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 Self represented, Pro Se

SARAH AVERY  
 Plaintiff,

Vs.

TOWNSHIP OF MONTCLAIR,	:	SUPERIOR COURT
MONTCLAIR TOWNSHIP PLANNER	:	LAW DIVISION
JANICE TALLEY, MONTCLAIR TOWNSHIP	:	ESSEX COUNTY
COUNCIL, MONTCLAIR TOWNSHIP	:	
PLANNING BOARD	:	DOCKET NO. ESX-L-000297-25
Defendants	:	<b>CHALLENGE</b>
	:	

Plaintiff, Sarah Avery, challenges the adoption and endorsement of the Housing Element and Fair Share Plan 2025 – 2035 (“HEFSP”) submitted by the Defendants, Township of Montclair, Montclair Township Planner, Janice Talley, Montclair Township Council; and Montclair Township Planning Board.

### **PARTIES**

1. Plaintiff Sarah Avery, is a resident of the Township of Montclair for 38 years, and is initiating an action pursuant to the Affordable Housing Dispute Resolution Program – Implementation of L. 2024, c.2 in accordance with Directive #14-24.
2. Defendant Township of Montclair (“Montclair”) is a public body subject to compliance with Directive #14-24, Affordable Housing Dispute Resolution Program – Revised Addendum to Directive #14-24 - Required Elements of Housing Element and Fair Share Plan.

3. Defendant Township Planner Janice Talley (“Talley”) is the Director and Department Head for Planning and Community and Development in the Township of Montclair and is responsible for all matters concerning planning, zoning, redevelopment and community development administration in the Township of Montclair. As the municipal housing liaison, Talley is responsible for monitoring administrative agents within Montclair to ensure compliance with the requirements and controls.
4. Defendant Montclair Township Council (“Council”) voted to endorse the Fourth Round Housing Element and Fair Share Plan for Montclair Township at the Regular Montclair Township Council meeting on June 3, 2025.
5. Defendant Montclair Planning Board (“Board”) voted to adopt the Fourth Round Housing Element and Fair Share Plan at the Montclair Township Planning Board meeting on May 19, 2025.

### **BACKGROUND**

6. The Township of Montclair has a history of racism and the practice of segregation. The South End of the Fourth Ward of Montclair includes all 3 former red-lined districts within Montclair (“neighborhoods”). These neighborhoods were primarily populated by white people when built, as far back as 1895, but by the early 20<sup>th</sup> century, due to the practice of segregation, became primarily populated by African Americans.
7. By the 1930’s this area became increasingly populated by African Americans and subjected to the Federal Government policy of red lining, preventing African Americans from property ownership, and subjecting the residents to financial and educational discrimination resulting in the economic disparity that persists today.

8. Education is the primary tool used to oppress a class of people in order for the upper class to maintain their authority and superiority, and depriving the segregated community of their right to economic and intellectual prosperity.
9. African Americans that were able to buy properties in these former red lined neighborhoods of Montclair have lost their homes at alarmingly frequent rates as compared to the white owners in these neighborhoods, who are most frequently absentee landlords from nearby or adjacent communities.
10. A high percentage of properties within these neighborhoods have been frequently sold at sheriff sales or foreclosure, along with a much higher than usual rate of tax lien sales.
11. Absentee landlords churn the properties regularly, some are run down to the ground, allowed to deteriorate, all the while African Americans are living there and paying rent. Or unable to pay rent because of job loss or health crisis with no resources to cope with deteriorating financial and living conditions.
12. These former red lined neighborhoods, D20, D21, and D22, became “Naturally Occurring Affordable Housing” or NOAH, with the enactment of the Federal Fair Housing Act. In the Township of Montclair, NOAH was allowed to deteriorate over time, turning the neighborhoods into a gold mine for out-of-town developers who with the complicity of Montclair, Talley, Council, and Board turned NOAH into luxury housing displacing the African Americans who occupied these neighborhoods for over 100 years.
13. The proliferation of the development of luxury housing in the former red lined neighborhood D21 is documented in Exhibit A “Luxury housing development” that lists thirty-six (36) properties (over 78 units of NOAH) that have been converted to luxury (unaffordable) units beginning in 2019 through the present date.

14. It is notable that the Montclair Board of Adjustment issued 82 variances on just 15 properties (in the formerly red lined neighborhood D21) between 2019 and 2024, granting relief to applicants from meeting minimum lot width; minimum front yard, side yard and back yard setbacks; allowing excess building coverage, and reducing the required number of on-site parking spaces. Furthermore, resolutions approving the variances all find without exception that “the applicant did prove peculiar and exceptional practical difficulties and exceptional and undue hardship with regard to the requested variances and proved that the variances could be granted without substantial detriment to the public good.” On the contrary, the practice of violating local zoning ordinances has resulted in the elimination of NOAH and the creation of luxury housing, creating hardship for the former residents of this neighborhood, further exacerbating the affordable housing crisis, and creating substantial detriment to the public good.
15. Further evidence that Montclair has failed to comply with the spirit of the Fair Housing Act is further demonstrated by an article in the November 7, 2013 Montclair Times “Hundreds wait and wait for housing” in which Talley is quoted ”Montclair has 620 units that qualify as affordable housing. Montclair’s Affordable housing strategy of 2004 was a municipal goal to reach 1,133 affordable units by 2010.” (Exhibit B) The goal was missed by nearly fifty-percent (50%).

**COUNT ONE**  
**MONTCLAIR FAILS TO PROVIDE ADEQUATE  
 OVERSIGHT AND MONITORING FOR  
 AFFORDABLE HOUSING INVENTORY**

16. The Required Elements of Housing Element and Fair Share Plan (“HEFSP”) (Revised June 23, 2025), Section A,3 states that the final HEFSP must demonstrate that is has followed all

of the applicable requirements for extending expiring controls, including confirmation that all of the units on which the controls have been extended are code-compliant or have been rehabilitated to code-compliant. Furthermore, documentation as to the start dates and lengths of affordability controls applicable to these units and applicable Affordable Housing Agreements and/or deed restrictions are also required.

