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Mahwah prepares affordable-housing plan amid uncertainties

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MAHWAH — So, will the borough be responsible for accommodating 1,000 more low- and moderate-income housing units in the next decade — or only 84?

Who knows.

That's the answer Council President John Roth basically provided at Thursday night's council meeting while addressing affordable-housing discussions going on statewide as a result of court rulings: "There are no definitive answers, no specific guidance from the courts."

At a presentation on Mahwah's affordable-housing plan, Township Attorney Brian Chewcaskie said it looks like there's no end in sight for the ongoing court battle over how much affordable housing must be built across New Jersey.

Several residents peppered Chewcaskie with questions about what a deluge of units could mean for quality of life, the school systems and the water supply and what the township's doing to prepare for an eventual decision.

Decades ago, Mahwah was sued in one of the six cases consolidated into the landmark Mount Laurel II case. The state Supreme Court's Mount Laurel doctrine said municipalities must provide a "realistic opportunity" for the construction of their "fair share" of the region's low- and moderate-income housing needs. Civil rights advocates have long said municipalities have used zoning to exclude the poor and minorities.

Mahwah was among those that then took action, accommodating construction of seven developments, providing more than 600 units.

Last spring, the state Supreme Court disbanded the state agency that had for 15 years failed to setting housing quotas, leaving the matter up to the courts once again.

Mahwah, along with 250 other municipalities, has retained the Econsult Solutions firm to provide "more reasonable numbers" than those proposed by the advocacy group Fair Share Housing Center, Chewcaskie said. Last spring, a Fair Share report said more than 200,000 affordable units need to be built statewide over the next decade, but a recent Econsult report puts that need at under 37,000.



VIOREL FLORESCU/STAFF PHOTOGRAPHER

Township lawyer Brian Chewcaskie gives a presentation on affordable housing at the Mahwah council meeting on Thursday, March 31, 2016.

Econsult estimates 84 units for Mahwah, but Fair Share estimates 1,000 units — not including housing credits Mahwah might be entitled to.

“No court as of today has said that Econsult is right or that Fair Share is right,” Chewcaskie said, noting the main difference between the two numbers is whether to count the pent-up housing demand over the last 15 years that was not met by municipal actions to promote such housing.

Chewcaskie said a group of Bergen County municipalities may come together to “streamline the litigation and address those obligations,” and added it’s unclear whether the 15 judges reviewing the issue statewide will decide on numbers together or individually.

When asked by a resident about what would happen if potentially thousands of new units had to be built in the large, pastoral township, Roth said that “until we know that number, we don’t understand the impact.”

Chewcaskie said ongoing projects include a special-needs and senior housing project on Ramapo Valley Road.

“Mahwah has done more and discovered more, worked harder than most communities in this situation,” Mayor Bill Laforet said.

Mahwah has enough vacant land not subject to environmental constraints for construction of 57 affordable units, Chewcaskie said.

This week, the township asked the state court for continued immunity from lawsuits from developers arguing they could help fulfill a municipality’s affordable-housing obligation.

The Supreme Court’s ruling last spring let developers and others become involved with the approval process as “interveners.”

In Mahwah, interveners include Crossroads Developers — which has received preliminary site plan approval for a 600,000-square-foot shopping mall — and the owners of the Liberty Travel site on 440 Franklin Turnpike.

“The fact that an entity wants to participate doesn’t mean their site will automatically be included” in a housing plan, Chewcaskie said.

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