WOODCLIFF LAKE SETTLES ITS AFFORDABLE HOUSING OBLIGATION

November 9, 2017

Mayor Carlos Rendo and the Council of the Borough Woodcliff Lake are pleased to announce that they have reached an agreement with Fair Share Housing Center (FSHC) on the Borough's affordable housing obligation. The settlement agreement was adopted by resolution at a Special Meeting of the Council last night at Borough Hall. The agreement paves the way for the Borough to have the settlement agreement ratified at a Fairness hearing before the end of the year, tentatively scheduled for December 13, 2017.

PROCESS AND CONFIDENTIALITY

The contents and nature of the settlement – including mediation with FSHC over the past year and half - could not be revealed until last night owning to a confidentiality order mandated by the Judge overseeing such mediation. The Borough was represented by our professionals, Richard Preiss, our planner and Marc Leibman, Planning Board attorney. However, in order to be as transparent as legally possible, and to have resident input on this issue, the Council went to extraordinary lengths in this regard. Two committees – with substantial resident representation – were convened to assist the Council in the mediation. Woodcliff Lake's Affordable Housing Committee, chaired by Warren Feldman, and comprising mostly residents and former Borough Councilmen, met at least a half dozen times to assist the Council with creating a program for extending the affordability controls of the existing Centennial Way project – one of the key components of the Borough's Plan. Three prominent and very active residents of the Borough, Cheryl Dispoto, Robert Nathin and Craig Padover, all of whom vigorously participated at the Broadway Rezoning and Affordable Housing workshop earlier this year, were added to the Mediation Committee (along with Council representatives and professionals). The Borough's Mediation Committee participated in the creation of the proposed Fair Share Plan upon which the settlement was based and met with FSHC's mediator, Josh Bauers, and the Court appointed master. All of the major elements of the proposed Fair Share Plan and the proposed settlement with an intervenor in this matter (Rosengren) were shared with and endorsed by the Mediation Committee.

The Borough also convened a Saturday workshop session at the Borough's Senior Center to seek the input of the residents of Woodcliff Lake. Input at this workshop largely shaped the Borough's ultimate settlement including rejection of the proposed adoption of overlay zoning over the Broadway corridor to allow a mixed use or multi-family development, and replacing this proposed overlay zoning with overlay zones over the Teva site and the VFW property as more appropriate locations to meet this requirement.

SETTLEMENT TERMS

A. <u>Affordable Housing Obligation</u>

The framework for the settlement negotiations between the Borough and FSHC was the report of Dr. David Kinsey, FSHC's affordable housing consultant, dated May 16, 2016 in which the Borough's 3-part obligation was calculated as follows:

- **Rehabilitation Share – 19 units**
  These are the number of current substandard homes occupied by low and moderate income residents, for which funding to allow for renovation is required.

- **Prior Round Obligation – 170 units**
  This is the cumulative obligation of the Borough to meet the affordable housing obligation in the first 2 rounds, 1987-1999.

- **Prospective Need – 552 units**
  This is the Borough's future affordable housing obligation for the period of 1999 to 2025.

B. Borough's Proposed Fair Share Plan

Per the settlement agreement, the Borough has negotiated and agreed to the following to meet its 3-part obligation.

- **Rehabilitation Share –** The Borough will participate in the Bergen County Housing Improvement Program, to rehabilitate all 19 units.

- **Prior Round Obligation –** The Borough was able to lower its obligation in the second round to 82 units by undertaking a Vacant Land Analysis, and met this obligation through 3 mechanisms: 2 affordable housing projects with 22 units at Centennial Way and 18 units at the Broadway Village site; and by transferring 39 credits to Paterson via a Regional Contribution Agreement (the latter which mechanism is no longer available).

- **Prospective Need** – FSHC agreed to reduce the Borough's prospective need number by 30% through settlement of this matter – thereby reducing the obligation from 552 to 386 units.

- The Borough conducted a Vacant Land Analysis which lowered the Prospective Need to 29 units of "Realistic Development Potential" (which must be met through either building 100% affordable housing, rezoning property for higher density, multi-family development with a 20% affordable set-aside, or by other mechanisms) and an "Unmet Need" of 357 units (which must be met through mechanisms such as "overlay zoning").

The table below illustrate the mechanisms the Borough has agreed to adopt to meet its Prospective Need Obligation. Additional details are provided following the tables.

