

Community Planning  
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## HOUSING ELEMENT AND FAIR SHARE PLAN

BOROUGH OF SADDLE RIVER  
BERGEN COUNTY, NEW JERSEY

PREPARED FOR:

BOROUGH OF SADDLE RIVER PLANNING BOARD  
BA# 3077.01

March 9, 2016

Adopted: \_\_\_\_\_



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The original document was appropriately signed and sealed on March 9, 2016 in accordance with Chapter 41 of Title 13 of the State Board of Professional Planners.

  
\_\_\_\_\_  
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## INTRODUCTION

### Historic Overview of the Courts and COAH

In 1975, the New Jersey Supreme Court decided in So. Burlington Cty. NAACP v. Borough of Mount Laurel (Mount Laurel I) every developing municipality in the state has an affirmative obligation to provide for its fair share of affordable housing. In a subsequent decision in 1983 (Mount Laurel II), the Court acknowledged that the vast majority of municipalities in the state had ignored their constitutional obligation. The Court refined in that decision the constitutional obligation to focus the obligation primarily on those municipalities that have portions of their boundaries within the growth area as shown on the State Development and Redevelopment Plan, and also called for the state legislature to enact legislation that would save municipalities from the burden of having the courts determine their affordable housing needs. The result was the adoption of the Fair Housing Act in 1985 and the establishment of the New Jersey Council on Affordable Housing (COAH), the State agency responsible for overseeing the manner in which the State's municipalities address their low and moderate income housing needs.

COAH proceeded to adopt regulations for the First Round obligation covering the years 1987 to 1993, and established Second Round housing-need numbers that cumulatively covered the years 1987 through 1999. Under both housing rounds, COAH utilized what is commonly referred to a "fair share" methodology.

As COAH initiated their efforts to prepare Third Round housing-need numbers and regulations, the agency utilized a different methodology called "growth share." In 2004, COAH adopted Third Round substantive and procedural rules. These regulations were challenged and in January 2007 the Appellate Division invalidated various aspects of the regulations and remanded considerable portions of the rules to COAH with the directive to adopt revise rules.

In May 2008 COAH adopted revised Third Round regulations and published them in the State Register on June 2, 2008, thereby having them become effective. Coincident to this adoption, COAH proposed amendments to the rules it just adopted, and they went into effect in October 2008.

The rules and regulations adopted in 2008 were challenged, and in an October 2008 decision the Appellate Division invalidated the growth share methodology, and indicated that COAH should adopt regulations pursuant to the fair share methodology utilized in Rounds One and Two.

The Supreme Court affirmed this decision in September 2013, invalidating the third iteration of the Third Round regulations, sustaining the invalidation of growth share, and directing COAH to adopt new regulations pursuant to the methodology utilized in Rounds One and Two.

In October 2014 COAH failed to adopt their newly revised Third Round regulations, deadlocking with a 3-3 vote. The Fair Share Housing Center, which was a party in both the 2010 and 2013 cases, responded by filing a motion in aid of litigants rights with the New Jersey Supreme Court. The Court heard the motion in January 2015. On March 10, 2015, the Court ruled that COAH was effectively dysfunctional, and consequently, returned jurisdiction of affordable housing issues back to the trial courts where it had been prior to the creation of COAH in 1986.

The Court decision has now effectively created a process for municipalities, like Saddle River, that had participated in the process before COAH but due to the inertia of COAH never obtained Third Round substantive certification of their Housing Element and Fair Share Plan (HE&FSP), to file a declaratory judgment seeking to declare their HE&FSP constitutionally compliant or receive temporary immunity from affordable housing builders remedy lawsuits while they prepare a new or revised HE&FSP to ensure their plan continues to affirmatively addresses their local housing need as may be adjusted by new housing-need numbers promulgated by the Court or COAH. The Borough of Saddle River filed a declaratory judgment and a brief in support of a motion for temporary immunity with the Court on July 2, 2015. The Borough now has until March 31, 2016 to prepare a new HE&FSP that will verify Saddle River's full compliance with its constitutional housing obligations.

#### The Borough's Historic Response to Its Affordable Housing Obligations

The Borough of Saddle River has prepared a number of Housing Elements and Fair Share Plans over the years to address its affordable housing obligations. As noted above, COAH had originally adopted in 1987 and again in 1994 a 'fair share' methodology to determine housing-need numbers for all municipalities in the state, and the adopted, combined first and second round housing need numbers for Saddle River covering the years 1987-1999 indicated the Borough had a 162 unit affordable housing obligation.

The Borough planning in response to its obligation comprised a combination of new construction family units, senior housing units, and regional contribution agreements (RCAs). Villa Marie Claire, constructed between 1980 and 1986, contains 18 income-qualified units for senior/alternative living arrangements. A one hundred percent affordable development was constructed on Boroline Road by Saddle River Properties site (Block 1302 Lot 1) consisting of 57 family for-sale units and 19 senior rental units. With six additional rental bonus credits, the Borough received a total of 82 units of credit for this development.

Additionally, the Borough participated in three RCAs whereby 62 affordable units were transferred to the City of Passaic (18 units), Borough of Ridgefield (22 units), and Borough of Ogdensburg (22 units) through monetary contributions to those communities.

In this manner, the Borough's entire 162 unit Prior Round Obligation was affirmatively addressed.

The Borough had also prepared, and adopted in December 2008, a Third Round plan to address its Third Round obligation, as adjusted by an analysis of the Borough’s growth share projections. This Plan was filed in a timely manner with COAH. However, as detailed above, the Third Round methodology utilized a growth share methodology that was subsequently invalidated, requiring this new plan based upon the Prior Round fair share methodology.

Third Round Affordable Housing Obligation and the Borough’s Response

The state of the Third Round affordable housing obligations for municipalities throughout New Jersey at present remains a fluid one, given the fact that neither the Courts, COAH, nor the legislature has come up with a definitive set of housing-need numbers that has been universally accepted. Initially, two sets of numbers were promulgated and widely discussed, inclusive of numbers in COAH’s proposed 2014 regulations prepared by Dr. Robert Burchell of Rutgers University, and numbers prepared by David Kinsey, P.P., A.I.C.P. in April 2015 on behalf of Fair Share Housing Center. Their statewide numbers varied dramatically, with Dr. Burchell estimating the need for approximately 52,000 affordable housing units statewide, and Mr. Kinsey estimating the need for approximately 201,000 affordable housing units statewide.

In June 2015, the Borough of Saddle River, along with roughly 270 other New Jersey municipalities, entered into a Shared Services Agreement (“SSA”) to retain Rutgers University so that Dr. Burchell could prepare an expert report containing updated fair share calculations for all municipalities, which contract required Rutgers to submit the report by September 30, 2015. Before Dr. Burchell finalized a draft of his report, he suffered a stroke and, on September 11, 2015, Rutgers University, referencing this health crisis, terminated the contract with the municipalities in the SSA.

In an effort to address this unforeseen problem, the consortium of municipalities then entered into a contract with Econsult Solutions, Inc. (“Econsult”) to prepare a second report – the “Solutions Report” – which would calculate fair share obligations for all of the municipalities in the state. This report was released on December 30, 2015. The following table compares the Econsult report fair share obligation numbers for Saddle River against those assigned to the Borough by Kinsey:

	<u>Econsult</u>	<u>Kinsey</u>
1. Rehabilitation (Present Need) Obligation:	43	42
2. Prior Round Obligation (1987-99):	162	162
3. Prospective Need Obligation*:		
▪ 1999-2025:	----	215
▪ 2015-2025:	214	----

\* Note: The data for the two analyses covers differing time periods.

As shown above, the fair share obligation numbers for Saddle River as promulgated by Econsult and Kinsey both total 419 units. As such, the Borough’s plan at this time relies upon this figure for its preliminary number only. It is recognized that there most likely will be an adjustment to the numbers contained in this document after the fair share numbers are adjudicated by the Court and final numbers are assigned.

The HE&FSP set forth herein is also informed by an assessment of vacant land in the Borough pursuant to the prescribed vacant land adjustment (VLA) process and realistic development potential (RDP), to determine the Borough’s RDP and adjusted affordable housing obligation. The analysis reveals there are only 33.49 acres of vacant developable land in the Borough (ie, excluding vacant acreage encumbered by wetlands, steep slopes, and flood plain delineations). This translates to an RDP of 40 affordable housing units pursuant to the COAH methodology set forth in the Second Round regulations.

The manner in which the Borough addresses this obligation in this plan is as follows:

**Table 1: Third Round Plan Components  
Borough of Saddle River, New Jersey**

Plan Component	Units/Credits
100% Affordable Development Block 1607 Lot 41	32 special needs beds; <u>10 credits</u> 42
Accessory Apartment Ordinance	10
<b>TOTAL UNITS</b>	<b>52</b>
<b>TOTAL OBLIGATION</b>	<b>40</b>

As shown, the Borough’s proposed third round plan components total 52 units/credits, which are 12 units/credits in excess of the 40 unit RDP obligation. These excess units/credits can be applied toward addressing unmet need, should the Court conclude that the Borough has an obligation with respect to unmet need.

The plan is organized into three sections. The first part of this plan, the Housing Element, contains background data on the Borough’s population and housing characteristics. The second section describes the Borough’s obligation for the provision of affordable housing. The Borough’s plan for meeting its affordable housing obligation is contained in the final section, Fair Share Plan. As noted above, the process being followed is fluid, and as the Courts respond to the myriad issues that they need to address, it is recognized that this plan may require adjustment.

SECTION I: HOUSING ELEMENT



## A. COMMUNITY OVERVIEW

The Borough of Saddle River, located in northwestern Bergen County, occupies an area of approximately five square miles. It is bordered by six municipalities, including Upper Saddle River to the north, Woodcliff Lake and Hillsdale to the east, Ho-Ho-Kus and Waldwick to the south, and Allendale and Ramsey to the west. Regional access to the Borough is provided by Route 17, which runs north-south through the western portion of Saddle River.

Residential is the overwhelming land use category in the Borough, comprising over 90 percent of the parcels, as shown in the table below.

Table 2: Existing Land Use  
Borough of Saddle River, New Jersey

Land Use	Acres	% Land	% Total Development In Borough
Residential	2,409	75.9	82.1
Commercial	37	1.2	1.3
Public/School/Government	58	1.8	2.0
Civic/Charitable	36	1.1	1.2
Open Space/Parks/Farmland	83	2.6	2.8
Cemeteries	4	0.1	0.1
Streets	308	9.7	10.5
Total Developed Land	2,835	92.4	100.0
Vacant Land (2010)	240	7.6	0.0
Total Land In Borough	3,175	100.0	100.0

Source: Master Plan Update for the Borough of Saddle River, adopted September 13, 2010

## B. INVENTORY OF MUNICIPAL HOUSING STOCK

This section of the Housing Element provides an inventory of the Borough's housing stock, as required by the Municipal Land Use Law. The inventory details housing characteristics such as age, condition, purchase/rental value, and occupancy. It also details the number of affordable units available to low- and moderate-income households and the number of substandard housing units capable of being rehabilitated.

1. Number of Dwelling Units. As shown in the table below, the Borough's housing stock grew by more than 6 percent between 1990 and 2000, from 2,410 units to 2,560 units. However, the rate of growth has decreased greatly in subsequent years. Estimates for 2012 suggest that Saddle River's housing stock has only grown by 2.9 percent since 2000.

Table 3: Dwelling Units (1950 to 2013)  
Borough of Saddle River, New Jersey

Year	Total Dwelling Units	Numerical Change	Percentage Change
1950	309	-	-
1960	546	+237	+76.7
1970	742	+196	+35.9
1980	904	+162	+21.8
1990	1,072	+168	+18.6
2000	1,183	+111	+10.4
2013	1,281	+98	+8.3

Sources: 2003 Bergen County Data Book, 2010 U.S. Census, Saddle River tax information

The following table provides additional detail regarding the tenure and occupancy of the Borough's housing stock. As shown below, 84.5 percent of the Borough's housing stock was estimated to be owner-occupied in 2010, down from 86.3 percent in 2000. This reduction is a function of multi-family rentals that have been built in the community over the last decade. The number of rental units increased from 97 units in 2000 to 189 units in 2010.

Table 4: Housing Units by Tenure and Occupancy Status (2000 to 2010)  
Borough of Saddle River, New Jersey

Category	2000		2010	
	Units	Percent	Units	Percent
Owner-Occupied Units	1,021	86.3	1,027	84.5
Renter-Occupied Units	97	8.2	189	6.2
Vacant Units	65	5.5	125	9.3
Total Units	1,183	100.0	1,341	100.0

Sources: U.S. Census 2000 & 2010

2. Housing Characteristics. The following tables provide additional information on the characteristics of the Borough's housing stock, including data on the number of units in structures and the number of rooms. As shown below, the housing stock is predominantly characterized by single-family detached units, which represented 91 percent of all dwelling units in 2000 but decreased to 78.4 percent based on the 2013 American Community Survey (ACS) data. This change reflects the creation of additional multi-family units in varied housing types since 2000.

Table 5: Units in Structure (2000 to 2013)  
Borough of Saddle River, New Jersey

Units in Structure	2000		2013	
	Number	Percent	Number	Percent
1-unit, detached	1,082	91.5	986	78.4
1-unit, attached	55	4.6	66	5.3
2 units	9	0.8	67	5.3
3 or 4 units	0	0.0	0	0.0
5 to 9 units	0	0.0	7	0.6
10 to 19 units	4	0.3	0	0.0
20 or more units	29	2.5	131	10.4
Mobile home	4	0.3	0	0.0
Boat, RV, van, etc.	0	0.0	0	0.0
<b>Total</b>	<b>1,183</b>	<b>100.0</b>	<b>1,257</b>	<b>100.0</b>

Sources: U.S. Census 2000, 2013 American Community Survey 5-Year Estimates.

Table 6: Number of Rooms in Housing Units (2000 to 2013)  
Borough of Saddle River, New Jersey

Number of Rooms	2000		2013	
	Number	Percent	Number	Percent
≤ Four	46	3.9	184	14.6
Five	28	2.4	48	3.8
Six	82	6.9	31	2.5
Seven	136	11.5	131	10.4
Eight	199	16.8	133	10.6
≥ Nine	692	58.5	730	58.1
<b>Total</b>	<b>1,183</b>	<b>100.0</b>	<b>1,257</b>	<b>100.0</b>

Sources: U.S. Census 2000, 2013 American Community Survey 5-Year Estimates.

3. Housing Age. The following table details the age of the Borough's housing stock. As shown, almost 50 percent of the Borough's housing units were constructed after 1980. Only 16.6 percent of the housing stock was built prior to 1950.

**Table 7: Year Structure Built  
Borough of Saddle River, New Jersey**

Year Built	Number of Units	Percent
2010 or later	0	0.0
2000 to 2009	234	18.6
1990 to 1999	207	16.5
1980 to 1989	177	14.1
1970 to 1979	126	10.0
1960 to 1969	171	13.6
1950 to 1959	134	10.7
1940 to 1949	60	4.8
1939 or earlier	148	11.8
<b>Total</b>	<b>1,257</b>	<b>100.0</b>

Source: 2013 American Community Survey 5-Year Estimates.

4. Housing Conditions. An inventory of the Borough’s housing conditions is presented in the following tables. The first table identifies the extent of overcrowding in the Borough, defined as housing units with more than one occupant per room. The data indicates that the number of occupied housing units considered overcrowded is negligible (0.9 percent) but has increased since 2000.

**Table 8: Occupants Per Room (2000 to 2013)  
Borough of Saddle River, New Jersey**

Occupants Per Room	2000		2013	
	Number	Percent	Number	Percent
1.00 or less	1,118	100.0	1,073	99.1
1.01 to 1.50	0	0.0	10	0.9
1.51 or more	0	0.0	0	0.0
<b>Total</b>	<b>1,118</b>	<b>100.0</b>	<b>1,083</b>	<b>100.0</b>

Sources: U.S. Census 2000, 2013 American Community Survey 5-Year Estimates.

The table below presents other key characteristics of housing conditions, including the presence of complete plumbing and kitchen facilities and the type of heating equipment used. As shown, the percentage of units lacking complete kitchen and plumbing facilities decreased between 2000 and 2013, yet the overall number of units lacking such facilities increased over this time. The statistical anomaly occurs with units lacking kitchen facilities, as the 2013 ACS estimates show a margin of error of plus or minus 6.5 percent. Based on the Borough’s

structural conditions survey, we believe the actual number of units lacking kitchen facilities is in the low single digits if not zero. (See the Fair Share Obligation section of this plan for more information regarding the Borough’s structural conditions survey.)

**Table 9: Equipment and Plumbing Facilities (2000 to 2013)  
Borough of Saddle River, New Jersey**

Facilities	2000		2013	
	Number	Percent	Number	Percent
<u>Kitchen:</u> With Complete Facilities	1,088	97.3	1,008	93.1
Lacking Complete Facilities	33	2.7	75	6.9
<u>Plumbing:</u> With Complete Facilities	1,118	100.0	1,083	100.0
Lacking Complete Facilities	0	0.0	0	0.0
<u>Heating Equipment:</u> Standard Heating Facilities	1,118	100.0	1,078	99.5
Other Means, No Fuel Used	0	0.0	5	0.5

Sources: U.S. Census 2000, 2013 American Community Survey 5-Year Estimates.

5. Purchase and Rental Values. As shown in the following table, 26.9 percent of Saddle River’s rental housing stock had monthly rents under \$1,000 in 2000. By 2013, over 41 percent of rents are greater than \$1,500, with the median rent reported at \$1,414. Suffice it to say that the Borough’s median rent is higher than the median monthly rent of Bergen County as a whole (\$1,295). Interestingly, there has been a decrease in the percentage of households that paid no cash rent; 15 percent in 2000 compared to 3.2 percent in 2013.

**Table 10: Gross Rent of Renter-Occupied Housing Units (2000 to 2013)  
Borough of Saddle River, New Jersey**

Gross Rent	2000		2013	
	Number	Percent	Number	Percent
Less than \$500	8	8.6	0	0.0
\$500 to \$1,000	17	18.3	31	14.4
\$1,000 to \$1,500	25	26.9	89	41.2
\$1,500 or more	29	31.2	89	41.2
No Cash Rent	14	15.0	7	3.2
<b>Total</b>	<b>93</b>	<b>100.0</b>	<b>216</b>	<b>100.0</b>
<b>Median Gross Rent</b>	<b>\$1,254</b>		<b>\$1,414</b>	
<b>Bergen County Median Gross Rent</b>	<b>\$844</b>		<b>\$1,295</b>	

Sources: U.S. Census 2000, 2013 American Community Survey 5-Year Estimates.

