

Approved 6/25/14

**REGULAR PUBLIC MEETING OF THE  
TENAFLY PLANNING BOARD  
JUNE 2, 2014**

Chairperson MaryBeth Wilmit called the meeting to order at 8:00 p.m.

The announcement was made regarding compliance with the Sunshine Law.

The secretary was asked to call the roll:

Voting members present:	Mary Beth Wilmit	Mayor Peter Rustin
	Councilman Jon Warmes	Gus Allen
	Eugene Marcantonio	Kevin Tremble
	Sheryl Gaines	Eugene Kwon
	Ted Kagy	Jeffrey Toonkel

Voting members absent: Marc Harrison

Others present: Jeffrey Zenn, Board Attorney  
David Hals, Board Engineer  
Joe Burgis, Board Planner

A motion was made by Mr. Marcantonio and seconded by Mr. Kagy to approve the Work Session Notes of May 14, 2014 with a minor grammatical correction. A voice vote carried the motion. All voted in favor; none were opposed.

**NEW BUSINESS**

Planner Joe Burgis was in attendance at the meeting to discuss non-contiguous clustering and the proposed COAH Rules recently released. He explained that more new regulations regarding COAH had just been published and he hadn't had the opportunity to review these yet but will do so in the next two (2) weeks or so and report back to the board.

He noted that the new regulations divide municipal affordable housing obligations into three (3) distinct components:

- Rehabilitation Share: The number of deficient units occupied by affordable households in the municipality. Deficient units are defined as units with any one of the following characteristics: overcrowding, inadequate kitchen facilities or inadequate plumbing facilities.
- Unanswered Prior Obligation: The sum of the 1987-1999 and the 1999-2014 prior obligations as determined by COAH that was not previously addressed by the municipality.

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- Fair Share of Prospective Need: A projection of affordable housing need for the period 2014-2024.

The Borough's affordable housing obligation, as shown in the new COAH rules is as follows:

Rehabilitation	41
Prior Round Obligation (1987-2014)	202
Fair Share of Prospective Need (2014-2024)	80
Buildable Limit Capacity	80

These numbers are still under review and may very well change in the coming months. Mr. Burgis advised that the municipality's rehabilitation obligation is determined to be met if the deficient units are rehabilitated to code standard or replaced with new construction of affordable housing. Mrs. Nicolosi briefly explained the Borough's Rehabilitation Program noting that the loan amount to an income-qualified homeowner is \$25,000 to be repaid once the house is sold. Initially the Borough was allocating \$10,000 for each qualified application and the Mayor & Council recently increased the amount, which has generated lots of activity.

Mr. Burgis further explained that substantive certification is good for ten (10) years, beginning on the date the municipality files, provided that no certification will extend beyond December 31, 2024. Pursuant to the Procedural Rules (Chapter 98), a municipality must file its Housing Element and Fair Share Plan with COAH within six (6) months of the effective date of the regulations. Mr. Burgis explained some of the new components to the filing of the Housing Element and Fair Share Plan.

It was decided that there will be a joint COAH meeting with the members of the Planning Board as well as members from the Mayor & Council. Mrs. Nicolosi will coordinate setting up the meeting to include Special COAH Counsel Ed Buzak, Borough Planner Joe Burgis, Planning Board Attorney Jeff Zenn and Borough Attorney Bill McClure.

The discussion turned to the topic of non-contiguous clustering. Mr. Burgis explained his previously submitted memo to the board. There is a new law which broadens the preservation options by allowing municipalities to permit the clustering of residential or non-residential development to preserve open space, farmland, and historic sites.

Board members discussed the positives and negatives of this land use tool, including increased density and property owner's rights. Today's economic environment may not permit this process. The downtown would be ideal for this concept. There are several downtowns which are noticeably growing, i.e, Emerson and Summit.

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There was some discussion regarding the cancellation of the Work Session of June 11, 2014, as there are no pending applications. This will be decided as the meeting date draws closer.

A motion was made by Mr. Allen and seconded by Mr. Marcantonio to adjourn the meeting at 9:37 p.m. A voice vote carried the motion. All voted in favor; none were opposed.

Respectfully submitted,

Valerie B. Nicolosi  
Planning Board Secretary