Plan to Meet Realistic Development Potential

Project	Mechanism	No. of Units
• Centennial Way	Extension of Controls	5
• North Broadway	100% Affordable Family Rental Housing Project	16
• Rental Bonuses	Granted for Affordable Family Rental Units	8
	Total	**29**

Plan to Meet Unmet Need

Project	Mechanism	No. of Units
• Round Two	Surplus Credits	6
• Centennial Way	Extension of Controls	*(See description below)
• Vacant Teva Office Building	Overlay Zoning	15-20
• VFW	Overlay Zoning	12
• AHO Zone	Overlay Zoning	*(See description below)
• See		

An Explanation of each follows:

- Centennial Way – In 1993 the Borough agreed to build 22 affordable housing units on Centennial Way, which it did, and imposed a restriction requiring occupancy/ownership by low and moderate income households for 20 years. Such controls have expired (or are due to expire). The Borough will offer each owner a payment to extend such control for another 30 years.

- North Broadway – Since Round 2 in the 1990's, the Borough has spent over a million dollars from its Affordable Housing Trust Fund to purchase 3 lots located on Broadway, just north of Highview Avenue (see Figure 1) to build a 100 % affordable housing project. The Borough is obligated as part of its third round to build such housing on the site. The Borough intends to provide all 16 units as affordable family rental housing (thereby being eligible for 8 additional bonus credits), by soliciting proposals from affordable housing developers. Some additional funding is likely to be necessary to make this project feasible, as will be discussed below (See "Settlement with Intervenor"). However, by building 16 100% affordable housing on the North Broadway site, the Borough will avoid having to permit 80 units of inclusionary multi-family housing elsewhere in the Borough (16 affordable units or 20% of the total, and the remaining 64 as market rate units).

- Teva Overaly Zone – The Borough will adopt overlay zoning which will still permit the reuse of the office building as is, or in its place a 100 unit age-restricted (55+ only) project with either 15 affordable units if the project is rental (similar to Four Seasons) or 20 affordable units if the units are for sale. (See Figure 2.)

- VFW Property – If, and only when the VFW facility ceases to function, a 12 unit affordable rental project for veterans and their families will be permissible on this Borough-owned site, which is located north of Woodcliff Avenue on North Broadway. (See Figure 3.)

- AHO Overlay Zone Continuance – An affordable housing overlay zone was adopted by the Borough over the Comfort Auto Rental site (at the Hillsdale border) in round 2. This overlay zone will remain as part of the Borough's affordable housing plan and continue to mandate that 20% of the units in any future residential redevelopment project be restricted to low and moderate income households. (See Figure 4.)

C. SETTLEMENT WITH INTERVENOR

- During the pendency of the mediation, the owner of a ± 7 acre parcel located on Old Pascack Road and Pascack Road, known as the "Rosengren Site", sought to have this site which was previously approved for a 5 lot single family home subdivision, rezoned to permit 43 townhouses. The Borough has negotiated a settlement with Rosengren, which is to be incorporated into the Borough's affordable housing plan to build only 15 townhouse units on site – all of which will be high-end, market rate townhouses, as illustrated in Figures 5 and 6. Essentially instead of permitting 43 townhouses, in place of each of the 5 single-family homes a 3-unit townhouse building as shown in Figures 5 and 6 would be permitted. The cul-de-sac roadway which has already been constructed, will still be utilized to provide access to these units.

- Very careful consideration in the proposed concept site plan was given to insure that much of the site's natural grade and existing mature vegetation along the rear and sides of the site (adjacent to single family residences) would be maintained, and that the units be no taller than such homes (a maximum of 35 feet high) and smaller than such homes (a maximum of 3,500 square foot per unit). In this way, the project can be accommodated with limited impact on the neighboring properties. Additionally, each unit is expected to sell in excess of one million dollars similar to the types of high end units developed within the Enclave project in Montvale and in the Saddle River Grand project in Saddle River. Based upon the number of school children generated by the Enclave and Saddle River Grand, the Rosengren development is projected to generate only approximately 3 total school children, while generating a substantial ratable for the Borough.

- In exchange for this rezoning, Rosengren will contribute $600,000 to the Borough's Affordable Housing Trust Fund. These funds will be utilized to support and supplement Borough expenditures on extending affordability controls at Centennial Way and development of the North Broadway affordable family rental project. Finally, by settling with Rosengren, the Borough will have eliminated the final roadblock to its proposed affordable housing plan, and thereby be granted immunity from any potential litigators or objectors on affordable housing until 2025.