17. A comparison of the 2008 HEFSP (including the 2009 addendum) to the 2025 HEFSP reveals numerous errors and inconsistencies.
18. The 2025 HEFSP reports eighty-five (85) units built through redevelopment that should have been at least one hundred and seventy (170) units (20% as required by Montclair code 347-156, Exhibit C). There is no evidence that a financial analysis was performed to determine whether the developer's payment to the Affordable Housing Trust Fund ("AHTF") provided a greater benefit to the community than building an additional 85 units of affordable housing as required by Montclair code would have.
19. The 2025 HEFSP reports affordable housing created through the market to affordable program that includes six (6) units at 43 Glenridge Avenue, an increase of four (4) units from the 2008 HEFSP. The project was completed in 2004 and has four (4) residential units and two (2) commercial units. The two (2) commercial units cannot be counted as affordable housing units.
20. Affordable senior citizen housing increased at the Montclair Inn, from twenty-seven (27) units per the 2008 HEFSP to twenty-two (22) units per the 2025 HEFSP. The project was completed in 1994 and did not undergo any construction since that could result in the creation of five (5) additional units.

21. Montclair Mews had thirty-six (36) affordable units per the 2008 HEFSP which has been reduced to twenty (20) units per the 2025 HEFSP.
22. In 2016 there were eighteen (18) deeds registered for seventeen (17) affordable units in the Montclair Mews that reported \$10,000 each in consideration in exchange for extending the affordability controls on those seventeen (17) units for a total of \$170,000. Payments made from Montclair's Affordable Housing Trust Fund to extend controls total \$160,000, a deficiency of \$10,000.
23. Furthermore, the affordability controls on these eighteen (18) deeds expired between May 2009 and February 2014. So affordability controls on every single one of the thirty-six (36) units could have been lost due to Montclair and Talley's negligence (Exhibit D).
24. By Talley's own admission, none of the Montclair Mews units for which affordability controls were extended, were inspected to determine that the units were rehabilitated, even though Montclair Code 65-3(A)(1) requires rehabilitated units to comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28.
25. Montclair Code 65-4(2) requires that the Municipal Housing Liaison, Talley, be responsible for oversight and administration of the affordable housing program for Montclair, yet Talley has failed to execute her ethical duty to provide adequate oversight and monitoring, resulting in an unrecoverable loss of affordable housing units.
26. There are ten (10) affordable housing units reported on the 2008 HEFSP with affordability controls that expire after 2025 which are not included on the 2025 HEFSP (Exhibit E).
  - a. 14 Mission Street
  - b. 24 Mission Street
  - c. 25 Mission Street

- d. 53 Mission Street
- e. 59 Mission Street
- f. 62 Mission Street
- g. 68 Elmwood Avenue
- h. 16 Miller Street
- i. 24 Miller Street
- j. 26 Miller Street

27. By Talley's own admission, Montclair did not act in accordance with the community's interest resulting in the loss of the ten (10) affordable properties listed in number 26 above as reported in The Montclair Times, "High taxes, housing costs spur exit of some black residents" February 10, 2011 (Exhibit E)
28. Each of the ten (10) affordable properties listed in number 26 above are located in the formerly red lined neighborhood D21.
29. The 2025 HEFSP includes Supportive Housing at Oxford House 21 Irving Street. The house located at 21 Irving Street is a single-family residence with four (4) bedrooms, a maximum of two (2) bathrooms and one shared kitchen and living space, but Talley has included it as 9 affordable housing units. It is a single-family residence and cannot count as more than one affordable unit.
30. Montclair and Talley have failed to comply with Montclair Code, applicable requirements for extending expiring controls, including confirmation that all of the units on which the controls have been extended are code compliant or have been rehabilitated to code compliant.
31. Montclair and Talley have failed to document start dates and lengths of affordability controls applicable to units with expiring controls.

32. Montclair and Talley have improperly included each bed in an addiction recovery residence as an affordable housing unit.

**COUNT TWO**  
**MONTCLAIR FAILS TO PROVIDE ADEQUATE  
 OVERSIGHT AND MONITORING FOR ADMINISTRATION  
 OF AFFORDABLE HOUSING PROGRAMS**

33. P.L. 2008, c46 Section C.40:55D-8.1 Short Title, 33c permits municipalities to retain development fees for use to provide a fair and balanced funding method to address affordable housing needs.
34. Montclair Home Improvement Program (HIP) Policies and Procedures Manual states that funds may only be used for eligible improvements and HIP literature states that the program targets those in need of major system repairs or replacements, including roofing, electrical, plumbing, heating, addressing both interior and exterior health, safety and code compliance issues.
35. A review of invoices paid by Montclair's Affordable Housing Trust Fund (AHTF) reveals numerous repairs that are not covered by the HIP: Chimney replacement and/or repointing, Oil tank removal, Basement entry replacement, Drywell installation, Hot Water Heaters, Front stair replacement, Handrail installation (Exhibit F).
36. The Affordable Housing Administrator, CGP&H, proposal states that as part of the ongoing day-to-day services invoiced on an hourly basis cover the preliminary application process to determine initial eligibility, ensuring that neither the applicant nor the program's time will be wasted. An analysis of applications to the HIP between May 2020 and June 2024 reveals eighteen (18) applications that were terminated and only six (6) applications were approved. In addition, five (5) of the applications that were terminated were previously certified



eligible. CGP&H charged the AHTF fees for certifying the applicant's eligibility as well as termination of the application (Exhibit G).

37. In four (4) of the six (6) applications that were approved, "miscellaneous" repairs were invoiced.

38. In one of the six applications that was approved, an HVAC contractor was hired to perform repairs which did not include HVAC repairs or installation (Exhibit H, Exhibit F).

Furthermore, the HVAC contractor's published address is the same as the property owner, raising conflicts of interest issues.

