BOROUGH OF WOODCLIFF LAKE
SPECIAL TOWN HALL ZOOM MEETING
MAYOR AND COUNCIL MINUTES
JUNE 10, 2020
6:30 PM

CALL TO ORDER

Notice of this meeting, in accordance with the "Open Public Meetings Law, 1975, C. "231", has been posted at the Borough Hall and two newspapers, The Record and The Ridgewood News, have been notified. This meeting is being held via zoom and televised.

ROLL CALL

Mayor Rendo asked for a roll call. Council members Falanga, Gross, Hayes, and Marson were present. Borough Attorney John Schettino was present, as well as Borough Administrator Tomas Padilla and Borough Clerk Debbie Dakin. Also present via zoom was Borough Engineer Evan Jacobs.

PLEDGE OF ALLEGIANCE

All present recited the Pledge of Allegiance.

Mayor Rendo stated that we are discussing a very important topic. A topic that we weren't expecting to happen. Unfortunately, Saddle River has been battling with Fair Share Housing for a number of years. Finally, Fair Share Housing came into Saddle River and presented their plan. At the beginning, Saddle River was only going to build at 78 Woodcliff Avenue. From the time that they brought this to the residents and to us. We managed to open the lines of communications with Saddle River and their governing body. Some members of our Council attended one of their meetings. We are very interested in this issue and we are looking for your input.

DISCUSSION OF 78 WOODCLIFF LAKE ROAD

- Evan Jacobs, Neglia Engineering
- John Schettino, Esq.

Mr. Schettino stated that he is going to be a little brief at this point because we are going to lose our engineer in 15 minutes and then he is going to summarize where we started from and where we are at. Mr. Schettino stated that he has been instructed to make sure that the interests of Woodcliff Lake are protected. The Mayor had requested that Mr. Schettino speak directly with certain residents, which he did, to hear their concerns directly. Mr. Schettino stated that he wants everyone to know that when this started, as the Mayor had pointed out, Saddle River is required to have 132 affordable housing units and they have spread those units out over a total of 5 locations, one of which is 78 Woodcliff Lake Road. They started with 24 affordable housing units, not beds, at that site. They were then attempting to reduce the 24 units to a 24 bed disabled veterans' facility, which of course, we as a community were supportive of. It was going to be a much smaller facility than what a 24-unit building would require. However, Fair Share Housing and the Special Master, who was appointed by the court and is considered neutral, stated that that was not consistent with the plan and that they would not support a reduction of a 24-unit structure to a 24-bed facility. Without the Special Master's consent, and without Fair Share Housing agreement to change that site from 24 units to 24 beds was not going to be approved by the court. However, we were able to get them to reduce the site from 24 units to 12 units at this point in time. As you can imagine, a 12-unit structure will be much smaller than a 24-unit structure. Mr. Schettino stated that there are no parameters at the other locations other than the number of units that will be included at those sites. We are in a much better position with respect to this site. Mr. Schettino stated that our Borough Engineer, Evan Jacobs, will present to the public what a 12-unit structure will look like on the site, what its footprint would be and what its setbacks would be.

Evan Jacobs stated that the existing site is located on Woodcliff Lake Road, near the intersection of Apple Ridge. Apple Ridge does not connect through to there but the right-of-way. Mr. Jacobs went over the concept plan, including the buffer off Masquapsink Brook and the wetland delineator. Mr. Jacobs stated that the back portion of the site is largely undevelopable and would remain as is. It is his understanding that this would remain intact as it is today. The intention is to have 12 units, 6 units per floor, 2 floors with parking provided for the residents and visitors. In terms of the site setbacks, Saddle River's Zoning Ordinance reads that Apple Ridge Road and Woodcliff Lake Road would be considered fronting streets. There is a front yard setback that should be applied to both streets, which is 125 feet in Saddle River. The plan is not 125 feet from the rights-of-way so some sort of variance or Overlay zoning amendment would be necessary. They do not currently have a full application in front of them. This is just a concept plan.

