

**BOROUGH OF DUMONT  
BERGEN COUNTY, N.J.  
SPECIAL MEETING MINUTES  
JANUARY 12, 2016  
7:30PM**

Mayor Kelly called the meeting to order at 6:30PM.  
Flag Salute, Silent Prayer

**Sunshine Law:** This special meeting was called pursuant to the provisions of the Open Public Meetings Law. Notices of this special meeting of the Governing Body were sent to *The Record* and *The Ridgewood News*, posted on the Borough website and was filed with the Borough of Dumont.

**Roll Call:**

Council members Correa, Di Paolo (arrived at 6:33PM), Hayes, Morrell (arrived at 8:10PM)  
Riquelme, Zamechansky-present  
Mayor Kelly-present

Motion to accept agenda as presented: Councilwoman Correa  
Second: Councilman Riquelme  
All in favor.

Motion to open to the public: Councilwoman Correa  
Second: Councilman Riquelme  
All in favor.

Darlene Green, COAH Planner was present. She responded to questions which were sent by email prior to the meeting:

1. There was a chart which was attached to the email in response
2. Are all potential mechanisms listed in the Maser report -- regardless of whether they yield AH credits?

The 2013 HEFSP lists all existing credits, except for Advance Housing, which we just found out qualifies for 3 credits.

3. As of today, has the deed for every mechanism been thoroughly read? By whom?

Not every mechanism in the COAH rules requires a deed to qualify for credit under the rules and not every mechanism has a deed.

4. Do you have any knowledge why Dumont's case was 'fast tracked', yet not all municipalities with builder's remedy lawsuits are? No, Ms. Green is a planner, not an attorney.

If not, what is your opinion as to why and please tell us whom to contact to determine this.

5. What is the minimum building size required to disqualify a parcel of land as vacant?

Under the prior COAH rules less than 0.625 acres is not developable as an inclusionary site.

However, lots between 0.125 and 0.625 acres may be buildable, but only for a single-family or two-family home, not as an inclusionary property.

6. Please explain the term "infill". What does that mean and how can/will that impact AH obligations?

Infill (as per the Vacant Land Adjustment) is lots that are vacant and developable and are between 0.125 acres and 0.625 acres and hold one or two homes depending on the underlying zoning. Infill does not have an impact on affordable obligations.

7. When was the last census taken? Are the latest results used for all figures reported in our fair share housing plan? 2010. The new HEFSP that her office updated from the 2013 plan uses all 2010 data that has been publicly released and where the data has yet to be released we have used American Community Survey data, which is also published by the Census.

If not, have you called down to Trenton to demand those results for the most accurate report for our town? If not, why?

Trenton does not control the Census, the federal government does.

8. What is the difference between 'unadjusted prior round' and 'prior round'?

Depends on where you are taking these terms from.

9. Prior round obligation (also known as prospective need or unsatisfied past) -- Prior round is NOT prospective need.

a) Is this determined by a formula? If so, what is that formula? Please explain in layman's terms. There was a formula in the 80's and 90's as the Prior Round used to be two parts: 1987-1993 and 1993-1999. The formula is not on COAH's website.

b) Can certain elements of this be discussed with the special master as to their potential accuracy/inaccuracy with regard specifically to Dumont?

You cannot change the Prior Round Obligation. You can only seek a durational adjustment (water/sewer) or vacant land adjustment for the Prior Round Obligation.

10. Growth share (also known as projected need) -- Growth share was invalidated. It is called Third Round or Prospective Need.

a) Is this based on projected jobs and growth? Not based on projected jobs or growth.

b) Are temporary jobs counted in the past jobs figures? This office doesn't know the answer to that question, but it would depend on the data source.

c) Can certain elements of this be discussed w/ the special master as to their potential accuracy/inaccuracy with regard specifically to Dumont?

If Dumont does not like the number it was issued by Consult it has to provide better municipal data to replace the data that Consult has in its report. The burden is on the town to prove, not the Special Master.

11. What is the percentage of Dumont's 'very low income' units?

13% x Third Round Obligation. For now that translates to 13% x 85 = 11 units.

12. Without D'Angelo Farms included, what if any, AH units is Dumont short? Please list by category, with both Maser & Consult numbers noted for comparison purposes.

There are no Maser consult numbers. We are not experts in calculating affordable housing obligations. That is why Consult was retained. It used to be if you built 100 units you generate an obligation so you were always playing catch up. That is not how the new methodology works. Based on our preliminary analysis of the Consult report, Dumont is short an estimated 31 units of the third round.

