

Township of Randolph
Municipal Building
Randolph, NJ
January 23, 2025

A. OPENING OF SPECIAL MEETING

1. Opening of the Special Meeting

A special meeting of the Randolph Township Council was called to order at 6:00 p.m. by Mayor Hathaway. This meeting is held pursuant to the New Jersey Open Public Meetings Act. Adequate notice of the meeting has been provided by posting written notice of the time, date, location and, to the extent known, the agenda of the meeting in Randolph Township. This notice was posted on the Bulletin Board within Town Hall, it was filed with the Township Clerk, and it was provided to those persons or entities requesting notification. Notice was provided to the West Morris Reporter and the Morris County Daily Record on January 10, 2025. This notice was advertised in the West Morris Reporter, the official newspaper of the Township of Randolph, on January 16, 2025, and the Daily Record on January 15, 2025. Notice was also provided to TapInto Randolph, the official Township online digital publication, on January 14, 2025.

2. Roll Call

PRESENT: Councilwoman Carey
Councilwoman Elbaum – via phone
Councilman Nisivoccia
Councilwoman Thornton
Councilwoman Veech
Deputy Mayor Forstenhausler
Mayor Hathaway

Also Present: Township Manager Poff, Assistant Township Manager Evan Covello, and via phone, Township Attorney Edward Buzak from the Law Office of Surenian, Edwards, Buzak, & Nolan, LLC.

3. Pledge of Allegiance

Mayor Hathaway led the Pledge of Allegiance.

B. OPEN TO THE PUBLIC

Karyn Reader of 8 Blanchard Court stated that she was aware the township was part of the multi-municipality suit against the state for the affordable housing mandate. She mentioned that she moved to Randolph for its rural quality and noted that she has less than an acre of land, most of which is wetlands. She noted that an apartment building was being constructed at the border of her property. She found it hard to believe that Randolph would not do better with the mandates.

Mayor Hathaway thanked her for her comments. He stated that her concerns might be addressed during the next agenda item and that there would be a second public session after the discussion.

Seeing and hearing no one further, the public session was closed.

C. DISCUSSION

1. Round 4 Present and Prospective Need Affordable Housing Obligations

Mayor Hathaway stated that he wanted to preface the discussion item with a few comments on the steps that have taken the township to this point this evening prior to asking Manager Poff to provide an overview of the process and mechanics regarding the substance of Resolution 39-25.

He explained that earlier in the month, on January 6, he shared a township-wide communication update regarding the township's 4th Round affordable housing obligation. In this update he shared the number of units the State of New Jersey has calculated as Randolph's obligation over the next 10 years, which was 355 new affordable units and 84 rehabilitated existing homes.

For the past number of weeks, the township's planner and professionals have been hard at work reviewing the State's calculations, maps and figures used to get to the 355 number and put a report together for the council's review, and the public's, which finds that our obligation, when calculated correctly, using accurate and updated maps, should actually be reduced by 12% to 313, and our rehabilitation obligation should be reduced by 88% from 84 to 10. The council and the public had the opportunity to review and discuss this assessment in detail at our previous council meeting. He stated that the council still believes that an obligation of 313 affordable units is unrealistic for the community – and tonight is not about binding the township to this new 313 number. Rather this is the next step in the state's process and they are ensuring that the township is complying with this process by the state-imposed deadline of January 31, and not allowing the state to use a number the township believes to be calculated incorrectly.

He referred to the January 31 deadline, and stated that the township understands the inconvenience and appreciates everyone making the time to attend this meeting. He noted that during the previous council meeting, the council had the opportunity to review the township planner's assessment of the state calculation at length. The meeting was open to the public and the council and professionals had lengthy discussion on the assessment, and ultimately decided that the township would move forward with the resolution. He explained that since the next regularly scheduled council meeting was not until after the January 31 deadline, the township needed to add this special meeting tonight to make sure the resolution could be passed and the obligation could be lowered before the deadline.

Manager Poff noted that Councilwoman Elbaum and Attorney Buzak are present via phone. He shared an overview of the recent timeline relating to the township's affordable housing efforts and provided a summary of the affordable housing assessment.

He explained that as far back as April of last year, the Township Council and public body has been advised that the third round of affordable housing has concluded with the township in compliance. He stated that the township shared that it was in the process of dealing with its fourth-round affordable housing obligation as of January 1. The township knew that the outcome

of the state's determination would have an impact on the township's planning, environment, and budgetary decisions for years to come – which is why the township engaged in a process of due-diligence to assess the information that the state produced last year.

He shared that in October 2024, upon receiving the state's initial numbers from the Department of Community Affairs, the township initiated a verification process of the various factors that went into establishing what the state has articulated as both the township's prospective and present need. The township council adopted a resolution supporting an amendment to the Fair Housing Act as proposed by the New Jersey Institute of Local Government Attorneys. The township recognized that what the state calculated was not realistic. The state established a number of 355. He noted that each municipality could either agree with the state's numbers or come up with their own by January 31, 2025, and explained that if anyone disagreed with the township's determination, they had until February 28, 2025, to file a complaint.

The township's planning consultant presented an assessment of the fourth-round affordable housing obligation during the previous council meeting. Randolph has double-checked the state's numbers to make sure they've been calculated correctly. The three main factors the state used to come up with the numbers are: 1) income capacity, 2) equalized non-residential valuation, and 3) land capacity. He stated that it was important to know that whatever number Randolph determines doesn't mean the construction of that many homes; it is simply the first step in the process as required by the state's amendment to the Fair Share Housing Act.

