

**JANUARY 23, 2025 SPECIAL MEETING OF MAYOR AND COUNCIL**

**READING OF PUBLIC MEETINGS LAW ARTICLE**

Mayor Signorello read the following statement into the record:

This meeting is being held in accordance with the New Jersey Open Public Meetings Act. Notice of this meeting was published in the Union County Local Source and the Newark Star-Ledger. Said notice was posted in the Municipal Building, and a copy is on file with the Office of the Borough Clerk.

Fire exits are located in the directions I am indicating. If you are alerted for a fire, please move in a calm, orderly manner to the nearest smoke-free exit.

Proper notice having been given; the Municipal Clerk is directed to include this statement in the minutes of this meeting.”

**ROLL CALL**

The following is an accounting of the Mayor and Council’s attendance upon roll call called by Borough Clerk/Administrator Casais:

<b>Attendee Name</b>	<b>Organization</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Joseph Petrosky	Borough of Roselle Park	Councilman	P	6:00 PM
Gregory Johnson	Borough of Roselle Park	Councilman	P	6:00 PM
Joseph Signorello, Jr.	Borough of Roselle Park	Councilman	P	6:00 PM
Jay Robaina	Borough of Roselle Park	Councilman	P	6:00 PM
Rosanna Lyons	Borough of Roselle Park	Councilwoman	P	6:00 PM
Khanjan S. Patel	Borough of Roselle Park	Councilman	A	----
Joseph Signorello III	Borough of Roselle Park	Mayor	P	6:00 PM

**MOMENT OF SILENCE/PRAYER**

**PLEDGE OF ALLEGIANCE**

Borough Clerk/Administrator Casais read a short prayer, followed by the Pledge of Allegiance.

**PUBLIC PORTION**

Councilwoman Lyons moved at 6:01 p.m. to open the public comment portion of the meeting on agenda items only; seconded by Councilman Robaina, five members present voting Aye and one absent, said motion was adopted.

**Michael Ryan, 515 Locust Street**

He said he would like to speak after the Governing Body passes the resolution, but just wanted to make sure no one else here was still going to speak.

Mayor Signorello said yes, there are two public portions.

There being no one else wishing to speak, Councilwoman Lyons moved at 6:02 p.m. to close the public comment portion of the meeting on agenda items only; seconded by Councilman Robaina, five members present voting Aye and one absent, said motion was adopted.

## RESOLUTIONS

Councilwoman Lyons made a motion to take Resolution No. 41-25 off the table for further consideration; seconded by Councilman Robaina.

### RESOLUTION NO. 41-25

#### COMMITTING TO FOURTH ROUND PRESENT AND PROSPECTIVE NEED AFFORDABLE HOUSING OBLIGATIONS

WHEREAS, the Borough of Roselle Park (hereinafter the “Borough” or Roselle Park”) has a demonstrated history of voluntary compliance as evidenced by its Third Round record; and,

WHEREAS, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), on June 12, 2015, the Borough of Roselle Park filed a Declaratory Judgment Complaint in Superior Court, Law Division seeking, among other things, a judicial declaration that its Third Round Housing Element and Fair Share Plan, to be amended as necessary, satisfies its “fair share” of the regional need for low and moderate income housing pursuant to the “Mount Laurel doctrine,” and,

WHEREAS, that culminated in a Court-approved Third Round Housing Element and Fair Share Plan and a Final Judgment of Compliance and Repose, which precludes all Mount Laurel lawsuits, including builder’s remedy lawsuits until July 1, 2025; and,

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, which amended the 1985 New Jersey Fair Housing Act (hereinafter the “Amended FHA”); and,

WHEREAS, the Amended FHA required the Department of Community Affairs (“DCA”) to provide an estimate of the Fourth Round affordable housing obligations for all municipalities on or before October 20, 2024, based upon the criteria described in the Amended FHA; and,

WHEREAS, the DCA issued a report on October 18, 2024 (“DCA Report”) wherein it reported its estimate of the Fourth Round affordable housing obligations for all municipalities based upon its interpretation of the standards in the Amended FHA; and,

