

BLOOMINGDALE PLANNING BOARD
101 Hamburg Turnpike
Bloomingtondale, NJ 07403

Minutes
January 21, 2016
Regular Meeting 7:30pm

CALL TO ORDER @ 7:36 pm

SALUTE TO FLAG

LEGAL

This is a Regular Meeting of the Bloomingdale Planning Board of January 21, 2016 adequate advance notice of this meeting has been provided by publication in the Herald and News and also posted on the bulletin board at the Council Chamber entrance in the Municipal Hall of the Borough of Bloomingdale, Passaic County, in compliance with the New Jersey Open Meetings Act, N.J.S.A. 10:4-6 seq.

FIRE CODE

Per State Fire Code, I am required to acknowledge that there are two “Emergency Exits” in this Council Chamber. The main entrance through which you entered and a secondary exit to the right of where you are seated. If there is an emergency, walk orderly to the exits, exit through the door, down the stairs and out of the building. If there are any questions, please raise your hand now.

MEMBERS/ALTERNATE MEMBERS PRESENT (*denotes alternate)

Ken Fioretti*	James W Croop	Robert Lippi*
Mark Crum	Bill Graf	Brian Guinan*
Ray Yazdi	Craig A Ollenschleger	
Bill Steenstra	Edward Simoni	

MEMBERS ABSENT/EXCUSED

Kevin Luccio ex
Barry Greenberg* ex
Mayor Dunleavy ex

APPROVAL OF MINUTES

Motion made by Comm. Graf, 2nd by Comm. Steenstra to approve minutes of 12/10/15 meeting. Voice vote shows all in favor with one abstention from Comm. Simoni (1/7/16 Minutes tabled)

DISCUSSION OF COAH PLAN

– speaker, Ken Nelson of Nelson Consulting Group

Mr. Nelson gives an overview of the affordable housing issue, as it relates to Bloomingdale. Mr. Nelson has been retained to assist Bloomingdale with its efforts to comply with the NJ Supreme Court affordable housing decision and mandate. Mr. Nelson goes over his report, which is attached and inclusive of these minutes.

RESOLUTIONS

#663 Bob Bloodgood & Patricia Wrobbel 105 Graham Terrace Block 4049 Lot 62
(seated: Ollenschleger, Steenstra, Croop, Crum, Graf, Luccio & Guinan)

Motion made by Comm. Croop, 2nd by Comm. Crum to adopt & memorialize Resolution #663, as amended. Roll call shows 6-0 in favor.

BILLS

Darmofalski - #663 **Bloodgood \$600**, Meeting Attendance 12/10/15 \$240,

#659 **Stokem \$480**

NJPO- 2016 Membership dues \$370

Rich Brigliadoro- #662 **Osmani \$144**

North Jersey Media- #662 **Osmani legal ad \$11.49**, #661 **ST Developers legal ad \$10.57**

Motion made by Comm. Graf, 2nd by Comm. Steenstra to pay bills as listed. Roll call shows 8-0 in favor.

PUBLIC DISCUSSION

Motion made by Comm. Steenstra, 2nd by Comm. Croop to open meeting to public. Voice vote shows all in favor.

Motion made by Comm. Steenstra, 2nd by Comm. Crum to close meeting to public. Voice vote shows all in favor.

ADJOURNMENT

Motion made by Comm. Steenstra, 2nd by Comm. Croop to adjourn. Voice vote shows all in favor.

Respectfully submitted,

Barbara Neinstedt, Secretary
Bloomingdale Planning Board

THE NELSON CONSULTING GROUP

2 Volcanic Hill Rd
Wantage, New Jersey 07461
973-875-8685

To: Bloomingdale Planning Board
From: Ken Nelson PP / AICP, Planning Consultant
Re: The Affordable Housing Issue
Date: 1/18/16

This memo / report is intended to provide a summary overview of the affordable housing issue, as it now relates to Bloomingdale. This document may be supplemented by additional information provided during the Planning Board's 1/21/16 meeting

As the Board is aware, I have been retained to assist the Borough with its efforts to comply with the NJ Supreme Court affordable housing decision and mandate. As most of you know, this is a complicated issue that has had an impact on municipalities throughout the state for decades. In the past, Bloomingdale has engaged in the affordable housing process through the NJ Council On Affordable Housing (COAH), as well as via litigation, which resulted in two builders' remedy decisions that were issued by the courts.

We are now midway through the current affordable housing process, which the NJ Supreme Court has established. As may have been explained previously, the current process requires municipalities to appear in Superior Court, if the municipality wishes to protect itself from one or more future builders' remedy lawsuits and to also have its municipal housing plan certified. As you may know, if you have been following this complicated saga in recent years, NJ municipalities find themselves in this situation, because COAH, the Governor and the NJ Legislature have failed, in the opinion of the Supreme Court judges, to establish a process that was fully in compliance with the NJ Constitution.