Table 11 below shows that approximately 91 percent of Saddle River’s owner-occupied units had a value of \$500,000 or more in 2013, which is about the same as in 2000 when about 91 percent of Saddle River’s owner-occupied units had a value of \$500,000 or more. However, homes valued at greater than \$1,000,000 increased from 46.8 percent in 2000 to 71 percent in 2013. The Borough’s median value was nearly 2.2 times the County’s median value in 2000, and two times higher than the County median in 2013.

**Table 11: Value of Owner-Occupied Housing Units (2000 to 2013)  
Borough of Saddle River, New Jersey**

Value Range	2000		2013	
	Number	Percent	Number	Percent
Less than \$400,000	12	1.2	44	5.1
\$400,000 to \$500,000	76	7.8	33	3.8
\$500,000 to \$1,000,000	427	44.2	174	20.1
\$1,000,000 or more	453	46.8	616	71.0
<b>Total</b>	<b>968</b>	<b>100.0</b>	<b>2,270</b>	<b>100.0%</b>
<b>Median Value</b>	<b>\$970,100</b>		<b>\$910,500</b>	
<b>Bergen County Median Value</b>	<b>\$433,000</b>		<b>\$451,400</b>	

Sources: U.S. Census 2000, American Community Survey 5-Year Estimates.

6. Number of Units Affordable to Low- and Moderate-Income Households. Saddle River is placed in COAH Housing Region One, which is comprised of Bergen, Passaic, Hudson and Sussex counties. Based on the most current COAH regional income limits, the median household income for a three-person household is \$75,980. A three-person moderate-income household, defined as 80 percent of the median income, would have an income not exceeding \$60,784.

An affordable sales price for a three person moderate-income household earning 80 percent of the median income is estimated at approximately \$150,000. This estimate is based on the UHAC affordability controls outlined in N.J.A.C. 5:80-26.3. In 2013 the percentage of housing units in the Borough valued at less than \$150,000 was 3.9 percent.

For renter-occupied housing, an affordable monthly rent for a three-person household is estimated at approximately \$1,890. According to the most recent U.S. Census data from the 2013 ACS, approximately 56 percent of the Borough’s rental units had a gross rent less than \$1,500. This is attributable to the affordable housing efforts previously engaged by the Borough.

- 7. Substandard Housing Capable of Being Rehabilitated. The number of units in a community that are in need of rehabilitation and are not likely to experience “spontaneous rehabilitation” has been provided, as detailed in other sections of this report. This figure for Saddle River is 43 units. This figure is likely determined based on the 2013 estimate of 75 units without adequate kitchen facilities, given the margin of error of plus or minus 74 units, we believe this figure is high and does not reflect the limited opportunities for spontaneous rehabilitation that exist in Saddle River. (See the Fair Share Obligation section of this plan for more information regarding the Borough’s Rehabilitation Obligation.)

**C. POPULATION ANALYSIS**

The MLUL requires that a Housing Element provide data on the municipality’s population, including population size, age and income characteristics.

- A. Population Size. As seen in the table below, the Borough experienced slowing growth through the 2000 Census. The 2010 Census data indicates the Borough had 3,152 residents, representing a 1.8 percent decrease over the 2000 Census figure, but the 2013 ACS estimate has the population of 3,179.

**Table 12: Population Growth (1970 to 2013)  
Borough of Saddle River, New Jersey**

Year	Population	Population Change	Percent Change
1970	2,437	--	--
1980	2,763	+336	+13.8
1990	2,950	+187	+6.8
2000	3,201	+251	+7.8
2010	3,152	-49	-1.5
2013*	3,179	+26	+0.8

Sources: U.S. Census data and 2013 American Community Survey 5-Year estimates

- B. Age Characteristics. The Borough’s age characteristics are outlined in the table below. As shown, the Borough’s population is growing older, consistent with suburban national trends. Saddle River’s median age has increased since 2000 from 47 to 50.5 years in 2010, but estimated to dip slightly to 49.7 years of age in 2013. The number of children under the age of 14 years has been increasing since 2000 from 17.9 percent of the Borough’s population to 16.6 percent in 2010 and estimated at 15.5 percent in 2013.

Table 13: Age Characteristics (2000 to 2013)  
Borough of Saddle River, New Jersey

Age	2000		2010		2013	
	Number	Percent	Number	Percent	Number	Percent
Under 5 years	162	5.1	113	3.6	80	2.5
5 to 14 years	409	12.8	408	13.0	415	13.0
15 to 24 years	295	9.2	313	10.0	367	11.5
25 to 34 years	162	5.1	170	5.4	241	7.6
35 to 44 years	471	14.7	275	8.7	236	7.4
45 to 54 years	565	17.7	565	17.9	557	17.5
55 to 64 years	483	15.1	537	17.0	502	15.8
65 to 74 years	334	10.4	361	11.5	427	13.4
75 years & over	320	10.0	410	12.9	354	11.1
<b>Total</b>	<b>3,201</b>		<b>3,152</b>		<b>3,179</b>	
<b>Median Age</b>	<b>47</b>		<b>50.5</b>		<b>49.7</b>	

Source: U.S. Census 2000, 2010; 2013 American Community Survey 5-Year estimates

3. Average Household Size. From 2000 to 2010 household size declined from 2.74 to 2.59, but 2013 ACS estimates indicate an increase to 2.90 persons per household.

Table 14: Average Household Size (2000 to 2013)  
Borough of Saddle River, New Jersey

Year	Total Population	Number of Households	Average Household Size
2000	3,201	1,128	2.74
2010	3,152	1,216	2.59
2013	3,139	1,083	2.90

Source: U.S. Census 2000, 2010; 2013 American Community Survey 5-Year estimates

4. Household Income. Detailed household income figures are shown in the table below. As shown, 80 of the Borough's households had an income of \$100,000 or more in 2012 which is an increase of 17% over 1999 incomes. The Borough's median household income in 2012 was slightly more than double the median household income of Bergen County as a whole.

Table 15: Household Income (2000 to 2013)  
Borough of Saddle River, New Jersey

Income Category	2000		2013	
	Number	Percent	Number	Percent
Less than \$15,000	38	3.4	19	1.7
\$15,000 to \$25,000	49	4.3	123	11.4
\$25,000 to \$50,000	116	10.3	107	9.9
\$50,000 to \$75,000	117	10.4	134	12.4
\$100,000 to \$150,000	105	9.3	186	17.2
\$150,000 to \$200,000	128	11.4	99	9.1
\$200,000 or more	394	34.9	340	31.4
<b>Total</b>	<b>1,128</b>	<b>100.0</b>	<b>1,083</b>	<b>100.0</b>
<b>Median Household Income</b>	<b>\$134,289</b>		<b>\$118,630</b>	
<b>Bergen County Median</b>	<b>\$65,241</b>		<b>\$83,794</b>	

Sources: U.S. Census 2000, 2013 American Community Survey 5-Year Estimates.

5. Housing Cost Burden. Households that pay more than 30 percent of their income for housing are considered cost burdened and may have difficulty affording necessities such as food, clothing, transportation and medical care. Despite Saddle River’s affluence, the data from the 2013 ACS data reveals that approximately 46 percent of owner-occupied households and 68 percent of rental households had housing costs of 30 percent or more.

Table 16: Housing Cost as Percentage of Income (2013)  
Borough of Saddle River, New Jersey

Percentage of Income	2013			
	Owner-Occupied		Renter-Occupied	
	Number	Percent	Number	Percent
>20 percent	367	42.7	33	15.8
20 to 29 percent	91	10.6	35	15.8
30 percent or more	402	46.7	141	68.4
<b>Occupied Units</b>	<b>860</b>	<b>100.00%</b>	<b>209</b>	<b>100.00%</b>

Source: 2013 American Community Survey 5-Year Estimates.

#### D. EMPLOYMENT ANALYSIS

The MLUL requires that the Housing Element include data on employment levels in the community. The following tables present information on the Borough’s employment characteristics.

1. Employment Status. Table 17 provides information on the employment status of Borough residents age 16 and over.

Table 17: Employment Status, Population 16 and Over (2000 to 2013)  
Borough of Saddle River, New Jersey

Employment Status	2000		2013	
	Number	Percent	Number	Percent
In labor force	1,344	52.4	1,576	60.5
Civilian labor force	1,344	52.4	1,576	60.5
<i>Employed</i>	<i>1,301</i>	<i>50.8</i>	<i>1,397</i>	<i>53.7</i>
<i>Unemployed</i>	<i>43</i>	<i>1.7</i>	<i>179</i>	<i>6.9</i>
<i>% of civilian labor force</i>	<i>3.2</i>		<i>11.4</i>	
Armed Forces	0	0.0	0	0.0
Not in labor force	1,219	47.6	1,027	39.5
<b>Total Population 16 and Over</b>	<b>2,563</b>		<b>2,603</b>	

Sources: U.S. Census 2000, 2013 American Community Survey 5-Year Estimates.

2. Employment Characteristics of Employed Residents. The following tables provide information on the employment characteristics of employed Saddle River residents.

Table 18: Employed Residents Age 16 and Over, By Occupation (2000 to 2013)  
Borough of Saddle River, New Jersey

Occupation	2000		2013	
	Number	Percent	Number	Percent
Management, Professional and related Occs	843	64.8	797	57.1
Service Occupations	69	5.3	193	13.7
Sales and Office Occupations	304	23.4	332	23.8
Natural resources, construction and maintenance Occs	32	2.5	75	5.4
Production, transportation and material moving Occupations	53	4.0	0	0.0
<b>Total</b>	<b>1,301</b>	<b>100.0</b>	<b>1,397</b>	<b>100.0</b>

Sources: U.S. Census 2000, 2013 American Community Survey 5-Year Estimates.

Table 19: Employed Residents Age 16 and Over, By Industry (2000 to 2013)  
Borough of Saddle River, New Jersey

Industry	2000		2013	
	Number	Percent	Number	Percent
Agriculture, forestry, fishing, hunting and mining	5	0.4	8	0.6
Construction	42	3.2	0	0.0
Manufacturing	121	9.3	74	5.3
Wholesale trade	74	5.7	42	3.0
Retail trade	93	7.1	58	4.2
Transportation and warehousing, and utilities	36	2.8	91	6.5
Information	59	4.5	50	3.6
Finance, insurance, real estate, rental and leasing	193	14.8	136	9.7
Professional, scientific, management, administrative and waste management services	219	16.8	407	29.1
Educational, health and social services	334	25.7	322	23.0
Arts, entertainment, recreation, accommodation and food services	86	6.6	143	1.2
Other services	12	0.9	45	3.2
Public administration	27	2.1	21	1.5
<b>Total</b>	<b>1,301</b>	<b>100.0</b>	<b>1,397</b>	<b>100.0</b>

Sources: U.S. Census 2000, 2013 American Community Survey 5-Year Estimates.

#### E. HOUSING AND EMPLOYMENT PROJECTIONS

The following section identifies the extent to which recent development has occurred in the community, to assist in the determination of future residential and employment projections.

1. Probable Future Employment and Regional or Community Factors Impacting Upon Future Employment in the Borough. Employment was generally stable from 2005 through 2009. In 2010, the number of jobs took a significant drop, not recovering until 2012 and then remaining on a relatively stable pattern similar to 2005 through 2009. Assuming the current economic climate continues, and recognizing the limited availability of vacant land for new non-residential development, only minor changes in employment characteristics are anticipated.

Table 20: Covered Employment Trends 2004-2013  
 Borough of Saddle River, New Jersey

Year	Number of Jobs	Change in Number of Jobs	Percent Change
2005	1,351	--	--
2006	1,362	+11	+0.8
2007	1,371	+9	+0.7
2008	1,379	+8	+0.7
2009	1,337	-42	-3.0
2010	1,165	-172	-12.9
2011	1,202	+37	+3.2
2012	1,392	+190	+15.8
2013	1,389	-3	-0.2
2014	1,408	+19	+1.4

Source: NJ Department of Labor and Workforce Development

Based upon the fully developed character of the community's non-residentially zoned areas, which leaves few sites available for additional development, few additional jobs are anticipated to be created locally.

2. Projection of the Municipality's Housing Stock. With the exception of 2003, residential development in the Borough has remained very modest, as reflected in the recent annual data shown below.

Table 21: Trend in Residential Development  
 Analysis of Certificates of Occupancy and Demolition Permits, 2000-2014  
 Borough of Saddle River, New Jersey

Year	COs Issued	Demo Permits Issued	Net Growth
2000	13	8	-5
2001	10	6	+4
2002	18	0	+18
2003	76	5	+71
2004	6	11	-5
2005	10	23	-13
2006	4	14	-10
2007	12	26	-14
2008	20	12	+8
2009	8	6	+2
2010	17	4	+13
2011	12	2	+10
2012	1	6	-5
2013	2	7	-5
2014	14	9	+5
15 YR Total	223	139	+74
15 YR Average	14.9	9.3	-
Yearly Average			5.6



## SECTION II: FAIR SHARE OBLIGATION



## A. Summary of Fair Share Obligation

The state of the Third Round affordable housing obligations for municipalities throughout New Jersey at present remains a fluid one, given the fact that neither the Courts, COAH, nor the legislature has come up with a definitive set of housing-need numbers that has been universally accepted. Initially, two sets of numbers were promulgated and widely discussed, inclusive of numbers in COAH's proposed 2014 regulations prepared by Dr. Robert Burchell of Rutgers University, and numbers prepared by David Kinsey, P.P., A.I.C.P. in April 2015 on behalf of Fair Share Housing Center. Their statewide numbers varied dramatically, with Dr. Burchell estimating the need for approximately 52,000 affordable housing units statewide, and Mr. Kinsey estimating the need for approximately 201,000 affordable housing units statewide.

In June 2015, the Borough of Saddle River, along with roughly 270 other New Jersey municipalities, entered into a Shared Services Agreement ("SSA") to retain Rutgers University so that Dr. Burchell could prepare an expert report containing updated fair share calculations for all municipalities, which contract required Rutgers to submit the report by September 30, 2015. Before Dr. Burchell finalized a draft of his report, he suffered a stroke and, on September 11, 2015, Rutgers University, referencing this health crisis, terminated the contract with the municipalities in the SSA.

In an effort to address this unforeseen problem, the consortium of municipalities then entered into a contract with Econsult Solutions, Inc. ("Econsult") to prepare a second report – the "Solutions Report" – which would calculate fair share obligations for all of the municipalities in the state. This report was released on December 30, 2015. The following table compares the Econsult report fair share obligation numbers for Saddle River against those assigned to the Borough by Kinsey:

	<u>Econsult</u>	<u>Kinsey</u>
1. Rehabilitation (Present Need) Obligation:	43	42
2. Prior Round Obligation (1987-99):	162	162
3. Prospective Need Obligation*:		
▪ 1999-2025:	----	215
▪ 2015-2025:	214	----

\* Note: The data for the two analyses covers differing time periods.

As shown above, the fair share obligation numbers for Saddle River as promulgated by Econsult and Kinsey both total 419 units. As such, the Borough's plan at this time relies upon this figure for its preliminary number only. It is recognized that there most likely will be an adjustment to the numbers contained in this document after the fair share numbers are adjudicated by the Court and final numbers are assigned.

## **B. Structural Conditions Survey**

The Borough's affordable housing obligation is also informed by a structural conditions survey that was undertaken by the Borough in 2008, and is currently in the process of being updated. A structural conditions survey is a survey of a municipality's housing stock in order to determine the number of deficient housing units occupied by low- and moderate-income households. Pursuant to COAH's Second Round regulations, a municipality may rely on its Structural Conditions Survey to modify its Present Need (Rehabilitation) Obligation.

A copy of Saddle River's November 2008 Structural Conditions Survey is included in the Appendix of this plan. As shown, the Borough determined at that time that there were no substandard units in need of rehabilitation in Saddle River. Although the Borough is still in the process of updating this survey, it is believed that the findings will remain the same. As such, the Borough seeks a downward adjustment of its Present Need (Rehabilitation) Obligation to zero units.

It is noted, however, that should any units occupied by low- or moderate-income households become structurally deficient prior to 2025, the Borough is amenable to participating in Bergen County's Housing Improvement Program to rehabilitate any such units.

## **C. Vacant Land Adjustment**

The Borough's affordable housing obligation is also informed by a vacant land adjustment and the imposition of a realistic development potential (RDP) analysis that was undertaken pursuant to the Second Round regulations. The vacant land analysis identified all vacant sites of minimally 0.83 acres in size, imposed wetland, steep slope and flood plain information pursuant to the applicable regulations, and calculated the remaining acreage that is to be utilized to determine the Borough's RDP.

The analysis reveals there are 170.74 acres of vacant land in the community. Of this, only 33.49 acres are considered developable due to the aforementioned environmental constraints and size restrictions. Pursuant to the applicable regulations, a minimum presumptive density of six dwelling units per acre were imposed on these 33.49 acres, and then a 20 percent set-aside was imposed on that calculation. This formula resulted in an affordable housing need of 40 units.

The Borough's vacant land assessment is presented in the accompanying map and table on the following pages.



**Lot Qualifies for RDP Analysis?**

- Yes
- No
- No. Major Powerline with Adjacent
- CT Stream
- CT Buffer
- Wetland
- 50 ft Wetland Buffer

**Primary Flood Hazard Zone**

- A
- AE

**Stream Slopes**

- <15%
- >15%
- Pavement
- Subtle Road Boundary

Rev	Description	Date	Drawn	Check

Drawn Title:  
 Vacant Land  
 Environmental Constraints

Graphic Scale:  
 0 375 750 1500 Feet

JOSEPH H. BURGIS ACP  
 PROJECT MANAGER  
 NEW JERSEY LIC. NO. 2450

Project No.	207702
File No.	01
Date	06/21/17
Drawn	ES
Scale	1" = 750'

Drawn No. 24638  
 2017 06/21/17 10:11:31 AM BY: JHBURGIS



**Description of Preliminary Flood Plans:**

**Zone AE:** Areas subject to inundation by the 1-percent-annual-chance flood event generally determined using approximate methodologies. Because detailed hydraulic analyses have not been performed, no Base Flood Elevations (BFEs) or flood depths are shown. Mandatory flood insurance purchase requirements and floodplain management standards apply.

**Zone A:** Areas subject to inundation by the 1-percent-annual-chance flood event generally determined using approximate methodologies. Because detailed hydraulic analyses have not been performed, no Base Flood Elevations (BFEs) or flood depths are shown. Mandatory flood insurance purchase requirements and floodplain management standards apply.