39. In one of the six (6) applications that was approved, the affordable housing administrator approved a contractor, NJMF Investments, that is not registered to do business in New Jersey, contrary to the program requirements. (Exhibit I, Exhibit F).

40. Montclair and Talley have failed to comply with C.40:55D-8.5 regulations necessary for monitoring and enforcement of a municipal affordable housing trust fund and spending plan, which require affordable housing trust funds to be spent to provide a fair and balanced funding method to address the State's affordable housing needs. The evidence demonstrates that Montclair and Talley have used AHTF in a discriminatory and capricious manner.

41. Because Montclair is classified as a "Qualified Urban Aid Municipality" a re-calculation of present or prospective need cannot be determined. However, a re-calculation of the number of affordable units is included to demonstrate the actual number of affordable units Montclair should have, had Montclair, Talley, Council, and Board enforced Montclair code section 347-156 "developments of five or more dwelling units" for all redevelopment projects; correctly accounted for supportive housing included in Alternative Living Arrangements; and extended affordability controls on expiring units in a timely manner (Exhibit J).

**WHEREFORE,** Plaintiff demands a declaratory judgment determining that the Housing Element and Fair Share Plan authored by Talley, adopted by the Board and endorsed by the Council does not comply with the “Fair Housing Act” P.L. 1985, c.222, and

**WHEREFORE,** Plaintiff demands a declaratory judgement determining that Montclair’s status as a “Qualified Urban Aid Municipality” be revoked as Montclair, Talley, Council, and Board have systematically perverted the spirit of the ”Fair Housing Act”, facilitating discriminatory housing development, and increasing the scarcity of affordable housing in Montclair.

**SARAH AVERY**

Self-represented

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# EXHIBIT A

Summary of Affordable Units Converted to Luxury													
Within the Historically African American South End formerly red lined neighborhood D21													
No.	Address		Seller/Owner	Seller/Owner residence	Rental rates	Income to be "affordable"	Date of Purchase	Purchase price	Date of Sale	Sale price	No of variances	Distressed property	Comments
1	14 Elmwood Avenue	Elmwood	Talmiriam Shmulovich	Gillette	\$4,675 per unit	\$187,000	9/16/2024	\$ 975,000					
2	42 Elmwood Avenue	Elmwood	Jonathan Soto	Montclair	\$6,500 per unit	\$260,000	1/31/2023	\$ 700,000					
3	17 Mission Street	Mission	Orhan Sokoli	Elmwood Park	\$3,200 per unit	\$128,000	10/18/2021	\$ 475,000	5/7/2024	\$ 1,150,000			
4	20 Mission Street	Mission	Shimon Rinkovsky	Brooklyn	\$3,740 per unit	\$149,600	10/2/2020	\$ 375,000					
5	22 Mission Street	Mission	Henry Lefkowitz	West Orange	\$3,000 per unit	\$128,000	8/28/2023	\$ 755,000					
6	26 Mission Street	Mission	Shimon Rinkovsky	Brooklyn	\$3,910 per unit	\$156,400	11/17/2014	\$ 124,000				Short sale	
7	27 Mission Street	Mission	Dolgan	Long Valley			2/20/2019	\$ 243,100	5/28/2020	\$ 600,000	2	Sheriff sale	Flipped by Jonathan Weisberger exactly one year later for \$735,000
	27 Mission Street		Weisberger	Roseland	\$3,300 per unit	\$132,000	5/28/2020	\$ 600,000	6/1/2021	\$ 735,000			
8	30 Mission Street	Mission	David Wellington		\$3,740 per unit	\$149,600	11/10/2022	\$ 670,000					
9	47 Mission Street	Mission	Dolgan/Szmanski	Long Valley	\$4,200 per unit	\$168,000	6/19/2019	\$ 225,100	9/10/2021	\$ 860,000	3	Sheriff sale	ZB-Exceptional and undue hardship
10	53 Mission Street	Mission	Monique Wade	West Orange	\$1,800 per unit	\$72,000	4/18/2019	\$ 235,000	12/13/2024	\$ 647,000			Sold to Kevin Robinson
11	63 Mission Street	Mission	Minachie Latchana	Montclair	\$3,100 per unit	\$124,000	8/7/2024	\$ 730,000					Owner applying for variance for 61 Mission
12	68 Mission Street	Mission	Malgorzata Dolgan	Long Valley	\$2,500 per unit	\$100,000	7/11/2016	\$ 110,000	7/20/2022	\$ 740,000			
13	69 Mission Street	Mission	Dolgan	Long Valley	\$6,000 per unit	\$240,000	10/2/2020	\$ 425,000	10/4/22 + 4/3/23	\$ 1,360,000	8		ZB-Exceptional and undue hardship
14	71 Mission Street	Mission	Dolgan	Long Valley	\$5,200 per unit	\$208,000	10/2/2020	\$ 425,000	12/15/2022	\$ 1,250,000	8		ZB-Exceptional and undue hardship
15	79 Mission Street	Mission	Dolgan	Long Valley	\$4,950 per unit	\$198,000	9/21/2020	\$ 342,500	10/19/2023	\$ 555,000	4		ZB-Exceptional and undue hardship
16	81 Mission Street	Mission	Dolgan	Long Valley	\$3,800 per unit	\$152,000	7/29/2019	\$ 136,900	1/6/2021	\$ 975,000	3	Sheriff sale	ZB-Exceptional and undue hardship
17	85 Mission Street	Mission	Tyran Mincey		\$3,000 per unit	\$120,000	9/30/2004	\$ 389,000					
18	13 New Street	New	Scollos/Nissirios				1/18/2022	\$ 449,000			6		ZB-Exceptional and undue hardship
19	21 New Street	New	Dolgan	Long Valley	\$3,850 per unit	\$154,000	3/22/2021	\$ 437,175			1		ZB-Exceptional and undue hardship
20	23 New Street	New	Dolgan	Long Valley	\$3,200 per unit	\$128,000	8/20/2020	\$ 250,000	1/26/2022	\$ 965,000	4		ZB-Exceptional and undue hardship
21	27 New Street	New	Rachna Maheshwari Agarwal	Livingston	\$3,950 per unit	\$158,000	12/27/2023	\$ 775,200					
22	30 New Street	New	Belekina	Bloomfield			10/30/2020	\$ 260,000			2		ZB-Exceptional and undue hardship
23	32 New Street	New	Brian Isen	Northfield	\$3,400 per unit	\$136,000	6/18/2018	\$ 70,000				Tax sale	Home featured in documentary [Estate of Winifred Webb]
24	51 New Street	New	Dolgan/Fiocco	Long Valley	\$5,600 per unit	\$224,000	1/6/2021	\$ 380,000			3		ZB-Exceptional and undue hardship
25	10 + 12 Washington Street	Washington	Dolgan/Szmanski	Long Valley	\$6,000 per unit	\$240,000	12/30/19 + 2/15/20	\$ 445,402			10	Sheriff sale	ZB-Exceptional and undue hardship
													Properties were dilapidated because the prior owners lost the homes in sheriff sale
26	11 + 13 Washington Street	Washington	Schreck	Woodland Park	\$4,950 per unit	\$198,000	2/28/18 + 3/7/18	\$ 310,000			12	Bargain/Sheriff sale	
27	26 Washington Street	Washington	Sheetal Sawhney	Secaucus					8/5/2024	\$ 998,000			
28	5 Washington Street	Washington	Malgorzata Dolgan	Long Valley	\$2,900 per unit	\$116,000	12/9/2021	\$ 550,000					
29	8 Washington Street	Washington	Dolgan/Szmanski	Long Valley	\$5,500 per unit	\$220,000	1/14/2021	\$ 409,000			4		ZB-Exceptional and undue hardship
30	13 Wheeler Street	Wheeler	Malgorzata Dolgan	Long Valley	\$6,100 per unit	\$244,000	7/28/2021	\$ 325,000	11/14/2024	\$ 1,405,000	12		ZB-Exceptional and undue hardship
31	15 Wheeler Street	Wheeler	Aundrea Edward Mathis	Totowa	\$5,300 per unit	\$212,000	12/15/2022	\$ 445,000	12/15/2023	\$ 1,377,500			
32	12 Willowdale Ave	Willowdale	Michelle Hawley Tsay	North Caldwell	\$3,950 per unit	\$158,000	4/22/2013	\$ 110,000					
33	14 Willowdale Ave	Willowdale	Michelle Hawley Tsay	North Caldwell			10/12/2011	\$ 120,000	4/6/2022	\$ 603,000			
34	22 Willowdale Ave	Willowdale	Brandon Schreck	Woodland Park			5/2/2016	\$ 175,350				Bargain/Sheriff sale	
													Brandon Schreck paid \$175,350 5/2/2016 - Bank foreclosed on Steffanii Farrior
35	32 Willowdale Avenue	Willowdale	Adam Ruggiero		\$4,000 per unit	\$160,000	5/22/2024	\$ 885,000					
36	38 Willowdale Avenue	Willowdale	Michael Teri	Bridgewater	\$3,600 per unit	\$144,000	5/26/2020	\$ 342,515	7/28/2025	\$ 925,000			

