

BOROUGH OF UPPER SADDLE RIVER PLANNING BOARD

MEETING MINUTES – WEDNESDAY, JUNE 29, 2016

Mr. Virgona called the meeting to order at 7:40 p.m. The following statement was read: Pursuant to The Open Public Meetings Act P.L. 1975, Chapter 231, proper notice of this meeting has been provided by publication in The Record on June 18, 2016; by certified mail to the County Planning Board and to the Clerk of each adjoining municipality at which time the date, time, place and purpose of the meeting was set forth; and notice was posted on the official bulletin board in the Borough Hall.

PLEDGE OF ALLEGIANCE

Present: Mr. Virgona, Mr. Polizzi, Councilman DeBerardine, Mr. Jacobs, Ms. Miller
Mr. Bonjuklian

Absent: Mayor Minichetti, Mr. Preusch, Mr. Bakal, Mr. Donato, Mr. Richardi

Also Present: Mark Madaio, Esq., Planning Board Attorney
Joseph Burgis, P.P., Burgis Associates, Borough Planner

PUBLIC HEARING

2016 Periodic Reexamination of the Municipal Master Plan and Master Plan Amendment, Including the Housing Element and Fair Share Plan

Mr. Burgis, duly sworn by Mr. Madaio, reviewed his qualifications and many years of professional experience as a certified planner.

Mr. Burgis explained the legal requirements established under Municipal Land Use Law and the criteria for preparing the Master Plan and Master Plan Reexamination Report.

Mr. Burgis reviewed the statutory provisions to be addressed in the reexamination report and provided a background of the NJ Supreme Court ruling regarding the historic Mount Laurel decision; the establishment of COAH and their adopted rules and regulations.

Mr. Burgis reviewed the Borough's response to its affordable housing obligation covering the years 1987 to 2015, advising the Borough adopted a new Housing Element and Fair Share Plan to address the Borough's third round affordable housing obligation through 2025.

Mr. Burgis explained that in 2015 the Supreme Court declared COAH moribund and ordered the Courts to oversee municipal affordable housing obligations requiring towns to satisfy their allocation of the 145,000 units representing the period from 1999-2015, also known as the GAP period. Estimated statewide numbers varied in two separate reports prepared David Kinsey on behalf of the Fair Share Housing Center and by Rutgers University contracted on behalf of the consortium of municipalities. Due to unforeseen circumstances the Borough and other multiple municipalities entered into a contract with Econsult Solutions to prepare a report which would calculate fair share obligations

to comply with the Court's directive to update the housing element and fair share plan. Econsult determined the Borough's affordable obligation to be 347 units.

In response to comments from the Board, Mr. Burgis advised an amended plan is required following the settlement agreement reached with Mack Cali Realty LP regarding the property located at 1 Lake Street.

Mr. Burgis reviewed the Borough's proposed plan for meeting its affordable housing obligation through the construction of (70) 100% affordable units behind the Porcelanosa building on Route 17; (47) units generated by the Mack Cali Settlement Agreement with (22) units developed on site and the construction of (25) units on the municipal - owned property located on East Crescent Avenue.

In response to comments from the Board pertaining to the establishment of the AH-5 Affordable Housing District and the R-12A Residential District regarding the property located at 1 Lake Street, Mr. Burgis testified he is comfortable with the density as a portion of the site is environmentally constrained and it complements the use of the property located across the street.

Discussion followed regarding proposed provisions to the Zoning Ordinance:

A motion by Mr. Polizzi seconded by Councilman DeBerardine to open the Hearing to Members of the public regarding the testimony provided by Mr. Burgis.

John Guidice, 22 Ripplewood Drive duly sworn by Mr. Madaio, questioned Mack Cali's monetary contribution toward the (25) affordable housing units to be built on E. Crescent Avenue; and Apple Ridge. In response, Mr. Burgis advised the monetary amount is provided in the settlement agreement. Mr. Burgis explained Apple Ridge LLC was not obligated to provide for affordable housing.

David Aarons, 56 Echo Ridge Road, duly sworn by Mr. Madaio, questioned why there was no financial analysis of the settlement agreement. In response, Mr. Burgis advised municipalities are not allowed to consider financial impact concerning the issue of affordable housing.

Mr. Aarons questioned the Borough's payment for the acquisition of the (9) acres located at 1 Lake Street; who pays for capital improvement; and what indication is that there will be a positive outcome during the fairness hearing regarding the (22) affordable units. In response, Mr. Burgis advised the (9) acres will be zoned R-1A. Councilman DeBerardine advised no decision has been made on what the property will be utilized for; and the Judge will determine if it is a fair way to address the housing needs of the poor.

Joseph Stepp, 6 Autumn Court duly sworn by Mr. Madaio, requested a copy of the financial impact of the Mack Cali Development calculated by Mr. Burgis. Mr. Stepp questioned if the settlement agreement does not happen, will it go back to litigation. In response, Councilman DeBerardine advised the settlement agreement has been signed and is in effect. The Planning Board will review the application for development.

Erik Friis, 4 Sparrowbush Road duly sworn by Mr. Madaio, commented that he believed the RICO statute could have been used as an effective weapon in the Mack Cali lawsuit. In response, Mr. Madaio advised the statute does not apply to a frivolous law suit.

Mr. Friis questioned the current affordable housing obligation. In response, Mr. Burgis advised a total number of 553, however, the court has not decided.

Mr. Friis provided additional comments regarding the allocation of affordable housing units and asked if anyone considered building at a higher density on the Porcelanosa affordable housing site. In response Mr. Burgis advised the maximum number of units are proposed due to the environmental constraints.

Mr. Friis provided comment regarding the settlement agreement.

Mr. Giudice provided comment regarding Goal 8 contained in the 2008 Master Plan Reexamination Report pertaining to the installation of fire hydrants. In response Mr. Burgis advised the Borough is in the process of redoing the entire Master Plan, and will begin discussion in 2017.

Mr. Aarons requested a copy of Mr. Burgis' analysis regarding the assumptions pertaining to the impact the Mack Cali development will have on school enrollment. In response, Mr. Madaio advised the analysis was drawn from internal notes from which Mr. Burgis testified, there is no document.

With no further comments from the Board or public, Mr. Virgona closed that portion of the meeting.

Mr. Madaio advised he had prepared (2) Resolutions for the Board's approval:

In the Matter of The Periodic Reexamination of the Municipal Master Plan and Master Plan Amendment; In the Matter of the 2016 Housing Element and Fair Share Housing Plan.

A motion to adopt the Resolutions as presented by Councilman DeBerardine seconded by Mr. Polizzi.

Roll Call

Ayes: 6 Councilman DeBerardine, Mr. Polizzi, Mr. Jacobs, Ms. Miller, Mr. Bonjuklian, Mr. Polizzi

ADJOURNMENT

A motion to adjourn by Councilman DeBerardine seconded by Ms. Miller was unanimously approved by all Members present. Meeting adjourned at 10:26 p.m.

Respectfully submitted,

Linda Marmora
Clerk