Source 1: Municipal boundary data from NJDEP  
 Source 2: Street centerlines data from NJDEP  
 Source 3: Parcel data from MGIN Warehouse, Bergen County  
 Source 4: Wetland data from NJDEP dated 2012  
 Source 5: Wetland data from NJDEP dated 2012  
 Source 6: CT Stream data from NJDEP dated 2009  
 Source 7: CT Stream buffer data from Burger Associates, Inc.  
 Source 8: Preliminary DTFR data from FEMA, 2015



Table 22: Vacant Land Assessment  
Borough of Saddle River, New Jersey

ID #	Block	Lot	Property Location	Owner	Comments	Total Area (ac.)	Developable Area (ac.)	Developable?
1	1809	1	COMMON AREA	THE HOLLOWES AT SADDLE RIVER	Common area. Lot does not qualify for RDP Analysis	4.53	4.53	No
3	1807	7.02	33 BURNING HOLLOW ROAD	KNISPEL, ISABEL	Lot does not qualify for RDP Analysis. Merged with adjacent developed lot	3.74	3.74	No
4	1502	12	CHESTNUT RIDGE RD-REAR	BACALLAO, TERESA	Lot does not qualify for RDP Analysis. Lot landlocked between developed properties	3.75	3.20	No
5	1502	15	CHESTNUT RIDGE RD-REAR	S.R. RLTY GRP-SLUCKER C/O GLUCK	Lot does not qualify for RDP Analysis. Lot landlocked between developed properties	3.04	3.04	No
6	1105	50	2 TRAILSIDE PLACE	NEUMANN, THOMAS & GERALYN	Not vacant. In-situ verification revealed single-family residential development	2.75	2.01	No
7	1807	7.01	30 BURNING HOLLOW ROAD	KNISPEL, ISABEL	Lot does not qualify for RDP Analysis. Merged with adjacent developed lot	2.56	2.56	No
8	1403	9	110 FOX HEDGE ROAD	HOLUBA, STANLEY	Lot does not qualify for RDP Analysis. Merged with adjacent developed lot	2.56	2.41	No
9	2003	23	29 CHESTNUT RIDGE ROAD	CONTE, PATRICIA	Lot qualifies for RDP Analysis	2.37	2.37	Yes
10	1901	6	14 WINDING WAY	14 WINDING WAY ASSOCIATES, LLC	Not vacant. In-situ verification revealed single-family residential development under construction	2.37	2.37	No
11	1701	27	46 WESTERLY ROAD	AMAZON ACRES, LTD.	Lot does not qualify for RDP Analysis. Merged with adjacent developed lot	2.35	2.35	No
12	2102	26	6 CHESTNUT RIDGE ROAD	NOEL LOVE GROSS QUAL PERS RES TRST	Lot does not qualify for RDP Analysis. Merged with adjacent developed lot	2.31	2.31	No
13	1402	23.02	12 ALFORD DRIVE	ROHDE, RODGER R. SR., & BEVERLY	Lot does not qualify for RDP Analysis. Merged with adjacent developed lot	2.23	2.23	No
14	1202	32.03	2A APPLE RIDGE ROAD	PERILLO, M. & O. C/O TORNATORE & CO	Lot does not qualify for RDP Analysis. Merged with adjacent developed lot	2.23	2.23	No
15	1807	7.03	5 EUGENE ROAD	KNISPEL, ISABEL	Lot does not qualify for RDP Analysis. Merged with adjacent developed lot	2.21	2.21	No
16	1702	16	55 OAK ROAD	SWEENEY, CHRISTOPHER & CATHERINE	Lot does not qualify for RDP Analysis. Merged with adjacent developed lot	3.71	2.16	No
17	1303	12	59 STONY RIDGE ROAD	FOCKE & CO., INC.	Lot qualifies for RDP Analysis	2.10	2.10	Yes
18	1301	32	35 WEST WILDWOOD ROAD	KOLLA, SAI SAMBA & INDIRA	Lot qualifies for RDP Analysis	2.56	2.09	Yes
19	1402	33	188 E. SADDLE RIVER ROAD	SEASONS 188 E DEVELOPMENT, L.L.C.	Not vacant. In-situ verification revealed single-family residential development	2.08	2.08	No
20	1402	26.1	18 ALFORD DRIVE	SIDOR, EUGENE & LAURA	Lot qualifies for RDP Analysis	2.06	2.06	Yes

21	1806	14	12 CAMERON ROAD	12 CAMERON RD, LLC % RUSSELL	Lot does not qualify for RDP Analysis. Merged with adjacent developed lot	2.03	2.03	No
22	1201	9.01	14 COLTSFOOT GLEN	RUSSO, EDWARD	Not vacant. In-situ verification revealed single-family residential development under construction	2.03	2.03	No
23	1808	6	14 EUGENE ROAD	ALLEN, BRENDAN & OMAIRA	Lot qualifies for RDP Analysis	2.03	2.03	Yes
24	1105	51	34 ACKERMAN ROAD	GRANOFF, PERRY B.	Lot does not qualify for RDP Analysis. Developed with entry drive to support developed lot 53 in block 1105	2.01	2.01	No
25	1502	49	22 DENISON DRIVE	FOONG, ANTHONY & EILEEN % HONIG	Not vacant. In-situ verification revealed single-family residential development	2.40	2.01	No
26	1808	10	6 EUGENE ROAD	EUGENE ASSOCIATES, LLC % PARAMUS BLD	Lot qualifies for RDP Analysis	1.99	1.99	Yes
27	1703	28	7 RIDGE CREST ROAD	PHILLIPS FAMILY PROPERTIES, LLC	Lot qualifies for RDP Analysis	1.98	1.98	Yes
28	1105	49	26 ACKERMAN ROAD	26 ACKERMAN RD, LLC	Lot does not qualify for RDP Analysis. Merged with adjacent developed lot	1.98	1.98	No
29	1807	14	1 EUGENE ROAD	DIPIAZZA, SALVATORE	Lot qualifies for RDP Analysis	1.98	1.98	Yes
30	2101	54.0 2	4 JUSTIN COURT	RAFFAELA ASSOCIATES, L.L.C.	Lot does not qualify for RDP Analysis. Merged with adjacent developed lot. Developed with a tennis court.	2.90	1.97	No
31	2102	28	14 CHESTNUT RIDGE ROAD	NASH, MICHAEL	Lot does not qualify for RDP Analysis. Merged with adjacent developed lot	1.98	1.96	No
32	1611	4	18 BIG RAMAPO ROAD	RENCO SR REALTY INC.	Lot qualifies for RDP Analysis	2.01	1.96	Yes
33	1201	1	35 COLTSFOOT GLEN	RUSSO, LAWRENCE JR.	Lot does not qualify for RDP Analysis. Merged with adjacent developed lot	1.95	1.95	No
34	1502	42	23 DENISON DRIVE EAST	LP HOMES, LLC	Not vacant. In-situ verification revealed single-family residential development under construction	1.95	1.95	No
35	1901	31	6 BEECHWOOD DRIVE	FELDMAN, WARREN H. & ESTHER	Not vacant. In-situ verification revealed single-family residential development under construction	1.94	1.94	No
36	1901	13	19 OLD FARMS ROAD	KEIZER, HENRY & WENDY	Not vacant. In-situ verification revealed single-family residential development	1.93	1.93	No
37	1701	19	17 WESTERLY ROAD	17 WESTERLY ROAD, L.L.C.	Lot qualifies for RDP Analysis	3.05	1.92	Yes
38	1808	12	2 EUGENE ROAD	MORANO, JOSEPH A. & LISA A.	Lot qualifies for RDP Analysis	2.06	1.87	Yes
39	1501	1	175 CHESTNUT RIDGE ROAD	175 CHESTNUT RIDGE, L.L.C.	Lot does not qualify for RDP Analysis. Merged with adjacent developed lot	2.02	1.87	No
40	1105	34.0 1	7 SAW MILL ROAD	WILSON, BILLY H.	Lot does not qualify for RDP Analysis. Merged with adjacent developed lot	1.86	1.80	No
41	1301	29	41 WEST WILDWOOD ROAD	IWASAKI, YUSUKE & JUNKO	Not vacant. In-situ verification revealed single-family residential development	2.06	1.73	No

42	1611	4.02	14 BIG RAMAPO ROAD	RENCO SR REALTY INC.	Lot qualifies for RDP Analysis	2.10	1.71	Yes
43	1301	31	37 WEST WILDWOOD ROAD	MONFARED, SANDRA S.	Lot qualifies for RDP Analysis	2.13	1.65	Yes
44	1702	35	5 TANBARK TRAIL	SILNA, DANIEL & JOAN	Lot does not qualify for RDP Analysis. Merged with adjacent developed lot	3.51	1.52	No
45	2101	4	7 GLENWOOD DRIVE	MCWILLIAMS, CHARLES & HELEN, TRUSTEE	Lot qualifies for RDP Analysis	2.01	1.51	Yes
46	1303	13	58 STONY RIDGE ROAD	FOCKE & CO., INC.	Lot qualifies for RDP Analysis	2.10	1.50	Yes
47	2004	4	13 CHESTNUT RIDGE ROAD	SIMON, LOUISE MARY	Lot does not qualify for RDP Analysis. Merged with adjacent developed lot	1.47	1.47	No
48	1502	9	CHESTNUT RIDGE RD-REAR	TAVERAS, HENRY M. & ANNA	Lot does not qualify for RDP Analysis. Lot landlocked between developed properties	1.87	1.38	No
49	1105	24	65 FOX HEDGE ROAD	KRISTISON INVESTMENT LLC	Lot qualifies for RDP Analysis	1.93	1.35	Yes
51	1402	26.1 1	15 FOX HEDGE RD	RIVER STREET HOLDINGS, LLC	Lot qualifies for RDP Analysis	1.71	1.31	Yes
52	2003	1	6 OLD WOODS ROAD	SAITES, VASILIOS & CORNELIA S.	Lot qualifies for RDP Analysis	1.95	1.27	Yes
53	1202	12	CHESTNUT RIDGE RD-REAR	SOUSSA, FRED & VIRGINIA	Lot does not qualify for RDP Analysis. Lot landlocked between developed properties	1.96	1.08	No
54	1502	8	CHESTNUT RIDGE RD-REAR	SCHABEL, VICTORIA	Lot does not qualify for RDP Analysis. Lot landlocked between developed properties	1.48	1.06	No
55	1202	11	CHESTNUT RIDGE RD-REAR	MILKMAN, ROBIN	Lot does not qualify for RDP Analysis. Lot landlocked between developed properties	1.03	1.03	No
56	1102	14	237 E. SADDLE RIVER ROAD	HOCKMEYER, HERMAN H., L.P.	Lot does not qualify for RDP Analysis. Merged with adjacent developed lot	1.56	1.01	No
57	1202	10	CHESTNUT RIDGE RD-REAR	CLAUSS, DOROTHY	Lot does not qualify for RDP Analysis. Lot landlocked between developed properties	0.89	0.89	No
58	1105	27.0 7	10 RED ROCK TRAIL	10 RED ROCK TRAIL, LLC-KIMBER MFG.	Lot qualifies for RDP Analysis	2.26	0.84	Yes
59	1202	13	CHESTNUT RIDGE RD-REAR	DEZERGA, RANDALL & SUZANNE	Lot does not qualify for RDP Analysis. Lot landlocked between developed properties	1.63	0.84	No
60	1805	24	CAMERON RD - REAR	SAW MILL ENTERPRISES	Lot too small to qualify for RDP Analysis	0.83	0.83	No
61	1105	27.0 4	16 RED ROCK TRAIL	PEARSON, TIMOTHY R.	Lot does not qualify for RDP Analysis due to environmental constraints limiting developable area	2.32	0.81	No
62	2003	41	14 E. SADDLE RIVER ROAD	WEISFISCH, APOLONIA C/O L&R SERVICE	Lot does not qualify for RDP Analysis due to environmental constraints limiting developable area	4.05	0.79	No
63	1202	9	CHESTNUT RIDGE RD-REAR	BONNICI, CHARLES & LILLIAN	Lot too small to qualify for RDP Analysis	0.76	0.76	No
64	1902	8	8 NORTH CHURCH ROAD	PJETERNIKAJ, JOHN & DILA	Lot does not qualify for RDP Analysis due to environmental constraints limiting developable area	2.14	0.75	No

65	1502	14	CHESTNUT RIDGE RD-REAR	WANG, WAN-KANG & SHWU-SHIU	Lot too small to qualify for RDP Analysis	0.72	0.72	No
66	1202	8	CHESTNUT RIDGE RD-REAR	VAN RIPER, PETER M. & SUSAN	Lot too small to qualify for RDP Analysis	0.71	0.71	No
67	2003	47.08	22 BALDWIN ROAD	BOSSART, PETER A. & VIRGINIA R.	Lot does not qualify for RDP Analysis due to environmental constraints limiting developable area	2.18	0.70	No
68	1202	7	CHESTNUT RIDGE RD-REAR	KAPLAN, SAMUEL	Lot too small to qualify for RDP Analysis	0.68	0.68	No
69	1202	14	CHESTNUT RIDGE RD-REAR	COHEN, ALLEN	Lot does not qualify for RDP Analysis due to environmental constraints limiting developable area	3.13	0.61	No
70	1611	4.05	6 BURNING HOLLOW ROAD	RENCO SR REALTY INC.	Lot does not qualify for RDP Analysis due to environmental constraints limiting developable area	1.97	0.58	No
71	1502	11	CHESTNUT RIDGE RD-REAR	DUBOVICH, ROBERT J.	Lot too small to qualify for RDP Analysis	0.57	0.57	No
72	1202	16	CHESTNUT RIDGE RD-REAR	KEMANJIAN, HAROUTIOUN H. & DALAL	Lot does not qualify for RDP Analysis due to environmental constraints limiting developable area	1.32	0.51	No
73	1502	13	CHESTNUT RIDGE RD-REAR	TEMIZ, URSULA	Lot too small to qualify for RDP Analysis	0.46	0.46	No
74	1611	4.03	15 BIG RAMAPO ROAD	RENCO SR REALTY INC.	Lot does not qualify for RDP Analysis due to environmental constraints limiting developable area	2.00	0.38	No
75	1808	3	22 BURNING HOLLOW ROAD	RENCO SR REALTY INC.	Lot does not qualify for RDP Analysis due to environmental constraints limiting developable area	2.84	0.36	No
76	1303	4	18 WILDWOOD ROAD	KRANZ, ALEXANDER (TRUSTEE)	Lot does not qualify for RDP Analysis due to environmental constraints limiting developable area	2.05	0.32	No
77	1303	3	20 WILDWOOD ROAD	KRANZ, ALEXANDER (TRUSTEE)	Lot does not qualify for RDP Analysis due to environmental constraints limiting developable area	2.30	0.22	No
78	1805	23	NEAR-ALLEDALE PROP	YAN, YONG & LU, NAIRU	Lot too small to qualify for RDP Analysis	0.19	0.19	No
79	1202	15.01	CHESTNUT RIDGE RD-REAR	COHEN, ALLEN & BRINKER, J.	Lot too small to qualify for RDP Analysis	0.12	0.12	No
80	1102	22	218 WEST SADDLE RIVER RD.	PIZZARELLI, JOHN & RUTH	Lot too small to qualify for RDP Analysis	0.35	0.10	No
81	1803	1	25 OVERLOOK ROAD	LAM, ANTHONY & JENNIFER	Lot does not qualify for RDP Analysis due to environmental constraints limiting developable area	1.98	0.10	No
82	1801	31	64 WEST SADDLE RIVER RD.	LA VIANO, JACK W. & JUDITH ANNE	Lot too small to qualify for RDP Analysis	0.46	0.07	No

83	1607	29	92 WEST SADDLE RIVER RD.	GARDNER, MALCOLM T. & BARBARA	Lot does not qualify for RDP Analysis due to environmental constraints limiting developable area	3.42	0.06	No
84	1608	1	1 WEST GATE ROAD	HAN, GUN JAE, MI YOUNG	Lot too small to qualify for RDP Analysis	0.01	0.01	No
85	1611	7	8 BIG RAMAPO ROAD	RENCO SR REALTY INC.	Lot does not qualify for RDP Analysis due to environmental constraints limiting developable area	2.08	0.00	No
86	1801	33	68 WEST SADDLE RIVER RD.	SENGER, HENRY & RUDDY	Lot too small to qualify for RDP Analysis	0.01	0.00	No
87	1801	32	1A ADAMS ROAD	MONTICK, KARL E. JR. & DONNA L.	Lot too small to qualify for RDP Analysis	0.01	0.00	No
88	1102	25	230 WEST SADDLE RIVER RD.	SPAULDING, ANN A.	Lot too small to qualify for RDP Analysis	0.37	0.00	No
89	1301	15	19 WILDWOOD ROAD	KRANZ, ALEXANDER (TRUSTEE)	Lot does not qualify for RDP Analysis due to environmental constraints limiting developable area	2.32	0.00	No
90	1401	23	164 WEST SADDLE RIVER RD.	BOWEN, GEORGE A. & ELIZABETH A.	Lot too small to qualify for RDP Analysis	0.31	0.00	No
91	1401	24	166 WEST SADDLE RIVER RD.	PARK, WARREN & JACQUELYN	Lot too small to qualify for RDP Analysis	0.19	0.00	No
92	1401	32	185 E. SADDLE RVR RD-REAR	NIGRO, JAMES	Lot too small to qualify for RDP Analysis	0.40	0.00	No
93	2002	2	20 LOWER CROSS ROAD	ARNOLD, ROSEMARIE	Lot qualifies for RDP Analysis	0.25	0.25	No
					<b>TOTAL VACANT LAND</b>	<b>170.74</b>		
					<b>TOTAL DEVELOPABLE AREA QUALIFYING FOR RDP ANALYSIS</b>		<b>33.49</b>	



### SECTION III: FAIR SHARE PLAN



**A. PLAN SUMMARY**

The Housing Element and Fair Share Plan identifies the manner in which the Borough’s fair share affordable housing obligations – inclusive of a 0-unit rehabilitation obligation, 162-unit Prior Round Obligation, and 40-unit RDP housing obligation – are to be addressed. This is summarized below.

1. Rehabilitation Share. As discussed in the previous section of this plan, the Borough has determined through a structural conditions survey that Saddle River has no substandard units in need of rehabilitation and therefore has a Present Need (Rehabilitation) Obligation of zero.
  
2. Prior Round Obligation. The Borough’s 162-unit Prior Round Obligation, covering the period from 1987 to 1999, has been fully addressed by past affordable housing completions. These include a combination of new construction family units, senior housing units, and regional contribution agreements (RCAs), as shown in the table below.