# EXHIBIT B

# Hundreds wait... and wait... for housing

BY ERIC KIEFER

STAFF WRITER

If you're on the waiting list for affordable housing in Montclair, you could be in it for the long haul.

In fact, you could be waiting for years.

The Times interviewed almost a dozen providers and administrators of affordable housing in town, most of whom claimed that demand is far exceeding the supply of available units. Some reported that applicants are spending years on crowded waiting lists.

So just how bad are the numbers?

A large chunk of the affordable housing in town is administered by Piazza and Associates, a Princeton-based consulting and administration group. At a recent meeting of the Montclair Housing Commission, Piazza and Associates presented the commission with a quarterly report that included some eyebrow-raising statistics:

- 469 people are on their sales waiting list for affordable housing;
- 1,636 applicants are on the rental waiting list; and
- there are four available units for sale and five units for rent.

Other affordable housing administrators reported similar numbers. John Daniels, property manager at First Montclair House – a 130-unit senior citizen housing development on Walnut Street – said that there “definitely needs to be more affordable housing in Montclair.” Daniels said that they currently have two vacant units with about 80 applicants on the waiting list. He added that a 12- to 18-month wait was typical for some prospective residents.

Jaime Raskulincz, an administrator at Matthew G. Carter Apartments on Glenridge Avenue, said there were currently four vacancies with 260 applicants on the

waiting list, and these numbers were normal, especially for two- and three-bedroom units. In the past, she said, people might be on the waiting list for those units “for years.”

Claire Benson of South End Gardens on Orange Road, another senior citizen housing development, said that she had two available units, with about 100 people on the waiting list.

An administrator at Pine Ridge of Montclair on Glenridge Avenue reported that there are over 500 people on their waiting list for affordable housing, some of whom have been waiting since 2003. The number of available units they currently have?

Zero.

All in all, Montclair has 620 units that qualify as “affordable housing,” according to Janice Talley, municipal director of planning and community development. According to the 2010 Census, the town has 15,911 total housing units, which would indicate that only about 3 percent of Montclair's housing qualifies as

affordable.

According to the Montclair Affordable Housing Strategy of 2004, the municipality had a goal to reach 1,133 affordable housing units by 2010.

“Clearly the need is not being met if only four sales units and five rental units are available,” Talley said, referring to the Piazza and Associates quarterly report.

“The situation is drastic,” said Beverly Riddick, executive director of HOME Corp, a Montclair-based nonprofit that works to increase affordable housing opportunities. She mentioned that HOME Corp was the prior administrator for affordable housing before Piazza and Associates took over, and that the number of people waiting for affordable housing has not gone down since that time.

“Our community is one that celebrates diversity, and without these housing choices it's not going to be that community anymore,” Riddick said.