WHEREAS, the DCA Report calculates the Borough’s Fourth Round (2025-2035) obligations as follows: a Present Need (Rehabilitation) Obligation of 78 and a Prospective Need (New Construction) Obligation of 75; and,

WHEREAS, the Amended FHA further provides that, irrespective of the DCA’s calculations, municipalities have the ability to either accept, or provide alternate calculations for, the DCA’s “present and prospective fair share obligation(s)...by binding resolution no later than January 31, 2025”, a deadline which was later extended to February 3, 2025 by the Administrative Office of the Courts (“AOC”) via a directive issued on December 19, 2024; and,

WHEREAS, this Resolution satisfies the requirements of the Amended FHA by accepting the DCA estimate of need as described in the DCA Report; and,

WHEREAS, Section 3 of the Amended FHA provides that: “the municipality’s determination of its fair share obligation shall have a presumption of validity, if established in accordance with sections 6 and 7” of the Amended FHA; and,

WHEREAS, the Borough’s acceptance of the Fourth Round obligations calculated by the DCA are entitled to a “presumption of validity” because it complies with Sections 6 and 7 of the Amended FHA; and,

WHEREAS, in addition to the foregoing, the Borough specifically reserves the right to adjust its fair share obligations in accordance with applicable Council on Affordable Housing (“COAH”) regulations or other applicable law based on one or more of the foregoing adjustments if applicable: 1) a windshield

survey or similar survey which accounts for a higher-resolution estimate of present need; 2) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; 3) a Durational Adjustment, whether predicated upon lack of sewer or lack of water; and/or 4) an adjustment predicated upon regional planning entity formulas, inputs or considerations, including but not limited to, the Highlands Council Regional Master Plan and its build out, or the Pinelands Commission or Meadowlands Commission regulations and planning documents; and,

WHEREAS, in addition to the foregoing, the Borough specifically reserves all rights to revoke or amend this Resolution and commitment, as may be necessary, in the event of a successful challenge to the Amended FHA in the context of the case The Borough of Montvale v. the State of New Jersey (MER-L-1778-24), any other such action challenging the Amended FHA, or any legislation adopted and signed into law by the Governor of New Jersey that alters the deadlines and/or requirements of the Amended FHA; and,

WHEREAS, in addition to the foregoing, the Borough reserves the right to take a position that its Fourth Round Present or Prospective Need Obligations are lower than described herein in the event that a third party challenges the calculations provided for in this Resolution (a reservation of all litigation rights and positions, without prejudice); and,

WHEREAS, in addition to the foregoing, nothing in the Amended FHA requires or can require an increase in the Borough's Fourth Round Present or Prospective Need Obligations based on a successful downward challenge of any other municipality in the region since the plain language and clear intent of the Amended FHA is to establish unchallenged numbers by default on March 1, 2025; and,

WHEREAS, in addition to the foregoing, the Acting Administrative Director of the AOC issued Directive #14-24 on December 19, 2024; and,

WHEREAS, pursuant to Directive #14-24, a municipality seeking a Fourth Round Compliance Certification from the entity created by the Amended FHA known as the Affordable Housing Dispute Resolution Program (hereinafter "the Program"), shall file an action in the appropriate venue with the Program, in the form of a Declaratory Judgment Complaint within 48 hours after adoption of the municipal resolution accepting or challenging its Fourth Round fair share obligations, or by February 3, 2025, whichever is sooner; and,

WHEREAS, nothing in this Resolution shall be interpreted as an acknowledgment of the legal validity of the AOC Directive and the Borough reserves any and all rights and remedies in relation to the AOC Directive; and,

WHEREAS, the Borough seeks a Compliance Certification from the Program and, therefore, wishes to file a Declaratory Judgment Complaint in the appropriate venue with the Program, along with a copy of this Resolution, within 48 hours of the adoption of this Resolution; and,

WHEREAS, in light of the above, the Mayor and Borough Council finds that it is in the best interest of the Borough to declare its obligations in accordance with this binding Resolution and in accordance with the Amended FHA; and,

NOW, THEREOFRE, BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey as follows:

1. All of the Whereas Clauses are incorporated into the operative clauses of this Resolution as if set forth in full.
2. For the reasons set forth in this Resolution, the Mayor and Borough Council hereby commit to the DCA Fourth Round Present Need (Rehabilitation) Obligation of 78 and the DCA Fourth Round Prospective Need (New Construction) Obligation of 75 as described in this Resolution, subject to all reservations of rights, which specifically include, without limitation, the following:
  - a) The right to adjust the Borough's fair share obligations based on a windshield survey or similar survey, a Vacant Land Adjustment, a Durational Adjustment, and all other applicable

adjustments, permitted in accordance with applicable COAH regulations or other applicable law; and,

- b) The right to revoke or amend this Resolution in the event of a successful legal challenge, or legislative change, to the Amended FHA; and,
  - c) The right to take any contrary position, or adjust its fair share obligations, in the event of a third party challenge to the Borough's fair share obligations.
3. Pursuant to the requirements of the FHA as amended, and the Administrator of the Court's (AOC) Directive #14-24 issued on December 19, 2024, the Borough hereby directs its Affordable Housing Counsel to file a Declaratory Judgment Complaint, along with this Resolution and a Case Information Statement (Civil CIS), in the appropriate venue with the Program or any other such entity as may be determined to be appropriate, to initiate an action within 48 hours of the adoption of this Resolution, so that the Borough's Fourth Round Housing Element and Fair Share Plan can be reviewed and approved.
4. This Resolution shall take effect immediately, according to law.

Mayor Signorello summarized where they are kind of at for the record. He said he will post this on Facebook as well so that everyone knows. So when we were here last time, we got an education from the lawyers about what's going on. Everybody in the State is going through their Fourth Round Affordable Housing; everybody in the State besides a few exceptions like major cities and certain urban centers. Everybody else besides that gets a number of affordable housing based on a calculation from, it used to be from COAH, but now it is from the DCA. We are in a phase right now where Roselle Park has been given a target number, which is a maximum number of 78 units to build over the next ten years. Guidance from Counsel, specific Affordable Housing Attorneys that we have, is it is a pretty good number for Roselle Park. We have met all of our obligations from the last round and accepting this would give us protections from Affordable Housing lawsuits like we had to encounter in 2009; which is now Mi-Place, a/k/a Romerovski came about. We have also been informed from Counsel that if we accept this number, we fight another day and we are potentially able to negotiate down even further. Numbers that we are throwing around that we think are realistic are somewhere in the 50 to 40 number versus the 78 which we are at now. However, if we fight it right now, it could go north, up from 78 to 100 if these guys want to be tough or if we miscalculated something. Our professionals already think that we have a good case to bring the number down, but what we would effectively be doing here is setting a max with the ability to go lower and in all likelihood go lower. He said he does not love it and now one loves it and everybody is a little bit tired of development here, but he thinks it's the rules of the road. We don't have any lawyers here, but is there any discussion from Council.

Councilman Johnson said thank you for explaining that because he just wanted the public to understand we were just trying to consider all options that are viable, which makes sense for us. He said there is an obligation and there is a shortage. This is one of the questions that he has been asking since last year and he is glad we finally got that number, and now we can move forward appropriately.

Councilwoman Lyons wanted to say for the record, that like you said, we listened to legal Counsel. We were given that number, even if we did say no tonight, it was only going to go down by two or something like that. Also, to understand that they are going to go and evaluate the land that those numbers, whether there be 50 to 40, but that doesn't end there either. According to the Counsel, didn't they say we were going to be able to readjust that number by what we already have.

Mayor Signorello said that's a very good point, which he actually forgot about. Let's just say the number worse case scenario is 75; we think it is going to come down, but one thing they don't factor in yet is like Hunter, which development is already underway, has seven affordable units. So, you are already down to 68 right off the bat.

Councilwoman Lyons said she just wanted to make that point because she didn't want anybody listening and just jumping on that number. We still have to factor in those.

Borough Attorney DeMarco said another thing you might want to highlight is that it is over ten years. It's not like whatever number you agree to has to be done next year or two years. You can absorb it slowly over the next ten years. It's not as drastic a pill to swallow.

