Special Public Meeting of the Englewood Cliffs Planning Board
Minutes
January 27, 2016

The Special Meeting of the Englewood Cliffs Planning Board was called to order by Vice Chairman Villari at 7:30 PM.

Present at Roll Call:
Ms. Rosenberg
Mr. Villari
Mr. Chinman
Mr. Kilmartin
Mrs. O'Shea – Borough Rep
Mr. Kim – 1st Alternate
Mr. Porrino – 3rd Alternate
Mr. Lee – 4th Alternate

Absent:
Mr. Fehre
Mr. Kim – 1st Alternate
Mr. Duffy – 2nd Alternate
Councilman Park
Mayor Kranjac

Also Present:
Bernard Mirandi, PE, of Boswell Engineering, the Borough's consulting engineer
Michael Kates, Esq., of Kates Nussman Rapone Ellis & Farhi, the Board's attorneys.

Public notice of this meeting has been given in compliance with the Open Public Meeting Law by advertisement in The Record, and posting of notice on the borough hall bulletin board at 482 Hudson Terrace.

Flag Salute led by Mr. Chinman

Old Business:

New Business:

Public Hearing – Master Plan Amendments:

1. Land Use Plan Element related specifically to the creation of a new Zone B-5 Business Zone for the 27.03 acre tract known as 111 Sylvan Avenue – Block 207 Lot 6

Vice Chairman Villari announced that this item has been carried to a special meeting date that is to be determined and will be advertised.

Ms. Eastwood made a statement from Mayor Kranjac. Mayor Kranjac asked me to clear up some confusion regarding tonight's agenda. The Mayor was advised by the Planning Board attorney Michael Kates that the interested parties in the master plan amendment relating to 111 Sylvan Avenue had requested it to be postponed. Mayor Kranjac preferred having the amendment in regards to that property go forward tonight as originally scheduled.

Mr. Kates stated that he understood and that is correct that the interested parties the LG group and environmental groups they had comments to the draft report from Mr. Phillips and felt that they wanted to have their considerations to Mr. Phillips before we went ahead with the report. So Mr. Phillips will receive their comments then there will be a revised and

publication at the end of this meeting there will be a determination of when the public hearing will be advertised for two dates are being considered February 24th, or March 1, 2016.

2. Housing Element and Fair Share Plan dates November 20, 2015

Presentation by Mr. Stephen Lydon, P.P., Burgis Associates, Westwood, NJ.

Mr. Kates stated that the purpose of this evenings meeting was to go over the Fair Share Housing Plan and vote on adopting it but due to the letter dated January 21, 2016 from Mary Beth Longergan to Judge Padovano the board will not be voting on adopting this evening. Since the master will be recommending to the judge an extension of time and that there may be changes now with this extension of time Mr. Lydon was in agreement with that. He feels that the extension maybe until September 2016.

Mr. Stephen Lydon gave a presentation and description of the Housing Element and Fair Share Plan which is attached.

Mr. Porrino questioned Mr. Lydon if he feels that the borough wouldn't get the extension of time. Mr. Lydon stated he feels it will happen. Mr. Porrino then questioned should the board adopt this plan and if need any changes to be voted on later just in case there isn't enough time to adopt this. Mr. Lydon stated he thinks the borough attorney is going to make a request to grant the borough an extension and even if that doesn't happen we still have 2 months which he felt was enough time. Mr. Porrino questioned Mr. Lydon that meeting with the Master first and incorporating her suggestions into the plan before the board adopts it is what you feel is best. Mr. Lydon stated yes. Mr. Porrino questioned if special needs housing falls into the housing plan. Mr. Lydon stated yes and Tenafly has done so successfully.

Mr. Mirandi questioned Mr. Lydon in regards to the height limitation of 35' and will a 3 story building be something astatically pleasing. Me Lyndon said he believes so.

Vice Chairman Villari asked for a motion to open to public. Motion was made by Mrs. Rosenberg, seconded by Mr. Chinman and carried unanimously by voice vote.

Mrs. Caren Geiger, 270 Alfred Street questioned Mr. Lydon if he is aware that Englewood Cliffs Mayor & Council has passed a resolution supporting state legislation to create a 35' Palisades Preservation Unit that will extend through most of our town and it might affect what heights can be built. Another question in regards to the properties you mentioned one being the North Cliffs School property and as a former Board of Education member that property was kept for the children to have access to walk through. She stated she would be very concerned if construction was to be done on that site. Her final statement was in regards to the properties at the south end of town and how they are in disrepair and shouldn't be and if they have been fined for this and that she will bring this also to the Mayor & Council. Some of these properties backup to residential properties and the buffer should be really considered. Mr. Lydon stated he knows that the LG site has been on the radar. He suggested that the sooner we meet with the Master and revise the plan the better. In regards to the southern part of town he agreed with Mrs. Geiger's statements and may be beneficial to redevelop that area and the affordable housing may be able to develop there.

Mr. Tony Morfesis, 24 John St. questioned if the properties on Palisades Avenue where looked at since they too are up against residential properties. Mr. Lydon stated they only looked at possible vacant land right now. We didn't want to be up against residential properties.

Vice Chairman Villari asked for a motion to close to public. Motion was made by Mrs. Rosenberg, seconded by Mr. Kilmartin and carried unanimously by voice vote.

Mr. Chinman mad a motion giving approval for Burgis Associates to meet with the Master, seconded by Vice Chairman Villari. This motion was passed by roll-call vote. 9 Ayes (Chairman Villari, Mr. Trovato, Mrs. Rosenberg, Mr. Chinman, Mr. Kilmartin, Mr. Porrino, Mr. Lee, Mrs. O'Shea, Ms. Eastwood), No Nays, No Abstentions.

Vice Chairman Villari asked for a motion to open to public. Motion was made by Mr. Chinman, seconded by Mrs. Rosenberg and carried unanimously by voice vote.

No Comments.

Vice Chairman Villari asked for a motion to close to public. Motion was made by Mr. Chinman, seconded by Mrs. Rosenberg and carried unanimously by voice vote.

Discussion for an additional special meeting date for February 24 or March 1, 2016 took place along with polling of board members to figure which date would be best. Members will be notified via email and advertising of the date will be done.

Vice Chairman Villari asked for a motion to adjourn the meeting at 9:13 pm. Mr. Chinman made a motion, seconded by Mrs. Rosenberg, and carried unanimously by voice vote.

Respectfully submitted

Caterina Scancarella

Caterina Scancarella
Planning Board Administrative Secretary

ENGLEWOOD CLIFFS PLANNING BOARD

SPECIAL MEETING – January 27, 2016 7:30 PM

10 Kahn Terrace, Englewood Cliffs, NJ

CALL TO ORDER

The meeting of the Englewood Cliffs Planning Board will come to order this (date). The time is (time).

"OPEN PUBLIC MEETINGS ACT" STATEMENT

Public notice of this meeting has been given in compliance with the Open Public Meeting Law by advertisement in The Record, and posting of notice on the municipal building bulletin board at 482 Hudson Terrace, Englewood Cliffs.

ROLL CALL

FLAG SALUTE LED BY:

APPROVAL OF MINUTES:

OLD BUSINESS:

NEW BUSINESS:

Public Hearing - Master Plan Amendments:

1. Land Use Plan Element related specifically to the creation of a new Zone B-5 Business Zone for the 27.03 acre tract known as 111 Sylvan Avenue – Block 207 Lot 6
2. Housing Element and Fair Share Plan dated November 30, 2015

COMMITTEE REPORTS

PUBLIC COMMENTS OTHER THAN HEARING ON THIS AGENDA

ADJOURNMENT

BURGIS
ASSOCIATES, INC.