13. If D'Angelo Farms is developed with 100 apartments, what future AH obligation will that generate? It will not generate a future obligation, as growth share was invalidated. If multiple answers, please list low to high ranges with corresponding explanations, in layman's terms.

However, a rental development is required under NJAC 5:93 to provide a 15% set aside for affordable units; while a for-sale development is required under NJAC 5:93 to provide a 20% set-aside for affordable units.

14. How many AH obligations are generated per acre of vacant land? Please answer w/ complete explanation in layman's terms. Give minimum to maximum range if necessary. Under the Vacant Land Analysis, 1 affordable unit is required for each acre. This is based on a density of 8 units per acre and a 20% set-aside as per NJAC 5:93.

15. Until the 1960's, Wareham Road was a sewer pump station with major pipe connections still remaining below. Two homes block access, rendering it inaccessible. In addition there is a possibility a creek runs below. Given this information, should this be removed from the vacant land adjustment? If not, why?

I don't understand what you are referring to.

16. How many AH obligations would be generated if infill comes into play? What could trigger this?

Infill has never played into generating affordable housing obligations.

17. Did the documentation presented to the court have notes as to whether the available open space will, or will not, be aggregated?

I don't understand what you mean by this question.

1. Rachel Bunin, 9 Poplar, asked what happened to the Merritt Garden tax appeal from 2013? How many foreclosures are there in town? Mr. Perkins stated there are 270. Ms. Bunin asked Ms. Green the procedure of finding the existing credits. She replied she first researches tax records. The reason Vantage was missed in 2013 was it was not found in the tax records, the building department or the police department records. If they don't have tax exempt status, she wouldn't know. Group homes have to fill out paperwork; if they don't, she can't prove we have those credits.

2. Carl Manna, Harding Avenue, asked if tax exempt status is requested, would there be a deed restriction put on that property. Ms. Green explained that group homes are not required to have a deed restriction. However, if they get funding from HMFA, a deed restriction is required for the length of the mortgage. Mr. Manna asked if a corporation like Advanced Housing is providing services for the mentally disabled, requested tax exempt status, and probably receiving federal and state funding. If they don't qualify for deed restrictions, can the borough still receive the credit? Ms. Green replied yes-that they have to have a license from either the Department of Human Services or the Department of Developmental Services. Mr. Manna asked since there are so many foreclosures, if a charitable organization provides housing for low income disabled, could we co-op that and use those credits? Ms. Green said that if it's a single family home it would count as one credit. If, for instance, you sell to a group like United Way as a group home, you'd get credits for each bedroom. There is a ceiling for the amount you can buy a foreclosure for.

3. Suzanne Riordan, 46 Harrison St., asked what mechanisms require research. Ms. Green replied inclusionary housing projects and 100% affordable housing projects. Ms. Riordan asked about deeds.

4. Lili Binney, 32 Roxbury Road, stated that 48 E. Quackenbush has been deeded to Dumont Senior Housing. She is concerned that other items may have been missed. What should the town do to yield us the most affordable credits possible when deed restrictions expire? Ms. Green said that we cannot use any more senior credits. There is a town that has a partially age-restricted building with a set-aside for veterans, not age-restricted. Ms. Binney asked about deed restriction. What is the minimum building size to disqualify a parcel of land as vacant? Ms. Green replied that if it has a building on the land it is not included in the vacant land adjustment.

5. Tom Kelly, 70 Beacon Street, asked if any excess credits from prior rounds can be used. Ms. Green responded that we have already reached the cap for age-restricted caps. Mr. Kelly stated that David Roche building is not age-restricted. Is there a way to gain credits towards our shortfall by approaching properties currently renting to low-income residents but don't have any official designation? Ms. Green replied that the only way to get credit is to do a market to affordable rental program, which would require the Borough pay the property owner at least \$20,000 to \$35,000 in exchange for a thirty year deed restriction. Getting the potential landlords to cooperate with the program and then finding the money is the problem.  
Motion to close to the public: Councilwoman Zamechansky  
Second: Councilman Riquelme  
All in favor.

Mayor Kelly read the resolution to enter closed session:  
Landmark v. Dumont litigation  
Motion: Councilman Morrell  
Second: Councilwoman Correa  
Roll call vote: Council members Correa, Di Paolo, Hayes, Morrell, Riquelme, Zamechansky-yes

Following closed session: motion to go back into public: Councilman Morrell  
Second: Councilman Riquelme  
All in favor.  
Motion to adjourn: Councilman Hayes  
Second: Councilman Morrell  
All in favor.  
Meeting adjourned at 9:30PM

Minutes respectfully submitted by:

Susan Connelly, RMC  
Municipal Clerk