**Table 23**  
**Prior Round Plan Components**  
**Borough of Saddle River, New Jersey**

Plan Component	Units/Credits	Status
Villa Marie Claire – Senior/Alternative Living Arrangement	18 units	Completed
Saddle River Properties Block 1302 Lots 1, 3 and 4	57 family sale units 19 senior rental units 6 senior rental bonus credits	Completed
RCA – City of Passaic	18 units	Completed
RCA – Borough of Ridgefield	22 units	Completed
RCA – Borough of Ogdensburg	22 units	Completed
<b>TOTAL UNITS</b>	162 units	Completed
<b>TOTAL OBLIGATION</b>	<b>162 units</b>	<b>Completed</b>

3. RDP Housing Obligation. The Borough has a 40-unit RDP housing obligation. The Borough proposes to address this obligation via the construction of a 100% affordable municipally-sponsored special needs housing development, rental bonus credits, and an accessory apartment program. This is summarized in the accompanying table. As shown, the Borough’s proposed third round plan components total 52 units/credits, which represents 12 units/credits in excess of its RDP.

Table 24  
Third Round Plan Components  
Borough of Saddle River, New Jersey

Plan Component	Units/Credits
100% Affordable Development Block 1607 Lot 41	32 special needs beds; <u>10 credits</u> 42
Accessory Apartment Ordinance	10
TOTAL UNITS	52
TOTAL OBLIGATION	40

As detailed above, the Housing Element and Fair Share Plan can accommodate the entirety of the community’s affordable housing obligation through 2025 in a manner that affirmatively addresses need while at the same time maintaining the overall character of the community. In fact, the Borough will have 12 excess units/credits that the Borough can apply toward any unmet need that the Court may determine is necessary, should the Court make such a determination.

As noted above, the process being followed is fluid, and as the Courts respond to the myriad issues that they need to address, it is recognized that this plan may require adjustment.

**B. MINIMUMS/MAXIMUMS TO BE ADDRESSED**

This plan seeks to address the Borough’s affordable housing obligation by application of COAH Round 2 (1993-1999) rules, since COAH had re-adopted these rules in 2011 and extended their use until October 2016. Additionally, the Supreme Court in its most recent affordable housing decision endorsed use of this methodology by COAH. As such, the following minimum requirements and maximum limitations, as set forth in COAH’s second round rules, will be addressed within the plan:

1. Age-Restricted Units. Pursuant to N.J.A.C. 5:93-6.1.b.2, the Borough is permitted to age-restrict up to 25 percent of its 40-unit RDP obligation, totaling a maximum of 10 age-restricted units.
2. Rental Units. Pursuant to N.J.A.C. 5:93-5.15.a, the Borough is required to address at least 25 percent of its 40-unit RDP obligation with rental units. This equates to a minimum of 10 rental units.
3. Rental Bonus Credits. Pursuant to N.J.A.C. 5:93-5.15.d, the Borough shall receive a 2:1 rental bonus credit for rental units made available to the general public, up to the 10-unit rental obligation. For age-restricted rental units, a 1.33:1 rental bonus credit shall be granted, but only up to 50 percent of the rental obligation, or 5 units.

In addition to the requirements set forth in COAH's second round rules, the Borough must also adhere to recent amendments to the Fair Housing Act, P.L. 2008, Chapter 46. These amendments are as follows:

1. Regional Contribution Agreements. Pursuant to P.L. 2008, Chapter 46, the Borough may not apply any units transferred via RCA towards its 40-unit RDP obligation.
2. Very Low Income Units. Pursuant to P.L. 2008, Chapter 46, the Borough must reserve at least 13 percent of its 40-unit RDP obligation for occupancy by very low-income households. This equates to a minimum of 6 very low-income units. Very low-income households are defined as having a gross household income equal to 30 percent or less of the median gross household income.

### C. PLAN COMPONENTS

This section of the plan details the projects, mechanisms and funding sources which will be used to meet the Borough's affordable housing obligation, as discussed above. The Plan Components Map included in the Appendix of this plan illustrates the location of all developments identified herein.

1. Special Needs Housing (Block 1607 Lot 41). The Borough is proposing to fund and construct a 32 bed special needs housing development at 96 East Allendale Road. This 4.3-acre property is located on property that is presently owned by the Zion Lutheran Evangelical Church. Although approximately 1.25-acre of the site is developed with buildings for the church, the remainder of the lot is undeveloped. The Borough has commenced discussion with the Church with respect to the acquisition of a portion of their property to develop the proposed special needs housing. Discussions with United Way of Bergen County have also commenced, with respect to their participation in this project. The intention is to construct a development toward the western portion of the property, as depicted in the accompanying aerial image.

Aerial 1: 100% Affordable Site (Block 1607 Lot 41)



Surrounding land uses include a museum site to the north, the Commons at Saddle River office development to the northwest, the Waterford Gardens aquatics farm to the west, Rindlaub Park to the south, and the Zion Lutheran Church cemetery and Borough Hall to the east. The property is in State Planning Area 1: Metropolitan. The western-most portion of the site (totaling 1.4 acres) is encumbered by flood hazard area. The property is not serviced by sewer, thereby requiring a septic system adequate enough to address anticipated needs.

A concept sketch for the site is included in the Appendix of this plan. The concept plan envisions a two story building at the center of the property, outside of the flood hazard area. Parking will be situated between the proposed building and the existing church facility. There will be a total of 32 special needs beds.

An affordable housing overlay zone will be developed to facilitate the development of this site for the proposed special needs development.

The Borough will sponsor the construction of these 32 special needs beds. While specific financing has not been finalized, the Borough intends to adopt a resolution of its intent to bond in the event of a shortfall in funding. As of January 2016, the Borough has \$1,098,191 in development fee funds and these funds will be utilized for this purpose. A draft spending plan is included in the Appendix of this plan.

As noted above, the Borough has also reached out to Mr. Thomas Toronto of United Way of Bergen County, with respect to partnering on this development. Mr. Toronto has expressed interest in this partnership, and has commenced meetings and discussions with the Borough regarding this participation. A copy of correspondence from Mr. Toronto indicating United Way's interest in this project is included in the Appendix of this report.

2. Accessory Apartment Ordinance. In addition to the aforementioned affordable housing sites, the Borough intends to address its affordable housing obligation via the adoption of an accessory apartment ordinance pursuant to N.J.A.C. 5:93-5.9. An accessory apartment is "a self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters and a private entrance, which is created within an existing home, or through the conversion of an existing accessory structure on the same site, or by an addition to an existing home or accessory building, or by the construction of a new accessory structure on the same site."

COAH permits a municipality to receive credit for up to 10 accessory apartments towards its affordable housing obligation, provided that said apartments have affordability controls for at least 10 years. To be considered "affordable," rents on accessory apartments shall average 57.5 percent of median income, including utilities. The Borough shall provide at least \$10,000 per unit to subsidize the creation of the accessory apartment.

The Appendix of this plan contains a draft ordinance for the implementation of accessory apartments.

3. Development Fees. The Borough shall continue to impose development fees, as permitted by COAH. The funds generated by the collection of development fees will be applied directly toward implementation of the Borough's Housing Element and Fair Share Plan. The Borough's adopted development fee ordinance is included in the Appendix of this plan.

#### D. UNMET NEED

Econsult Solutions, Inc. assigns Saddle River a total third round (Prospective Need) obligation of 214 units for the period extending from 2015 to 2025. The Borough's vacant land analysis reveals a realistic development potential for Saddle River of 40 units. Should the Court conclude that the Borough has an obligation with respect to an unmet need, this unmet need would therefore equate to 174 units. The proposed 52 units/credits provided for in the plan indicates there are a remaining 162 units of unmet need.

As discussed above, the Borough will have 12 excess credits from its third round plan components that can be applied toward unmet need. COAH's Second Round rules state at N.J.A.C. 5:93-4.2(h) that any combination of the following may be required to address unmet need:

1. Zoning amendments that permit apartments or accessory apartments;
2. Overlay zoning requiring inclusionary development or the imposition of a development fee;
3. Zoning amendments that impose a development fee.

#### E. FSHC Suggested Sites For Affordable Housing

It is also noted that Fair Share Housing Center (FSHC) has requested that the Borough consider a selected number of sites for an affordable housing development overlay zone in order to address potential unmet need. The specific parcels requested to be investigated are discussed below. As shown, the Borough finds that none of these parcels are appropriate for an affordable housing development overlay zone due to their environmental constraints.

1. Block 2002 Lot 1. This 26.98-acre property is located at 12 West Saddle River Road. Approximately 6.08 acres of the site is developed with the Villa Marie Claire residential hospice, which was credited toward the Borough's Prior Round Obligation. The remainder of the site is undeveloped. As shown on the accompanying Environmental Constraints map, this undeveloped portion of the site is completely encumbered by flood hazard area. As such, the Borough has determined that this site is not appropriate for the development of additional affordable housing.
2. Block 1607 Lot 3. This 5.8-acre property is located at 74 East Allendale Road. It is currently developed with Waterford Gardens, a commercial aquatics farm and florist. As shown on the accompanying Environmental Constraints map, the entirety of this site is encumbered by environmental constraints. Specifically, 1.7 acres in the western and southern portions of the site are encumbered by wetlands and associated transition areas, and the entirety of the 5.8 acre site is within the 100 year flood hazard area. As such, the Borough has determined that this site is not appropriate for the development of affordable housing.
3. Block 1401 Lots 11, 12 & 13. This 3.71-acre property is located at 171 & 175 East Saddle River Road. It is currently developed with three buildings containing a commercial strip center, US Post Office building, and realtor's office. As shown on the accompanying Environmental Constraints map, the entirety of the site is completely encumbered by flood hazard area. In addition, the Borough Planning Board approved an application in December 2015 for various building and site improvements for the existing development (see the Resolution of Approval in the Appendix of this plan). As such, the Borough has determined that this site is not only inappropriate for the development of affordable housing, but is also unlikely to redevelop for such use.

Each of the above-noted Environmental Constraints maps are included in the Appendix of the plan.

## APPENDICES

A-1: Structural Conditions Survey

A-2: Plan Components Map

A-3: Concept Plan and Interior Layout – Block 1607 Lot 41

A-4: Letter from Tom Toronto, Bergen County United Way

A-5: Draft Accessory Apartment Ordinance

A-6: Existing Affirmative Marketing Ordinance (Ch. 64)

A-7: Existing Affordable Housing Ordinance (Ch. 65)

A-8: Existing Development Fee Ordinance (Ch. 99)

A-9: Draft Spending Plan

A-10: Draft Resolution of Intent to Bond

A-11: Environmental Constraints Maps – Sites Recommended for Consideration by FSHC

A-12: Resolution of Approval – Saddle River Shopping Center



A-1: Structural Conditions Survey





November 25, 2008

NJ Council on Affordable Housing  
101 South Broad Street  
PO Box 813  
Trenton, NJ 08625-0813

Subject: **Borough of Saddle River Rehabilitation Share**

Dear Sir/Madam:

Pursuant to *NJAC 5:97-6.2(a)*, I have conducted an exterior housing survey for the Borough of Saddle River and reviewed the Structural Conditions Survey available on COAH's website.

Based on the exterior survey, no dwelling units in Saddle River meet the criteria for being a substandard unit. No unit has one major system which is determined to be fair/poor and no unit has two or more minor systems which is determined to be fair/poor. The only unit that may meet COAH's criteria has received a demolition permit.

Therefore, in my professional opinion, there are no units in need of rehabilitation in the Borough of Saddle River.

Yours sincerely,

A handwritten signature in cursive script that reads "John Scialla".

John Scialla, License No. 004761  
Construction Official  
Borough of Saddle River

● Page 1

Borough of Saddle River 100 East Allendale Road, Saddle River, New Jersey 07458  
Phone 201 327-2609 Fax 201 327 0188



A-2: Plan Components Map





**Legend**

- Municipal Boundaries
- Parcels

**Plan Components:**

- Prior Round
- Third Round

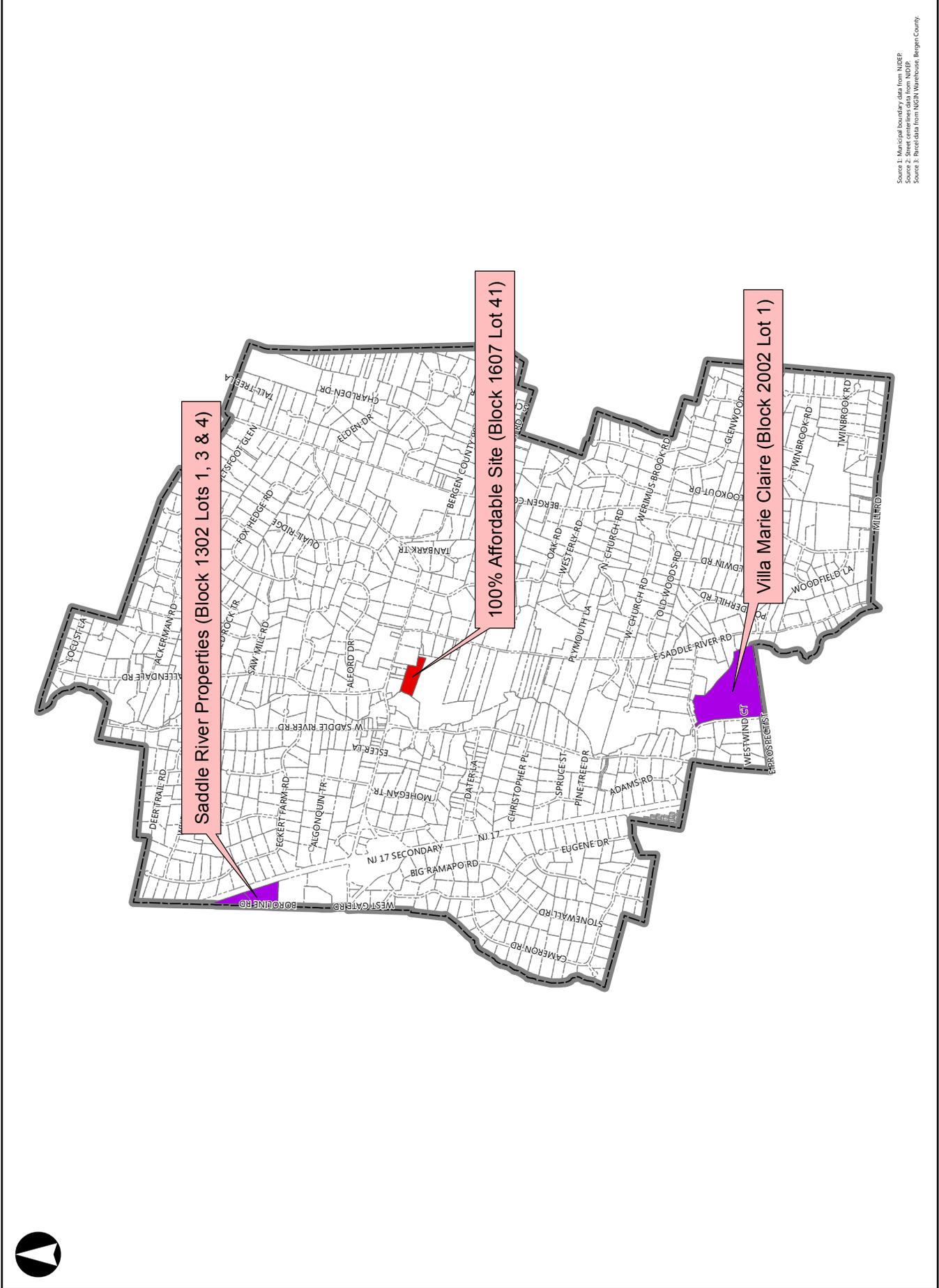
Map Description	Date	Drawn

**Plan Components Map**

Graphic Scale:  
 0 400 800 1200 1600 Feet

PROJECT NO.	202202
DATE	02/02/22
SCALE	AS SHOWN
DATE	1 - 7-2022
DRAWN BY	AC
CHECKED BY	AC
DATE	02/02/22

JOSEPH H. BURGIS ACP  
 PROJECT MANAGER  
 NEW JERSEY LIC. NO. 24150



Source 1: Municipal boundary data from NJDEP  
 Source 2: Street centerlines data from NJDEP  
 Source 3: Parcel data from NGIN Whitehouse, Bergen County  
 2/2/2022 10:41 AM





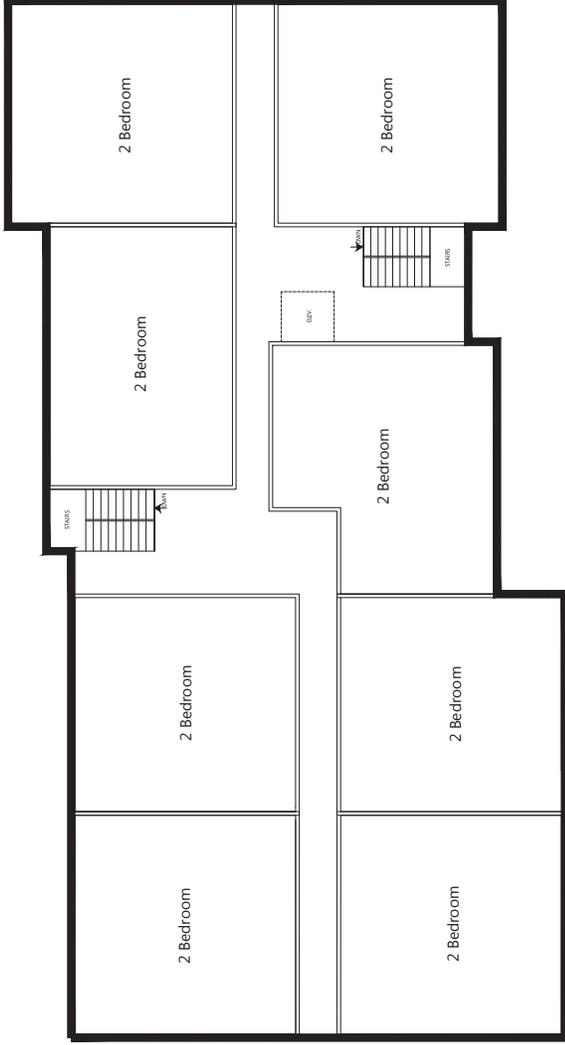
A-3: Concept Plan and Interior Layout – Block 1607 Lot 41







SECOND FLOOR



**SECOND FLOOR**  
8 TWO BEDROOMS

FIRST FLOOR



**FIRST FLOOR**  
8 TWO BEDROOMS

**16 TOTAL UNITS**

**BURGIS Associates, Inc.**  
 COUNTY PLANNING DIVISION  
 LANDMARK ARCHITECTURE  
 2000 W. UNIVERSITY AVENUE, SUITE 1000  
 TAMPA, FL 33606-5000  
 TEL: 813.251.1000  
 FAX: 813.251.1001  
 WWW.BURGIS.COM

Project Title  
**ZION LUTHERAN CHURCH SITE  
 AFFORDABLE HOUSING**

Location of Subject Site: \_\_\_\_\_

By/For: \_\_\_\_\_  
 Scale: NOT TO SCALE

North Arrow

**Unit Breakdown**

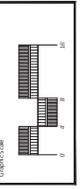
First Floor:	2 Bedrooms	8 Units
Second Floor:	2 Bedrooms	8 Units
<b>Total Unit Count:</b>		<b>16 Units</b>

**Parking**  
 Parking Provided: 38 Spaces  
 (Including 2 ADA Parking Spaces)

THIS PLAN IS THE PROPERTY OF BURGIS ASSOCIATES, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.