Community Planning
Land Development and Design
Landscape Architecture

Principals:
Joseph H. Burgis PP, AICP
Edward Snieckus, Jr. PP, LLA, ASLA

HOUSING ELEMENT AND FAIR SHARE PLAN

BOROUGH OF ENGLEWOOD CLIFFS
BERGEN COUNTY, NEW JERSEY

RECEIVED
DEC -2 2015
By

PREPARED FOR:

THE PLANNING BOARD OF THE BOROUGH OF ENGLEWOOD CLIFFS
BA# 3023.01

November 20, 2015

25 Westwood Avenue
Westwood, New Jersey 07675
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HOUSING ELEMENT AND FAIR SHARE PLAN

BOROUGH OF ENGLEWOOD CLIFFS
BERGEN COUNTY, NEW JERSEY

PREPARED FOR:

THE PLANNING BOARD OF THE BOROUGH OF ENGLEWOOD CLIFFS
BA# 3023.01

The original document was appropriately signed and sealed on November 20, 2015 in accordance with Chapter 41 of Title 13 of the State Board of Professional Planners.

Steven M. Lydon, P.P., AICP
Professional Planner #3972

MEMBERS OF THE ENGLEWOOD CLIFFS PLANNING BOARD

Edwin Fehre, Chairman
Jill Rosenberg, Vice Chairperson
Joseph C. Parisi, Jr., Mayor
Gloria Oh, Councilwoman
Daniel Dooley
Jefferson Chinman
Ronald Kilmartin
Andrew Nikow
Matthew Trovato
Kiky Kim,
Stephen Duffy,
Vincent Surace,
Sean Kim

Planning Board Attorney
Michael Kates, Esq.

Planning Board Engineer
Bernard Mirandi, P.E
Boswell Engineering

Planning Consultants
Joseph H. Burgis, P.P., AICP
Steve Lydon, P.P., AICP

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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), that every developing municipality in the state had 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 this 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 affordable housing obligation covering the years 1987 to 1993, and established Second Round affordable housing-need numbers that cumulatively covered the years 1987 through 1999. Under both the first and second rounds COAH utilized what is commonly referred to as the "fair share" methodology to assign affordable housing obligations to municipalities.

COAH utilized a different methodology, called "growth share" beginning with their efforts to prepare Third Round housing-need numbers. COAH first adopted Third Round substantive and procedural rules in 2004. 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 revised rules.

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

The rules and regulations adopted in 2008 were subsequently challenged, and in an October 2010 decision the Appellate Division invalidated the growth share methodology, and indicated that COAH should adopt regulations pursuant to the fair share methodology utilized in housing rounds one and two.

The Supreme Court affirmed the Appellate Division 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, the motion to approve the regulations deadlocking with a 3-3 vote. The Fair Share Housing Center, who 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 oral argument in January 2015 and, on March 10, 2015 issued their ruling. The Court ruled that COAH was effectively dysfunctional, and consequently, returned jurisdiction of affordable housing issues back to the trial courts where it had resided prior to the creation of COAH in 1986.

The Court decision has now effectively created a process for municipalities, like Englewood Cliffs, that had previously 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 builder's 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 affordable housing-need numbers promulgated by the Court or COAH. The Supreme Court decision directed municipalities to prepare HE&FSP applying COAH's Second Round rules.

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

The Borough of Englewood Cliffs has prepared a number of Housing Elements and Fair Share Plans over the years to address its affordable housing obligation. 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. According to Englewood Cliff's 1996 Housing Element and Fair Share Plan, COAH assigned the Borough a 250 unit affordable housing obligation for the first round. This affordable housing obligation was reduced by COAH to 179 for the period covering the years 1993-1999.

In preparing its housing plans, Englewood Cliffs sought adjustments to the affordable housing obligation due to lack of vacant and developable land. The second round plans prepared in 1996 sought an adjustment so the obligation would be a 9 unit Realistic Development Potential with the balance of the obligation being converted to Unmet Need.

In December 2004, COAH adopted new substantive (N.J.A.C. 5:94) and procedural (N.J.A.C. 5:95) rules for the period beginning December 20, 2004. The Third Round rules replaced the previously used 'fair share' methodology in favor of a so-called "growth share" methodology. At the same time, COAH re-adjusted all municipal first and second round housing-need new construction numbers and rehabilitation numbers. Englewood Cliff's affordable housing obligation for the period 1987-1999 was re-adjusted to 179 dwellings. Based on expected levels of development and growth, COAH assigned a 22 unit growth share obligation to Englewood Cliffs for the time period 1999-2014.

The 2006 HE&FSP proposed to address this affordable housing obligation utilizing two approaches. The first approach was to enter into a 10 unit Regional Contribution Agreement (RCA). Each transferred unit was expected to cost the Borough $35,000.

The second implementation approach selected in the 2006 HE&FSP was the construction of a nine (9) unit senior rental housing development. The HE&FSP detailed how nine senior rental housing apartments would generate 12 affordable housing credits. The 10 units to be transferred via the proposed RCA and the 12 senior rental credits would fully satisfy the Borough's calculated affordable housing obligation of 22 dwellings.

To address the Borough's Unmet Need obligation, the 2006 Englewood Cliffs HE&FSP proposed to establish an overlay zone applicable to a 12.6 acre tract. The contemplated construction would result in a 100% affordable development. It was contemplated that 87 units of affordable family rental housing could be constructed on this property using a density of 6.8 dwellings per acre. Applying a bonus credit for each family rental unit created would result in 174 COAH credits, thus fully meeting the Unmet Need obligation.

The Third Round methodology based upon a growth share methodology has been invalidated by the Supreme Court, necessitating a new plan based upon the fair share methodology utilized in previous housing rounds.

The Third Round Affordable Housing Obligation and the Borough's Response

The current state of 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 established a definitive set of affordable housing-need numbers that has been universally accepted. This plan is based on a set of affordable housing need numbers prepared by Dr. Robert Burchell. Dr. Burchell, the co-director of the Center for Urban Policy Research at the Edward J. Bloustein School of Planning and Public Policy, prepared these numbers on behalf of and under contract to

COAH. These numbers are contemporary as they were released in the spring of 2014. It is understood that COAH has yet to adopt these affordable housing need numbers. Statewide these numbers estimate that New Jersey is in need of approximately 52,000 affordable housing units. The affordable housing obligation allocation to Englewood Cliffs is as listed below:

1. Rehabilitation Obligation: 4
2. Unanswered Prior Round Obligation: 397
3. Prior Round Obligation: ----
4. Prospective Need Obligation*: 200

Affordable Need & Production
Borough of Englewood Cliffs, New Jersey

Plan Component	Number of Units
Housing Rehabilitation Obligation:	4 unit obligation
Status:	0 Certified; 4 Remaining
Inclusionary Development Prior Round:	397 unit obligation
Prospective Need	200 unit obligation
Total New Construction Obligation	597
Affordable Housing Produced	0

These above noted plan components are detailed in the body of this HE&FSP.

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

Community Overview

The Borough of Englewood Cliffs is home to 5,281 residents in a borough slightly greater than 2 square miles in area. The population figure is provided by the 2010 US Census. The land comprising the Palisades Interstate Park is Englewood Cliff's defining feature. The park runs the length of Englewood Cliff's Hudson River frontage. The Borough is located in eastern Bergen County bordering on the Hudson River. It is directly across the river from Fort Tryon Park and upper Manhattan. Fort Lee and the George Washington Bridge are directly south of Englewood Cliffs while Tenafly borders Englewood Cliffs to the north. West of Englewood Cliffs is the City of Englewood.

Access to Englewood Cliffs is provided by a number of county and state roadways. The Palisades Interstate Parkway and state highway 9W traverse through the borough in a north and south direction. Although the two highways share a general alignment, they serve different purposes. 9W is a four lane roadway with at grade intersections and turning lanes providing access to adjoining residential, office and commercial properties. A number of 9W intersections in the Borough are signalized.

The Palisades Interstate Highway is a limited access highway. Although access is provided to several Hudson River overlook areas and park headquarters, generally speaking, access is not provided to adjacent properties.

