisfactory
9. 05/11 – Hapgoods – 44 Midvale Rd. – Satisfactory
10. 05/20 – Island Beach – Boulevard – Satisfactory
11. 05/21 – Birchwood Lake – 48 W. Shore Drive – Satisfactory
12. 05/24 – Sunrise Senior Living of Mountain Lakes – 23 Bloomfield Ave – Satisfactory
13. 05/27 – Mountain Lakes Bagels Deli & Bakery – 350 Route 46. – Satisfactory (**Re-Inspection**)

## **\*Recreational Bathing Inspections:**

1. 05/20 – The Craig School – 271 Boulevard – Satisfactory
2. 05/20 – Birchwood Lake – 48 W. Shore Drive – Satisfactory
3. 05/20 – Island Beach – Boulevard – Satisfactory

## **Health Education:**

### **Major Activities/Updates**

- Created Cover Pages and back pages for the Morris County Community Health Assessment (CHA) & Community Health Improvement Plan (CHIP). Added them to the word version for dissemination and will create a press release for public awareness.
- Created flyers for the June upcoming Wharton Food Handlers Courses – English and Spanish program will be offered.
- Created and disseminated awareness materials:



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- Allergy Season Messaging
- Mental is Mental Health Awareness month- shared material and flyer, climate and mental health and Atlantic Health upcoming virtual sessions.
- Women's Health Flyer
- Child Health Clinic Flyer - Shared via Social Media
- Pelvic Health Awareness for Women's Health
- Women's Health Perimenopause and Menopause Education
- Measles Travel Advisory Flyer and Education in Newsletter
- Measles Vaccine Material and Vaccine Schedule
- Spring Cleaning Flyer
- Tick Prevention Flyer
- Created and disseminated Summer Newsletter - May, June, July- Women's health, allergy awareness, Heat advisory and dehydration prevention tips, Measles and travel awareness and packing tips, summer tips.
- Shared flyers from NJCEED March events & presentation
- Social Media/Website Updates and Postings:
  - Grilling Safety Tips
  - Food Temperature Cooking Recommendation for Memorial Day
  - NJDOH Bird Flu Flyer
  - Skin Cancer Reminder for the summer months on using sunscreen.

## **Public Health Nursing:**

### **Major Activities/Updates**

- Conducted Outbreak Surveillance and provided public health guidance.
- Attended CDC's National Measles Response biweekly calls.
- Attended CDC's Division of State and Local Readiness bi-weekly calls.
- (5/14/25) Attended MOT Health Departmental Staff Meeting.
- (5/21/25) H5N1 Quarterly Update.
- (5/29/25) NJDOH Vaccine for Children Program Audit.
- (5/29/25) Held Child Health Clinic from 4 pm to 8 pm (open to all municipalities).
- Provided H5N1 Bird Flu guidance for camps and schools.



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- Provided Educational link provided for school nurses and childcare centers on strep throat and hand, foot, mouth disease.
- Notification of community engagement/ health programs:
  - Atlantic Health System’s Presentation - Stiff Happens: Taking charge of arthritis.
  - NJ Connect for Recovery Wednesday Webinar series for families and friends impacted by a loved one’s substance use disorder.

## May Statistics

### INVESTIGATIONS & OTHER ACTIVITES

Activity	May 2025	YTD	2024
School audits	0	6	0
Childcare/Pre-school audits	0	9	0
School/Childcare charts audited	0	750	0
Child Immunizations/NJIS Registration	0	0	0
Adult Office Visits	0	0	0
Home Visits	0	0	0
Record Request	0	0	0
Blood Chemistry Screenings	0	0	0
Blood Pressure Screenings	0	0	0
Influenza Vaccinations	0	0	12
COVID-19 Vaccinations (Adult)	0	0	0
COVID-19 Vaccinations (Pediatric)	0	0	0
Phone Consultations	0	3	6
Female Cancer Screenings	0	0	0
Skin Cancer Screening	0	0	0
Foot Screenings	0	0	0
Hearing Screenings	0	0	0



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## Communicable Disease Investigations

