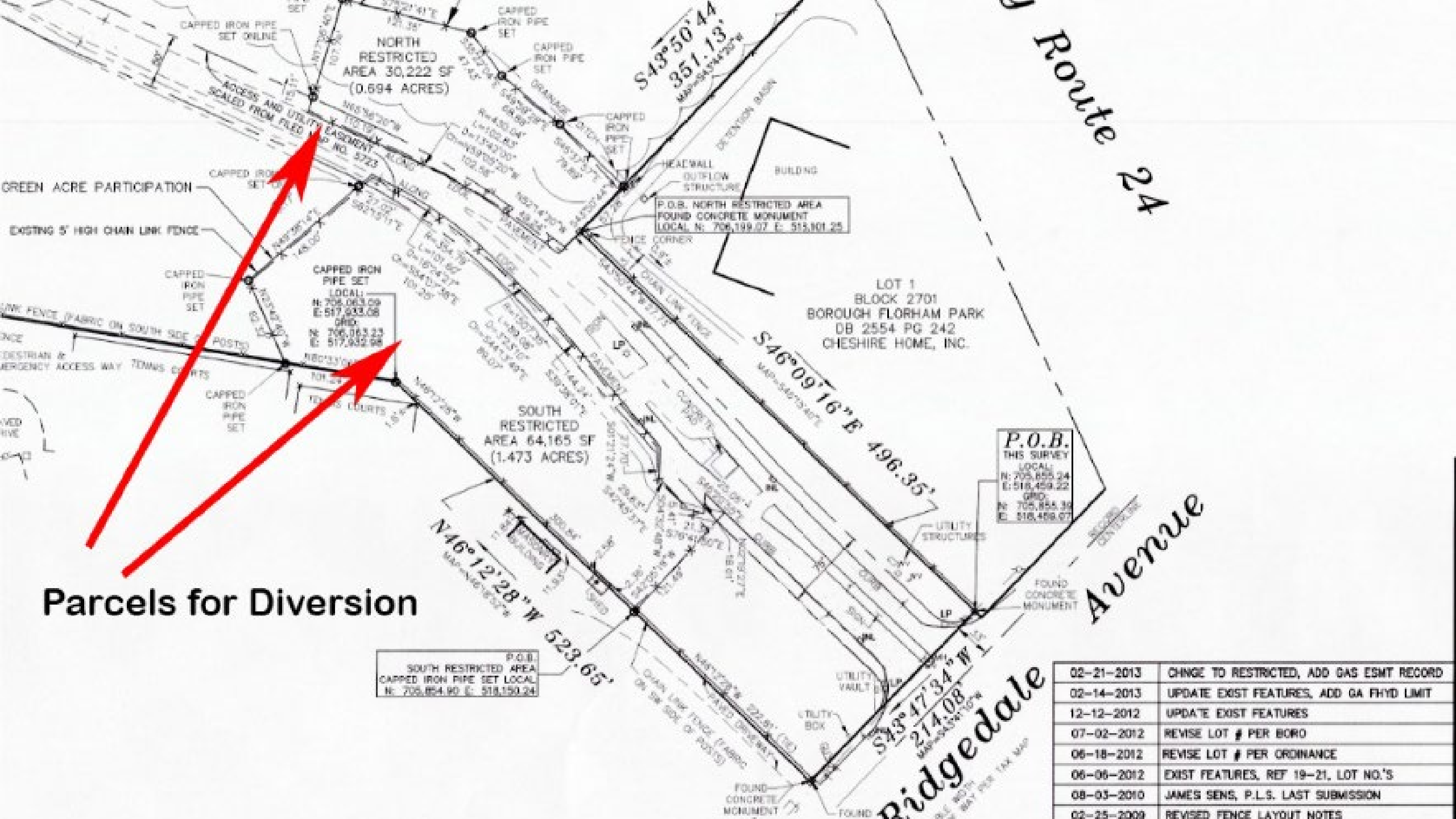


MADISON DIVERSION

Surplus Land on Ridgedale Avenue

THE PROPERTY

- Two Tracts Totaling 2.107 Acres
 - North Parcel 0.694 acres
 - South Parcel 1.473 acres
- South Parcel Adjacent to Madison High School
- Located Along Access Road to Madison Recreational Complex
- Not Currently Used For Any Public Purpose
- Fenced-off From the Public
- Soil Contamination
- Part of Larger 39-acre Recreational Complex
- Originally in Florham Park



02-21-2013	CHANGE TO RESTRICTED, ADD GAS ESMT RECORD
02-14-2013	UPDATE EXIST FEATURES, ADD GA FHYD LIMIT
12-12-2012	UPDATE EXIST FEATURES
07-02-2012	REVISE LOT # PER BORO
06-18-2012	REVISE LOT # PER ORDINANCE
06-06-2012	EXIST FEATURES, REF 19-21, LOT NO.'S
08-03-2010	JAMES SENS, P.L.S. LAST SUBMISSION
02-25-2009	REVISED FENCE LAYOUT NOTES

WHAT IS A DIVERSION ?