A number of regionally important interstate and state highways merge at the foot of the George Washington Bridge just a few minutes travel time south of Englewood Cliffs. The combination of roadways traversing the Borough and those located just south of the municipality provide excellent highway access for Borough residents to eastern Bergen County, the larger northern New Jersey region and New York City.

Englewood Cliffs is a developed municipality. According to U.S. Census, 5,281 residents lived in Englewood Cliffs in 2010. The US Census counted 5,322 residents in 2000. Between 2000 and 2010 the municipality saw its population decline by 104 residents. This reduction in population is not a new or recent trend. In 1990, the US Census counted 5,634 people living in Englewood Cliffs. Since 1990, Englewood Cliffs has witnessed a reduction in its population of 416 people, representing a 7.5% decline.

More recently, the 2009-2015 5-Year American Community Survey estimates that the Borough's population has been slowly increasing during the last several years. More specifically, the estimated Borough population in 2013 is 5,363 and for 2104 the estimated Borough population is 5,385. The

estimated increase of 104 residents since 2010 reflects a modest 2% growth rate.

The majority of the Borough's housing stock was constructed between 1940 and 1979. Only 116 dwellings, representing 6.1% of the municipal housing stock were constructed prior to 1939. More recently there has been a slowdown in the construction of new homes since there is very little vacant developable land left in Englewood Cliffs. The municipality's housing stock has increased by 51 dwellings since 2010.

Dwellings in Englewood Cliffs are primarily one-and two-family residences. These two categories include 98.9% of all housing in the Borough. A very small number of multi-family residential uses also exist in the community.

The borough is a primarily residential community. Of the 2,107 total parcels in the Borough, 1,924 are developed for residential purposes. Residential values make up 72.38% of the total assessed value in the community. Englewood Cliffs also contains small but active business districts that provide employment opportunities. There are 123 commercial parcels as indicated in Table 1 below.

TABLE 1
EXISTING LAND USE, 2014
ENGLEWOOD CLIFFS, NEW JERSEY

Use	# of Parcels	Value
Vacant Land	59	$44,036,500
Residential	1,924	$2,432,909,900
Commercial	123	$884,930,300
Apartment	1	$1,750,000
Total	2,107	$3,363,626,700

Source: NJDCA Division of Local Government Services

Inventory of Municipal Housing Stock

This section of the Housing Element provides an inventory of the community's housing stock. COAH's regulations require the municipal housing inventory to identify the number of year-round and

TABLE 2
HOUSING: STRUCTURAL CHARACTERISTICS, 2010
ENGLEWOOD CLIFFS, NEW JERSEY

Characteristics	Number	Percent
Total Housing Units	1,924	100.0
Total Occupied Housing Units	1,824	94.8
Owner-Occupied Housing Units	1,633	89.5
Renter-Occupied Housing Units	191	10.5
Vacant for Rent	20	1.0
Vacant for Sale Only	27	1.4
Vacant Rented or Sold, not Occupied	12	06
Vacant for Seasonal Use	18	0.9
All other Vacant	18	0.9

Source: 2010 U.S. Census

Table 3 shows the relative age of housing in the borough. The percentage of housing constructed prior to 1959 is 31 percent. Housing constructed prior to 1959 totals 587 dwelling units. 20.1% of the housing stock was constructed after 2000. While most of this housing is considered to provide safe and sanitary conditions, there is some evidence, detailed herein, that a small percentage of dwellings in Englewood Cliffs may contain substandard conditions.

seasonal units, housing age, housing conditions, purchase or rental value, occupancy characteristics and type, number of units affordable to low and moderate income households, and substandard housing units capable of being rehabilitated. Each of these items is identified in this section of the report.

a) Number of Housing Units

The U.S. Census in 2010 indicated there were a total of 1,924 housing units in the borough, 1,824 of which were identified in the Census as occupied units. 18 dwelling units were identified by the Census as seasonal recreational or occasional use units. Counted among the 1,824 occupied dwellings were 1,633 occupied by owners with the remaining 191 dwellings occupied by renters. The 100 vacant units in the Borough represent a 5.2 percent vacancy rate. This and associated occupancy data are presented in Table 2. (The following tables may have conflicting figures relative to the total numbers of housing units due to some census data addressing only year-round housing units).

To supplement and update the information provided by the U.S. Census, information from the N.J. Department of Community Affairs ("DCA") Construction Reporter was reviewed. According to this source 9 certificates of occupancy were issued in 2010, 8 certificates of occupancy were issued in 2011, an additional 8 certificates were issued in 2012. In 2013, 14 certificates of occupancy were issued and in 2014, 12 certificates were issued. As this document is being prepared, the Construction Reporter provides no information for construction activity that took place in 2015.

DCA's Construction Reporter also provides data on the number of dwellings for which demolition permits were issued. Englewood Cliffs issued 10 demolition permits in 2010. In 2011, demolition permits for 9 dwellings were issued. In the year 2012, 11 such permits were issued while in 2013, 14 demolition permits were issued. Englewood Cliffs issued 17 demolition permits in 2014. Based on the 2010 Census and the information reported on demolition and construction activity since then, we estimate there were a total of 1,914 year-round units in Englewood Cliffs as of the end of 2014.

b) Housing Occupancy and Age

Table 2 indicates if housing is occupied or not and if occupied whether the units is owned by the occupant or rented. This table also indicates how many units are vacant and available either for purchase or rent. The number of seasonal dwellings in Englewood Cliffs is also indicated.

TABLE 3
YEAR STRUCTURE BUILT, 2013
ALL HOUSING UNITS
ENGLEWOOD CLIFFS, NEW JERSEY

Year Constructed	Number	Percent
2010 or later	47	2.4
2000 to 2009	257	17.7
1990 to 1999	102	5.4
1980 to 1989	197	10.4
1970 to 1979	264	14.0
1960 to 1969	689	36.5
1940 to 1959	471	24.9
1939 or earlier	116	6.1

Sources: 2013 American Community Survey 5-Year Estimates.
2000 US Census
Construction Reporter, DCA

c) Purchase and Rental Values

The 2009-2013 5-Year American Community Survey describes owner-occupied and renter-occupied housing values. Table 4 indicates the distribution of housing costs of owner-occupied units. The median value of such units was noted to be $963,700 in 2013. Similarly, Table 5 indicates the median rent for rental housing in the Borough was $2,000 in 2013.

TABLE 4
SPECIFIED OWNER-OCCUPIED HOUSING UNITS BY VALUE, 2013
ENGLEWOOD CLIFFS, NEW JERSEY

Value Range	Number
Less than $50,000	34
$50,000 to $99,999	37
$100,000 to $149,999	10
$150,000 to $199,999	0
$200,000 to $299,999	39
$300,000 to $499,999	71
$500,000 to $999,999	700
$1,000,000 or more	760
Median Value	$963,700

Source: 2009- 2013 American Community Survey 5-year estimates.

TABLE 5
SPECIFIED RENTER-OCCUPIED HOUSING UNITS PAYING CASH RENT, 2013
ENGLEWOOD CLIFFS, NEW JERSEY

Rent	Number
Less than $200	16
$200 to $499	8
$500 to $749	0
$750 to $999	7
$1,000 to $1,499	8
$1,500 or more	72
Median gross rent	$2000

Source: 2009-2013 American Community Survey 5-year estimates.

d) Occupancy Characteristics and Type

Tables 6 through 8 provide additional data concerning the housing stock in the borough, including data on the number of bedrooms per dwelling unit, and data concerning kitchen, bathroom facilities, and heating facilities.

The data indicates 65% of the existing housing stock contains 3 or 4 bedrooms. An additional 28% contain 5 bedrooms. All dwellings have complete kitchen facilities. All dwellings have complete plumbing facilities. Finally over 97% of the existing housing stock are either one- or two-family dwellings.