Councilman Falanga shared the latest concept plan which shows all the parking in front which is dated May 22, 2020. Councilwoman Gross asked if we knew how far back it was set from Apple Ridge Road. Mr. Jacobs stated he would have to see it to scale but it looks like possibly 40 feet. Mr. Schettino stated that the Mayor and Council should have received an email from him last week with this rendering and an attachment that set forth the setbacks. We expect them to maintain acceptable and reasonable side yard setbacks, especially as it pertains to Apple Ridge Road. With respect to the structure, it will be 2 ½ story building, same height as other buildings in the area. Saddle River stated that the architect will design the building that, when looking it, will look as a very large one-family dwelling like the Rosie O'Donnell former dwelling in Saddle

River. They will limit the number of doorways, so it looks like a large home, not an apartment building. Apple Ridge Road will not be open, nor will there be any access from Apple Ridge Road from any point of the site onto the Roadway. They have agreed to say that in the restrictions as well. They also agreed to language that there will be adequate landscape buffers along Apple Ridge Road and the rear of the property and any aspect of this property that will be visible from Woodcliff Lake. Parking will be in front of the building. They agreed not to seek any waivers or encroach on the wetlands whatsoever which means that the area behind the structure will remain as it presently is. It is only 12 units if the Borough of Woodcliff Lake signs off on a settlement. If the Borough of Woodcliff Lake does not sign off, Saddle River will put 16 units there. Mr. Schettino stated that the Borough of Woodcliff Lake is considering a plan for 12 units, with specific parameters and specific concerns that were raised by Woodcliff Lake, be included in the settlement agreement vs. no parameters and a 16-unit structure. There will be one more opportunity with Saddle River to discuss this. Mayor Rendo has a very good relationship with the Mayor of Saddle River and they have agreed to meet after our meeting this evening to get further detail into a settlement agreement with respect to setbacks and landscaping.

Mayor Rendo stated that there is another litigant in this case which is a Saddle River resident. Mayor Rendo asked Mr. Schettino to explain where we are with that litigant. Also, the Mayor asked Mr. Schettino to explain what would happen if we were to fight this even if that resident agrees to go along with the development in Saddle River. Mr. Schettino stated that we have been working with the law firm representing the neighbor in Saddle River because we felt there was more leverage to have a united front with the other objector. The other objector is waiting to see what position we take. They agree that the best that we can accomplish at this site is 12 units and they are also in agreement that the best that we could hope to accomplish is the restrictions/parameters that Mr. Schettino stated earlier. If the matter is litigated and Saddle River is successful, the objectors would be responsible for Fair Share Housing's legal fees. Mr. Schettino stated that everyone needs to understand that this property is not located in Woodcliff Lake. We do not have the same control that we would have if the property was in Woodcliff Lake. We do have some leverage as many residents are aware because of the sewer system. Saddle River is asking for permission to tie into our sewer system. We have informed Saddle River that unless we can come to some type of settlement, we would oppose their efforts to tie into our sewer system. Saddle River will pay for any costs associated with tying into our sewer system, as well as, making sure that the Borough, on an annual basis, is fully funded for all costs associated with the water flow through as well as the maintenance of the line. We already have permitted several homes in Saddle River to tie into our sewer system.

Mayor Rendo asked Mr. Schettino if we knew the number of bedrooms at this time. Mr. Schettino stated that the number of units are in accordance with the guidelines which requires a total of 26 beds. It would be an increase of 2 beds over the 24-bed facility that was at one point discussed for disabled veterans. The 24 units would have involved a 4-story structure which would have been out of character for the neighborhood.

Mayor Rendo stated that the Mayor of Saddle River called him on Friday and stated that he is willing to work with Woodcliff Lake in protecting the buffers and property lines along Apple Ridge

Road. They are willing to work with us but don't want us dictating to them what they should do. It is their property and is their town. Their Mayor and Council must make the best decision for their town. Mr. Schettino stated that we cannot take a hostile approach.

PUBLIC COMMENT

Mayor Rendo asked if anyone from the public would like to call in, now is the time to do it. Administrator Padilla gave the phone number of the Council Chambers. There will be a 3-minute maximum on comments and each speaker gets one chance to speak.

MOTION to open to the public was made by Councilwoman Gross, second by Councilman Falanga and unanimously approved.

Alex Couto, Woodcliff Lake, asked how many stories is proposed. Administrator Padilla replied 2 ½. Mr. Couto stated that he supports this Agreement.

Dan Silver, Woodcliff Lake, stated that he lives directly across the street on Apple Ridge Road and he had a question regarding the wetlands and the potential to move the 50-yard barrier to 150 yards. When do we find that out? Mr. Schettino replied that when they do an environmental study of the site, which the DEP would require, if there was potential wildlife species in that area, the setback, according to our engineer, would be more than 50 feet. That probably wouldn't occur until a few months down the road.

