

ELIZABETH C. MCKENZIE, P.P., P.A.

COMMUNITY PLANNING AND DEVELOPMENT

9 MAIN STREET

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ecmcke@gmail.com

October 10, 2017

Michael J. Rohal
Borough Administrator
Borough of Glen Ridge
825 Bloomfield Avenue
Glen Ridge, New Jersey 07028

Re **Baldwin Street Litigation:**
Glen Ridge Developers, LLC, vs. Borough of Glen Ridge, et al.
Superior Court of the State of New Jersey
Law Division/Essex County
Docket No. ESX-L-5308-15

Essex County Declaratory Judgment Action:

In all Declaratory Judgment Actions filed by Various Municipalities, County of Essex, Pursuant to the Supreme Court's Decision in *In re Adoption of N.J.A.C. 5:96*, 221 N.J. 1 (2015)
Superior Court of the State of New Jersey, Law Division/Essex County
Docket No. ESX-L-4173-15

Dear Mr. Rohal:

On July 27, 2015, Glen Ridge Developers, LLC (the "Builder") commenced the above referenced Baldwin Street Litigation against Glen Ridge Borough and the Glen Ridge Planning Board.

The Baldwin Street Litigation seeks to develop an inclusionary rental project on approximately 2.2 contiguous acres designated as Glen Ridge's Tax Block 72/Lot 2 (a/k/a 283 Baldwin Street), Tax Block 72/Lot 3 (a/k/a 277 Baldwin Street), Tax Block 72/Lot 4 (a/k/a 273 Baldwin Street), Tax Block 72/Lot 9 (a/k/a 275 Baldwin Street) and Tax Block 72/Lot 10 (a/k/a 289 Baldwin Street), collectively, the "**Baldwin Street Properties**".

On the commencement date of the Baldwin Street Litigation, there existed no determination that Glen Ridge Borough had satisfied its obligations under the Fair Housing Act of 1985, N.J.S.A.

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52:27D-301 *et seq.*, as interpreted by the New Jersey Supreme Court decision “*In re Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing*”, 221 N.J. 1 (2015), the foregoing being “**Glen Ridge’s Fair Share Housing Obligations**”.

Because Glen Ridge was not previously before COAH, the Baldwin Street Litigation was classified as a “builder’s remedy” proceeding. However, in light of the need to determine the extent of Glen Ridge’s third round fair share obligation as part of the resolution of the Baldwin Street Litigation, the case was consolidated with the above referenced Essex County Declaratory Judgment Action for the limited purpose of determining Glen Ridge’s Fair Share Housing Obligations.

I was appointed by the Court to serve as the Special Master (the “**Special Master**”) in the Baldwin Street Litigation.

The Supreme Court granted the non-profit entity Fair Share Housing Center (“**FSHC**”) interested party status in all Declaratory Judgment Actions filed in Superior Court pursuant to its decision “*In re Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing*”, 221 N.J. 1 (2015).

On multiple occasions, Glen Ridge Borough, the Builder and FSHC have appeared before Judge Robert H Gardner, J.S.C., in the Essex County Declaratory Judgment Action and the Borough and the Builder have also participated in court-ordered mediation in the presence of the Special Master.

The purpose of this letter is to recommend to Glen Ridge Borough that the Baldwin Street Litigation be amicably settled by providing the Builder the right to construct 98 family rental units on the Baldwin Street Properties, including a set-aside of 15 units (approximately 15 percent of the total of 98 units) that would be affordable to the region’s low and moderate income households (the “**Inclusionary Development**”), in accordance with Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 *et seq.* (“UHAC”), other applicable laws, and the specific terms and conditions to be set forth in the settlement agreements between Glen Ridge Borough and the Builder and Glen Ridge Borough and FSHC.