TABLE 6
UNITS IN STRUCTURE, 2013
YEAR-ROUND HOUSING UNITS
ENGLEWOOD CLIFFS, NEW JERSEY

Units in Structure	Number	Percent
Single Family, Detached	1,771	94.6
Single Family, Attached	26	1.4
2 Family	20	1.1
3 or 4	15	0.8
5 to 9	24	1.3
10 to 19	0	0.0
20 or more	16	0.9
Total	1,972	100.0

Source: 2009- 2013 American Community Survey 5-year estimates.

TABLE 7
NUMBER OF BEDROOMS IN HOUSING UNITS, 2013
ENGLEWOOD CLIFFS, NEW JERSEY

Bedrooms	Number	Percent
None	0	2.0
One	37	16.8
Two	95	5.1
Three	607	32.4
Four	608	32.5
Five or more	525	28.0
Total	1,872	100.0

Source: 2009-2013 American Community Survey 5-year estimates.

TABLE 8
KITCHEN, PLUMBING AND SEWER FACILITIES, 2013
OCCUPIED HOUSING UNITS
ENGLEWOOD CLIFFS, NEW JERSEY

Facilities	Number	Percent
Complete Plumbing Facilities	1,872	100.0
Lacking Complete Plumbing Facilities	0	0.0
Complete Kitchen Facilities	1,872	100
Lacking Complete Kitchen Facilities	0	0.0

Source: 2009-2013 American Community Survey 5-year estimates.

e) Number of Units Affordable to Low and Moderate Income Households

The U.S. Census of Housing in 2009 established a median household income of $102,222 for the community's region. Based upon this standard, the income of low and moderate households would represent 80 percent or less of this number, or $81,777. With the exception of adjustments for family size, and using a rule of thumb of two times income for sales housing and one-quarter yearly income for rental housing, this would produce a housing cost level of $163,554 for sales housing and $1,703 for rental housing.

The 2013 American Community Survey estimates 81 dwelling units met this income limitation for owner occupied housing, while 39 rental units within the Borough fall within the generally accepted rental levels.

Projection of Municipal Housing Stock

COAH regulations provide that a community's projection of future housing be based upon an assessment of data which minimally must include the number of housing units constructed or construction permits issued during the last ten years, the number of low and moderate income housing units constructed previously, the number of low and moderate income housing units rehabilitated previously, a projection of the community's housing stock for the next six year period, and the number of subdivisions and site plans approved for residential purposes during the last six years. Each of these items is identified below.

a) Housing Units Constructed During the Last 10 Years

Table 9 provides data concerning certificates of occupancy issued from 2005 to 2014. A total of 174 such permits were issued, all of which were for single-family residences, for an average rate of 17.4 dwelling units annually. Table 9 also provides information concerning the number of demolition permits the borough issued during the same 10 time period. A total of 151 demolition permits were issued during this period. So even though Englewood Cliffs issued 174 construction permits during this ten year period, the number of dwellings increased by only 23 dwellings during this ten year time frame. Since 2000, more demolition permits have been issued than occupancy certificates.

TABLE 9
CERTIFICATES OF OCCUPANCY AND DEMOLITION PERMITS ISSUED, 2005-2014
ENGLEWOOD CLIFFS, NEW JERSEY

YEAR	SINGLE FAMILY	TWO-FOUR FAMILY	MULTI-FAMILY	MIXED-USE	TOTAL	DEMOLITION PERMITS
2005	33	0	0	0	33	36
2006	16	0	0	0	16	21
2007	29	0	0	0	29	15
2008	18	0	0	0	18	11
2009	27	0	0	0	27	7
2010	9	0	0	0	9	10
2011	8	0	0	0	8	9
2012	8	0	0	0	8	11
2013	14	0	0	0	14	14
2014	12	0	0	0	12	17
TOTAL	174	0	0	0	174	151

Source: NJ Construction Reporter

b) Number of Low and Moderate Income Housing Units Previously Constructed

The Department of Community Affairs maintains information concerning the construction of affordable housing on its website. As of March 1, 2011 Englewood Cliffs had been credited with proposing a total of 279 affordable dwelling units, all located in 100% affordable developments. These units were to be distributed between the Department of Public Works site, an overlay zone and 9 units of senior rental housing. As the date when the listing was prepared, Englewood Cliffs apparently had not begun construction of these developments.

c) Number of Low and Moderate Income Housing Units Previously Rehabilitated

During the period from April 1, 1990 to present, two housing units were anticipated to be rehabilitated. According to information on record with the Department of Community Affairs, these rehabilitation efforts have not yet begun.

d) Projection of Community's Housing Stock for the Next Ten Years

During the period from 2005 to 2014, Englewood Cliffs issued 174 residential certificates of occupancy, all of which were for single-family dwellings. During these same time period (2005-2014) Englewood Cliffs issued 151 demolition permits. It is noted that between 2010 and 2014, only 51 certificates of occupancy were issued. Since 2010, the Borough has issued 61 demolition permits. Recent development history has witnessed the issuance of more demolition permits than certificates of occupancy, thus reducing the quantity of housing in the community. Due to the fully developed character of the borough, these current low or no growth trends are expected to continue into the future. Based upon these long-standing trends and the documented lack of vacant land in Englewood Cliffs, projections for increases in the borough's housing stock during the next ten year period are anticipated to be minimal.

e) Number of Subdivisions and/or Site Plans Approved for Residential Purposes During the Past Ten Years

Table 10 provides data for the number of subdivisions and site plans approved for residential purposes. According to the Bergen County Planning Board, no new residential lots have been created between the years 2004 and 2014. Approval authorizing the construction of 20,188 square feet was granted during this same time frame.

TABLE 10
NUMBER OF RESIDENTIAL LOTS CREATED
MAJOR AND MINOR SUBDIVISIONS AND AMOUNT OF SQUARE FEET APPROVED
ENGLEWOOD CLIFFS, NEW JERSEY
2004 - 2014

Year	Construction, Measured in Sq. Ft.	Number of Lots Created
2004	0	0
2005	0	0
2006	0	0
2007	0	0
2008	0	0
2009	0	0
2010	566	0
2011	19,360	0
2012	262	0
2013	0	0
2014	0	0
Total	20,188	0

Source: Bergen County Planning Board, 2015

Population Analysis

The COAH regulations call for an analysis of the community's socio-economic characteristics, including an assessment of population size, rate of population growth, age and sex characteristics, income levels, and household size. Each of these items is described in this section of the report.

a) Population Size

The 2010 census reported the local population to be 5,281 residents. The 2014 US Census Bureau population estimate for Englewood Cliffs is 5,385 residents, an estimated increase of 104 people above the number of residents counted in 2010.

b) Rate of Population growth

Table 11 presents the rate of growth for Englewood Cliffs from 1950 through 2010. The data indicate that Englewood Cliff's population continued a downward trend between 2000 and 2010. This ended a 40 year population decline. It is noted that Englewood Cliffs had a higher population in 1970 than in 2010.

TABLE 11
RATE OF POPULATION GROWTH
ENGLEWOOD CLIFFS, NEW JERSEY
1950-2010

Year	Englewood Cliffs Population	Population Change	Percent Change
1950	966	+78	+8.78
1960	2,913	+1,947	+201.5
1970	5,938	+3,025	+103.8
1980	5,698	-240	-4.0
1990	5,634	-64	-1.1
2000	5,322	-312	-5.5
2010	5,218	-104	-.9

Source: U.S. Census of Population

c) Age and Sex Characteristics

Data concerning characteristics of the borough's population by age and sex is presented in Table 12. The 2010 data indicates that 51.6 percent of the community is female and 48.4 percent male. Among residents sixty-five years of age and older, the proportion of females to males increases, with 54.1 percent of the 1,272 residents sixty-five years of age and older being females.

Overall, borough residents have a median age of 47.2 which is significantly greater than the County figure of 41.1 years. The median age of borough residents has risen from 44.8 years since the 2000 census.