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# EXHIBIT C

*Township of Montclair, NJ  
Monday, August 25, 2025*

## Chapter 347. Zoning

### Article XXVI. Inclusionary Zoning

#### § 347-156. Developments of five or more dwelling units.

- A. Any development containing five or more dwelling units is required to include at least 20% or one in five of the total number of units within the development as affordable units.
- (1) The following criteria apply:
- (a) At least half of the affordable units within each bedroom distribution shall be low-income units, and the remainder may be moderate-income units. If there is only one affordable unit in the development, it must be a low-income unit.
  - (b) Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
    - [1] The combined number of efficiency and one-bedroom units is no greater than 20% of the affordable units.
    - [2] At least 30% of the affordable units are two-bedroom units.
    - [3] At least 20% of the affordable units are three-bedroom units.
    - [4] The remainder may be allocated at the discretion of the developer.
- (2) For developments containing three affordable units, two shall be two-bedroom units, and one shall be a three-bedroom unit. For developments containing four affordable units, two shall be two-bedroom units, and two shall be three-bedroom units. For developments containing five affordable units, one shall be a one-bedroom unit, three shall be two-bedroom units, and one shall be a three-bedroom unit.
- B. When the total number of units in the development divided by five results in a fraction, the developer shall provide an additional affordable unit on-site, or an affordable unit off-site in a location approved by the Montclair Housing Commission, or a cash-in-lieu financial contribution to the Affordable Housing Trust Fund as set forth in § **347-161** to fulfill the fractional obligation. For example, if the total number of units in the development is eight, there would be an obligation to provide one affordable unit on-site and the obligation to provide an additional affordable unit on-site or off-site or a cash-in-lieu payment for the fractional obligation.



# EXHIBIT D

Montclair Mews												
Summary of deed restrictions - 2016												
	Term											
Date of extension	From	To	Grantor	Grantee	Instrument No.	Unit	Unit # per Tax Collector	Block	Lot	2024 Taxes	Consideration	
3/4/2016	5/22/2009	5/22/2039	Harriet Carlos	Township of Mtc	2016024808	319	C3019	4202	2	\$ 4,294.59	\$ 10,000.00	
3/8/2016	9/21/2009	9/21/2039	Velma Wilson	Township of Mtc	2016024812	320	C3020	4202	2	\$ 4,240.14	\$ 10,000.00	
6/6/2016	8/10/2009	8/10/2039	Gladysteen Parker	Township of Mtc	2016049957	323	C3023	4202	2	\$ 4,369.45	\$ 10,000.00	
8/30/2016	6/21/2009	6/21/2039	Cecilia Guerro	Township of Mtc	2016076949	324	C3024	4202	2	\$ 1,953.32	\$ 10,000.00	
8/30/2016	6/12/2009	6/12/2039	Daisy Martin	Township of Mtc	2016076953	325	C3025	4202	2	\$ 1,953.32	\$ 10,000.00	Name does not agree - per Tax Collector: Steven Drizing
8/29/2016	2/25/2014	2/25/2044	Muhammad Shukrivah	Township of Mtc	2016076955	6A2	C60A2	4202	2	\$ 2,126.88	\$ 10,000.00	
3/21/2016	2/25/2014	2/25/2044	Mittie Buie	Township of Mtc	2016030698	6C2	C60C2	4202	2	\$ 2,149.12	\$ 10,000.00	
4/7/2016	2/25/2014	2/25/2044	John Stofik	Township of Mtc	2016031603	6D1	C60D1	4202	2	\$ 2,354.88	\$ 10,000.00	
3/14/2016	2/25/2014	2/25/2044	K Hovnanian	Teodolinda Toledo	2016025795	6D2	C60D2	4202	2	\$ 1,851.23	\$ 10,000.00	
3/14/2016	2/25/2014	2/25/2044	Teodolinda Toledo	Township of Mtc	Missing	6D2	Duplicate	4202	2		\$ 10,000.00	
2/11/2016	2/25/2014	2/25/2044	Juana Siliezar	K Hovnanian	2016015708	6E1	C60E1	4202	2	\$ 1,851.23	\$ 10,000.00	
5/20/2016	2/24/2014	2/24/2044	Terry Webber	Township of Mtc	2016045084	6G1	C60G1	4202	2	\$ 2,126.88	\$ 10,000.00	
6/2/2016	2/22/2014	2/22/2044	Mohammed Abedin	Township of Mtc	2016047927	6G2	C60G2	4202	2	\$ 3,086.52	\$ 10,000.00	
1/25/2016	2/24/2014	2/24/2044	Donna Mattee	Township of Mtc	2016011708	6H2	C60H2	4202	2	\$ 1,776.37	\$ 10,000.00	
8/19/2016	2/25/2014	2/25/2044	Thomas Jackson	Township of Mtc	2016072555	6J1	C60J1	4202	2	\$ 2,399.12	\$ 10,000.00	
2/9/2016	2/23/2014	2/23/2044	Marion Jackson	Township of Mtc	2016013763	6J2	C60J2	4202	2	\$ 1,601.23	\$ 10,000.00	Widow \$250 deduction
6/7/2016	2/24/2014	2/24/2044	Marisa Uriarte	Township of Mtc	2016049971	6K1	C60K1	4202	2	\$ 1,601.23	\$ 10,000.00	Senior \$250 deduction
8/24/2016	2/24/2014	2/24/2044	Donna Roberson	Township of Mtc	2016075973	6L1	C60L1	4202	2	\$ 3,086.52	\$ 10,000.00	
							18				\$ 180,000.00	
					Payments by AFTF report provided by OPRA request #25-789						\$ 150,000.00	Variance of \$30,000 versus deeds provided
				Payments by AFTF report provided by Planner Talley June 16, 2025 email to Councilor Toler						\$ 160,000.00	Variance of \$20,000 versus deeds provided	