FIGURE 1: 230 NORTH BROADWAY

Site of Proposed Borough-Sponsored 16-Unit Affordable Family Rental Project

FIGURE 2:
TEVA OFFICE BUILDING
Proposed Age-Restricted Overlay Zone to Permit 100 Units Including 15-20 Affordable Units

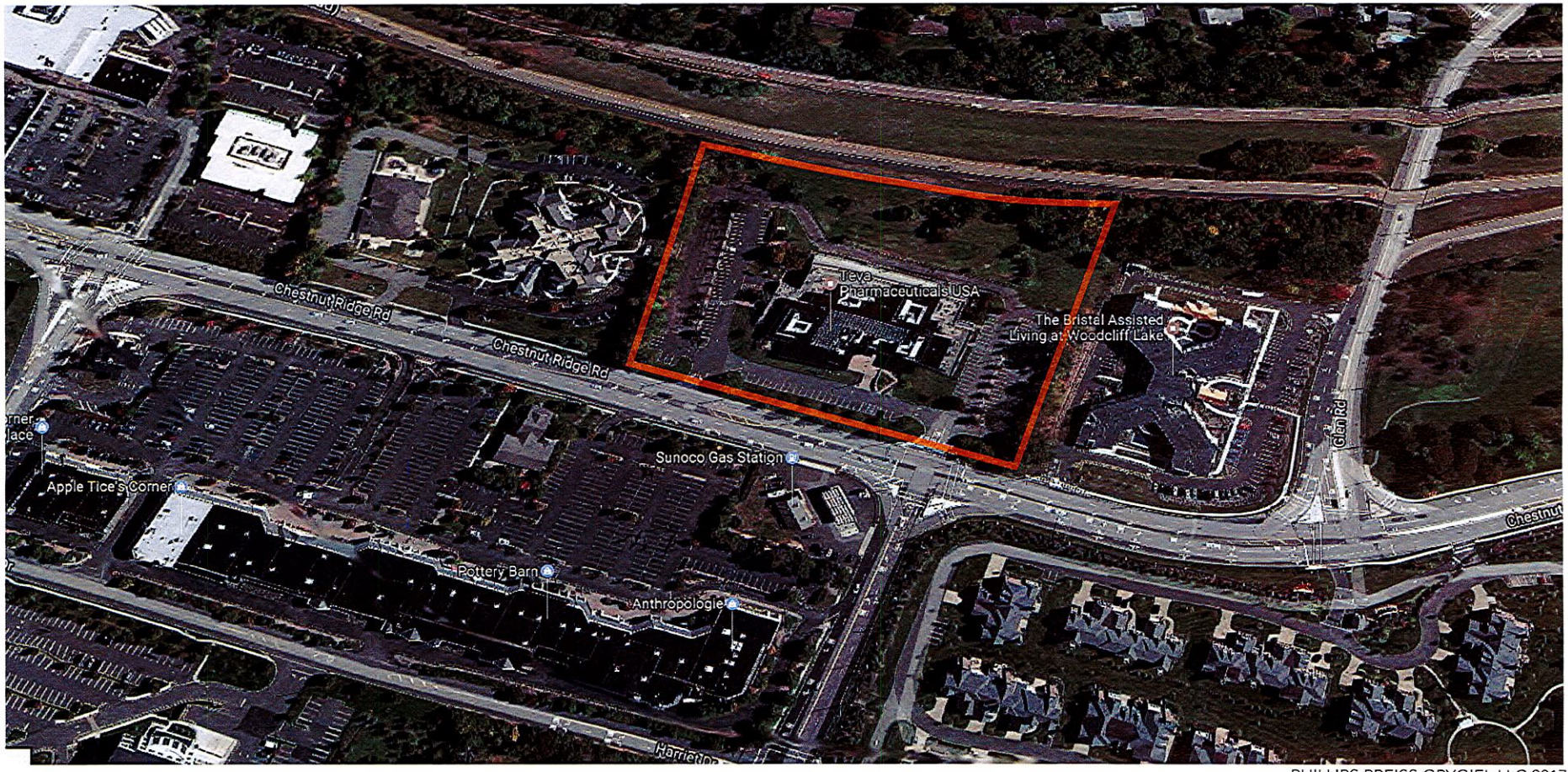

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FIGURE 3: VFW PROPERTY

Proposed Overlay Zone to Permit 12 Veterans Affordble Housing Units When VFW Ceases to Utilize the Site