TABLE 12
AGE AND SEX DISTRIBUTION 2000 AND 2010
ENGLEWOOD CLIFFS, NEW JERSEY

Age Group	2000 Male Population	2000 Female Population	Percent of Total Population	2010 Male Population	2010 Female Population	Percent of Total Population
0-4	161	143	5.7	133	119	5.6
5-24	549	549	20.6	627	503	24.2
25-64	1,256	1,493	51.6	1,212	1,415	54.1
65 and over	542	629	22.0	583	689	16.0
Total	2,508	2,814	100	2,555	2,726	100

Source: U.S. Bureau of the Census 2000 table PCT013 and 2010, Characteristics of the Population, Table P12/P13.

Birth and Death Statistics

As shown in Table 13, birth and death statistics from 2004 to 2011, the last year for which data is available, for the borough of Englewood Cliffs indicate a natural decrease in population of 12 people. For every year examined deaths outnumbered births except for 2007 and 2009.

TABLE 13
NUMBER OF BIRTHS AND DEATHS, 2004-2011
ENGLEWOOD CLIFFS, NEW JERSEY

Year	Births	Deaths	Change in Births/Deaths
2004	46	49	-3
2005	37	40	-3
2006	37	41	-4
2007	41	32	+9
2008	52	53	-1
2009	39	39	0
2010	34	36	-2
2011	43	51	-8
Total	329	341	-12

Source: State of New Jersey, Department of Health New Jersey Health Statistics, 2004 to 2011.

e) Income Level

Table 14 provides data for family and household income by income category. The median Englewood Cliffs household income reported in 2009 was $101,964 the median family income was $126,985 and non-family household income was $36,800. Comparable data for Bergen County as reported in the 2010 American Community Survey was $77,389, $97,394, and $40,471 respectively. From this snapshot it can be gleaned that Englewood Cliffs households, families and non-family households are economically significantly ahead of the County as a whole with regard to household and family income.

TABLE 14
HOUSEHOLD AND FAMILY INCOME, 2009
ENGLEWOOD CLIFFS, NEW JERSEY

Income	Households	Families
Less than $10,000	78	63
$10,000 to $14,999	25	25
$15,000 to $24,999	127	103
$25,000 to $34,999	105	57
$35,000 to $49,999	217	143
$50,000 to $74,999	150	126
$75,000 to $99,999	115	100
$100,000 to $149,999	161	140
$150,000 or more	667	636
Total	1,645	1,393
Median income Englewood Cliffs	$101,964	$126,985
Median income Bergen County	$77,389	$97,394

Source: U.S. Bureau of Census, 2006-2010 American Community Survey.

f) Household Size

Englewood Cliff's household size has declined between the years 1960 and 2010. These figures are depicted in Table 15. In 1960, Englewood Cliffs had an average household size of 3.49 persons. In 1970 this figure increased to 3.67. By 1980 household size declined to 3.21. It declined further to 3.03 persons per household in 1990. In 2010, Englewood Cliffs household size was 2.87

The recent decline in household size, from 3.49 persons per household in 1960 to 2.87 in 2010 is not unique to Englewood Cliffs. Similar declines have been registered in most municipalities in Bergen County. Englewood Cliffs has experienced steady, but small household size drops since 1970. The county decreased from 3.30 persons per household in 1960 to 2.54 in 1990, a decline of 23 percent. Since 1990, the County has experienced an increase in household size, recording household sizes of 2.64 in 2000 and 2.66 in 2010.

TABLE 15
HOUSEHOLD SIZE
ENGLEWOOD CLIFFS, NEW JERSEY
1960 – 2010

Year	Population	Number of Households	Household Size Englewood Cliffs	Household Size Bergen County
1960	2,913	814	3.49	3.30
1970	5,938	1,595	3.67	3.17
1980	5,698	1,751	3.21	2.76
1990	5,634	1,833	3.03	2.54
2000	5,322	1,818	2.90	2.64
2010	5,281	1,824	2.87	2.66

Source: U.S. Census Bureau

Employment Characteristics and Trends

COAH regulations require an analysis of the existing and probable future employment characteristics of the community, including the current employment in the municipality and historic trends from 1972 to the current reported year, employment characteristics and occupational patterns of residents of the community, the number of subdivisions and/or site plans approved for non-residential types of development potentially impacting upon the community, other community or regional factors which may impact upon municipal employment, and the probable future employment characteristics in the community. These items are addressed below.

a) Historic Employment Trends

Table 16 provides employment data from 2004 through 2014, the last year for which data has been published. The data indicates that the number of jobs fluctuated throughout this period with 568 fewer jobs in 2014, when the lowest number of jobs was recorded, compared to 2004. The highest number of jobs, 9,068, occurred in 2007. Since 2010, the number of jobs had been on a slight downward trend.

TABLE 16
COVERED EMPLOYMENT TRENDS 2004-2014
ENGLEWOOD CLIFFS, NEW JERSEY

Year	Number of Jobs	Change in Number of Jobs
2004	8,801	+9
2005	8,877	+76
2006	8,863	-14
2007	8,824	-39
2008	9,068	+244
2009	8,579	-489
2010	8,949	+370
2011	8,502	-447
2012	8,394	-108
2013	8,354	-40
2014	8,233	-121

Source: State of New Jersey, Department of Labor and Workforce Development, Quarterly Census of Employment and Wages.

b) Employment Characteristics and Occupational Patterns of Englewood Cliffs Residents

Tables 17 and 18 describe the employment characteristics and occupational patterns of Englewood Cliffs residents. Table 17 indicates that over 50 percent of all jobs are concentrated in three fields – educational, finance and professional service.

Wholesale trade accounts for 9.7 percent of all employment in the borough, and arts and entertainment an additional 8.2 percent.

TABLE 17
EMPLOYED PERSONS 16 AND OVER BY INDUSTRY
ENGLEWOOD CLIFFS, NEW JERSEY
2013

Industry	Number	Percent
Agriculture, Forestry, Fisheries and Mining	0	0.0
Construction	60	3.1
Manufacturing	88	4.6
Transportation, Warehousing and Utilities	33	1.7
Information and Communication	56	2.9
Wholesale Trade	187	9.7
Retail Trade	115	6.0
Finance, Insurance, Real Estate	262	13.6
Professional, scientific and management	330	17.1
Educational, Health Care and Social Services	376	19.5
Arts, Entertainment, Recreation and food services	157	8.2
Other Services, except Public Administration	112	5.8
Public Administration	150	7.8
Total	1,926	100.0

Source: 2009-2013 American Community Survey-5 Year Estimates.

Table 18 identifies resident employment by occupation. It indicates that over 68 percent of the population is concentrated in two occupational categories- managerial/professional specialty and technical, sales and administrative support.

TABLE 18
EMPLOYED PERSONS 16 AND OVER BY OCCUPATION, 2011
ENGLEWOOD CLIFFS, NEW JERSEY

Occupation	Number	Percent
Management, Business, Science and Arts Occupations	1,221	63.4
Service Occupations	182	9.4
Sales and Office Occupations	438	22.7
Natural Resources, Construction and Maintenance Occupations	20	1.0
Production, Transportation and Material Moving Occupations	65	3.4
Total	1,926	100.0

Source: 2007-2011 American Community Survey 5-Year Estimates.

c) Other Regional or Community Factors Impacting Upon Future Municipal Employment

There is no single primary regional factor impacting upon future local employment. The developed character of Englewood Cliffs together with a minimal availability of vacant land act to curtail opportunities for future development and additional local employment opportunities.

d) Probable Future Employment Characteristics

Englewood Cliff's employment has fluctuated throughout this decade. In 2004, there were 8,801 covered employment jobs in Englewood Cliffs. The number of covered employment jobs had decreased to 8,233 in 2014 according to information provided by the Quarterly Census of Employment and Wages. Due to the scarcity of vacant land for nonresidential development this fluctuating pattern is expected to continue within the ranges that have occurred in the recent past. No significant change in employment characteristics by industry or occupation is anticipated during the planning horizon of the affordable housing plan.