# EXHIBIT E

## Exhibit E - Affordable Housing Units reported on the 2008 HEFSP

Project	Address	Year	Control	# of	# of
		Project	expires per	Affordable	Afford
		Completed	2008 HEFSP	Units per	Units per
				2008 HEFSP	2025 HEFSP
Homecorp	14 Mission St	1996	2026	2	0
Homecorp	24 Mission St	2002	2032	2	0
Homecorp	25 Mission St	1999	2029	2	0
Homecorp	53 Mission St	1998	2028	2	0
Homecorp	59 Mission St	1996	2026	2	0
Homecorp	62 Mission St	1996	2026	3	0
Homecorp	68 Elmwood Ave	2000	2030	2	0
Homecorp	16 Miller St	2002	2032	1	0
Homecorp	24 Miller St	2000	2030	2	0
Homecorp	26 Miller St	2001	2031	2	0

Address	# of units	Expiration of Controls <sup>i</sup>	Status
14 Mission Street	2	Expired	Property sold in 2019 to private buyer as Township chose not to purchase unit.
24 Mission Street	2	Expired	Property sold in 2017 to private buyer as Township chose not to purchase unit.
25 Mission Street	2	Expired	Sent request for current info to HAS. No response received.
53 Mission Street	2	Expired	Property was listed for sale in 2018 and ECLT informed the Township of their desire to purchase the unit. However, per an e-mail from Deirdre Malloy sent on 1/2/2019, ECLT determined that there is not enough return to justify purchase of the property and the Township chose not to purchase unit. Property was sold.
59 Mission Street	2	Expired	Sent request for current info to HAS. No response received.
62 Mission Street	3	Expired	Sent request for current info to HAS. No response received.
68 Elmwood Avenue	2	Expired	Sent request for current info to HAS. No response received.
16 Miller Street	1	Expired	Sent request for current info to HAS. No response received.
24 Miller Street	2	Expired	Sent request for current info to HAS. No response received.
26 Miller Street	2	Expired	Sent request for current info to HAS. No response received.

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<sup>i</sup> Deed restriction terms reduced by HAS to 10 years from the term listed on the deed restrictions for these units and, as a result, the deed restrictions on all of these units have expired. The Township retains the right of first refusal to purchase the units at the maximum resale value.

THE MONTCLAIR TIMES www.montclairtimes.com



ADAM ANK/STAFF PHOTOGRAPHER

A "For Sale" sign on Elm Street reflects 2010 Census data indicating a shift in Montclair's population.

## High taxes, housing costs spur exit of some black residents

BY LINDA MOSS  
OF THE MONTCLAIR TIMES

Thomas Reynolds' grandmother relocated from Montclair to Delaware several years ago, and she told him that her property taxes and insurance for two cars in her new state were cheaper than her former property taxes in the township.

"People in my family have moved out of town," said Reynolds, a township resident who is president of the Montclair Chapter of the NAACP. "Living in Montclair is reaching a point where it just isn't feasible for a lot of people anymore."

During the past decade, Montclair's black population has declined by 18.1 percent, dropping to 10,230 from 12,497, according to 2010 Census Bureau data released last week. That decline from 2000 to 2010 was in contrast to the figures for New Jersey, which saw its black population increase 6 percent.

"I think it really means that the town has to step back and reevaluate what it is where we're spending our money and why it's so expensive to live here," Reynolds said.

Marcia Marley, president of the BlueWaveNJ Public Interest Foundation, an advocacy group, voiced similar concern.

"We're not down on diversity," Marley said. "It's hard to be able to afford a house, if you have moderate means, or to even rent, in Montclair. We treasure our diversity, but we're not going to have that diversity if these trends continue."

The census data about African-Americans in Montclair wasn't the only way that the township's population didn't trend with the rest of the Garden State, but it was one major differentiation.

Montclair's total population has dipped 3.4 percent, from 38,977 to 37,669. In contrast, the state's population has increased about 5 percent, to 8.8 million.

While the township lost black residents, they still remain Montclair's major minority. There have been gains in other minority populations. Montclair's Hispanic population, while still a small portion of all residents, jumped 40.9 percent, to 2,810 from 1,995, according to census data. Asian residents also saw their number rise in Montclair, increasing 16.8 percent to 1,454 from 1,228. Montclair's white population also increased slightly, by 4.8 percent, to 23,416 versus 22,597 in 2000, according to census data.

There are economic reasons why Montclair's African-American population has dropped, according to James Harris, president of the New Jersey State Conference of the National Association for the Advancement of Colored People and associate dean of students at Montclair State University.

"Obviously, the thing that's driving people out of Montclair is the taxes and the cost of living," said Harris, himself a township resident.

Because of the high cost of housing and high local property taxes, young African-Americans who leave Montclair to attend college can't afford to come back to

the town they grew up in, according to Harris. They can't afford the homes or the rents in town, he asserted.

"That's a sad commentary, because many people have stayed through thick and thin for many years in Montclair," said Harris, adding that some have relocated South, moved in with relatives or even become homeless.

The recession has contributed to the exodus of some blacks from Montclair, according to Marley, who knows residents who were forced to leave when their homes were foreclosed.

"We need to make sure that people aren't forced out of their homes," she said. "We need moderate-cost housing. We need low-income housing."

Janice Talley, township director of planning and community development, has just started to analyze the census data.

"Montclair continues to have a housing affordability issue, which we continue to recognize and we are continuing to address," Talley said.

Montclair's increase in its Latino and Asian populations isn't surprising, according to Doug Massey, a sociology professor at the Office of Population Research at Princeton University, given "the major trend nationally towards the geographic diversification of immigration outside of traditional central-city areas into suburban and exurban areas."

About six years ago, St. Peter Claver R.C. Church started holding one of its Sunday Masses in Spanish, and it typically gets from 65 to 70 attendees, according to the Rev. Richard Carlson.

"The majority of them are from South America — Peru, Colombia," said the priest, adding that there are about 70 Hispanic families in the parish. "We have a few more families this year than we had last year."

Montclair's overall decline in population in part can be explained by children growing up and leaving their parents with empty nests, as well as macro-economic factors, according to James Hughes, dean of the Edward J. Bloustein School of Planning and Public Policy at Rutgers University.