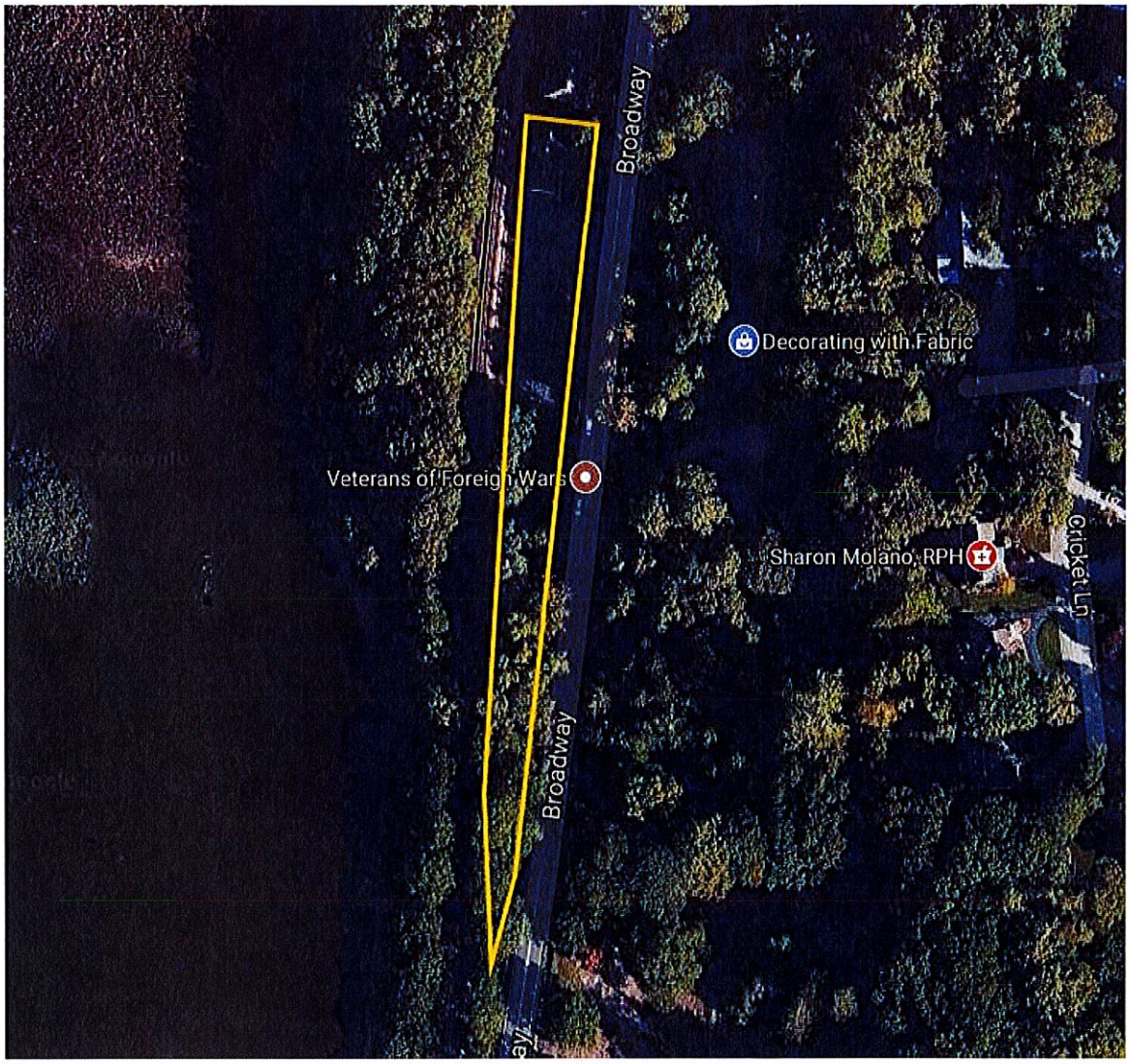

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FIGURE 4: AHO OVERLAY ZONE CONTINUANCE

Existing Overlay Zone Which Requires an Affordable Set-Aside in Any Future Mixed Use or Residential Development Project