Josephine Higgins, Woodcliff Lake, stated that the worked that was done on this is fantastic. We cannot oppose this since we would want 12, not 16 units.

Lisa Yakomin, Woodcliff Lake, stated that she echoes what Josephine said. She thinks that Woodcliff Lake has done a lot of great work and negotiation on this. Having lived through other developments nearby her house, getting it down to 12 is incredible as it is. Ms. Yakomin sated that the Musquapsink Brook is a protected waterway and that sewer line is very close. Has anyone contact the DEP about the potential stormwater run-off? This needs to be considered seriously. Mr. Schettino stated that a formal study has not been done although our Borough Engineer believes that our sewer system can handle a 12-unit building on the property. The Agreement would specifically provide that any improvements that need to be made to the sewer system to allow for the tying of this property would be fully done by Saddle River.

Nancy and Alan Bachman, Woodcliff Lake, thanked everyone for their hard work. We are talking that this is going to be a 26-bed unit. What is the legal capacity of residents of a 26-bed unit and what is the total square footage of the structure? Mr. Schettino replied that we don't have the footprint of the building. Saddle River is going to have to appoint a company to monitor and ensure that all the affordable housing regulations are followed with respect to the occupancy. Anybody who lives in one of these affordable housing units is going to have to meet the income

levels. They are not permitted to have multiple families living in one unit. It will be closely watched. There will also be restrictions by the fire code. Saddle River will have to police it. Administrator Padilla stated that affordable housing is much more enforced because not only do they have to meet the income requirements, but they must meet them every year. Every year it is monitored. Mr. Schettino stated that there is a severe penalty if they don't qualify and could potentially get evicted.

Ross Kinnear, Woodcliff Lake, stated that he thinks it is important to know the occupancy. Will there be any restriction prohibiting people from using the buffer for recreation? Will there be any access from the site on to Apple Ridge Road, vehicular and pedestrian? Mr. Schettino stated that there will be no walkway, but could someone try and walk through, maybe. As to the wetlands, you cannot even cut a tree in wetlands without being subject to a fine by DEP and restoration. There will not be any recreational use in the wetlands. Mayor Rendo stated that in the Saddle River resident is having in her agreement to build a fence to separate her property from the development. Mr. Schettino stated that she wanted a gate in the agreement. Mr. Schettino stated that we could try and ask for fencing.

Craig Marson, Woodcliff Lake, stated that we can't guarantee that there will be no access on Apple Ridge Road but it we could make it difficult for someone to cut through the back onto Apple Ridge Road. Mayor Rendo agreed.

Allison Silver, Woodcliff Lake, stated that it was never really explained why the 24 beds went down to 12 units. It is her understanding that the Saddle River objector is the reason that this happened and nothing that Woodcliff Lake negotiated. She understands that we are happy to get the number from 24 to 12 but that was not done by Woodcliff Lake. That has to do with the Saddle River objector. Ms. Silver stated that she was told at a Saddle River Mayor and Council meeting that it would be 12 beds but because of a Saddle River objector everything changed. She happens to think that 24 beds would be better for her too. Mr. Schettino stated that nobody has filed a suit, we are objectors. Ms. Torres didn't file a suit. She has an attorney representing her just as Woodcliff Lake. Saddle River more than anybody wanted to put a 24-bed facility for disabled veterans. That was their concept. They thought the agreement would allow them to do so. Ms. Torres was not opposed. She wanted the 24-bed facility except for the Special Master and Fair Share Housing. Unfortunately, they are the 2 most important people with respect to getting a resolution as to the number of units at this site. It wasn't Ms. Torres; it wasn't Saddle River and it certainly wasn't us. Without our involvement, the number of units would not have been reduced. Because of our sewer system and the zoning that is on place on our side, we had a hand in having the units reduced.