To ensure that the Inclusionary Development generates affordable housing credits to be applied towards Glen Ridge’s Fair Share Housing Obligations, the affordable units within the Inclusionary Development shall be developed in accordance with UHAC and shall be deed

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restricted for a period of at least 30 years and thereafter until the municipality takes action to release the affordability controls.

A settlement agreement with the Builder will be subject to FSHC's approving the Inclusionary Development as part of a broader Borough-wide affordable housing fair share plan satisfying Glen Ridge's Fair Share Housing Obligations for the Prior Round (1987-1999) and the Third Round (1999-2025) as modified by a vacant land adjustment.

In this regard, I understand that FSHC is considering Glen Ridge's Fair Share Housing Obligations for the Prior Round (1987-1999) and the Third Round (1999-2025) to be as follows:

Rehabilitation Share (per Kinsey Report ¹)	33
Prior Round Obligation (pursuant to <u>N.J.A.C. 5:93</u>)	28
Third Round Prospective Need (per Kinsey Report, as adjusted through a settlement agreement with FSHC)	283

Glen Ridge's efforts to meet its 33 unit rehabilitation share may include contracting with Essex County Home Improvement for rehabilitation services, supplemented by a rental rehabilitation program sponsored by the Borough, unless the rental rehabilitation requirement is waived by the Court for good cause.

Glen Ridge Borough's would be entitled to a vacant land adjustment, reducing its Prior Round Realistic Development Potential (RDP) to 25 units. This RDP could be satisfied with the 15 units from Baldwin Street, 7 rental bonuses and 3 existing group home credits.

The Third Round Obligation of 283 units plus the remaining Unmet Need from the Prior Round of three (3) units, results in a cumulative Unmet Need of 286 units, which can be addressed with overlay zoning on the Glen Ridge Country Club property plus the adoption of a mandatory set-aside ordinance that would be invoked by the Borough in the event that it *chooses* to approve multi-family residential development on any other site in Glen Ridge in the future (such approval

¹ David N. Kinsey, PhD, PP, FAICP, NEW JERSEY LOW AND MODERATE INCOME HOUSING OBLIGATIONS FOR 1999-2025 CALCULATED USING THE NJ COAH PRIOR ROUND (1987-1999) METHODOLOGY, May, 2016.

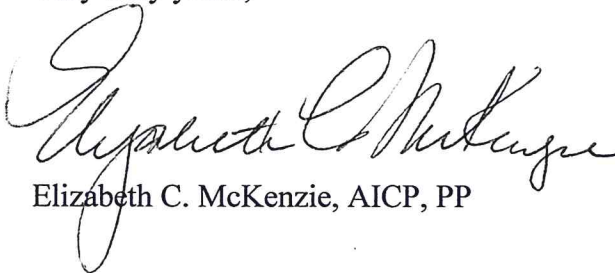
ELIZABETH C. MCKENZIE, P.P., P.A.

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would not be mandatory for the Borough, but a set-aside requirement would be mandatory for the developer). All of this would be set forth in a Housing Element and Fair Share Plan to be adopted by the Glen Ridge Planning Board and endorsed by the Glen Ridge Borough Council. If the Borough's Plan is approved by the Court, the Borough would be entitled to repose from builder's remedy lawsuits through July 1, 2025.

I respectfully recommend the foregoing to the Mayor and Council as a blueprint for settling the Baldwin Street Litigation and for settling with FSHC as to the extent of Glen Ridge's affordable housing fair share obligation so that the Borough no longer needs to be involved in the Essex County Declaratory Judgment Action.

Very truly yours,

A handwritten signature in cursive script, reading "Elizabeth C. McKenzie". The signature is written in black ink and is positioned above the printed name.

Elizabeth C. McKenzie, AICP, PP

cc: John Malyska, Esquire

WB WINNE BANTA

WINNE BANTA BASRALIAN & KAHN, P.C.

