

Franklin Lakes to build 87 housing units

Marsha A. Stoltz North Jersey Record
USA TODAY NETWORK - NEW JERSEY

FRANKLIN LAKES — The borough has approved a 340-unit settlement agreement with the Fair Share Housing Center to resolve its “long standing affordable housing litigation” and provide protection against further suits through 2025.

The settlement gives the borough 253 credits for units already constructed at Mille Pond, Colonial Pointe, The Reserve and Franklin Lakes Supportive Housing, plus units previously transferred to Garfield housing in 2002.

The remaining 87 credits will be satisfied in three projects:

■ **McCoy Road** — 60 credits for 55 affordable rental units next to Franklin Lakes Supportive Housing;

■ **Sunrise Assisted Living** — 11 credits for 88-unit senior housing project at 724 Franklin Ave. next to Twinbrook Nursery;

■ **Franklin Manor** — 16 credits for 52-unit development at 793 Franklin Ave.

“We feel that this affordable housing plan is the best possible resolution of prolonged litigation and the constant threat of additional lawsuits,” said Mayor Frank Bivona in a release. “With this settlement, we control our destiny and are protected. Our over-arching goal was, and will be going forward, to preserve existing zoning in our residential neighborhoods. We have achieved that.”

Overlay districts

The borough’s actual affordable housing obligation is 1,067 units, but because it does not have the necessary vacant land or land that can be developed to house this number, it is allowed a “vacant lot adjustment” of 340 units.

The remaining 727 units will be provided for with “overlay zoning” that designates unspecified tracts of land in commercial and industrial areas for future multi-family housing at densities of 10 to 18 units per acre.

Bivona expressed reservations about the process.

“While the Borough understands the need for affordable housing and is committed to addressing such needs, the ‘Mount Laurel’ doctrine places undue pressure on towns to fill unrealistic goals set by arcane formulas and regulations which leads to overdevelopment,” Bivona said. “It puts the power in the hands of developers and lawyers.”

Bivona is referring to two Supreme Court rulings in 1975 and 1983 involving Mount Laurel Township in Burlington County. The rulings declared unconstitutional any zoning ordinance intended to discourage or prohibit low/moderate-income housing. Each municipality was required to provide realistic opportunities for their “fair share” of such housing.

Interpretation of the ruling has gone through several stages. Municipalities were originally allowed to collect fees from developers to finance up to 50 percent of their affordable housing obligation out of town, such as the borough’s Garfield project.

Many municipalities took this route, stalling development of local affordable housing for decades in some cases.

Franklin Lakes was sued after its zoning board rejected plans for the Sunrise Assisted Living complex in June 2017.

Several more steps are required for the agreement to take effect:

■ Approval of agreement with Sunrise Assisted Living

■ Approval of agreement with Franklin Manor

■ Adoption of ordinances for Franklin Manor and overlay zones

■ Fairness hearing before Superior Court

■ Adoption of an amended Housing Element and Fair Share Housing Plan by the planning board

■ Superior Court approval of the borough’s housing element and plan

Compliance will protect the borough from further lawsuits and housing assignments through 2025.

A “Meet the Mayor” session to explain the settlement is scheduled at Borough Hall 7 p.m. Oct. 18.