- Process to Remove Deed Restrictions From Preserved Open Space Land
- Purposely Difficult Process
- Requires Demonstration of a Compelling Public Purpose
- Need to Demonstrate Lack of Alternatives
- Requires Compensation to Entity
 - Replacement Land
 - Monetary Compensation
- Public Process

WHY IS A DIVERSION NECESSARY?

- Property was Purchased by Madison Borough for Public Recreation
- Purchase was Funded by NJ Green Acres Program and Morris County Open Space Trust Fund
- Permanent Deed Restrictions Placed on Property
- Subject Parcels Were Excluded From Restrictions by Green Acres
 - Remainder of Recreation Complex is Covered by Restrictions
 - Excluded Due to Contamination Issues
- Morris County did not Exclude This Portion of Property

WHY REQUEST DIVERSION?

- Madison is in Litigation Regarding its Affordable Housing Obligation
- Proposed Settlement of Litigation
- Madison has Prepared a Comprehensive Plan to Meet its Affordable Housing Requirements
- Conducted a Borough-Wide Assessment of Available Land
- Identified Extremely Limited Number of Candidate Parcels
- Only One (the subject tracts) Under Municipal Control
- Property is Not Currently Used for Public Purpose
- Plan Utilizes All Available Methods But Still Needs This Site



ALTERNATIVES

- If Madison Takes No Action
 - Subject to Builder's Remedy Lawsuit
 - Borough Potentially Loses Control of Planning
 - Affordable Housing Project Would Allow 5:1 Ratio of Market to Affordable Units
- Potential Actions
 - There Are No Other Reasonable Alternatives
 - Borough is Providing All Available Methods of Meeting Obligation
 - Other Municipally-Owned Land Not Suitable
- Private Developer Will Create 40 100% Low-Moderate Income Units
 - Borough Still Owns Land
 - Developer Utilizes Tax Credits to Finance Construction

COMPENSATION

- County Diversion Process Mirrors Green Acres Rules
- Compensation is Set by Green Acres Regulations
- Public Diversion (Diversion for Public Purpose)
 - 2:1 Replacement of Land; or
 - 4:1 Monetary Compensation Based Upon Fair Market Value (\$5,000 Minimum)
- Private Diversion (Diversion for Private Purpose)
 - 4:1 Replacement Land
 - 10:1 Monetary Compensation (\$5,000 Minimum)
- Open Space Funds Cannot be Used for Compensation
- Same Land Constraints Require Borough to Seek Monetary Compensation

SUMMARY

- The Borough has an affordable housing obligation.
- That obligation is the subject of litigation currently in the Superior Court.
- Madison is making a good-faith effort to both establish the size of its obligation and to create a methodology of providing its share of affordable units.
- As part of that effort, the Borough has retained professionals to assess potential sites and to devise a reasonable plan to create the required number of units.
- The Borough's planning effort included an analysis of available vacant land in the municipality.
- A very limited number of viable potential sites for affordable housing were identified.
- The Borough has created a plan that includes recently constructed affordable housing, inclusionary zoning (where 70-80% of units are market value units with the balance being low- and moderate-income units), providing some overlay zoning in commercial areas to incentivize inclusionary housing, and rehabilitating existing units.

SUMMARY (CONT'D)

- Only one of the identified viable, vacant sites is owned/controlled by the municipality.
- That site is the surplus land at the entrance to the Madison municipal complex that was purchased through county and state open space programs.
- The identified tracts can accommodate approximately 40 apartment units.
- The property is contaminated. That contamination led to the state excluding this land from Green Acres restrictions. However, the County did not exclude this portion from its restrictions.
- These tracts (just over 2 acres) have no reasonable recreational value at present.
- The Borough needs to utilize this land, because even with the other methods included, they cannot provide the units required under their obligation within a reasonable time period.

COMMENTS

- Public Comments Taken At This Meeting
- Transcript is Prepared
- Comments May be Submitted Until August 31 by Mail or E-Mail directly to Borough Administrator (codeyr@rosenet.org)
- All Comments Become Part of Submission to County