Counsellors at Law

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BRUCE R. ROSENBERG
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MICHAEL G. STINGONE p
KHOREN BANDAZIAN +
DENNIS G. HARRAKA / x
JEFFREY L. LOVE +
IAN S. KLEEBLATT
MICHAEL J. COHEN +

ROBERT A. HETHERINGTON III (RET)
MATTHEW COHEN + (RET)
WALTER G. WINNE (1889-1972)
HORACE F. BANTA (1895-1985)
BRUCE F. BANTA (1932-1983)
PETER G. BANTA (1935-2016)

CHRISTINE R. SMITH
R. N. TENDAI RICHARDS
MARLA WOLFE TAUS +
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LORI A. JOHNSON
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ARIELLE GREENBAUM SAPOSH +
ALICE B. NEWMAN + ■
FRANK J. FRANZINO, JR. +
COUNSEL TO THE FIRM

/ CERTIFIED BY THE SUPREME COURT OF
NEW JERSEY AS A CIVIL TRIAL
ATTORNEY

+ MEMBER NEW YORK BAR ALSO
* MEMBER CONNECTICUT BAR ALSO
p MEMBER PENNSYLVANIA BAR ALSO
■ MEMBER FLORIDA BAR ALSO
d MEMBER WASHINGTON, D.C. BAR ALSO
m MEMBER MARYLAND BAR ALSO
x R. 1-40 QUALIFIED MEDIATOR

October 10, 2017

Email address: brosenberg@winnebanta.com
Direct Dial: (201) 562-1070

VIA HAND DELIVERY

Borough of Glen Ridge
Glen Ridge Municipal Building
825 Bloomfield Avenue
Glen Ridge, NJ 07028

Re: Designation of Montclair Hospital, LLC, as Redeveloper of a portion of the HUMC/Mountainside Redevelopment Area

Dear Mayor and Council:

We represent Montclair Hospital, LLC ("Hospital"). By Resolution No. 82-15, adopted May 26, 2015, the Borough Council designated the following parcels of land as an area in need of redevelopment: Block 106, Lot 15 and Block 91, Lot 1 (the "HUMC/Mountainside Redevelopment Area"). The Hospital respectfully requests that it be designated as redeveloper of Block 91, Lot 1, in the HUMC/Mountainside Redevelopment Area (the "Redevelopment Site"), for the purpose of redeveloping and expanding Hospital parking facilities pursuant to the HUMC/Mountainside Hospital Redevelopment Plan.

Montclair Hospital, LLC, owns and operates Hackensack Meridian Health Mountainside Medical Center ("Mountainside"). Mountainside is one of the premier hospitals in New Jersey with an outstanding record of providing quality patient care and safety. The hospital has served Glen Ridge, Montclair and surrounding communities for over 120 years. Since the Hospital's acquisition of Mountainside in 2012, the Hospital's goal has been to build on Mountainside's legacy of excellent care for the surrounding community with the utilization of innovative technology, a strong physician network and with the development of a modern medical facility that meet the needs of its physicians

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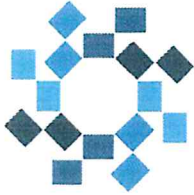
and patients and to deliver world class health care to the surrounding community. As part of this effort, the Hospital desires to redevelop and expand its parking facilities within the Redevelopment Site to serve the Hospital in a way that minimizes impact to the neighboring residential community.

As is evident from the foregoing, the Hospital is extremely qualified to serve as redeveloper of the Redevelopment Site. The Hospital is excited to be redeveloping Mountainside, in an effort to deliver a world class health care experience to the Borough community. We look forward to working with the Mayor and Council on this important endeavor. Should you require any additional information, please let me know.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Bruce R. Rosenberg', with a long horizontal flourish extending to the right.