Borough Clerk Casais said so Mayor, logistically it's a motion to take from the table and then you vote on a motion to adopt. He said you have a motion.

Mayor Signorello asked is there any further discussion.

Councilwoman Lyons moved to adopt Resolution No. 41-25; seconded by Councilman Robaina.

<input type="checkbox"/> <b>Vote Record – Resolution No. 41-25</b>					
		<b>Yes/Aye</b>	<b>No/Nay</b>	<b>Abstain</b>	<b>Absent</b>
<input checked="" type="checkbox"/>	Adopted	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Adopted as Amended	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Defeated	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Tabled	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Withdrawn	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Petrosky	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Signorello, Jr.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Robaina	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Lyons	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Patel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Signorello	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**PUBLIC PORTION**

Councilwoman Lyons moved at 6:07 p.m. to open the public comment portion of the meeting on any subject matter; seconded by Councilman Robaina, five members present voting Aye and one absent, said motion was adopted.

**Michael Ryan, 515 Locust Street**

He said he has three points. First, he would like to know, if you know, what the exact amount of affordable units we now have in the municipality. Second, if we don't have the 78 and 75, do you have a plan to achieve that. Third, he would like to offer the fact that he has a new plan for his property for 200 units, which would provide 30 to 40 affordable units.

Mayor Signorello said he does not have the number right now; it's only Mi-Place.

Borough Clerk Casais said he is not sure of how many are in that phase right now. He thinks the total number is 34 for that project, but he is not sure how many are in Phase 1.

Mayor Signorello said the only Affordable Housing Project we have right now is Mi-Place and he believes is 34 total. Let's assume that half of that is online because there are two buildings and one building is online.

Mr. Ryan said he is talking about up to the Third Round. Do we have the 78.

Borough Attorney DeMarco said his understanding is there were no carryover from the Third Round.

Mayor Signorello said we fulfilled our Third Round.

Borough Attorney DeMarco said the Third Round, there is not an addition number that is still obligated.

Mayor Signorello said Mi-Place was the Third Round.

Mr. Ryan said he is not familiar with Mi-Place.

Mayor Signorello said Romerovski is Mi-Place.

Borough Attorney DeMarco said so the town starts off the Fourth Round at zero. The 78 is a rehab. The town already has a pre-existing rehab program in place. They have been very successful with the Third Round on rehab in a number of units. That program should stay in place, will stay in place, and will take care of that number. With regards to the 75, that's the initial number and what the plan is. The way the program works in the Fourth Round is once this number is accepted, this resolution is accepted, then between March and July, the town needs to identify spots or places where those 75 units possibly could go. Then they would take the steps to zone appropriately to allow that to happen, but that's along the way. In that process though, there is a challenge that the town is going to pursue to say the 75 is not feasible because it is on land that is contaminated; it's a super fund site. If and when it ever becomes clean, it can then house something. It's on a State property. If and when the State ever sold it or disposed of it, we can then utilize it. He said so the actual number should drop significantly to about, by his estimation, to somewhere in the 40 to 50 range.

Mayor Signorello said there is no property plan now of what developments would fill that up, but we would probably wait to see through the negotiations what final number we land on and then build a plan according to that. In regards to Mr. Ryan's, he did know about the new plan. He would say that property that you are speaking of, he believes, is only the redevelopment; 50 per acre.

Mr. Ryan said he and Chris worked on a new plan where we have been increasing the height. Topology recommended a five story building go there; so we increased the height to fit 200 units on that site. He said he wants to build in a quality way.

Mayor Signorello said noted. He said we are out of time right now, but noted and appreciated.

There being no one else wishing to speak, Councilwoman Lyons moved at 6:11 p.m. to close the public comment portion of the meeting on any subject matter; seconded by Councilman Robaina, five members present voting Aye and one absent, said motion was adopted.

#### ADJOURNMENT

There being no further business to come before the meeting, Councilwoman Lyons moved at 6:12 p.m. to adjourn; seconded by Councilman Robaina, five members present voting Aye and one absent, said motion was adopted.

Attest:

Andrew J. Casais, RMC  
Borough Clerk