No.	Description	Date	Drawn	Checked

Sheet Title  
**Concept 4  
 Internal Layout**



EDWARD J. SMOLINSKI, P.E.  
 LICENSED PROFESSIONAL ENGINEER  
 LICENSE NO. 120000076

Project No.	107731
Sheet No.	... of ...
Date	01/07/14
Drawn	ENVS
Checked	ENVS
Scale	AS SHOWN
Plot No.	1 of 1

4



A-4: Letter from Tom Toronto, Bergen County United Way





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DIRECT SERVICES OF BERGEN COUNTY'S UNITED WAY

---

**Chairman of the Board 2016**

**Peter J. Ingrasci**  
Client Unit Executive, CSI  
IBM Corporation

**Executive Committee**

**Gregory C. Duniap**  
Vice President Customer Operations  
PSE&G

**Elinor J. Ferdon**  
Community Volunteer

**James E. Healey, CPA**  
Community Volunteer

**Joseph M. Healy**  
Chairman of the Board  
Kolmar Laboratories, Inc.

**Reverend Richard S. Hong**  
Pastor, First Presbyterian Church  
of Englewood

**Alan N. Posencheg**  
Community Volunteer

**Valerie A. Reardon**  
Senior Vice President Compliance,  
Internal Audit & Internal Controls  
Emblem Health

**Directors**

**James Aramanda**  
Chief Executive Officer  
The Clearing House

**Catherine Callagee**  
Vice President, Information Systems  
UPS Information Services

**Robert J. Iacullo**  
President  
United Water

**Ann M. Limberg**  
Head of Philanthropic Solutions &  
Family Office, U.S. Trust  
Bank of America, Private  
Wealth Management

**Irwin M. Pollack**  
Community Volunteer

President  
**Thomas M. Toronto**

January 27, 2016

Mr. Joseph Burgis  
Burgis Associates, Inc.  
25 Westwood Avenue  
Westwood, NJ 07675

Dear Joe:

It was good to speak with you about the possibility of working with the Borough of Saddle River on affordable housing development. We would be very interested in exploring this possibility with you and other Borough officials when appropriate.

Thank you for thinking of us as a potential partner. I look forward to our next conversation.

Sincerely,

Thomas M. Toronto  
President



[bergenunitedway.org](http://bergenunitedway.org)

6 FOREST AVENUE | SUITE 210 | PARAMUS, NJ 07652  
T 201-291-4050 F 201-291-0681 | [info@bergenunitedway.org](mailto:info@bergenunitedway.org)





A-5: Draft Accessory Apartment Ordinance



## Affordable Housing

### Article I Accessory Apartments

#### Purpose.

This Accessory Apartments Article is hereby enacted for the purpose of providing additional opportunities for low and moderate income housing in the Borough of Saddle River.

#### Definitions.

As used in this article, the following terms shall have the meanings indicated:

#### ACCESSORY APARTMENT

A self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters and a private entrance which is created to be occupied by a low or a moderate income household. The accessory apartment may be created within an existing dwelling unit, may be created within an existing structure on the lot or be an addition to an existing home or accessory building.

#### Requirements.

All accessory apartment units shall meet the following conditions:

- A. Accessory apartments shall be permitted in the R-1, R-2 and R-3 Zones. The area and bulk requirements of the zone in which the accessory apartment is created shall be met.
- B. Accessory apartments shall comply with all applicable statutes and regulations of the State of New Jersey in addition to all building codes.
- C. The accessory apartment shall be rented only to a household which is either a low or moderate income household at the time of initial occupancy of the unit.
- D. The accessory apartment shall, for a period of at least 10 years from the date of the issuance of a certificate of occupancy, be rented only to a low or moderate income household.
- E. Rents of accessory apartments shall be affordable to low or moderate income households as per Council on Affordable Housing (COAH) regulations and shall include a utility allowance.

F. No more than 10 accessory apartments shall be used to address the Borough's fair share obligation unless a waiver is granted by COAH.

G. There shall be a recorded deed or declaration of covenants and restrictions applied to the property upon which the accessory apartment is located running with the land and limiting its subsequent rental or sale within the requirements of Subsections C and D above.

H. Each accessory apartment shall have living/sleeping space, cooking facilities, a kitchen sink and complete sanitary facilities for the exclusive use of its occupants. It shall consist of no less than two rooms, one of which shall be a full bathroom.

I. The accessory apartment shall have a separate door with direct access to the outdoors.

J. The potable water supply and sewage disposal system for the accessory apartment shall be adequate.

K. The accessory apartment shall be affirmatively marketed to the housing region.

L. In the case of an accessory apartment created illegally or without proper permits which the property owner desires to legitimize as an accessory apartment under this article, all of the requirements of this article in addition to meeting COAH criteria shall apply, except that no subsidy need be provided by the municipality.

Administration.

The Borough of Saddle River shall designate by resolution an administrative entity to administer the Accessory Apartment Program.

A. The administrative entity shall administer the accessory apartment program including advertising, income qualifying prospective renters, setting rents and annual rental increases, maintaining a waiting list, distributing the subsidy, securing certificates of occupancy, qualifying properties, handling application forms, filing deed restrictions and monitoring reports and affirmatively marketing the accessory apartment program;

B. The administrative entity shall only deny an application for an accessory apartment if the project is not in conformance with COAH's requirements, Land Use and Development, of the Code of the Borough of Saddle River, or this article. All denials shall be in writing with the reasons clearly stated; and

C. In accordance with COAH requirements, the Borough of Saddle River shall bond to provide at least \$10,000 to subsidize the physical creation of up to 10 accessory apartment units conforming to the requirements of this article and COAH requirements. Prior to the grant of such subsidy, the property owner shall enter into a written agreement with the Borough of Saddle River insuring that:

- (1) The subsidy shall be used to create the accessory apartment; and
- (2) The apartment shall meet the requirements of this article and COAH regulations.

Application requirements.

Applicants for the creation of an accessory apartment shall submit to the administrative entity:

A. A sketch of floor plan(s) showing the location, size and relationship of both the accessory apartment and the primary dwelling within the building or in another structure;

B. Rough elevations showing the modification of any exterior building facade to which changes are proposed and

C. A site development sketch showing the location of the existing dwelling and other existing buildings; all property lines; proposed addition if any, along with the minimum building setback lines; the required parking spaces for both dwelling units and any man-made conditions which might affect construction.



A-6: Existing Affirmative Marketing Ordinance (Ch. 64)



*Borough of Saddle River, NJ  
Wednesday, January 27, 2016*

## Chapter 64. Affirmative Marketing

[HISTORY: Adopted by the Mayor and Council of the Borough of Saddle River 5-19-1997 by Ord. No. 97-648-C. Amendments noted where applicable.]

### § 64-1. Applicability.

- A. This chapter shall apply to all low and moderate income housing units created in the Borough, including those in the PUD Zone and any other low and moderate income housing units that may be developed in the future.
- B. An affirmative marketing plan is a regional strategy designed to attract buyers and/or renters of all majority and minority groups within the housing region, regardless of sex, age or number of children, to housing units which are being marketed by a developer/sponsor, the municipality and/or a designated administrative agency of affordable housing within the Borough. The plan prohibits discrimination in the sale, rental, financing or other services related to such housing on the basis of race, color, sex, religion, handicap, age (except for designated senior citizens' units), familial status, family size or national origin.
- C. The Borough of Saddle River is located in the Northeast Housing Region of the State (Region 1) which includes the Counties of Bergen, Hudson, Passaic and Sussex.

### § 64-2. Required outreach.

- A. Daily newspapers/publications.
  - (1) All newspaper articles, advertisements, announcements and requests for applications pertaining to low and moderate income housing units shall appear in the following daily regional newspapers/publications:
    - (a) The Record (Hackensack)
    - (b) The Jersey Journal (Jersey City)
    - (c) The Herald News (Passaic-Clifton)
    - (d) New Jersey Herald (Newton)
  - (2) The primary marketing shall take the form of at least one press release sent to the above publications and a paid display advertisement (at least four column inches) in each of the above newspapers. Additional advertising and publicity shall be on an "as needed" basis.
  - (3) The advertisement shall include a description of the:
    - (a) Street address(es) of the units;

- (b) Directions to the housing units;
  - (c) Number of units currently available;
  - (d) Anticipated dates of future available units;
  - (e) Numbers of bedrooms per available unit;
  - (f) Range of sales prices and monthly rents available;
  - (g) Sizes of available units;
  - (h) Income limit information;
  - (i) Where and how applications may be obtained, including business hours at each location; and
  - (j) Name, telephone number and location of the Housing Board's or its designated agent's office.
- B. Weekly newspapers/publication/newsletters.
- (1) All newspaper articles, advertisements, announcements and requests for applications pertaining to low and moderate income housing units shall appear in at least the following neighborhood-oriented weekly newspapers, religious publications and organizational newsletters within the region:
    - (a) The Town Journal (Saddle River)
    - (b) The Record - Sunday edition (Hackensack)
    - (c) The Post Eagle (Jersey City)
    - (d) The Passaic Citizen (Passaic-Clifton)
    - (e) The Suburban News (Paramus)
  - (2) The advertisement shall include all of the information set forth in subsection **A.** above.
- C. Radio/TV.
- (1) Press releases shall also be sent to the following radio/television stations:
    - (a) WWDJ-AM Radio (Hackensack)
    - (b) WNNJ-AM Radio (Newton)
    - (c) WOR-TV Channel 9 (Secaucus)
    - (d) WXTV Channel 41 (Paterson) or WPAT-AM Radio (Paterson)
- D. Applications/information.
- (1) The following are the locations where applications and information packets to be used as part of the affirmative marketing plan shall be available:
    - (a) Saddle River Borough Municipal Building
    - (b) Bergen County Library (all branches)
    - (c) Hudson County Library (all branches)

- (d) Passaic County Library (all branches)
- (e) Sussex County Library (all branches)
- (f) Developer's sales office(s)
- (g) Office of Bergen County Housing Authority
- (h) Major employers in the region, including but not limited to the following:
  - [1] Englewood Hospital Association, 350 Engle Street, Englewood 07631
  - [2] County of Bergen, Court Plaza South, Hackensack 07601
  - [3] Hackensack Medical Center, 30 Prospect Street, Hackensack 07601
  - [4] United Parcel Service, 340 MacArthur Boulevard, Mahwah 07430
  - [5] Bergen Pines County Hospital, East Ridgewood Avenue, Paramus 07652
  - [6] Macy's, Garden State Plaza and Paramus Park Mall, Paramus 07652
  - [7] The Society of the Valley Hospital, 223 North Van Dien Avenue, Ridgewood 07451
  - [8] Holy Name Hospital, 728 Teaneck Road, Teaneck 07666
  - [9] Allied Signal, Inc., Route 46, Teterboro 07608
  - [10] Metpath, Inc., One Malcolm Avenue, Teterboro 07608
- (i) Major churches in the area, including but not limited to:
  - [1] St. Gabriel's Roman Catholic Church, Saddle River
  - [2] Zion Lutheran, Saddle River
  - [3] Church of the Presentation, Upper Saddle River
  - [4] Reformed Church, Upper Saddle River
  - [5] Temple Beth Emmanuel, Woodcliff Lake
  - [6] St. Joseph's, Woodcliff Lake
  - [7] Bergen Highlands United Methodist Church, Upper Saddle River.
- (2) Quarterly flyers and copies of application and information packets shall be sent to the following community contact organizations, agencies, officials and departments:
  - (a) Bergen County Director of Social Services
  - (b) Hudson County Director of Social Services
  - (c) Passaic County Director of Social Services
  - (d) Sussex County Director of Social Services
  - (e) Bergen County Office on Aging
  - (f) Hudson County Office on Aging
  - (g) Passaic County Office on Aging

- (h) Sussex County Office on Aging
  - (i) Bergen County Rental Assistance Office (local DCA office)
  - (j) Hudson County Rental Assistance Office (local DCA office)
  - (k) Passaic County Rental Assistance Office (local DCA office)
  - (l) Sussex County Rental Assistance Office (local DCA office)
  - (m) Bergen County Housing Authority
  - (n) Hudson County Housing Authority
  - (o) Passaic County Housing Agency
  - (p) Sussex County Housing Agency
  - (q) Bergen County Board of Realtors
  - (r) Hudson County Board of Realtors
  - (s) Passaic County Board of Realtors
  - (t) Sussex County Board of Realtors
  - (u) Bergen County Community Development Office
  - (v) Hudson County Community Development Office
  - (w) Passaic County Community Development Office
  - (x) Sussex County Community Development Office
  - (y) Bergen County Department of Human Services
  - (z) Hudson County Department of Human Services
  - (aa) Passaic County Department of Human Services
  - (bb) Sussex County Department of Human Services
- (3) The following is a listing of community contact person(s) and/or organization(s) in Bergen, Hudson, Passaic and Sussex Counties that will aid in the affirmative marketing program:
- (a) Community Resource Council, Hackensack
  - (b) Bergen County Director of Social Services
  - (c) Hudson County Director of Social Services
  - (d) Passaic County Director of Social Services
  - (e) Sussex County Director of Social Services

### **§ 64-3. Administration.**

- A. The Borough of Saddle River will have the responsibility to income qualify low and moderate income households; to provide for the initial occupancy of low and moderate income units with income qualified households; to continue to qualify households for reoccupancy of units as they

become vacant during the period of affordability controls; to assist with advertising and outreach to low and moderate income households; and to enforce the terms of the deed restriction and mortgage loan, per N.J.A.C. 5:93-9.1. The Borough may contract with an outside agency or consultant for some or all of these services.

- B. The Borough or its designee shall offer counseling services to low and moderate income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements and landlord tenant law. The following service providers shall be asked to assist in fulfilling the requirements:
  - (1) Community Resource Council, Hackensack
  - (2) Office of Bergen County Housing Authority
- C. Owners of low and moderate income housing units shall be required to assist in the marketing of their affordable units as provided in this chapter.
- D. The Borough of Saddle River shall comply with the monitoring and reporting requirements of N.J.A.C. 5:93-11.6 and 12.1. Any outside consultant retained to assist in the marketing of the affordable units shall submit the appropriate documentation to the Borough so that the monitoring and reporting requirements can be fulfilled.

## § 64-4. Prequalification and selection.

- A. Households that apply for low and moderate income housing shall be pre-screened by the Borough (or its designee) for income eligibility by comparing their total income to the current low and moderate income limits adopted by COAH. Applicants will be notified as to their eligibility status.
- B. In order to ensure a sufficient supply of qualified applicants, the advertising process shall continue until at least 10 income-eligible applicants have applied for each low and moderate income unit available or until all of the available low and moderate income units within the Borough have been rented or sold whichever occur first.
- C. Having pre-screened applicants for income eligibility, the Borough (or its designee) shall analyze the income and household size of each applicant to determine which of the available low and moderate income housing units the applicant is qualified to occupy.
- D. The Borough (or its designee) shall interview each applicant to verify the applicant's income and review the applicant's credit history. Applicants shall be required to submit income verification for each household member 18 years or older. This process shall be utilized in establishing the final certified applicant group.
- E. If there is more than one certified applicant for an available low and moderate income unit, placement shall be made on a first come/first served basis, considering the date the application was first received by the Borough (or its designee).
- F. The process described above shall begin at least 120 days before the issuance of a certificate of occupancy for an affordable dwelling unit in the affordable housing compliance program and shall continue until all low and moderate income units are occupied and for as long as there are deed-restricted affordable units within the municipality.
- G. A waiting list shall be maintained by the Borough (or its designee) for the purpose of facilitating initial rentals and sales and any rerentals or resales after all of the low and moderate income units have been initially occupied. The Borough (or its designee) shall update the waiting list annually by

contacting prospective applicants and determining their continuing eligibility for and interest in the program.

- H. Households who live or work within the housing region shall be given preference over households from outside of the housing region for the first 30 days that a unit becomes available. If no qualified households from within the housing region can be found within 30 days, the unit may be sold or rented to a household from outside the housing region.
- I. Households shall generally be referred to available units using the following standards for occupancy:
  - (1) A maximum of two persons per bedroom;
  - (2) Children of the same sex in same bedroom;
  - (3) Unrelated adults or persons of the opposite sex other than husband and wife in separate bedrooms; and
  - (4) Children not in same bedroom with parents.

Households may be considered for units other than as set forth herein except that in no case shall a household be referred to a unit that provides for more than one additional bedroom over the number required by the application of subsection I (1) through (4) above.

A-7: Existing Affordable Housing Ordinance (Ch. 65)



Borough of Saddle River, NJ  
Wednesday, January 27, 2016

## Chapter 65. Affordable Housing

[HISTORY: Adopted by the Mayor and Council of the Borough of Saddle River 4-20-2009 by Ord. No. 09-827-C.<sup>[1]</sup> Amendments noted where applicable.]

### GENERAL REFERENCES

Uniform construction codes — See Ch. **96**.

Property maintenance — See Ch. **166**.

Zoning — See Ch. **210**.

[1] *Editor's Note: This ordinance also superseded former Ch. 65, Affordable Housing, adopted 5-19-1997 by Ord. No. 97-647-C.*

### § 65-1. Affordable housing obligation.

- A. This chapter is intended to assure that low- and moderate-income units (“affordable units”) are created with controls on affordability over time and that low- and moderate-income households shall occupy these units. This chapter shall apply except where inconsistent with applicable law.
- B. The Borough of Saddle River Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Fair Share Plan has been endorsed by the governing body. The Fair Share Plan describes the ways the Borough of Saddle River shall address its fair share for low- and moderate-income housing as determined by the Council on Affordable Housing (COAH) and documented in the Housing Element.
- C. This chapter implements and incorporates the Fair Share Plan and addresses the requirements of N.J.A.C. 5:97, as may be amended and supplemented.
- D. The Borough of Saddle River shall file monitoring reports with COAH in accordance with N.J.A.C. 5:96, tracking the status of the implementation of the Housing Element and Fair Share Plan. Any plan evaluation report of the Housing Element and Fair Share Plan and monitoring prepared by COAH in accordance with N.J.A.C. 5:96 shall be available to the public at the Borough of Saddle River Municipal Building, Municipal Clerk’s Office, 100 East Allendale Road, Saddle River, New Jersey, or from COAH at 101 South Broad Street, Trenton, New Jersey and on COAH’s website, [www.nj.gov/dca/affiliates/coah](http://www.nj.gov/dca/affiliates/coah).