Bruce R. Rosenberg



Hackensack
Meridian Health
Mountainside
Medical Center

October 16, 2017

Hon. Stuart K. Patrick, Mayor, and
Members of the Borough of Glen Ridge Borough Council
Glen Ridge Municipal Building
825 Bloomfield Avenue
Glen Ridge, NJ 07028

Re: Designation of One Bay Urban Renewal LLC as Redeveloper of a portion of the HUMC/Mountainside Hospital Redevelopment Plan Area – Block 106, Lot 15, in the Borough of Glen Ridge and Block 4215, Lot 1, in the Township of Montclair

Dear Mayor Patrick and Members of the Borough Council:

In connection with the designation of One Bay Urban Renewal LLC, an affiliate of The Hampshire Companies, LLC (collectively "Hampshire"), as redeveloper of Block 106, Lot 15, in the Borough of Glen Ridge and Block 4215, Lot 1, in the Township of Montclair (collectively, the "Redevelopment Tract"), please be advised that Hampshire has entered into a development agreement with Montclair Hospital, LLC, dated February 5, 2015, as amended, for the construction of a medical office building on the Redevelopment Tract. Montclair Hospital, LLC consents to the designation of Hampshire as redeveloper of the Redevelopment Tract. Montclair Hospital, LLC, a joint venture of LHP Hospital Group, Inc. and Hackensack University Medical Center, is the owner of the Hackensack UMC Mountainside Hospital.

Should you require any additional information, please let me know.

Very truly yours,

Montclair Hospital, LLC



State of New Jersey

DEPARTMENT OF TRANSPORTATION

P O Box 600

Trenton, New Jersey 08625-0600

Chris Christie
Governor

Richard T. Hammer
Commissioner

Kim Guadagno
Lt. Governor

Bureau of Local Aid - Newark
153 Halsey Street, 5th Floor
Newark, New Jersey 07102
Voice (973) 877-1500
Fax (973) 648-4547

October 6, 2017

Michael J. Rohal, PE
Borough Administrator/Engineer
Borough of Glen Ridge
825 Bloomfield Avenue, P.O. Box 66
Glen Ridge, New Jersey 07028

COMBINING PROJECTS

**RE: Various Streets - 2016
Various Streets - 2017
Glen Ridge, Essex County
MA - 2016 and MA - 2017**

Dear Mr. Rohal:

This is to acknowledge receipt of your letter dated **September 8, 2017** requesting that the grants for the above referenced projects be combined.

Your request has both merit and advantages for the **Borough of Glen Ridge** and the Department of Transportation and is hereby approved.

Glen Ridge will now be allowed up to **\$490,000.00** for the combining of the above projects into a single contract.

Please note that the construction contract must be awarded on or before **June 30, 2018** or be subject to loss of grant funding for the **MA-16** allotment.

If you have any questions concerning this matter, please contact me at 973-877-1500.

Sincerely,

Richard Loveless
Supervising Engineer
Bureau of Local Aid – Newark

Cc: Komila Pandit



**DEPARTMENT OF HEALTH & REHABILITATION
DIVISION OF COMMUNITY HEALTH SERVICES**
50 South Clinton Street – Suite 4301
East Orange, NJ 07018
Telephone: (973) 395-8455 - Fax (973) 395-8437
www.essexcountynj.org

Joseph N. DiVincenzo, Jr.
Essex County Executive

Sue Ortiz-Hands
Director

October 2, 2017

The Honorable Stuart K. Patrick
Borough of Glen Ridge
P.O.Box 66
825 Bloomfield Ave.
Glen Ridge, NJ 07028

Re: Approval of SFY 2018 Municipal Alliance Grant

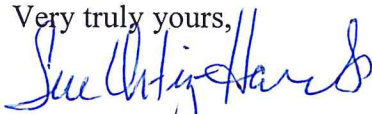
Dear Mayor Stuart K. Patrick:

We are pleased to inform you that Essex County has approved a grant award from the Governor's Council on Alcoholism and Drug Abuse to the Borough of Glen Ridge for your Municipal Alliance program.