He emphasized that the number contained within the resolution for council consideration is not the number of affordable housing units that will be built as there are additional steps beyond this resolution that the township will go through. Based on the township planner's evaluation, it was determined that the factors of income capacity and equalized non-residential valuation calculations were correct. However, it was determined that the Land Capacity Factor, the township's Average Allocation Factor, calculated by the DCA as 1.73% should be 1.53%. He explained that the township's prospective need was therefore calculated to be 313, in contrast to the DCA's prospective need calculated at 355, as the land that the state has identified as vacant is not what is potentially developable, and the state did not take those constraints into account in their calculation.

He noted that the township's present need was also reassessed, and a calculation was performed with the assistance of the township health inspectors, who performed a survey in accordance with DCA regulations. This effort resulted in the determination that the present need should be reduced from 84 to 10. Based on the presentation and analysis by the township's planning consultant, it is the recommendation of the administration that the numbers of 10 present need and 313 prospective need be the figures for council consideration in this resolution. He added that the format of the resolution was developed by the Township Attorney to be in compliance with the requirements of the Fair Housing Act as amended. The resolution was made available to the public both in draft form and as it is being considered this evening.

He again noted that the numbers contained within this resolution do not represent what the township believes can reasonably be considered. It is fulfilling the first of several steps the State

of New Jersey has established for communities to address fourth-round affordable housing obligations.

Attorney Buzak explained that the resolution has a number of contingencies in it, making the selection of the numbers outlined subject to a variety of adjustments that are permitted under the law in the next phase of this process. He referred the Montville lawsuit mentioned by a member of the public and stated that the resolution also provides contingencies for any adjustments that may result from that lawsuit.

Manager Poff stated that it was important to understand that the fourth-round obligation and the numbers contained within this resolution were calculated in accordance with the required formula as adopted by law. The numbers are based solely upon the required parameters of the formula and is not an indication that the township agrees that it is appropriate or represents development that can be accommodated. He stated that the township reserves its right to request any durational adjustment or vacant land adjustment, where land, sewer, or water may be a scarce resource, as part of its Housing Element and Fair Share Plan.

Councilwoman Carey noted that the township simultaneously took action to question and challenge the methodology while continuing to meet its legal obligations. She asked for a brief outline of what happens after this action.

Attorney Buzak explained that assuming this resolution is adopted, a declaratory judgment lawsuit will be filed with the state, asking the court to ultimately make a determination as to what the township's binding numbers are. During February, any interested party can challenge the adopted resolution. If there are objections to the numbers in the resolution, they are resolved through a program consisting of judges conducting settlement conferences and making recommendations during the month of March as to what the township's number should be. Those recommendations are then forwarded to the Mount Laurel Judge, who will ultimately make a determination on the program's recommendation. The township then has to take those numbers and develop a Housing Element and Fair Share Plan, along with the Planning Board, that will set forth how the determined numbers can be accommodated. He explained that it is at this stage where various adjustments can be made; he commented that the statute was set up in a backward process. The Housing Element and Fair Share Plan will have to be adopted by the Planning Board and endorsed by the Township Council by June 30, 2025. There is then a 60-day period in July and August during which objections can be made to that plan. He continued to explain that between the time those objections are made and December 31, 2025, the objections must be resolved in some way. If they cannot be, it will go back to the judge, who will hold a hearing and make determinations on the validity of the sites the township selected to satisfy its obligation. By March 2026, all ordinances implementing the accommodation of the obligation must be adopted.

Councilwoman Carey asked if every municipality was experiencing the same process through the year. Manager Poff stated that most municipalities were; some urban centers were exempt due to different requirements.

Councilwoman Veech asked Attorney Buzak to reiterate that whatever judgments that may come through for the towns involved in the Montville lawsuit will be applied to all the towns. Attorney Buzak confirmed that this was correct.

Councilwoman Carey shared that the numbers were received in October and have been under discussion for four to five months, with NJLM meetings and multiple DCA sessions. The township has heard from other municipalities about their challenges. She stated that the township has been well-educated on the subject and has done its due diligence to reach this point.

D. OPEN TO THE PUBLIC

Jon Torres of 22 Prince Henry Drive stated that he was in favor of the resolution. He understood that the law did not give much leeway. He mentioned that during his campaign, there were several concerns raised about other issues affecting affordable housing. He was hoping the township could provide an update on the time frame for discussing plans related to meeting this obligation, such as emergency services, additional student enrollment, and actions the council could take to optimize the units constructed and take advantage of bonus credits.

Mayor Hathaway stated that much of what he was talking about would come into play prior to June. Attorney Buzak explained that site selection would occur during the period from April 1 to June 30, with a lot of activity in April and May to examine sites and make determinations. He noted that the Planning Board would consider the Housing Element and Fair Share Plan during a public meeting and hearing upon its consideration for adoption, and public notice would also be provided.

Seeing and hearing no one further, the public session was closed.

E. RESOLUTION

1. R 39-25 Resolution Committing to Round 4 Present and Prospective Need Affordable Housing Obligations

Councilwoman Veech made a motion to approve the resolution. Councilwoman Carey seconded the motion, and the following roll call vote was taken:

AYES:	Councilwoman Elbaum
	Councilwoman Carey
	Councilman Nisivoccia
	Councilwoman Thornton
	Councilwoman Veech
	Deputy Mayor Forstenhausler
	Mayor Hathaway
NAYS:	None

E. OPEN TO THE PUBLIC

Seeing and hearing none, the public session was closed.

F. ADJOURNMENT

Deputy Mayor Forstenhausler made a motion to adjourn the meeting at 6:30 p.m. Councilwoman Thornton seconded the motion, and the following roll call vote was taken:

AYES:	Councilwoman Elbaum
	Councilwoman Carey
	Councilman Nisivoccia
	Councilwoman Thornton
	Councilwoman Veech
	Deputy Mayor Forstenhausler
	Mayor Hathaway
NAYS:	None