Councilwoman Hayes stated that she appreciates Woodcliff Lake being an objector and working with Saddle River on this issue. It is good to hear that through the Mayor Saddle River is working with Woodcliff Lake. There are currently approximately 10 Woodcliff Lake single-family homes that are within the 200-foot buffer of this property. Ms. Hayes stated that we are talking about 12 family units now. The old plan was 24 beds. Councilwoman Hayes stated that Saddle River must come up with 132 "credits". Ms. Hayes stated that what she is having trouble bridging the

gap is that Mr. Burgis stated that it would be 24 beds. Residents in the room understood and supported the disabled veterans. These 12 family rental units is coming in a bit late and she is trying to understand the reason why. She heard Mr. Schettino say that Fair Share Housing and the Special Master feel that it is not consistent with the plan. Her question is why. In her experience on the Fair Share Housing Committee for Woodcliff Lake, you received 1 to 1 credit for disabled veterans' beds. She is curious as to why the Special Master didn't find the 24-bed model consistent with the plan. More credits for Saddle River would come out of this. She also understands that Saddle River needs to meet a certain number of family rental units to come to a settlement. She is hoping that that could be met within the other 4 locations that are larger developments. Councilwoman Hayes asked if we could get an understanding as to what is not consistent with the plan and what really happened numerically. Mr. Schettino replied that Councilwoman Hayes is correct with the 1 to 1 credit for the disabled veterans' unit. It is not that it is inconsistent with the plan. It was inconsistent with the language that is in the settlement agreement. It was Fair Share Housing and the Special Master's decision that this site called for a 24-unit structure for families, not for disabled veterans and not for beds. Mr. Schettino emphasized that the Special Master is so important because he is appointed by the court to essentially be a neutral. They don't take any side. They do what is right and you come back to the court and you make sure that whatever agreement is entered is consistent with the goals and objectives of affordable housing. Therefore, the Special Master has significant weight in determining what the Judge will or will not approve. The Special Master will testify during court and will have to answer questions during testimony as to why this plan is consistent with the affordable housing objectives.

Allison Silver, Woodcliff Lake, stated that they said 24 units when they thought the property was 2.3 acres and was not compromised. She heard talk about there being a small townhouse complex. Once they realized that the residents knew that it was environmentally challenged, that is why they came up with the 24. Sixty percent of that property cannot be used. She thinks that 24 beds fit within the character. The structure would be facing the same way and she doesn't really understand.

Robert Friedberg, Woodcliff Lake, stated that there is a fence on the property now. Mr. Friedberg asked if anyone knew who owns the fence. Mr. Padilla stated that he does not know but will ask our engineer. Mr. Friedberg stated that it would great if we could negotiate to have a fence put up on the other side of the berm. Mr. Friedberg asked if anyone knew the status of the sale of the property. Mr. Schettino stated that it is under contract and that they have secured the funding through a bond. Mr. Friedberg asked if anyone knew the price. Mayor Rendo stated that it was listed at $1.1 million.

Michael Casale, Woodcliff Lake, stated that we are moving in the right direction, but he wanted to be clear that the agreement that we are asked to enter is strictly for the size of the building or the proposed plans? Mr. Schettino replied that it is going to contain the parameters that he set forth earlier and the Mayor is going to be meeting with the Mayor of Saddle River to try to get even more detail. Mr. Casale stated that he does not feel comfortable entering into an agreement unless the details are ironed out. Aesthetically as to what it is going to look like at

the end of the day is going to be most important. Mr. Schettino agrees and that is why there will be another meeting between the Mayors. Mr. Casale asked what the timeline is if we do enter into Agreement. Mr. Schettino stated that Mayor and Council need to approve it and Saddle River will need to approve and that will all take place prior to July 10th. Then on July 10th there will be a hearing before the Judge to approve the entire Fair Share Affordable Housing plan.

MOTION to close to the public was made by Councilwoman Gross, second by Councilman Falanga and unanimously approved.

Mayor Rendo stated that we are going to continue discussions with Saddle River to nail down these items that were brought up. Mr. Schettino stated that the residents need to be fully aware that this Mayor and Council have been extremely involved in this project. Mr. Schettino had multiple conversations with the Mayor and members of the Council and as a result of their concern and their diligence ensuring that himself, the Borough Administrator and the Borough Engineer were making sure that concerns were being heard and if an agreement is entered into includes the details that our residents mentioned. Without the Mayor and Councils' involvement we would not be in the position that we are presently in and Mr. Schettino would not have the detail that he needed to make sure that the concerns were included in any potential written agreement. Mayor Rendo stated that when he meets with Saddle River's Mayor, he would like to bring a Council person or two to the meeting.

ADJOURNMENT

MOTION to adjourn was made by Councilman Falanga, second by Councilwoman Gross and unanimously approved by voice call vote. Meeting was adjourned at 8:15 PM.

Respectfully submitted,

Deborah Dakin

Deborah Dakin, RMC, CMR
Borough Clerk