"That is sort of characteristic of the entire Northeast region," Hughes said. "It's really been the South and the West that have been capturing most of the population growth. New Jersey is a slow-growth demography. And built-out towns like Montclair sometimes in that environment are flat, or they tend to decline slightly."

Talley said it's too early to draw conclusions from the 2010 Census data, but that "there have not been any earth-shattering changes, considering we are a fully developed municipality."

While Montclair's population declined slightly, it has been up and down during the past 30 years, according to Talley.

"If you look at what's happened since 1980, it's gone back and forth, and I think it has to do with the economy," she said.

Contact Linda Moss at  
moss@montclairtimes.com.

# EXHIBIT F

Report on CGP, the former Affordable Housing Administrator for the Township of Montclair-Eligible project costs-contractors

Items in red - not eligible per Montclair Home Improvement Program information handout						
Case No.	MTCLR 2105	MTCLR 2209	MTCLR 2213	MTCLR 2317	MTCLR 2321	MTCLR 2323
Address	51 Christopher	29 Windermere	155 Valley	104 Valley*	610 Grove	2 Wilfred
Vendor	Nela Carpentry & Masonry LLC	Severe Structures LLC	Severe Structures LLC	NJMF Investments LLC**	Adriatic Aire	Severe Structures LLC/Ambrosio Construction
Contract date	3/17/2022	8/30/2022	11/17/2022	8/5/2024	1/10/2024	11/13/2023
Electrical	\$ 1,800.00	\$ 2,000.00	\$ 6,700.00	\$ 5,413.35	\$ 1,550.00	
Roofing	\$ 19,000.00	\$ 14,000.00	\$ 21,000.00	\$ 11,800.00		
Chimney replacement				\$ 11,590.00		
Suspected asbestos	\$ 1,200.00			\$ 2,750.00		
Windows		\$ 8,400.00		\$ 6,250.00	\$ 3,500.00	
Lead Paint Hazard Reduction	\$ 8,500.00			\$ 4,500.00		
Boiler						\$ 10,500.00
Oil tank removal					\$ 2,000.00	
Basement entry replacement					\$ 7,500.00	
Chimney repointing					\$ 1,500.00	
Drywell installation					\$ 1,800.00	
Fireblocking	\$ 800.00					
Miscellaneous	\$ 800.00	\$ 2,400.00	\$ 1,800.00		\$ 4,500.00	\$ 17,400.00
Sistering of rafters	\$ 2,510.00					
Hot water heaters			\$ 5,000.00			
Front stairs			\$ 1,300.00			
Handrail			\$ 2,200.00			
	\$ 34,610.00	\$ 26,800.00	\$ 38,000.00	\$ 42,303.35	\$ 22,350.00	\$ 27,900.00
Program	\$ 29,000.00	\$ 26,400.00	\$ 38,000.00	\$ 31,727.51	\$ 17,500.00	\$ 10,500.00
Homeowner	\$ 5,610.00	\$ 400.00		\$ 10,575.84		
Significant needs waiver	\$ 5,000.00		\$ 8,000.00			
Base grant	\$ 24,000.00	\$ 24,000.00	\$ 30,000.00	\$ 30,000.00	\$ 24,000.00	\$ 24,000.00
Investor properties required 25% owner contribution			\$ 9,500.00	\$ 10,575.84		
Eligible improvements:						
Roof						
Electrical						
Heating						
Plumbing						
Load bearing structure						
Windows or Lead Paint remediation						
Replacement or repair of other appliances is prohibited						
Rental unit must be on assistance						
*104 Valley is owned by a commercial LLC						
**NJMF Investments LLC is not registered to do business in NJ						



# EXHIBIT G

Report on CGP, the former Affordable Housing Administrator for the Township of Montclair-Terminated Project Costs

CGP&H Affordable Housing Rehabilitation Program Services						
Summary of terminated project costs May 1, 2020 - June 30, 2024						
	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>	
<b>Project</b>	<b>5/1/20-4/30/21</b>	<b>5/1/21-4/30/22</b>	<b>5/1/22-4/30/23</b>	<b>1/1/23-12/31/23</b>	<b>1/1/24-12/31/24</b>	<b>Total</b>
MTCLR 2101	\$ 495	\$ 541				\$ 1,035
MTCLR 2102		\$ 2,560				\$ 2,560
MTCLR 2103		\$ 932				\$ 932
MTCLR 2104		\$ 610				\$ 610
MTCLR 2106		\$ 437				\$ 437
MTCLR 2107		\$ 3,112	\$ 1,284			\$ 4,396
MTCLR 2208		\$ 403				\$ 403
MTCLR 2210		\$ 495				\$ 495
MTCLR 2211			\$ 2,150			\$ 2,150
MTCLR 2212		\$ 98	\$ 1,908			\$ 2,006
MTCLR 2214			\$ 648			\$ 648
MTCLR 2219				\$ 960		\$ 960
MTCLR 2309				\$ 1,280		\$ 1,280
MTCLR 2315				\$ 1,139		\$ 1,139
MTCLR 2318				\$ 691		\$ 691
MTCLR 2320				\$ 1,505	\$ 1,380	\$ 2,885
MTCLR 2324				\$ 218		\$ 218
MTCLR 2425					\$ 850	\$ 850
	\$ 495	\$ 9,185	\$ 5,990	\$ 5,793	\$ 2,230	\$ 23,693
Projects terminated - count by program year	1	9	4	6	2	22
Less: duplicates		-1	-2		-1	-4
	1	8	2	6	1	18

# EXHIBIT H

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July 3, 2024

Janice Talley  
Township of Montclair  
205 Claremont Avenue, Second Floor  
Montclair, NJ 07042

**RE: Montclair Home Improvement Program**  
***Contractor Final Payment Request***

Dear Janice Talley:

Enclosed please find a Program Payment Invoice to process the following Final Payment:

Case No.	Address	Contractor	Payment Amount
MTCLR 2321	610 Grove St.	Adriatic Aire	\$14,300.00

Thank you for your assistance with this matter. If you should have any questions, please do not hesitate to contact me at (609) 664-2781.