### § 65-2. Definitions.

The following terms when used in this chapter shall have the meanings given in this section:

#### **ACT**

The Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.).

#### **ADAPTABLE**

Constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

**ADMINISTRATIVE AGENT**

The entity responsible for the administration of affordable units in accordance with this chapter, N.J.A.C. 5:96, N.J.A.C. 5:97 and N.J.A.C. 5:80-26.1 et seq.

**AFFIRMATIVE MARKETING**

A regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

**AFFORDABILITY AVERAGE**

The average percentage of median income at which restricted units in an affordable housing development are affordable to low- and moderate-income households.

**AFFORDABLE**

A sales price or rent within the means of a low- or moderate-income household as defined in N.J.A.C. 5:97-9; in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

**AFFORDABLE DEVELOPMENT**

A housing development all or a portion of which consists of restricted units.

**AFFORDABLE HOUSING DEVELOPMENT**

A development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a one-hundred-percent-affordable development.

**AFFORDABLE HOUSING PROGRAM(S)**

Any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality's fair share obligation.

**AFFORDABLE UNIT**

A housing unit proposed or created pursuant to the Act, credited pursuant to N.J.A.C. 5:97-4, and/or funded through an affordable housing trust fund.

**AGENCY**

The New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1, et seq.).

**AGE-RESTRICTED UNIT**

A housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that all the residents of the development where the unit is situated are 62 years or older; or at least 80% of the units are occupied by one person who is 55 years or older; or the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as "housing for older persons" as defined in Sec. 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

**ASSISTED-LIVING RESIDENCE**

A facility licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted-living services are available when needed for four or more adult persons unrelated to the proprietor and that offers

units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

**CERTIFIED HOUSEHOLD**

A household that has been certified by an administrative agent as a low-income household or moderate-income household.

**COAH**

The Council on Affordable Housing, which is in, but not of, the Department of Community Affairs of the State of New Jersey, that was established under the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.).

**DCA**

The State of New Jersey Department of Community Affairs.

**DEFICIENT HOUSING UNIT**

A housing unit with health and safety code violations that require the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load-bearing structural systems.

**DEVELOPER**

Any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land proposed to be included in a proposed development, including the holder of an option to contract or purchase, or other person having an enforceable proprietary interest in such land.

**DEVELOPMENT**

The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to N.J.S.A. 40:55D-1 et seq.

**INCLUSIONARY DEVELOPMENT**

A development containing both affordable units and market-rate units. This term includes, but is not necessarily limited to new construction, the conversion of a nonresidential structure to residential and the creation of new affordable units through the reconstruction of a vacant residential structure.

**LOW-INCOME HOUSEHOLD**

A household with a total gross annual household income equal to 50% or less of the median household income.

**LOW-INCOME UNIT**

A restricted unit that is affordable to a low-income household.

**MAJOR SYSTEM**

The primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement or load-bearing structural systems.

**MARKET-RATE UNITS**

Housing not restricted to low- and moderate-income households that may sell or rent at any price.

**MEDIAN INCOME**

The median income by household size for the applicable county, as adopted annually by COAH.

**MODERATE-INCOME HOUSEHOLD**

A household with a total gross annual household income in excess of 50% but less than 80% of the median household income.

**MODERATE-INCOME UNIT**

A restricted unit that is affordable to a moderate-income household.

**NON-EXEMPT SALE**

Any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor's deed to a class A beneficiary and the transfer of ownership by court order.

**RANDOM SELECTION PROCESS**

A process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

**REGIONAL ASSET LIMIT**

The maximum housing value in each housing region affordable to a four-person household with an income at 80% of the regional median as defined by COAH's adopted Regional Income Limits published annually by COAH.

**REHABILITATION**

The repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

**RENT**

The gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted-living residences, rent does not include charges for food and services.

**RESTRICTED UNIT**

A dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as may be amended and supplemented, but does not include a market-rate unit financed under UHORP or MONI.

**UHAC**

The Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et seq.

**VERY-LOW-INCOME HOUSEHOLD**

A household with a total gross annual household income equal to 30% or less of the median household income.

**VERY LOW-INCOME UNIT**

A restricted unit that is affordable to a very-low-income household.

**WEATHERIZATION**

Building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for rehabilitation.

## § 65-3. Affordable housing programs.

The Borough of Saddle River has determined that it will use the following mechanisms to satisfy its affordable housing obligations:

- A. A rehabilitation program.
  - (1) The Borough of Saddle River shall designate, subject to the approval of COAH, the Bergen County Housing Improvement Program as administrative agents to rehabilitate any units occupied by low- and moderate-income housing units such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28. The administrative agents will administer the rehabilitation program in accordance with N.J.A.C. 5:96 and N.J.A.C. 5:97.
  - (2) Both owner-occupied and renter-occupied units shall be eligible for rehabilitation funds.
  - (3) All rehabilitated units shall remain affordable to low- and moderate-income households for a period of 10 years (the control period). For owner-occupied units the control period will be enforced with a lien, and for renter-occupied units the control period will be enforced with a deed restriction.
  - (4) A minimum of \$10,000 will be dedicated for each unit to be rehabilitated through this program, reflecting the minimum hard cost of rehabilitation for each unit.
  - (5) The administrative agent(s) shall provide a rehabilitation manual for the owner occupancy rehabilitation program and a rehabilitation manual for the rental occupancy rehabilitation program to be adopted by resolution of the governing body and subject to approval of COAH. Both rehabilitation manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the administrative agent(s).
  - (6) Units in a rehabilitation program shall be exempt from N.J.A.C. 5:97-9 and Uniform Housing Affordability Controls (UHAC) but shall be administered in accordance with the following:
    - (a) If a unit is vacant, upon initial rental subsequent to rehabilitation, or if a renter-occupied unit is rerented prior to the end of controls on affordability, the deed restriction shall require the unit to be rented to a low- or moderate-income household at an affordable rent and affirmatively marketed pursuant to N.J.A.C. 5:97-9 and UHAC.
    - (b) If a unit is renter-occupied, upon completion of the rehabilitation, the maximum rate of rent shall be the lesser of the current rent or the maximum permitted rent pursuant to N.J.A.C. 5:97-9 and UHAC.
    - (c) Rents in rehabilitated units may increase annually based on the standards in N.J.A.C. 5:97-9.
    - (d) Applicant and/or tenant households shall be certified as income-eligible in accordance with N.J.A.C. 5:97-9 and UHAC, except that households in owner-occupied units shall be exempt from the regional asset limit.

## § 65-4. Inclusionary zoning.

- A. Presumptive densities and set-asides. To ensure the efficient use of land through compact forms of development and to create realistic opportunities for the construction of affordable housing, inclusionary zoning permits minimum presumptive densities and presumptive maximum affordable housing set-asides as follows:

- (1) For-sale developments.

- (a) Inclusionary zoning in Planning Area 1 permits residential development at a presumptive minimum gross density of eight units per acre and a presumptive maximum affordable housing set-aside of 25% of the total number of units in the development;

- B. Phasing. In inclusionary developments the following schedule shall be followed:

<b>Maximum Percentage of Market-Rate Units Completed</b>	<b>Minimum Percentage of Low- and Moderate-Income Units Completed</b>
25	0
25+1	10
50	50
75	75
90	100

- C. Design. In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.
- D. Payments-in-lieu and off-site construction. The standards for the collection of payments-in-lieu of constructing affordable units or standards for constructing affordable units off-site, shall be in accordance with N.J.A.C. 5:97-6.4.
- E. Utilities. Affordable units shall utilize the same type of heating source as market units within the affordable development.

## § 65-5. New construction.

The following general guidelines apply to all newly constructed developments that contain low-and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

- A. Low/moderate split and bedroom distribution of affordable housing units:
- (1) The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit.
  - (2) In each affordable development, at least 50% of the restricted units within each bedroom distribution shall be low-income units.
  - (3) Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
    - (a) The combined number of efficiency and one-bedroom units shall be no greater than 20% of the total low- and moderate-income units;
    - (b) At least 30% of all low- and moderate-income units shall be two-bedroom units;

- (c) At least 20% of all low- and moderate-income units shall be three-bedroom units; and
  - (d) The remaining units may be allocated among two- and three-bedroom units at the discretion of the developer.
- (4) Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.
- B. Accessibility requirements:
- (1) The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14.
  - (2) All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:
    - (a) An adaptable toilet and bathing facility on the first floor;
    - (b) An adaptable kitchen on the first floor;
    - (c) An interior accessible route of travel on the first floor;
    - (d) An interior accessible route of travel shall not be required between stories within an individual unit;
    - (e) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
    - (f) An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14, or evidence that the Borough of Saddle River has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:
      - [1] Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
      - [2] To this end, the builder of restricted units shall deposit funds within the Borough of Saddle River's affordable housing trust fund sufficient to install accessible entrances in 10% of the affordable units that have been constructed with adaptable entrances.
      - [3] The funds deposited under Subsection **B(2)(f)[2]** above shall be used by the Borough of Saddle River for the sole purpose of making the adaptable entrance of any affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
      - [4] The developer of the restricted units shall submit a design plan and cost estimate for the conversion from adaptable to accessible entrances to the Construction Official of the Borough of Saddle River.
      - [5] Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14, and that the cost estimate of such conversion is reasonable, payment shall be made to the Borough of Saddle

River's affordable housing trust fund in care of the Municipal Treasurer, who shall ensure that the funds are deposited into the affordable housing trust fund and appropriately earmarked.

- [6] Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is site impracticable to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14.

C. Maximum rents and sales prices.

- (1) In establishing rents and sales prices of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC and in COAH, utilizing the regional income limits established by COAH.
- (2) The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60% of median income, and the average rent for restricted low- and moderate-income units shall be affordable to households earning no more than 52% of median income.
- (3) The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units.
  - (a) At least 10% of all low- and moderate-income rental units shall be affordable to households earning no more than 30% of median income. (NOTE: N.J.S.A. 52:27D-329.1 (P.L. 2008, C. 46) includes the requirement that all municipal fair share plans provide for the reservation of at least 13% of the affordable units for very-low-income households, i.e. households earning 30% or less of the median income. The new statute states that the requirement is not project-specific. Each municipality's version of this chapter must reflect the determinations made in the Fair Share Plan as to the percentage of units necessary for very low-income units in rental projects. Additional incentives to subsidize the creation of affordable housing available to very-low-income households may be included in the zoning section of this chapter or specified in a developer's or redeveloper's agreement.)
- (4) The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70% of median income, and each affordable development must achieve an affordability average of 55% for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type.
  - (a)
- (5) In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units other than assisted-living facilities, the following standards shall be used:
  - (a) A studio shall be affordable to a one-person household;
  - (b) A one-bedroom unit shall be affordable to a one-and-one-half-person household;
  - (c) A two-bedroom unit shall be affordable to a three-person household;
  - (d) A three-bedroom unit shall be affordable to a four and one-half person household; and
  - (e) A four-bedroom unit shall be affordable to a six-person household.

- (6) In determining the initial rents for compliance with the affordability average requirements for restricted units in assisted-living facilities, the following standards shall be used:
  - (a) A studio shall be affordable to a one-person household;
  - (b) A one-bedroom unit shall be affordable to a one-and-one-half-person household; and
  - (c) A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
- (7) The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95% of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28% of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
- (8) The initial rent for a restricted rental unit shall be calculated so as not to exceed 30% of the eligible monthly income of the appropriate household size as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
- (9) The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.
- (10) The rent of low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed 9% in any one year. Rents for units constructed pursuant to low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low-income housing tax credits.
- (11) Utilities. Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

## § 65-6. Guidelines for all developments.

The following general guidelines apply to all developments that contain low-and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

### A. Affirmative marketing requirements.

- (1) The Borough of Saddle River shall adopt by resolution an affirmative marketing plan, subject to approval of COAH, compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
- (2) The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability,

age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The affirmative marketing plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward COAH Housing Region One and covers the period of deed restriction.

- (3) The affirmative marketing plan shall provide a regional preference for all households that live and/or work in COAH Housing Region One comprised of Bergen, Hudson, Passaic, and Sussex Counties.
- (4) The administrative agent designated by the Borough of Saddle River shall assure the affirmative marketing of all affordable units consistent with the affirmative marketing plan for the municipality.
- (5) In implementing the affirmative marketing plan, the administrative agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- (6) The affirmative marketing process for available affordable units shall begin at least four months prior to the expected date of occupancy.
- (7) The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by the Borough of Saddle River.

B. Occupancy standards.

- (1) In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the administrative agent shall strive to:
  - (a) Provide an occupant for each bedroom;
  - (b) Provide children of different sex with separate bedrooms; and
  - (c) Prevent more than two persons from occupying a single bedroom.
- (2) Additional provisions related to occupancy standards (if any) shall be provided in the municipal operating manual.

C. Control periods for restricted ownership units and enforcement mechanisms.

- (1) Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this chapter until the Borough of Saddle River elects to release the unit from such requirements; however, and prior to such an election, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.
- (2) The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
- (3) Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the administrative agent shall determine the restricted price for the unit and shall also determine the nonrestricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value.
- (4)

At the time of the first sale of the unit, the purchaser shall execute and deliver to the administrative agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first nonexempt sale after the unit's release from the requirements of this chapter, an amount equal to the difference between the unit's nonrestricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.

- (5) The affordability controls set forth in this chapter shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
  - (6) A restricted ownership unit shall be required to obtain a continuing certificate of occupancy or a certified statement from the Construction Official stating that the unit meets all code standards upon the first transfer of title that follows the expiration of the applicable minimum control period provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.
- D. Price restrictions for restricted ownership units, homeowner association fees and resale prices. Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:
- (1) The initial purchase price for a restricted ownership unit shall be approved by the administrative agent.
  - (2) The administrative agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
  - (3) The method used to determine the condominium association fee amounts and special assessments shall be indistinguishable between the low- and moderate-income unit owners and the market unit owners.
  - (4) The owners of restricted ownership units may apply to the administrative agent to increase the maximum sales price for the unit on the basis of capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.
- E. Buyer income eligibility.
- (1) Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50% of median income, and moderate-income ownership units shall be reserved for households with a gross household income less than 80% of median income.
  - (2) The administrative agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33% of the household's certified monthly income.
- F. Limitations on indebtedness secured by ownership unit; subordination.
- (1) Prior to incurring any indebtedness to be secured by a restricted ownership unit, the administrative agent shall determine in writing that the proposed indebtedness complies with the provisions of this section.
  - (2) With the exception of original purchase money mortgages, during a control period neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a

restricted ownership unit to exceed 95% of the maximum allowable resale price of that unit, as such price is determined by the administrative agent in accordance with N.J.A.C. 5:80-26.6 (b).

G. Control periods for restricted rental units.

- (1) Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this chapter until the Borough of Saddle River elects to release the unit from such requirements pursuant to action taken in compliance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, and prior to such an election, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.
- (2) Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Bergen. A copy of the filed document shall be provided to the administrative agent within 30 days of the receipt of a certificate of occupancy.
- (3) A restricted rental unit shall remain subject to the affordability controls of this chapter, despite the occurrence of any of the following events:
  - (a) Sublease or assignment of the lease of the unit;
  - (b) Sale or other voluntary transfer of the ownership of the unit; or
  - (c) The entry and enforcement of any judgment of foreclosure.

H. Price restrictions for rental units; leases.

- (1) A written lease shall be required for all restricted rental units, except for units in an assisted-living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the administrative agent.
- (2) No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted-living residence, to cover the customary charges for food and services) without the express written approval of the administrative agent.
- (3) Application fees (including the charge for any credit check) shall not exceed 5% of the monthly rent of the applicable restricted unit and shall be payable to the administrative agent to be applied to the costs of administering the controls applicable to the unit as set forth in this chapter.

I. Tenant income eligibility.

- (1) Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:
  - (a) Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30% of median income.
  - (b) Low-income rental units shall be reserved for households with a gross household income less than or equal to 50% of median income.
  - (c) Moderate-income rental units shall be reserved for households with a gross household income less than 80% of median income.

- (2) The administrative agent shall certify a household as eligible for a restricted rental unit when the household is a very-low-income, low-income or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35% (40% for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
  - (a) The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for rent and the proposed rent will reduce its housing costs;
  - (b) The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
  - (c) The household is currently in substandard or overcrowded living conditions;
  - (d) The household documents the existence of assets with which the household proposes to supplement the rent payments; or
  - (e) The household documents proposed third-party assistance from an outside source such as a family member, in a form acceptable to the administrative agent and the owner of the unit.
- (3) The applicant shall file documentation sufficient to establish the existence of the circumstances in Subsection **1(2)(a)** through **(e)** above with the administrative agent, who shall counsel the household on budgeting.

