

**Township of Little Falls
County of Passaic
New Jersey**

Tel: (973) 256-0170

Municipal Building
225 Main Street
Little Falls, NJ 07424

**LITTLE FALLS PLANNING BOARD
MINUTES OF REGULAR MEETING OF
February 2, 2017**

Members Present:	W. Kilpatrick (Chairman)	Also Present:	Mayor James Damiano
	R. Grecco (V. Chairman)		Anthony Sgobba (Councilman)
	C. Gaita		Richard Briigliodoro, Esq.
	J. Strothers		V. Laky (Board Secretary)
	W. Kohlman		Joe Macones
	L. Dearani		
	K. Barry		
	M. Fojut ((1 st Alt.)		
	J. Reilly (3 rd Alt.)		
	Rocco Corage (4 th Alt.)		
Members Absent:	AJ Alvarez (2 nd Alt.)		
	Michael Cristaldi (Engineer)		

The meeting was called to order at 7:30 p.m. by the Chairman stating at least 48 hours' advance notice of this meeting was given to The Herald & News, placed on the bulletin board in the Municipal Building, filed with the Township Clerk, and posted on the Little Falls Township website.

The Chairman stated that the attorney for 730 Main Street application has requested an adjournment to the next regular meeting of the Board in March.

Council to Address the Board: Mr. Sgobba stated that there was nothing to report from the Council at this time.

COAH – Housing Element & Fair Share Plan of Little Falls – Presentation by the Township Attorney, Leslie London.

Ms. London came before the Board to state that in accordance with the Fair Housing Act (FHA), New Jersey municipalities must adopt a Housing Element and Fair Share Plan (HEFSP) to plan for the provision of the affordable housing for low and moderate income households. This HEFSP was prepared to conform with the requirements of the FHA of the NJ Supreme Court. She stated that there are three (3) Affordable Housing Timeline Rounds in establishing a process by which towns can have their housing plans reviewed by the courts for constitutional compliance. Little Falls adopted a Housing Element and Fair Share Plan in 1987 – 1993 (the First Round) and was granted the First Round Substantive Certification which included approval for a vacant land adjustment. In November 2003, a Second Round was adopted covering the years 1993-1999, and the Township

received the Second Round Certification for the continuance of its vacant land adjustment. In November 2005, the Third Round was adopted, but the rules were challenged and declared invalid by the Courts and all such Third Rounds were considered void. COAH's new Third Round rules went into effect on June 2, 2008 and were amended on September 22, 2008. Again, the NJ Court denied the Third Round Rules and left Little Falls and all other NJ municipalities questioning how to proceed. The Supreme Court decided that due to COAH's failure to adopt appropriate regulations, the process had been dissolved and all disputes shall be brought to the State Court. Therefore, this 2016 Housing Element and Fair Share Plan is being prepared for submission to the Superior Court of NJ Law Division, Passaic County for a Determination of Mount Laurel Compliance. She stated that the affordable housing obligation consists of three (3) components: (a) Present Need / Rehabilitation Share; (b) Prior Round Need (1987-1999); and Third Round Prospective Need (199-2025). At first, the Present/Need Rehabilitation Share in a municipality is an estimate of existing deficient housing currently occupied (which is persons over 50 years old and overcrowding, lack of complete plumbing facilities, and lack of complete kitchen facilities). Prior Round Obligation are those affordable housing obligations using the Kinsey Report for ultimately determining that the prior round should be revised, and the Prospective Need Obligation represents an estimate of the anticipated need for affordable housing on the projected growth of the households which covers ten (10) years from July 1, 2015 through June 30 2025. Therefore, the Little Falls Township has a Third Round obligation of 119 units. The May 2016 Kinsey Report identified 644 units, and based upon the 30% reduction settlement, the Townships prospective Need Obligation is 451 units.

In summary (page 60 of the Report) states that the ultimate obligation of the proposed Third Round unmet needs of 519 units is the re-development study, proposed new zones including transit village medium density and multi-family along the Clifton boundary (senior and multifamily), overlay zones and redevelopment sites of light industrial district. This leaving Little Falls with an unmet obligation of 133 units to be determined until 2025.

This portion of the meeting was opened to the public. John Veteri, Esq. came to question the Campagna site, when the units are actually built, are they subject to another developer's fee? The answer from the Board was no. On new construction of a multi-family, 20% is set aside. He asked if this fee can be reduced to 15% because of the burden to the developer. The Township Council should make that decision.

Because of the time constraint on this proposal, a proposed form of Resolution was given the Board to adopt the updated Third Round Housing Element and Fair Share Plan and seek a determination from the Superior Court that upon evaluation of the Little Falls plan, as supplemented and/or amended, may result in the municipality's receipt of a Judgment of Compliance and Respose and accompanying protection as provided under the Fair Housing Act of 1985 and with respect to the Township's future use and disposition of the Township's Affordable Housing Trust Funds, as directed by the NJ Appellate Division.

Mr. Grecco motioned, seconded by Mr. Dearani to approve the Resolution presented to the Board tonight for the Third Round Housing Element and Fair Shar Plan and to seek determination from the Superior Court.

Poll of the Board: Ayes: Grecco, Gaita, Strothers, Kohlman, Dearani, Barry, Fojut, Reilly, Corage, Kilpatrick
Nays: None

The Chairman declared the Resolution Approved.

The Resolution was then signed and given to Council for adoption, it was posted in the newspaper and forwarded to the Passaic County Planning Board for decision.

OLD BUSINESS: applications pending status requests: Attorney John Veteri came forward to state that his client, Mirghahari (Subway) is requesting an adjournment of the matter until the end of the year. They are waiting for flood zone decision because the applicant believes this should not be in a flood zone, and given the

results, he will return then. Mr. Veteri also stated that the applicant for 221 Wilmore Road is withdrawing his application. Mr. Veteri stated that Oakwood Estates (stairway) applicant wants an adjournment to the April meeting of the Board.

Mr. Dearani motioned, seconded by Mr. Barry to accept the above referenced applicants (Mirghahari (Subway) and Oakwood Estates (stairway)) of Mr. Veteri' requests for reinstatement/adjournment at this time.

Poll of the Board: Ayes: Grecco, Gaita, Strothers, Kohlman, Dearani, Barry, Fojut, Reilly, Corage, Kilpatrick
Nays: None

The Chairman declared the request Approved.

NEW BUSINESS: NONE

Mr. Gaita, seconded by Mr. Dearani requested that the Board go into Executive Session at this time. The Board approved and the meeting was closed to the public for Executive Session. After brief discussion, the Board came out of Executive Session and the meeting was opened to the public.

Approval of Minutes: for January 5, 2017.

Mr. Grecco motioned, seconded by Mr. Dearani to approve the Minutes of the January 5, 2017 meeting:

Poll of the Board: Ayes: Grecco, Gaita, Strothers, Kohlman, Dearani, Barry, Reilly, Corage, Kilpatrick
Nays: None

The Chairman declared the Minutes Approved.

Approval of the Bills: None were presented.

Resolutions: None

Adjournment