March	Communicable Diseases	YTD	2024
0	Amoebiasis	0	0
0	Alpha-Gal	0	1
0	Anaplasmosis	0	0
0	Babesiosis	0	0
0	Brucellosis	0	1
0	Campylobacteriosis	0	2
0	Chikungunya	0	0
0	Creutzfeldt-Jakob Disease	0	0
0	Cryptosporidiosis	0	0
0	COVID - 19 (Confirmed)	7	24
1	COVID - 19 (Probable)	9	15
0	Cyclosporiasis	0	1
0	Cryptosporidiosis	0	0
0	Dengue Fever	0	0
0	Diphtheria	0	0
0	Ehrlichiosis	0	0
0	Giardiasis	0	0
0	Haemophilus Influenza	0	0
0	Hepatitis A	0	0
0	Hepatitis B	0	0
0	Hepatitis B (Chronic)	1	0
0	Hepatitis B (Perinatal)	0	0
0	Hepatitis C (Acute)	0	0
0	Hepatitis C (Chronic)	1	0
0	Influenza A	49	9
1	Influenza B	7	0
0	Influenza Outbreak	0	0
0	Other respiratory outbreaks	1	2
0	Legionellosis	0	0
0	Lyme	2	1
0	Measles	0	0



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0	Monkeypox Virus	0	0
0	Multisystem Inflammatory Syndrome	0	0
0	Mumps	0	0
0	Pertussis	0	1
0	Rocky Mountain Spotted Fever	0	0
0	Salmonellosis	0	0
0	Shiga-Toxin E. Coli (STEC)	1	0
0	Shigellosis	0	0
0	Strep (GBS and GAS)	0	0
0	Strep Pneumoniae	0	0
2	<i>Rabies Post Exposure Prophylaxis</i>	3	10
0	Tuberculosis	0	0
0	Varicella	1	0
0	Yersiniosis	0	0
0	<i>Zika Testing Approvals/Denials</i>	0	0

**Note:** *Italicized diseases are 'non-reportable.'*

## Quality Management Activities:

### Major Activities/Updates

- VMSG Updates:
  - Staff training (certificates).
  - Workforce Development training (certificates).
  - PHAB Documentation collection:
    - Staff meeting minutes.
    - MOHIC Meeting agenda, minutes, sign in sheets.



# BOROUGH OF MOUNTAIN LAKES

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## Workforce Development:

<b>Professional Development</b>			
<b>Date</b>	<b>Name of Event</b>	<b>Attendee</b>	<b># of CEU's</b>
5/7, 5/14, 5/21, 5/28	National Association of Public Health Nurses Conference 2025: PHNnovation	Angie Deiling	20.00
5/8/25	NJ Association of Public Health Nurse Administrators Annual Nursing Celebration- 35 <sup>th</sup> Anniversary	Angie Deiling	0.00
5/14/25	Updates and changes to PHAB's Accreditation Process Meeting	Alexis Shilley	0.00
5/20/25	Identifying and Verifying Special Processes during retail food inspections – HACCP Training	Alexis Shilley	5.25
5/20/25	NJDOH CDS: Riding the Wave with Vaccine- Preventable Diseases	Angie Deiling	2.00
5/20/25	Rutgers Center for PH Workforce Development: Building Recovery Capital and Resilience	Angie Deiling	1.00
5/27/25	APHA online seminar: Measles 2025- The State of the Outbreak	Angie Deiling	0.00
5/29/25	NJDOH: Vector-borne and Arboviral Disease Detection- A NJ Perspective	Angie Deiling	1.00
5/29/25	NJDOH Tickborne Illness (Webinar)	Lismary Espinal	0.00
5/30/25	Harassment & Discrimination (Webinar)	Lismary Espinal	0.00
5/30/25	No Tolerance: Employment Practices (Webinar)	Lismary Espinal	0.00

Respectfully submitted,

*Derrick Webb*

Derrick Webb, Health Officer/Director of Health



# BOROUGH OF MOUNTAIN LAKES

LISTED IN NATIONAL AND STATE REGISTERS OF HISTORIC PLACES

Recreation Department  
May 2025

## Recreation Commission

- May meeting met via Zoom; discussed new community event ideas

## Recreation Director

- Continue to finalize logistics and programming for summer programs, including purchase supplies.
- Continue to follow-up with seasonal staff on hiring paperwork, payroll onboarding, and online training.
- Attend various online and in-person Municipal Excess Liability trainings as part of the MEL Safety Institute Leadership Academy program – Risk Management for Managers and Supervisors.
- Beach Tags went on sale May 1<sup>st</sup>.
- Finalized bands for the summer concert series.
- Inspect Borough facilities this month including beaches, parks, and racks and rings. Borough Hall, PD, FD, and DPW is scheduled for June.