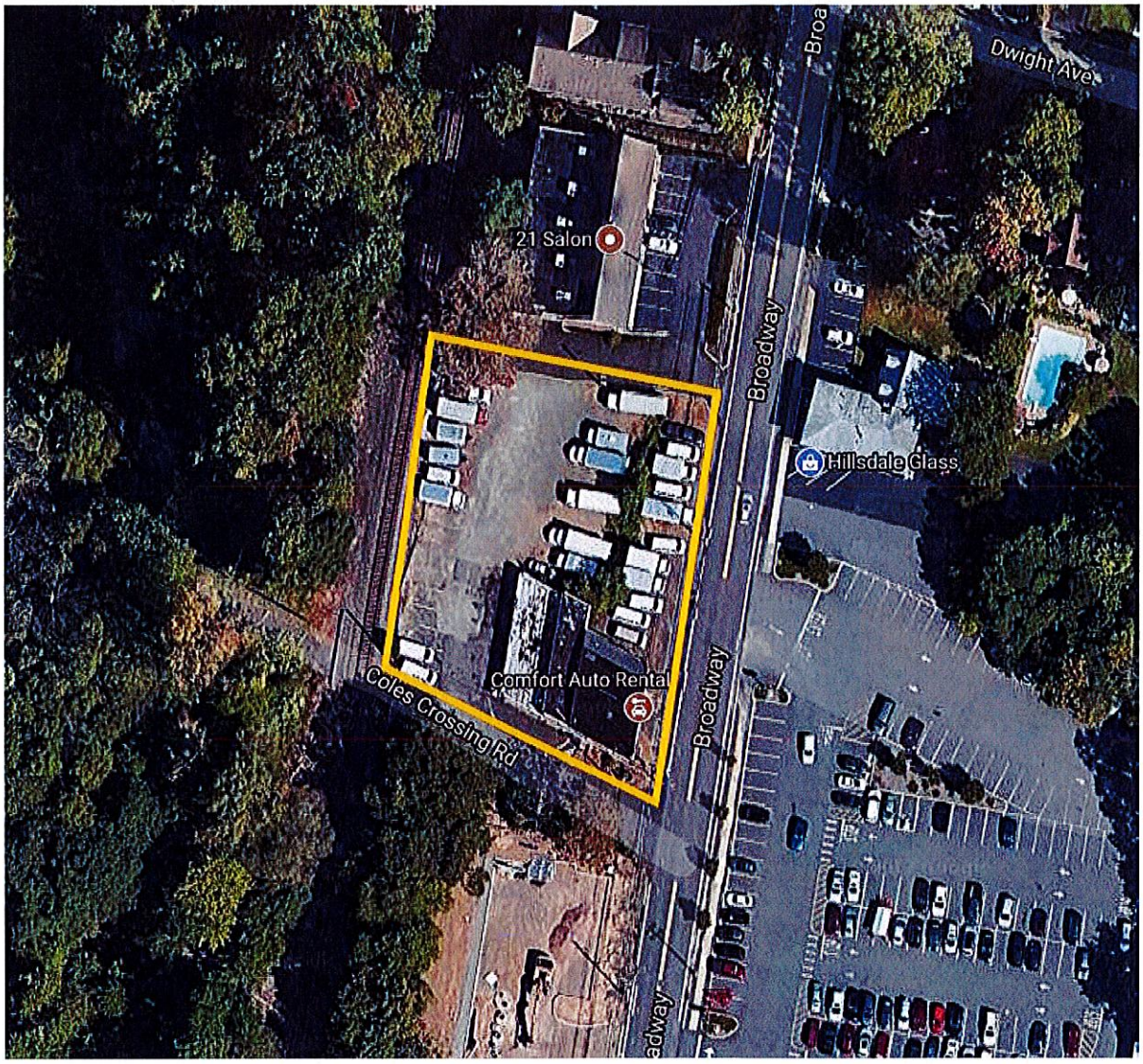

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FIGURE 5: TOWNHOUSE CONCEPT PLAN