SECTION II: FAIR SHARE OBLIGATION

Summary of Fair Share Obligation

The state of the Third Round affordable housing obligations for municipalities throughout New Jersey at present remains in flux, given the fact that neither the Courts, COAH, nor the legislature has established a definitive set of housing-need numbers that has been universally accepted. Two sets of numbers have been promulgated and widely discussed. These include numbers prepared by Dr. Robert Burchell on behalf of COAH, and number prepared by David Kinsey on behalf of the Fair Share Housing Center. Their statewide numbers vary dramatically, and are as follows:

Burchell: Approximately 52,000 affordable housing units
Kinsey: Approximately 201,000 affordable housing units

It is noteworthy that although the statewide affordable housing need estimates are dramatically different, when it comes to the Borough of Englewood Cliffs, their estimated affordable housing obligations for Englewood Cliffs are nearly identical as the numbers below illustrate:

	Burchell	Kinsey
1. Rehabilitation Obligation:	4	4
2. Unanswered Prior Round Obligation:	397	----
3. Prior Round Obligation:	----	219
4. Prospective Need Obligation*:	200	372

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

This plan at this time relies upon the Burchell numbers. It is recognized that these figures may be adjusted in the future, by the Court, COAH or the legislature, and thus may necessitate revision to the plan. The Borough of Englewood Cliffs would respond accordingly by adjusting and reapproving the housing plan.

The Burchell affordable housing need numbers has three components. The first is the rehabilitation component. This number seeks to identify and quantify the number of low-and moderate-income households leaving in substandard housing. Burchell has estimated that there is a need to rehabilitate 4 dwellings in Englewood Cliffs.

The second component of the Burchell affordable need housing numbers reflects the remaining prior round obligation. As reflected in the Burchell analysis, the borough has an unanswered prior round obligation of 397 units.

The final component of the Burchell affordable need housing numbers reflects an obligation for new construction. Englewood Cliffs has a prospective need obligation of 200 new dwellings for the time frame ending in 2024.

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. Pursuant to N.J.A.C. 5:93-4.1(b) and N.J.A.C. 5:93-4.2, 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 24.36 acres of vacant land in the community. A total of 10.97 acres are comprised of sites that are minimally 0.83 acres in size. Of that total, 7.20 acres are devoid of the aforementioned environmentally sensitive features. Pursuant to the applicable regulations, a minimum presumptive density of 6 dwelling units per acre were imposed on these 7.20 acres, and then a twenty percent set-aside was imposed on that calculation. This formula resulted in an affordable housing need of 8.64 dwellings, rounded up to 9 units. Based upon this calculation, Englewood Cliffs has a realistic development potential of 9 units. The remaining obligation becomes classified as unmet need. The Second Round regulations allow for a different municipal response to address the unmet need than they provide for the realistic development potential.

The Vacant Land Analysis Table of Properties and Vacant Land Map are included as Appendix A and B.

SECTION III: FAIR SHARE PLAN

A. Plan Summary

Englewood Cliffs will employ a number of projects, mechanisms and funding sources to satisfy the borough's affordable housing obligation pertaining to its rehabilitation obligation and its adjusted projected need obligation for the time period 1987 to 2025. As noted elsewhere in this report, Englewood Cliffs was assigned an affordable housing obligation that is beyond the Borough's ability to comply with due to lack of land resources. Based on the results of a vacant land adjustment performed consistent with Second Round regulations, Englewood Cliffs has a realistic development potential of 9 affordable housing units. This becomes the borough's obligation.

The borough has a 9 unit realistic development potential. The following is noted as to mechanisms that will be used to satisfy this obligation.

1. Rental Obligation (5:97-3.4). The borough is required to provide no less than 25 percent of its obligation with rental units. Englewood Cliffs is required to provide 3 rental units, half of which must be family housing units. A family housing unit is a self-contained unit available to the general public.

2. Age Restricted Units (5:97-3.11). Englewood Cliffs may age-restrict a maximum of 25 percent of its obligation. This allows the borough to age-restrict 2 units of its obligation for age-restricted affordable housing units.

3. Very Low Income Units. COAH regulations require municipalities to restrict a minimum of 10 percent of its obligation to very low-income residents. Since Englewood Cliff's obligation is 9 units, the borough must restrict 1 unit to very low-income residents.

4. Bonus Credits. COAH limits bonus credits such as rental bonuses, compliance bonuses and smart growth bonuses to 25% of the rental obligation, or in the borough's case, no more than 3 credits.

The HE&FSP identifies the manner in which the borough's affordable housing obligation is to be addressed. This is summarized in the accompanying table.

Table 19
2015 Third Round
Housing Element and Fair Share Plan Components
Borough of Englewood Cliffs, New Jersey

Plan Component	Number of Units	Status
Inclusionary Development: Total Credits:	9	Proposed
Rehabilitation:	4	Proposed
Total Affordable Housing Obligation (RDP & Rehabilitation)	13	Proposed

B. Compliance Mechanisms

DETERMINING THE REALISTIC DEVELOPMENT POTENTIAL

As demonstrated through a Vacant Land Analysis there are a total of 24.3 acres of vacant property in Englewood Cliffs. Pursuant to N.J.A.C. 5:93-4.2(e) municipalities may excluded acreage from the vacant land inventory if certain specified environmental resources such as mapped inland wetlands, flood hazard areas, and slopes in excess of 15% are present on the property. The presence of these environmental resources may or may not totally exclude a vacant parcel from consideration for the development of affordable housing.

Second round COAH rules also permit municipalities to exclude vacant property if such property is of a size that the property would accommodate less than five dwelling units based upon a presumptive density of six dwelling units per acre. All vacant land with a lot area less than 0.83 acres has been excluded from the vacant land analysis in accordance with Second Round regulations.

Each of the vacant parcels in the borough has been examined utilizing the criteria discussed above. This analysis resulted in the determination that many vacant parcels are either smaller than the required COAH established minimum or they are characterized as exhibiting one or more of the designated environmental resources either on, or in the case of inland wetlands, adjacent to them. A listing of all vacant parcels in the borough is provided as Appendix "A" of this Housing Element and Fair Share Plan. These vacant parcels have been mapped. The map of vacant parcels is included as Appendix "B".

There are 7.2 acres of vacant land in the borough that are not constrained by environmental resources and also provide the minimum land area and therefore are considered available for development. Applying the presumptive density of six dwelling units to the acre, the estimated number of projected dwellings that might be constructed in Englewood Cliffs is 44. Pursuant to Second Round regulations, the affordable housing setaside is 20% of the total number of projected dwellings. 20% of 44 equals 8.8 dwelling units which is rounded to 9 dwelling units. These 9 affordable dwellings represents the borough's realistic development potential (RDP).

Property Description. Englewood Cliffs will affirmatively address its RDP through the construction of an affordable housing development on borough owned property located at 474 Hudson Terrace, Englewood Cliffs. This property is currently zoned B-4. A copy of the Englewood Cliffs Zoning Map, dated May 1999 is included as Appendix "C". Englewood Cliffs is prepared to rezone the property into an Affordable Housing Zone within 60 days after the issuance of conditional substantive certification by the Court. A draft Affordable Housing ordinance is included as Appendix "D".

The selected property is identified on the Englewood Cliffs tax map as Block 514 Lot 5. This property is available, suitable, developable and approvable as those terms are applied in COAH's Second Round rules. 474 Hudson Terrace is relatively flat, free of environmental resources and has access to both community water and wastewater systems. A copy of the Borough's tax map sheet 5 depicting the designated property is included as Appendix "E".