Sincerely,

*Beth McCann*

Beth McCann  
Housing Rehabilitation Specialist

Enclosures

C: Adriatic Aire, (w/out enclosures)

# EXHIBIT I

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# EXHIBIT J

Township of Montclair

Calculation of Affordable Housing Units

Montclair code requires 20% affordable units, only 10% created

\*Converted to luxury housing

New - created, since 2008 plan

Approved or UC

Project	Address	Year Completed	Control expires (if blank = Never)	# of Affordable Units per 2008 HEFSP	# of Affordable Units per 2025 HEFSP	Correction to # of Affordable Units per 2025 HEFSP	Recalculation of Affordable Units
24 Elm Street Condo LLC	24 Elm St	2008	2039		1		1
Lackawanna Develoer	192-194 Bloomfield Ave	2009	2047		1		1
Montclair Bay St Commons	69-83 Bay St	2009	2044		1		1
	58 James St		2049		1		1
	256 Park St		2050		2		2
	7 Sylvan Pl		2052		2		2
	57 James St	UC	2052		1		1
	161-167 Glenridge Ave	UC			2		2
	10 Elm St	UC			4		4
	627 Valley Rd	Approved			1		1
<b>Total Inclusionary Zoning - Table 14</b>				<b>0</b>	<b>16</b>	<b>0</b>	<b>16</b>
Siena	48 So Park St	2008	2038	10	10		10
Alister	11 Pine St		2039		17		17
Valley & Bloom			2045		26		26
Montclairion II	125 Bloomfield Ave		2049		2		2
The Vestry	147 Bloomfield Ave		2050		8		8
2 So Willow			2051		20		20
The Clair	37 Orange Rd		2054		4		4
59 Church St		UC-abandoned			8		8
<b>Total Affordable units created through redevelopment - Table 15</b>				<b>10</b>	<b>95</b>	<b>0</b>	<b>95</b>
Homecorp	19 Elmwood Ave	2009	2039	2	2		2
Homecorp	1 Woodland		2024		5		5
Homecorp	14 No Willow		2041		2		2
Homecorp	25 William St	2006	2021	6	6		6
Homecorp	33 William St	2006	2021	6	6		6
Homcorp	4 Washington St		2030		9		9
Homecorp	43 Glenridge Ave	2004	2034	2	6	-2	4
Homecorp	55 Glenridge Ave	2007	2037	6	6		6
<b>Total Affordable units created through a market to affordable program - Table 16</b>				<b>22</b>	<b>42</b>	<b>-2</b>	<b>40</b>
Talbot Village	127 Valley Rd		2115		6		6
<b>Total Affordable units created through 100% affordable housing - Table 17</b>				<b>0</b>	<b>6</b>	<b>0</b>	<b>6</b>
First Montclair House	56 Walnut St	1980		130	130		130
South End Gardens	340 Orange Rd	1987	2007	99	99		99
Montclair Inn	27 Hillside Ave	1994		17	22	-5	17
Pine Ridge of Montclair	60 Glenridge Ave	2002	2042	48	48		48
<b>Affordable senior citizen housing - Table 18</b>				<b>294</b>	<b>299</b>	<b>-5</b>	<b>294</b>
Arc supportive housing	434 Washington St	1999		4	4		4
Arc supportive housing	27 Claremont Ave	1999		6	6		6
Covenant House-Homeless Shelter	2-4 Walnut Place				10		10
Mental Health Assoc-addiction recovery	354 Orange Rd				12		12
Covenant House	32 S. Willow St	2008	2048	8	8		8
Oxford House	21 Irving St				9	-9	0
Real House	95 Grove St				18		18
Real House	31 N Mountain Ave				23		23
<b>Alternative living arrangements</b>				<b>18</b>	<b>90</b>	<b>-9</b>	<b>81</b>
Union Garden	50 Greenwood Ave	1974	2040	87	87		87
Matthew Carter	20 Glenridge Ave			54	54		54
Matthew Carter	80 Glenridge Ave	1980		72	72		72
<b>Prior cycle credits</b>				<b>213</b>	<b>213</b>	<b>0</b>	<b>213</b>
Homecorp	17-27 Miller St	2000	2013	6	1	5	6
Homecorp	12 Miller St	1998	2007	2	2		2
Homecorp (Miller Street Cottages)	17-27 Miller St				5	-5	0
Homecorp (Miller Street Homes)	9-15 Miller St	1991	2009	9	9		9
Montclair Mews	50 Pine St	1994	2014	36	20		20
The Montclarion	10 Pine St		2019	18	6		6
Ralph Silas	84 Mission St	2000	2014	4			0
*Linus Ebinum	22 Mission St	2001	2009	3			0
R&J Thompson	18 New St	1999	2012	2			0
Homecorp	58 Maple Ave	1994	2024	2			0
Homecorp	62 Mission St	1996	2026	3		3	3

Township of Montclair					New - created, since 2008 plan		
Calculation of Affordable Housing Units					Approved or UC		
Montclair code requires 20% affordable units, only 10% created							
*Converted to luxury housing							
Homecorp	14 Mission St	1996	2026	2		2	2
Homecorp	59 Mission St	1996	2026	2		2	2
*Homecorp	53 Mission St	1998	2028	2		2	2
Homecorp	25 Mission St	1999	2029	2		2	2
Homecorp	68 Elmwood Ave	2000	2030	2		2	2
Homecorp	24 Miller St	2000	2030	2		2	2
Homecorp	26 Miller St	2001	2031	2		2	2
Homecorp	24 Mission St	2002	2032	2		2	2
Homecorp	16 Miller St	2002	2032	1		1	1
Paul Stec	27 Grant St	2004	2014	1			0
11 Elm LLC	11 Elm St	2005	2035	14		14	14
Extension of affordability controls				117	43	34	77
Total units				674	804	18	822