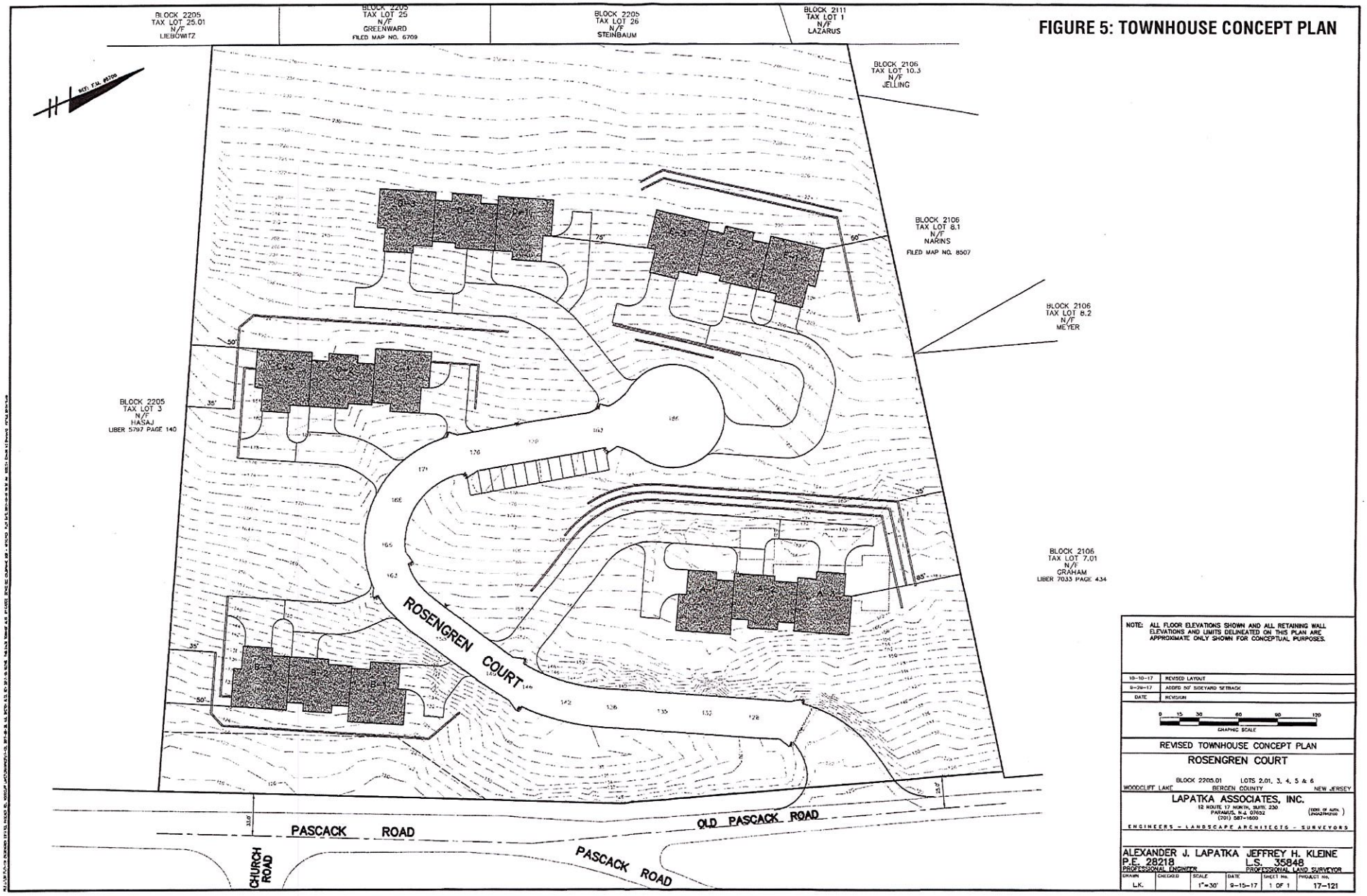

FIGURE 6: SAMPLE BUILDING ELEVATIONS FOR ROSENGREN COURT

REAR ELEVATION (west)

1. FIBERGLASS /ASPHALT SHINGLE
2. ALUMIMUM GUTTERS AND LEADER (WHITE)
3. "AZEK" FRIEZE AND CORNER DETAIL
4. ACCENT METAL ROOFING - STANDING SEAM
5. DECORATIVE WINDOW TRIM DETAIL WITH COPPER FLASHED HEAD
6. VINYL CLAD WOOD DOUBLE HUNG WINDOWS
7. "HARDI" CEMENT BOARD SIDNG
8. STONE VENEER WITH WATER TABLE
9. WOOD ENTRY DOORS WITH TRANSOMS
10. 10" ROUND "TUSCAN" COLUMNS

SIDE ELEVATION (typical)

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