This property is located in an area of Englewood Cliffs where mass transit and employment opportunities are readily available. A full array of civic, business and retail services are in located in close proximity to this site. Palisades Interstate Park is opposite 474 Hudson Terrace across Hudson Terrace and the Palisades Interstate Parkway. Access to this corner lot will be from Clendinen Place, a flat, straight, low volume, municipally owned and maintained street which intersects with Hudson Terrace on the east and Sylvan Avenue, also known as Route 9W, on the west. Access to regionally significant highways and public transit is excellent, thus providing mobility options to employment, services, government centers, entertainment and other important places of interest.

The 18,300 square foot lot is presently developed with a small, one-story building with limited parking and two outside tennis courts. Presently this property is leased to the Lions Club of Englewood Cliffs. The existing building is provided water via a connection to United Water. The existing building discharges its domestic waste for treatment and ultimate disposal to the Bergen County Utilities Authority wastewater plant located in Little Ferry. Both United Water and the Bergen County Utilities Authority have the existing capability to service the proposed development described below.

All existing above ground improvements will be removed and properly disposed of in order to allow for the proposed construction. This property is owned and controlled by the borough. There are no provisions or restrictions in the deed precluding the development of affordable housing on this site. A copy of the December 6, 1971 lease between the Borough of Englewood Cliffs as lessor and the Lions Club of Englewood Cliffs, Inc. a non-profit corporation of the State of New Jersey is included as Appendix "F".

ADDRESSING THE REALISTIC DEVELOPMENT POTENTIAL

After demolition and removal of the existing improvements from this corner lot, Englewood Cliffs will construct a two story building over grade level parking. This building will consist of eight rental apartments on each floor. The proposed density is 42.8 dwelling units per acre. Resident parking will be at grade. All sixteen apartments will be deed restricted with occupancy limited to low-or moderate-income households. Consistent with N.J.A.C. 5:93-7.1 at least half of all units will be affordable to low income households. In addition, Englewood Cliffs will insure that 13% of all

affordable housing units shall be affordable to households earning no more than 30% of the median regional income.

A more detailed analysis of the category of proposed dwellings and how compliance with Second Round requirements is achieved is provided below:

1. N.J.A.C. 5:93-5.15 requires that no less than 25% of the affordable housing obligation must be rental units. Englewood Cliffs has a RDP of 9 so 3 dwellings must be rental. All 16 units are proposed to be rental; compliance with N.J.A.C. 5:97-3.4 is achieved.

2. N.J.A.C. 5:93-5.14 permits Englewood Cliffs to age-restrict a maximum of 25% of the affordable housing to senior citizens. Englewood Cliffs is permitted to age restrict two dwelling units for senior citizens. The maximum number of affordable housing units that will be restricted for senior citizens occupancy will be two; compliance with N.J.A.C. 5:97-3.11 is achieved.

The two proposed senior apartments will each contain a single bedroom. The remaining seven dwelling units will comply with the bedroom distribution requirements pursuant to N.J.A.C.5:93-7.3. There will be one unrestricted 1-bedroom dwelling, four 2-bedroon dwellings and two 3-bedroom dwellings.

Affordable dwelling rents will be established by ordinance in conformance with current applicable regulations as established by New Jersey or Court order. The maximum rent shall be affordable to households earning no more than 60% of median income. Restricted unit rents will average so to be affordable to households with income no higher than 52% of the regional median income.

Reductions and Bonus Reductions. Englewood Cliffs will receive affordable housing reductions and bonus reductions for this proposed development. Each affordable dwelling is eligible to receive a reduction on a one-for-one basis. In addition, pursuant N.J.A.C. 5:93-5.15(d)1 of the Second Round regulations, Englewood Cliffs is eligible to receive bonus reductions not to exceed the rental obligation which is 25% of the RDP or 3 bonus reductions. Therefore the construction of the proposed 16 unit affordable housing rental building will generate a total of 19 new construction reductions for the Borough. Englewood Cliffs thus fully satisfies the RDP obligation and has 10 surplus credits to be applied to a future HE&FSP or to address Unmet Need.

UNMET NEED

Pursuant to Second Round regulations, communities that perform a vacant land analysis to adjust the new construction component of the housing obligation must provide a response toward the obligation not addressed by the Realistic Development Potential. This portion of the obligation is often referred to as the Unmet Need. Englewood Cliffs proposes to affirmatively address this portion of the obligation in a number of ways.

To address the Unmet Need Englewood Cliffs will adopt a residential overlay zoning amendment affecting two specific properties. This overlay zone will permit construction of attached single-family dwellings with an affordable housing setaside of 20%. Overlay zones continue the existing zone and allow as an option a second approach to developing property. An applicant seeking to develop property that has an overlay zone must determine which zone will regulate development of the property. Such an applicant is not permitted to blend or combine the zone regulations, once a zone is selected, the applicant is regulated by the provisions contained within that zone.

Block 702 Lot 21 is the first property this overlay zone will apply to. This 6.1 acre tract is located in a residential neighborhood and is currently underutilized as a private recreation field. Access to the property is available from Egan Place, a 50 foot wide municipal street. A copy of tax map sheet 7 is Appendix "G"

The second parcel this overlay zone will be applied to is a portion of Block 908 Lot 7. This property is owned by the Englewood Cliffs School District and a portion of this property is developed with the North Cliff Elementary School. The overlay zone will be limited to a 2 acre portion of this property. A copy of the relevant tax map sheet, sheet 9 is included as Appendix "H".

Developments constructed within these overlay zones will reserve 20% of the total number of dwellings for occupancy by income qualified households. All such affordable units shall be family units. Strict compliance with applicable bedroom distribution and marketing requirements will be enforced. All affordable units constructed within the overlay zone will be applied to the Unmet Need obligation. A copy of the ordinance is included as Appendix "I".

To further address the affordable housing obligation not addressed by the RDP, Englewood Cliffs proposes a second overlay zoning district. This second overlay is be limited to properties in the B-2 or B-4 zone bounded by Charlotte Place to the south, Palisades Avenue on the north, Hudson Terrace on the east and Sylvan Avenue on the west. These blocks are depicted on tax map sheets 4 and 5 which are included as Appendix "J"

Applicants seeking to redevelop properties in this area will have the option of following the existing zoning or in the alternative constructing multifamily developments that include affordable housing setasides.

A draft zoning ordinance amendment is included within as Appendix "K" to this Housing Element and Fair Share Plan.

REHABILITATION COMPONENT

Englewood Cliffs has a 4 unit rehabilitation requirement. The purpose of the rehabilitation component is to rehabilitate substandard housing units that are occupied by low and moderate income households. Upon the completion of rehabilitation efforts, the housing code deficiencies shall be corrected and the dwelling shall be code compliant.

