



Borough of Dumont

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Dumont Resident
Dumont, New Jersey 07628

August 29, 2017

Dear Neighbor:

On Tuesday, July 18, 2017, the Borough of Dumont voted to settle its Declaratory Judgment lawsuit that sought to resolve, for the first time in Borough history, all affordable housing issues facing Dumont through the middle of 2025. Here are the answers to some of the questions we are hearing most often about the settlement.

1) Will the Borough be constructing affordable housing?

The Borough will not be required to actually construct any housing units. The settlement agreement, entered into between the Borough and the affordable housing advocacy group Fair Share Housing Center, does not require the Borough to build any housing. It simply calls for the Borough to make the opportunity for such construction available.

2) Will any property be acquired through Eminent Domain for affordable housing?

No property will be acquired for affordable housing construction, by the Borough, or any other public entity, through condemnation or 'Eminent Domain.' Eminent Domain is the often controversial power of government entities to acquire property from private owners by judicial decree and then to pay 'fair market value' as determined by court proceedings, regardless of whether the owner wishes to sell the property.

No property will be taken for affordable housing through Eminent Domain and nobody will be forced to sell their property if they don't want to.

3) What action is required of the Borough to comply with the settlement agreement?

The primary mechanisms to allow for construction of affordable housing will be overlay zones. Overlay zones are areas that are designated for certain types of construction or development that are conducive to construction of affordable housing.

4) Where will the overlay zones be and what will new construction look like?

The current business district, which is roughly 2/10ths of a mile in each direction from the Madison and Washington Avenue intersections, will be zoned for mixed use

construction designed to provide a realistic opportunity for affordable housing. This zone will allow buildings of 3 stories and approximately 35 feet through about 90% of the zone. Mixed use refers to a ground floor of retail, office or other commercial space with two floors of residential space above it. Any such construction would have to be approved by the Dumont Land Use Board, and parking, setbacks, floor space, green area and other requirements would have to be met.

A townwide overlay zone outside of the business district will require that any multi-family construction project approved by the Land Use Board would have to have a required affordable component, 15% for rental and 20% for sale units. Such projects would otherwise have to comply with borough zoning requirements and the borough can not be penalized for failure to grant variances or waivers from those requirements.

No tax incentives or abatement will be granted for construction in the overlay zones. Any new construction will add to the tax ratable base at full assessed value.

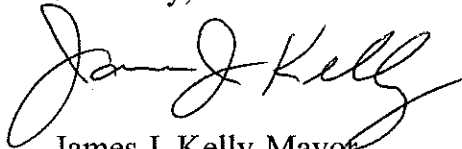
5) What happens if the Borough does not go through with the settlement?

After the settlement is approved by a Superior Court Judge, and the Borough enacts the necessary zoning changes, a Judgment of Repeal is entered by the Court, which protects the Borough from any lawsuits by developers who are denied applications to construct projects that do not comply with the approved zoning codes. Any municipality that does not have a Judgment of Repeal is vulnerable to a builder's remedy suit by any developer who acquires property and seeks to build a project offering an affordable housing component. This settlement will protect Dumont from any more of that type of lawsuit.

On a final note, the Borough was advised this week that the development company that had contracted to purchase the D'Angelo Farm property, Coremark/Landmark, is now planning to sell its interest and assign the contract, and all of the rights and obligations, to another entity, Garden Homes. (www.gardenhomes.com) Garden Homes is a large developer of residential projects with complexes located throughout Northern New Jersey and Connecticut. The Borough is awaiting more information on this transaction, and will report further once we have had a chance to meet and discuss it with the relevant parties.

Thank you for your attention to these important Borough matters.

Sincerely,



James J. Kelly-Mayor