The grant award period begins July 1, 2017 and shall terminate June 30, 2018. The amount of the award is \$38,462.00

We look forward to continuing our working relationship with your township in our efforts to educate and prevent substance abuse through the county and state.

Very truly yours,


Sue Ortiz-Hands, Director

Cc: Ms. Nancy McMahon, Municipal Alliance Coordinator
Cc: Heather Kobylinski

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SHAWN R. KLEIN
MAYOR

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RUDY FERNANDEZ
EDWARD MEINHARDT
MICHAEL M. SILVERMAN

RUSSELL A. JONES, JR.
ACTING TOWNSHIP MANAGER
973-535-7973

GLENN R. TURTLETAUB
TOWNSHIP CLERK
973-535-7940

SHARON L. WEINER
TOWNSHIP ATTORNEY
973-533-7940

The Honorable Donald Trump
President
The White House
1600 Pennsylvania Avenue
Washington D.C. 20500

Dear President Trump:

Enclosed please find a certified copy of the Township of Livingston, New Jersey's Resolution R-17-192 adopted by the Township Council on October 9, 2017 supporting the goals of the Paris Climate Accord. Please consider the sentiments of the Council on this most important matter.

Very Truly Yours,


Shawn R. Klein
Livingston Township Clerk

Cc: Senator Bob Menendez
Senator Cory Booker
Congressman Rodney Frelinghuysen
Governor Chris Christie
State Senator Richard J. Codey
Assemblywoman Mila M. Jasey
Assemblyman John F. McKeon
Municipalities in Essex County
League of Municipalities

SRK/cmo

**Memorializing the Township's Commitment
to the Goals of the Paris Climate Accord**

WHEREAS, consensus exists among the world's leading climate scientists that climate change caused by emissions of greenhouse gases from human activities is among the most significant problems facing the world today; and

WHEREAS, documented impacts of climate change include but are not limited to increased occurrences of extreme weather events and adverse impacts on ecosystems; and

WHEREAS, the Township of Livingston, New Jersey is committed to its future generations of residents as demonstrated by its great schools and continuous improvement to the Township and its facilities and infrastructure; and

WHEREAS, responding to climate change provides communities an opportunity to access first mover advantages in the range of products, services, and know-how that transitioning to a climate-compatible future brings; and

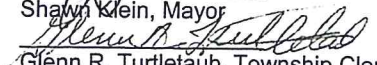
WHEREAS, the Paris Climate Accord (also known as the Paris Agreement) resulted in a commitment from almost every nation in the world to take action and enact programs to limit the global temperature increase to less than 2 degrees Celsius, with an expectation that this goal would be reduced to 1.5 degrees Celsius in the future.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of Livingston that the Township of Livingston:

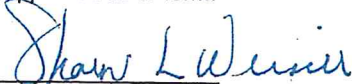
1. Joins other US cities in the Climate Mayors network (<http://climatemayors.org>) in adopting and supporting the goals of the Paris Climate Accord; and
2. Commits to exploring policies and programs that promote the long-term goal of greenhouse gas emissions reduction, while maximizing economic and social co-benefits of such action for the Township; and
3. Sign the open letter available at wearestillin.com.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to President Donald Trump, Senator Bob Menendez, Senator Cory Booker, Congressman Rodney Frelinghuysen, Governor Chris Christie, State Senator Richard J. Codey, Assemblywoman Mila M. Jasey, Assemblyman John F. McKeon, Municipalities in Essex County, and the League of Municipalities.


Shawn Klein, Mayor

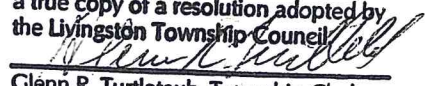

Glenn R. Turteltaub, Township Clerk

Approved as to form:



Sharon L. Weiner, Township Attorney
Adopted: October 9, 2017

**I HEREBY CERTIFY the foregoing to be
a true copy of a resolution adopted by
the Livingston Township Council**


Glenn R. Turteltaub, Township Clerk