J. Administration.

- (1) The position of Municipal Housing Liaison (MHL) for the Borough of Saddle River is established by this chapter. The Mayor and Council shall make the actual appointment of the MHL by means of a resolution.
  - (a) The MHL must be either a full-time or part-time employee of the Borough of Saddle River.
  - (b) The person appointed as the MHL must be reported to COAH for approval.
  - (c) The MHL must meet all COAH requirements for qualifications, including initial and periodic training. (NOTE: if the MHL position is one that will always be included in the job description for a particular position in the local staff, e.g. Borough Clerk, that position can be named in this chapter.)
  - (d) The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Borough of Saddle River, including the following responsibilities which may not be contracted out to the administrative agent:
    - [1] Serving as the municipality's primary point of contact for all inquiries from the state, affordable housing providers, administrative agents and interested households;
    - [2] The implementation of the affirmative marketing plan and affordability controls.
    - [3] When applicable, supervising any contracting administrative agent.
    - [4] Monitoring the status of all restricted units in the Borough of Saddle River's Fair Share Plan;

- [5] Compiling, verifying and submitting annual reports as required by COAH;
  - [6] Coordinating meetings with affordable housing providers and administrative agents, as applicable; and
  - [7] Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by COAH.
- (2) The Borough of Saddle River shall designate by resolution of the Borough Council, subject to the approval of COAH, one or more administrative agents to administer newly constructed affordable units in accordance with N.J.A.C. 5:96, N.J.A.C. 5:97 and UHAC.
  - (3) An operating manual shall be provided by the administrative agent(s) to be adopted by resolution of the governing body and subject to approval of COAH. The operating manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the administrative agent(s). (NOTE: If it is decided that an employee of the municipality will act as administrative agent or if the Housing Affordability Service (HAS) of the Agency is selected, the determination of such can be included in this chapter.)
  - (4) The administrative agent shall perform the duties and responsibilities of an administrative agent as are set forth in UHAC and which are described in full detail in the operating manual, including those set forth in N.J.A.C. 5:80-26.14, 5:80-26:16 and 5:80-26.18 thereof, which includes:
    - (a) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH;
    - (b) Affirmative marketing;
    - (c) Household certification;
    - (d) Affordability controls;
    - (e) Records retention;
    - (f) Resale and rental;
    - (g) Processing requests from unit owners; and
    - (h) Enforcement, though the ultimate responsibility for retaining controls on the units rests with the municipality.
  - (5) The administrative agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities, hereunder.
- K. Enforcement of affordable housing regulations.
- (1) Upon the occurrence of a breach of any of the regulations governing the affordable unit by an owner, developer or tenant the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
  - (2) After providing written notice of a violation to an owner, developer or tenant of a low- or moderate-income unit and advising the owner, developer or tenant of the penalties for such violations, the municipality may take the following action against the owner, developer or

tenant for any violation that remains uncured for a period of 60 days after service of the written notice:

- (a) The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the owner, developer or tenant is found by the court to have violated any provision of the regulations governing affordable housing units, the owner, developer or tenant shall be subject to one or more of the following penalties, at the discretion of the court:
    - [1] A fine of not more than \$1,000 per day or imprisonment for a period not to exceed 90 days, or both. Each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense;
    - [2] In the case of an owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Borough of Saddle River Affordable Housing Trust Fund of the gross amount of rent illegally collected;
    - [3] In the case of an owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the court.
  - (b) The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the first purchase money mortgage and shall constitute a lien against the low- and moderate-income unit.
- (3) Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any first purchase money mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.
  - (4) The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating owner shall be personally responsible for and to the extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the owner shall make a claim with the municipality for such. Failure of the owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the owner or forfeited to the municipality.
  - (5) Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be

conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.

- (6) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the first purchase money mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the first purchase money mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the first purchase money mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.
  - (7) Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the owner to accept an offer to purchase from any qualified purchaser which may be referred to the owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.
  - (8) The owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the owner.
- L. Appeals. Appeals from all decisions of an administrative agent designated pursuant to this chapter shall be filed in writing with the Executive Director of COAH.

A-8: Existing Development Fee Ordinance (Ch. 99)



*Borough of Saddle River, NJ  
Wednesday, January 27, 2016*

## Chapter 99. Development Fees

[HISTORY: Adopted by the Mayor and Council of the Borough of Saddle River 5-19-1997 by Ord. No. 97-649-M. Amendments noted where applicable.]

### § 99-1. Purpose.

The purpose of this chapter is to establish standards for the collection, maintenance and expenditure of development fees in accordance with the Supreme Court decision in *Holmdel Builder's Ass'n. v. Holmdel Township*, 121 NJ 550 (1990) and pursuant to the regulations adopted by the New Jersey Council on Affordable Housing (COAH). Fees collected under this chapter shall be used for the sole purpose of providing low and moderate income housing either within the Borough of Saddle River or elsewhere within the northeast housing region.

### § 99-2. Development fee assessment.

- A. Unless otherwise excluded by § 99-5 of this chapter, all residential and nonresidential developments shall be assessed a development fee as a condition for securing preliminary subdivision or site plan approval.
- B. Unless otherwise excluded by § 99-5 of this chapter, construction activity that does not require subdivision or site plan approval shall be assessed a development fee as a condition for securing a building permit.

### § 99-3. Residential development fees.

- A. Development fees for residential development shall be 1% of the equalized assessed value of the development except that, where a zoning change or density variance may be approved which provides for an increase in the residential development permitted on a site, the development fee for each additional or bonus dwelling unit realized shall be 6% of the equalized assessed value of each such incremental dwelling unit.  
[Amended 4-18-2005 by Ord. No. 05-775-C]
- B. Fees exceeding those permitted under this section may be collected where an agreement is entered into with the developer which offers a financial incentive for paying higher fees. All such agreements are subject to approval by COAH.

### § 99-4. Nonresidential development fees.

- A. Development fees for nonresidential development shall be 2% of the equalized assessed value of the development.

[Amended 4-18-2005 by Ord. No. 05-775-C]

- B. Fees exceeding those permitted under this section may be collected where there is an agreement with the developer that offers a financial incentive for paying higher fees. Such agreements may include, but are not limited to, tax abatement, increased commercial/industrial square footage, and/or increased commercial/industrial impervious coverage in return for an increased fee. The fee negotiated must bear a reasonable relationship to the additional commercial/industrial consideration to be received. All such agreements are subject to approval by COAH.

## § 99-5. Eligible exactions and exemptions.

- A. Inclusionary developments shall be exempt from paying development fees.
- B. Developers that expand an existing nonresidential structure shall pay a development fee as required in § 99-4 of this chapter. The development fee shall be calculated based on the increase in the equalized assessed value of the improved structure.
- C. Improvements to and expansions of existing residential structures which increase the living space by less than 20% and/or the volume of the existing structure by less than 20% shall be exempt from paying a development fee.  
[Amended 7-15-2002 by Ord. No. 02-735-C]
- D. Developers that have received preliminary or final approval of a development prior to the effective date of this chapter shall be exempt from paying a development fee unless the developer seeks a substantial change in the approval.
- E. Developers of churches, synagogues, schools, public nonprofit uses or hospitals shall be exempt from paying development fee(s).

## § 99-6. Collection of fees.

- A. Developers shall pay 50% of the calculated development fee at the time of the issuance of building permits. The development fee shall be estimated by the Tax Assessor prior to the issuance of a building permit.
- B. Developers shall pay the remaining fee at the time of the issuance of certificates of occupancy. Upon the issuance of a certificate of occupancy, the Tax Assessor shall calculate the applicable equalized assessed value and the appropriate development fee. The developer shall be responsible for paying the difference between the fee calculated at the time a certificate of occupancy is issued and the amount paid at the time the building permit was issued.
- C. Imposed and collected development fees that are challenged shall be placed in an interest bearing account by the municipality. If all or a portion of the contested fees are returned to the developer, the accrued interest on the returned amount shall also be returned.

## § 99-7. Affordable housing trust fund.

- A. There is hereby created an interest bearing affordable housing trust fund in an official bank of the Borough for the purpose of receiving development fees from residential and nonresidential developers. All development fees paid pursuant to this chapter shall be deposited in the affordable housing trust fund. No money shall be expended from the affordable housing trust fund unless the expenditure conforms to the municipality's spending plan approved by COAH.

- B. Should COAH determine that the Borough of Saddle River is in violation of any requirements set forth in N.J.A.C. 5:93-8.17 and N.J.A.C. 5:93-8.18, COAH shall direct the manner in which all development fees collected pursuant to this chapter shall be expended, pursuant to a written authorization from the governing body to the official bank of the Borough, which shall be filed with the bank upon the establishment of the affordable housing trust fund as provided in § 99-7A above.

## § 99-8. Use of funds.

- A. Moneys deposited in the affordable housing trust fund may be used for any activity approved by COAH for addressing the Borough's low and moderate income housing obligations. Such activities may include, but are not necessarily limited to: new affordable housing construction; the funding of regional contribution agreements; the purchase of land for low and moderate income housing; extensions and/or improvements of roads and infrastructure to low and moderate income housing sites; assistance designed to render units more affordable to low and moderate income households; and administrative costs necessary to implement Saddle River's Housing Element. The expenditure of all moneys shall conform to the Spending Plan approved by COAH.
- B. At least 30% of all revenues collected which are not targeted for a regional contribution agreement or a municipal construction project, shall be devoted to render units more affordable. Examples of such activities include, but are not limited to: down payment assistance; low interest loans; and rental assistance.
- C. No more than 20% of all revenues collected shall be expended on administrative costs necessary to provide, revise or implement the Housing Element. Examples of eligible administrative activities include: additional personnel; consultant services; space costs; consumable supplies; and rental or purchase of equipment directly related to the development, revision or implementation of any portion of the Borough's Housing Element. Administrative funds may also be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements.

## § 99-9. Disbursement of funds.

Development fees shall be disbursed consistent with the Borough's Spending Plan adopted pursuant to N.J.A.C. 5:93-5.1(c).

## § 99-10. Monitoring.

The Borough shall complete and return all monitoring forms related to the collection of fees, expenditure of revenues and implementation of the plan certified by COAH. Quarterly financial reports, and annual program implementation and auditing reports shall be completed on forms designed by COAH.

## § 99-11. Expiration of chapter.

This chapter permitting the collection of development fees shall expire as a result of any of the following:

- A. An action of a court with competent jurisdiction or COAH's dismissal or denial of a petition for substantive certification.

- B. An action by a court with competent jurisdiction or COAH's revocation either of substantive certification or of its approval of this chapter.
- C. The expiration of substantive certification unless the Borough has adopted and filed a new Housing Element with COAH, petitioned for substantive certification, or received COAH's renewed approval of this chapter.

A-9: Draft Spending Plan



**DRAFT**  
**Borough of Saddle River**  
**Amendment to Spending Plan**

## **INTRODUCTION**

The Borough of Saddle River, Bergen County has prepared a Housing Element and Fair Share plan that addresses its regional fair share of the affordable housing need in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Fair Housing Act (N.J.S.A. 52:27D-301) and the regulations of the Council on Affordable Housing (COAH) (N.J.A.C. 5:91-1 et seq. and N.J.A.C. 5:93-1 et seq.). A development fee ordinance creating a dedicated revenue source for affordable housing and establishing the Borough of Saddle River affordable housing trust fund was adopted by the Borough on May 19, 1997, with subsequent amendments adopted in 2002 and 2005.

As of January 15, 2016, the Borough of Saddle River has a balance of \$1,098,191 in its affordable housing trust fund. All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by the fees are deposited in a separate interest-bearing affordable housing trust fund for the purposes of affordable housing. These funds shall be spent in accordance with N.J.A.C. 5:93-8.16 as described in the sections that follow.

### **1. REVENUES FOR CERTIFICATION PERIOD**

It is anticipated that, during the period of Third Round substantive certification (2015-2025), the Borough of Saddle River will add an additional \$2,010,000 to its affordable housing trust fund. This is detailed below.

- (a) Development fees: The Borough anticipates that \$1,995,000 in development fees will be generated between 2016 and 2025. This figure is based on the following assumptions:
1. Based on historical rates of residential development, the Borough anticipates an average of 10.5 new dwellings per year over the next 9 years, which equates to 95 new dwelling units during this period.
  2. At an average equalized assessed value of \$1.4 million per dwelling, and the imposition of the required 1.5% development fee for residential construction, these 95 new dwelling units will generate approximately \$1,995,000 in development fee revenues.

3. The Borough does not anticipate any significant non-residential development over the next 9 years.

(b) Projected interest: The Borough also anticipates that the projected revenue in the municipal affordable housing trust fund will generate a total of \$15,000 in interest over the next 9 years.

In sum, the Borough of Saddle River expects to generate an additional \$2,010,000 for its affordable housing trust fund between now and 2025. When added to Saddle River's current trust fund balance of \$1,098,191 as of January 15, 2016, this results in total anticipated revenue of \$3,108,191 to fund and administer the Borough's affordable housing plan.

## 2. ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS

The following procedural sequence for the collection and distribution of development fee revenues shall be followed by the Borough:

(a) Collection of development fee revenues: Collection of development fee revenues shall be consistent with Saddle River's development fee ordinance for both residential and non-residential developments in accordance with COAH's rules and P.L.2008, c.46, sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7).

(b) Distribution of development fee revenues: The Planning Board adopts and forwards a resolution to the governing body recommending the expenditure of development fee revenues as set forth in this spending plan. The governing body reviews the request for consistency with the spending plan and adopts the recommendation by resolution.

The release of funds requires adoption of the governing body resolution in accordance with the spending plan. Once a request is approved by resolution, the Chief Financial Officer releases the requested revenue from the trust fund for the specific use approved in the governing body's resolution.

## 3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

(a) Municipally sponsored new construction (100% affordable sites): The Borough of Saddle River is proposing to fund and construct two 100% affordable housing developments, as set forth in the Housing Element and Fair Share Plan. These developments are proposed to be constructed on Block 1607 Lots 7, 8 and 9, and Block 1607 Lot 41, respectively. The Borough anticipates it will have approximately \$2,386,553 from the affordable housing trust fund to spend toward these projects.

As noted in the Housing Element and Fair Share Plan, the Borough intends to bond for any shortfall in funding for these projects. Also, the Borough has reached out to Tom Toronto, President of Bergen County's United Way, with respect to partnering on one or both of these projects. Mr. Toronto has expressed interest in this partnership and the Borough will be meeting with him shortly to discuss further.

- (b) Accessory apartment program: The Borough of Saddle River commits \$100,000 towards its proposed accessory apartment program. This will subsidize 10 accessory apartments at a rate of \$10,000 per unit.
- (c) Affordability assistance: Per N.J.A.C. 5:93-8.16(c), municipalities are required to spend at least 30% of the revenues collected from development fees towards affordability assistance to low- and moderate-income households. However, development fees collected to finance a new construction project are exempt from this requirement. As detailed in (a) above, the Borough of Saddle River is proposing two municipally-sponsored 100% affordable developments, which will be financed from the collection of development fees. As such, the Borough of Saddle River does not anticipate any residual money less of its proposed housing activity expenditures to be dedicated towards affordability assistance.
- (d) Administrative Expenses: Per N.J.A.C. 5:93-8.16(e), no more than 20% of the revenues collected from development fees shall be expended on administration. The Borough of Saddle River projects that a maximum of approximately \$621,638 will be available from the affordable housing trust fund to be used for administrative purposes through 2025. Projected administrative expenditures, subject to the 20% cap, include the salaries and benefits for municipal employees and consultant fees necessary to develop or implement the following:
  - 1. An updated Housing Element and Fair Share Plan.
  - 2. A new construction program.
  - 3. An affirmative marketing program.

#### 4. EXCESS OR SHORTFALL OF FUNDS

Pursuant to the Housing Element and Fair Share Plan, the governing body of the Borough of Saddle River will adopt a resolution agreeing to fund any shortfall of funds required for implementing the municipally sponsored housing and accessory apartment program. In the event that a shortfall of anticipated revenues occurs, the Borough of Saddle River will handle the shortfall of funds through adopting a resolution with an intent to bond. A copy of the draft resolution is attached.

In the event of excess funds, any remaining funds above the amount necessary to satisfy the municipal affordable housing obligation will be reserved for additional affordable housing activity.

## SUMMARY

The Borough of Saddle River intends to spend affordable housing trust fund revenues pursuant to N.J.A.C. 5:93-8.16 and consistent with the housing programs outlined in the Borough's Housing Element And Fair Share Plan.

The Borough of Saddle River has a balance of \$1,098,191 as of January 15, 2016, and anticipates an additional \$2,010,000 in revenues through 2025 for a total of \$3,108,191. During the Third Round period of substantive certification through 2025, the Borough will spend approximately \$2,386,553 towards the construction of the two 100% affordable housing developments on Block 1607 Lots 7, 8 and 9, and Block 1607 Lot 41, respectively, \$100,000 to subsidize 10 accessory apartment units, and a maximum of \$621,638 towards administrative costs.

<b>SPENDING PLAN SUMMARY</b>		
Balance as of January 15, 2016		\$1,098,191
<b>PROJECTED REVENUE 2016-2025</b>		
Development fees	+	\$1,995,000
Payments in lieu of construction	+	\$ 0
Other funds	+	\$ 0
Interest	+	\$15,000
<b>TOTAL REVENUE</b>	<b>=</b>	<b>\$3,108,191</b>
<b>EXPENDITURES</b>		
Funds used for Accessory Apartment Program	-	\$100,000
Funds used for New Construction		
1. <i>100% Affordable Housing Developments         (Block 1607 Lots 7-9, and Block 1607 Lot 41)</i>	-	\$2,386,553
Affordability Assistance	-	\$ 0
Administration	-	\$621,638
Excess Funds or Remaining Balance Reserved for Additional Affordable Housing Activity	=	\$0
<b>TOTAL PROJECTED EXPENDITURES</b>	<b>=</b>	<b>\$3,108,191</b>
<b>REMAINING BALANCE</b>	<b>=</b>	<b>\$ 0</b>

A-10: Draft Resolution of Intent to Bond



**DRAFT**  
**Governing Body Resolution of Intent to Appropriate Funds or Bond in the Event of a Funding Shortfall**

**WHEREAS**, the Borough of Saddle River, Bergen County has petitioned the Court for substantive certification of its adopted Housing Element and Fair Share Plan; and

**WHEREAS**, the plan submitted to the Court allocates funds for:

1. An accessory apartment program; and
2. 100% municipally sponsored affordable housing developments; and

**WHEREAS**, the Borough of Saddle River anticipates that funding will come from the following sources to satisfy these obligations:

1. Development fees; and

**WHEREAS**, in the event that the above funding sources prove inadequate to complete the affordable housing programs included in the Borough of Saddle River's Court-certified Housing Element and Fair Share Plan, the Borough of Saddle River shall provide sufficient funding to address any shortfalls.

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of Saddle River, Bergen County, State of New Jersey, that the Governing Body does hereby agree to appropriate funds or authorize the issuance of debt to fund any shortfall in its affordable housing program that may arise whether due to inadequate funding from other sources or for any other reason; and

**BE IT FURTHER RESOLVED** that, upon written notification by the Court after a finding that inadequate funding exists to complete the affordable housing programs included in the Borough of Saddle River's Court-certified Housing Element and Fair Share Plan, the Borough of Saddle River agrees to appropriate funds or authorize the issuance of debt within 90 days of written notification by the Court; and

**BE IT FURTHER RESOLVED** that the Borough of Saddle River may repay debt through future collections of development fees, as such funds become available.