To date, the Borough Attorney has appeared before Judge Brogan in Superior Court in conjunction with the legal procedures and proceedings needed to guide the Borough through this process. Judge Brogan has granted the Borough temporary immunity from any potential builders' remedy lawsuits, which is scheduled to expire in early April. Consequently, we are now locked into a timetable that will require involvement and potential action by this Board and ultimately the Borough Council. The timetable will be discussed in more detail on 1/21/16.

But first there are two items that need to be emphasized about this issue. First, in my opinion, the Borough has diligently, in the past, attempted to comply with its constitutional affordable housing mandate, as evidenced by the existence of some affordable housing now located in the Borough. However, we now have to convince the

judge – and the planner retained by the judge for advice - that going forward, the Borough has a plan that allows for the realistic potential for additional affordable housing to be built in the Borough. That will be my job, in conjunction with input from the other Borough professionals and officials, including all of you.

The second item that needs to be emphasized, which may not need emphasis, is the complexity of this issue. Dealing with COAH was difficult and was often demonstrated by the arcane jargon and complicated formulas, which were part of that process. Unfortunately, much of that jargon and the complicated regulations, are still part of the process. It is my goal to simplify the process, as much as possible, and the hope is that the court, which has the ability to be somewhat more flexible than COAH, will agree with that approach. However, it probably can't be simplified as much as we might like. So, at any time, if you have questions or are unsure of particular terms or requirements, please don't hesitate to ask for clarifications as needed.

There are two starting points that the Board needs to understand as we go forward. The first one is the 2010 Housing Plan. The second is a report prepared, on behalf of a municipal consortium (Bloomingdale included) by Econsult Solutions a nationally known consulting firm.

The Econsult report is available for your review but the only item of importance in that report, from the Board's perspective right now, is the exhibit (Table E-1 on page 175) that provides numbers related to Bloomingdale's affordable housing obligation. Those numbers are as follows:

Prior Round Obligation	168 units
Present Need.....	57 units
Prospective Need.....	<u>14 units</u>
Total	239 units

So, according to Econsult, via an elaborate set of calculations related to regional need, Bloomingdale's characteristics and a number of other factors, the Borough must satisfy the court that the Bloomingdale Housing Plan will, in fact, realistically address this obligation. The obligation is divided, as presented above, and can be described as follows:

Prior Round Obligation – This is simply the past obligation, calculated by COAH that goes back several decades

Present Need – This means that there are theoretically these many units that exist in Bloomingdale, occupied by low and moderate residents, which need to be rehabilitated

The Prospective Need – This part of the obligation relates to the regional need in the future for low and moderate income housing and the portion or share of that need, which Bloomingdale is expected to absorb.

Going forward the Borough must address each part of its obligation. In doing so, it would appear that Bloomingdale will be eligible for various credits, possible reductions and some bonuses, related to existing and proposed projects and other affordable housing mechanisms. Together, they will enable the Borough to bring itself into compliance with its affordable housing obligation.

So what are those credits, bonuses etc ? The 2010 Housing Plan contains a strategy that consists of several components that will be transferable to the Borough's current obligation in some form. Those components can be summarized as follows:

Component	Description	Afford. Units	Built-Not Built	BonusCredits?
Meer Tract	Court Order	72	Not Built	NA
Avalon Bay	Court Order	9 *	Built	9 ±
Health Center	Assist. Living	32	Built	28 ±
Humanistic Change	Group Home	5	Built	5 ±
B1-A Zoning	Apts.Over Commercial	5	Not Built	5 ±

* Avalon Bay also provided a \$100,000 contribution to the Borough's Housing Trust fund

In summary, it appears that the total obligation of the Borough is 239 units. The 57 units that are part of that obligation, which are identified as units that need to be rehabilitated, can be addressed via a housing rehab program. The remainder of the obligation – 182 units - will have to be addressed using some combination of the above referenced components, which may total as many as 170 units / credits. At the moment it appears there may be a shortfall of 12 units / credits but it could be more or less. This uncertainty, at the moment, relates to the specific criteria that are being applied in connection with bonuses, which was somewhat different than the criteria that governed the 2010 Plan. We are in the process of exploring whether or not some additional mechanisms may be needed to address this shortfall, including but not limited to applying for a vacant land adjustment.

Attached is a preliminary format of the proposed Addendum to the 2010 Housing Plan also for your review. This format may change but if it does, you will be so advised.

I look forward to discussing this matter further with you on 1/21/16.