## Upcoming Events

- Thurs, June 26 at 7pm – This Old Engine Band
- Thurs, July 3 – Fireworks (rain date July 5)
- Tues, July 8, 10am-2pm – Senior and Veteran ID Event
- Tues, July 8, 6pm – Family Swim and Boat Races
- Thurs, July 10 – Alex Laurenzi and Quartet
- Wed, July 16 – Pythagoras Band
- Thurs, July 24 – The Blocked Toms
- Thurs, July 31 – The Tourne
- Thurs, August 14 – Long Hill String Band
- Wed, Aug 20 – Movie Night at Island Beach
- Sun, Oct 12 – Fall Fest at Birchwood Lake

## Monthly Meetings

- Recreation Commission
- HUB Lakes
- DPW Subcommittee
- NJRPA District 7
- Safety Committee – quarterly – next June 12

## Ongoing tasks

- Manage facility requests from residents and organizations.
- Oversee and support sports programs with school facility requests and supply purchases, if needed.
- Weekly eblast.
- Social Media posts.
- Update the Borough website.
- Borough Hall electronic sign.
- Manage Borough Hall room reservation calendar for conference rooms and Chambers.
- Submit payroll 2x per month.
- Bi-weekly facility report
- Distribute New Resident Welcome kits
- Manage Rack and Ring requests
- Monthly finance report



# BOROUGH OF MOUNTAIN LAKES

LISTED IN NATIONAL AND STATE REGISTERS OF HISTORIC PLACES

**Joe Mullaney**  
**Code Enforcement Officer**  
[jmullaney@mtnlakes.org](mailto:jmullaney@mtnlakes.org)

400 Boulevard  
Mountain Lakes, NJ 07046  
P -973-334-3131 ext.2014  
F -973-402-3466

TO: Borough Manager Mitchell Stern  
DATE: 6/20/25  
SUBJECT: Monthly Report May 2025

The following lists code enforcement/property maintenance issues for the month of May 2025:

- 5/1: Follow up with Route 46 business regarding several zoning violations. Corrective action taken
- 5/1: 4 signs removed from median on Route 46
- 5/6: Follow up with Morris Ave resident regarding property maintenance complaint. Corrective action taken.
- 5/6: Follow up with Ball Road resident regarding property maintenance complaint. Corrective action taken.
- 5/6: Follow up with Dartmouth Road resident regarding property maintenance complaint. Corrective action taken.
- 5/6: Political sign removed from ROW on Elm Road
- 5/7: Follow up with Rainbow Trail resident regarding property maintenance complaint
- 5/8: Follow up with Laurel Hill Road resident regarding zoning violation
- 5/10: Follow up with YMCA regarding property maintenance complaint. Corrective action taken
- 5/12: Follow up with Laurel Hill Road resident regarding zoning violation. Corrective action taken
- 5/12: Follow up with Hillcrest Road resident regarding property maintenance complaint. Corrective action taken.
- 5/19: Bednar Landscaping started clean up at 190 Laurel Hill Rd. Work completed 5/23

## Smoke and Carbon Monoxide Detector Inspections

DATE	LOCATION	PASS/FAIL
5/6	44 Rainbow Trail	Pass
5/13	90 Briarcliff Rd	Pass
5/27	38 Lookout Road	Pass

**SIGN ENFORCEMENT** –Monitor placement of temporary signs for compliance with ordinance.



# BOROUGH OF MOUNTAIN LAKES

LISTED IN NATIONAL AND STATE REGISTERS OF HISTORIC PLACES

## OFFICE OF THE TAX COLLECTOR

To: Mayor & Borough Council  
From: Monika Strama, Tax Clerk  
Date: June 4<sup>th</sup>, 2025

Re: Report of Receipts for the Month ending May 31<sup>st</sup>, 2025

TAXES YEAR 2024	\$ 3,602.86
TAXES YEAR 2025	\$ 6,679,011.79
TAXES - INTEREST	\$ 2,475.69
WATER YEAR 2024	\$ 2,784.88
WATER YEAR 2025	\$ 77,863.23
WATER - INTEREST	\$ 486.73
SEWER YEAR 2024	\$ 1,576.48
SEWER YEAR 2025	\$ 116,117.48
SEWER - INTEREST	\$ 664.04
TOTAL CASH RECEIPTS AS OF 05/31/2025	\$ 6,884,583.18

Respectfully submitted,

Monika Strama  
Tax Clerk