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Marie Elena Macari  
Borough Clerk



A-11: Environmental Constraints Maps – Sites Recommended for Consideration by FSHC









**Project Title:**  
**Housing Plan**  
 BORDENLOT SADDLE RIVER, BERGEN COUNTY, NEW JERSEY

**Lot Qualifies for RDP Analysis?**

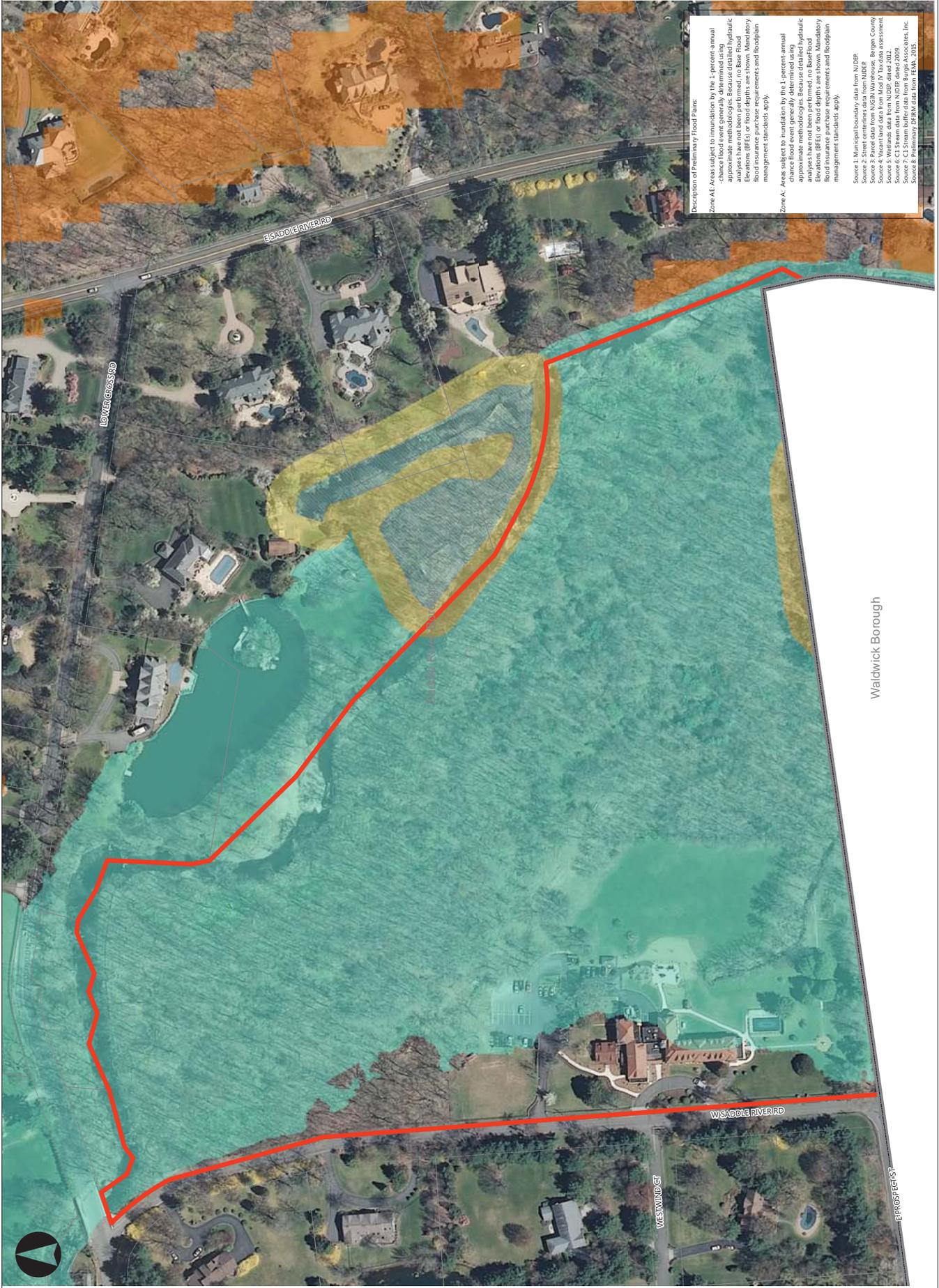
- Yes
- No
- No longer available with adjacent lot
- C1 Stream
- C1 Buffer
- Wetlands
- 50% Wetland Buffer

**Preliminary Flood Hazard Zone**

- A
- AE
- Shoep Steeps
- <15%
- >15%
- Parcels
- Saddle River Boundary

Rev	Description	Date	Drawn

Drawn: [Signature]  
 Date: 06/21/22  
 Scale: 1" = 70'  
 Graphic Scale: 0 35 70 140 Feet



**Description of Preliminary Flood Plans:**  
 Zone AE: Areas subject to inundation by the 1-percent annual chance flood event generally determined using approximate methodologies. Because detailed hydraulic analyses have not been performed, no Base Flood Elevations (BFEs) or flood depths are shown. Mandatory flood insurance purchase requirements and floodplain management standards apply.  
 Zone A: Areas subject to inundation by the 1-percent annual chance flood event generally determined using approximate methodologies. Because detailed hydraulic analyses have not been performed, no Base Flood Elevations (BFEs) or flood depths are shown. Mandatory flood insurance purchase requirements and floodplain management standards apply.

Source 1: Municipal boundary data from NJDEP  
 Source 2: Street centerlines data from NJDEP  
 Source 3: Parcel data from NCEM Warehouse, Bergen County  
 Source 4: Flood hazard data from NJDEP dated 2012  
 Source 5: Wetlands data from NJDEP dated 2012  
 Source 6: C1 Stream data from NJDEP dated 2009  
 Source 7: C1 Stream buffer data from Burgis Associates, Inc.  
 Source 8: Preliminary flood hazard data from FEMA 2015

Waldwick Borough





**Lot Qualities for RDP Analysis?**

- Yes
- No
- No longer available with adjacent lot

**CT Stream**

- CT Buffer
- Wetlands
- 50% Wetland Buffer

**Preliminary Flood Hazard Zone**

- A
- AE

**Shoof Sloughs**

- <15%
- >15%

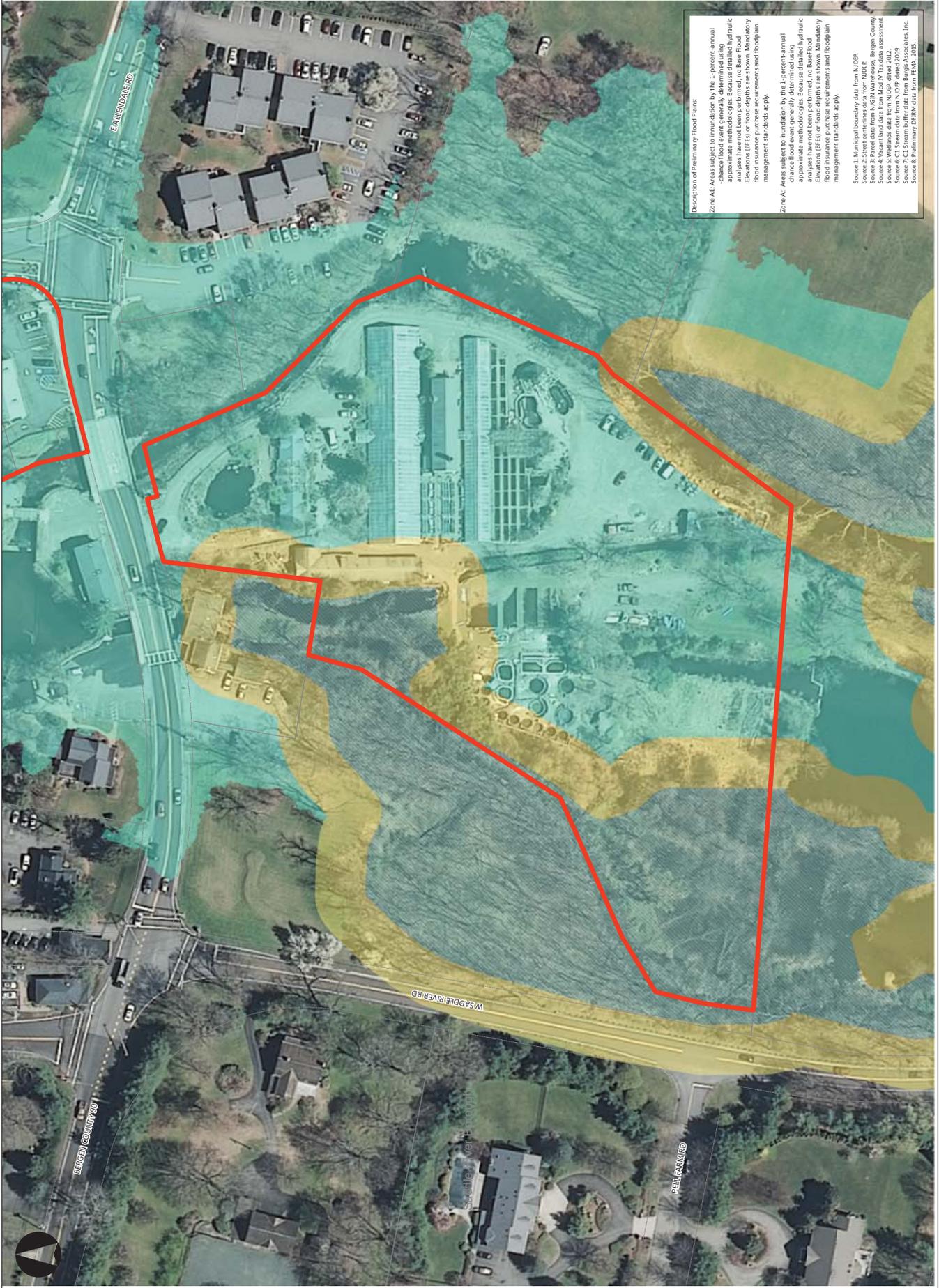
**Other**

- Permits
- Subdiv. Road Boundary

Rev	Description	Date	Drawn	Check

Drawn: [ ]  
 Date: [ ]  
 Scale: 1" = 40'

Graphic Scale:  
 0 20 40 80 Feet



**Description of Preliminary Flood Plans:**  
 Zone AE: Areas subject to inundation by the 1-percent annual chance flood event generally determined using approximate methodologies. Because detailed hydraulic analyses have not been performed, no Base Flood Elevations (BFEs) or flood depths are shown. Mandatory flood insurance purchase requirements and floodplain management standards apply.

Zone A: Areas subject to inundation by the 1-percent annual chance flood event generally determined using approximate methodologies. Because detailed hydraulic analyses have not been performed, no Base Flood Elevations (BFEs) or flood depths are shown. Mandatory flood insurance purchase requirements and floodplain management standards apply.

Source 1: Municipal boundary data from NJDEP  
 Source 2: Street centerlines data from NJDEP  
 Source 3: Permit data from NJCN Warehouse, Bergen County  
 Source 4: Wetlands data from NJDEP dated 2012  
 Source 5: Wetlands data from NJDEP dated 2012  
 Source 6: CT Stream data from NJDEP dated 2009  
 Source 7: CT Stream buffer data from Burgis Associates, Inc.  
 Source 8: Preliminary Flood data from FEMA 2015.







A-12: Resolution of Approval – Saddle River Shopping Center



BOROUGH OF SADDLE RIVER  
 100 EAST ALLENDALE ROAD  
 SADDLE RIVER, NEW JERSEY 07458  
 GEORGIA SILERMAN  
 PHONE: 201-327-2609 EXT 226  
 FAX: 201-327-0168

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FACSIMILE TRANSMITTAL SHEET

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TO:	<i>J. Burgis</i>	FROM: GEORGIA SILVERMAN
ATTENTION:		DATE
FAX NUMBER		TOTAL NO. OF PAGES INCLUDING COVER
PHONE NUMBER:		SENDER'S REFERENCE NUMBER: 201 327 0168
RE:		YOUR REFERENCE NUMBER:

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URGENT   
  FOR REVIEW   
  PLEASE COMMENT   
  PLEASE REPLY   
  PLEASE RECYCLE

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[CLICK HERE AND TYPE RETURN ADDRESS]

**RESOLUTION  
OF THE PLANNING BOARD OF THE  
BOROUGH OF SADDLE RIVER**

In the Matter of:

Versailles Realty Company  
Colonial Park Shopping Center  
171&175 East Saddle River Road  
Block 1401, Lots 11, 12 and 13  
Site Plan Approval

**WHEREAS**, Versailles Realty Company did make an application to the Planning Board of the Borough of Saddle River for site plan approval to permit building and site improvements to an existing shopping center located at 171 & 175 East Saddle River Road, also known as Lots 11, 12, and 13 in Block 1401 on the municipal tax map; and

**WHEREAS**, the application was deemed complete and was the subject of a public hearing held by the Planning Board on December 2, 2015 at which hearing the applicant was represented by counsel James E. Jaworski, Esq. who presented the testimony of Daniel LaMothe, Professional Engineer and Robert Krieger, Architect; and

**WHEREAS**, the applicant submitted the following exhibits into evidence:

1. Phase 1 Site Plan prepared by Lapatka Associates and most recently dated ~~November 10, 2015;~~
2. Landscape Plan prepared by Greenbelt Landscapes, Inc. and most recently dated September 24, 2015; and
3. Building Plan prepared by Dahn & Krieger Architects and most recently dated August 11, 2015.

**WHEREAS**, all persons required to be served with notice of the hearing were duly served, and proof thereof has been filed with the Planning Board; and

**WHEREAS**, the applicant properly published notice of the hearing and filed its supporting plans and documents at least ten (10) days prior to the public meeting; and

**WHEREAS**, the Planning Board at its official meeting held on December 2, 2015, in accordance with the Open Public Meeting Act, made the following findings of facts, determinations and conclusions of law:

1. The properties in question are located in the Crossing Business Zone and consist of 161,201 square feet or 3.70 acres. They are collectively known as the "Colonial Park Shopping Center," and include the Terrie O'Connor Building, the Store Building and the Post Office/Bank Building.

2. The applicant is proposing façade, signage and site improvements. These improvements include four (4) new dormers and siding changes for the Store Building; paver walk ways; three (3) new streetscape lights along the East Allendale frontage; and a new dumpster corral at the rear of the building. All modifications are consistent with the Borough Streetscape Project. No improvements are proposed for the Terrie O'Connor and Post Office/Bank buildings.

3. The applicant is proposing 165 parking spaces whereas 164 are required.

~~4. The properties have existing non-conformities with respect to the following:~~

- Front yard setback—The ordinance requires a minimum front yard setback of 65 feet and 48.5 feet exists.
- Improved Lot coverage—The ordinance permits a maximum improved lot coverage of 30% and 72% exists.

- Minimum Plant Strip—The ordinance requires a minimum plant strip of 5 feet and 0 feet exists.
- Planting Buffer Adjacent to Residential—The ordinance requires a planting buffer of 15 feet and 0 exists.

5. The Planning Board determined that good reasons existed for the following variances:

- The ordinance permits a maximum height for the dumpster enclosure of 3 feet and 6 feet is proposed; and
- The number of signs the ordinance permits on the properties.

6. The Planning Board reviewed the testimony of the applicant's professionals and determined that the applicant provided sufficient proofs to justify the granting of each variance. Specifically, the applicant satisfied the positive criteria for variance relief because the proposed plan will be more aesthetically pleasing and will address safety concerns by allowing customers to more easily identify the locations of the businesses. The Planning Board also determined that the granting of the requested variances would further the purposes of the Municipal Land Use Law and that the ~~benefits of the requested variances would substantially outweigh the detriments, if any.~~

7. The variances requested also satisfied the negative criteria of variance relief because the applicant demonstrated that the aforementioned deviations, while not in conformity with the Zoning Ordinance, will have minimal adverse impact on the property or the surrounding area.

8. The Planning Board thus concluded that the granting of the variances promotes the full and viable use of the property without substantially impairing the intent and purposes of the Zone Plan and the Zone Ordinances of the Borough of Saddle River.

9. The Planning Board discussed with the applicant the review memoranda received from the Planning Board Engineer dated November 25, 2015 and the Planning Board Landscape Architect dated November \_\_\_\_, 2015 and agreed their comments would be made conditions of any approval.

**NOW, THEREFORE, BE IT RESOLVED** that this resolution serves to memorialize the action of the Planning Board of the Borough of Saddle River approving the within site plan application with associated variances, subject to the following conditions:

1. The applicant shall show on the plans a detail of the curb/paver separation for the proposed paver walkway at the East Allendale Frontage. The joints shall be filled with stabilized aggregate material.
2. All Store Building signage shall be externally illuminated with LED lighting mounted on wall arms that will extend approximately twelve (12) inches from the ~~façade. The lighting units will be "Ecoline" or similar with dimensions of~~ approximately 2 x 2 inches. All signage illumination shall be on timers and extinguished not more than 1 hour after closing.
3. The applicant shall provide a table of proposed signage. Each tenant located in the Store Building shall be provided an area of 2 x 12 feet within which it can place its identification signage. This signage shall conform to the Borough Code regarding font, text size, colors and locations.

4. The Store Building identification sign at the top of the building shall be consistent with the exterior existing goal post signage.
5. The applicant shall clean up finishes along the west side of the Store Building.
6. The applicant shall reset and paint the bollards at the northwest corner of the Post Office/Bank Building and paint the bollards at the East Allendale Road and East Saddle River Road intersection. The applicant shall also provide a corresponding note on the plans.
7. The two (2) existing stop signs located at East Saddle River Road and East Allendale Road shall be replaced with new post signs that shall be constructed by the applicant.
8. The applicant shall amend the plans to state that Note 13 is the responsibility of the applicant.
9. The applicant shall consider eliminating and/or upgrading some obsolete signage along the road frontage. The Board recommends that the applicant attend a site inspection with the Borough Engineer and Department of Public Works to address this issue.
- ~~10. The applicant shall submit a "Phase 2" site improvements application to the Planning Board within six (6) months of the adoption of the revised NJDEP flood maps. The applicant shall include a Landscaping Plan. In the event that the NJDEP flood maps are not approved the applicant shall complete reasonable landscape improvements as approved by the Borough Landscape Architect within 18 months from the date of this resolution.~~

11. The applicant shall be bound by the testimony presented at the Board meeting as if the testimony was incorporated herein.
12. The applicant shall maintain the property during construction according to the Property Maintenance Code.
13. The applicant shall submit escrow, sufficient to cover the engineering review/inspection in the amount of 2500.00, landscape architect review/inspection in the amount of 1600.00, and legal costs in the amount of 1600.00 regarding this application.

The action reflected in this resolution of memorialization was taken on December 2, 2015  
by the following vote:

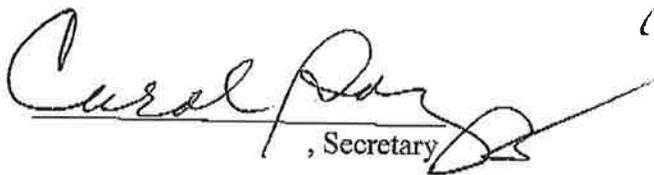
	Yes	No	Absent	Abstain	Recused or Ineligible to Vote
Meisel	✓				
Liva	✓				
Boyajian	✓				
Raia			✓		
Rogers	✓				
Jensen	✓				
Bernhardt	✓				
Richin	✓				
Russo	✓				
Saint, Alt. 1					✓
Grossman, Alt. 2	✓				

Approved by:



, Chairman

Attested to:



, Secretary