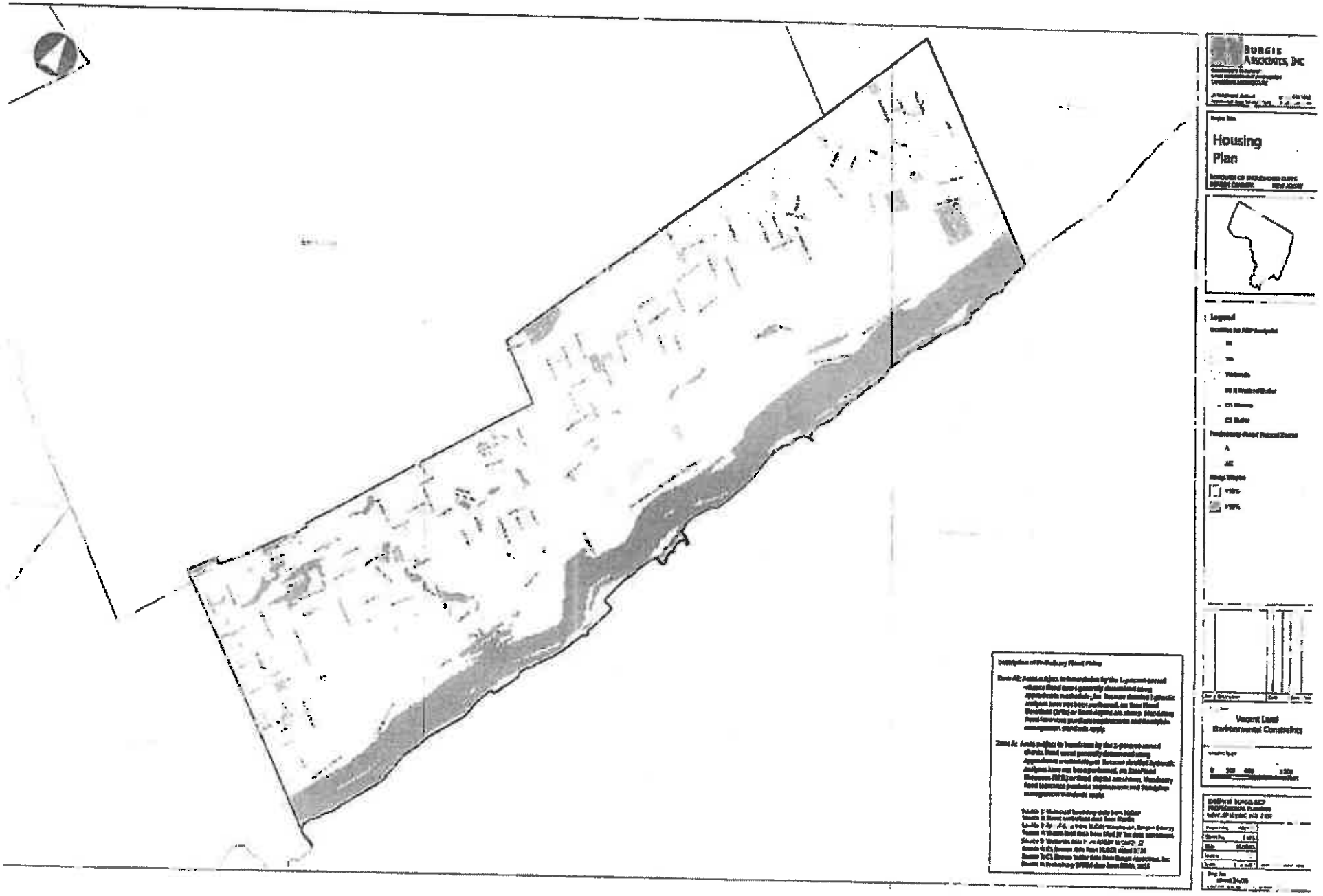
Englewood Cliffs will partner with an experienced entity such as the Bergen County Housing Authority or some other non-profit to administer all aspects of the rehabilitation program, including the preparation and strict implementation of a rehabilitation manual. Englewood Cliffs does acknowledge that funding for the rehabilitation program might need to be provided locally. The borough selected entity will be responsible for designing and implementing a marketing plan which will not exclude rental units in accordance with the standards identified in N.J.A.C.5:93-5.2(d).

It is anticipated that dwellings that participate in this rehabilitation program will require on average $10,000. No more than 20% of the cost of the rehabilitation program shall be spent on administrative costs. The borough will provided sufficient money in its budget to rehabilitate 2 units or half the program in the first year of the program with money in subsequent years to rehabilitate at least one deficient housing unit until the program is complete. As necessary, the Borough will use funds deposited in its Affordable Housing Trust Fund to finance the rehabilitation program.

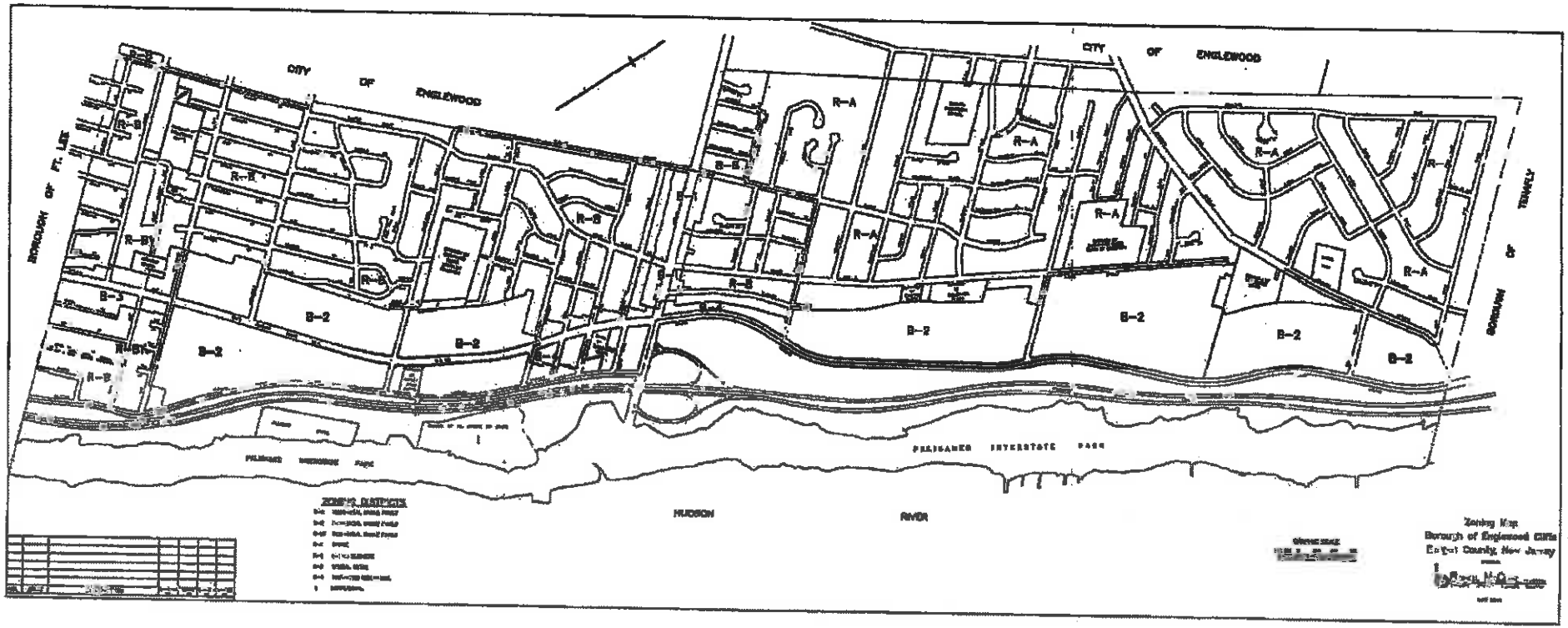
APPENDIX "A"

ID#	Block	Lot	Property Location	Owner	comments	Total Area (ac.)	Developable Area	Developable?
1	1202	2	922 SYLVAN AVE	ALFIERO & LUCIA PALESTRONI (FOUNDAT	Qualifies for RDP Analysis. Wetland constraints limit developable area	5.81	2.84	Yes
2	1009	29	78 JOHNSON AVE	LIMITED WATER CO	In-situ verification of lot developed with United Water Co. water tower	2.10		No
3	601	15	NEAR KARENS LANE	KITTS,ROBERT & LAURIE	Qualifies for RDP Analysis.	1.78	1.78	Yes
4	601	16	NEAR KARENS LANE	ANTOINE, CLAREL	Qualifies for RDP Analysis.	1.39	1.39	Yes
5	603	20	552 SUMMIT ST	GLUCKOW, MICHELLE & GARY	Qualifies for RDP Analysis.	1.04	1.04	Yes
6	601	34	2 KIMHUNTER RD	KITTS,ROBERT & LAURIE	Qualifies for RDP Analysis.	0.95	0.95	Yes
7	1101	6	88 ROBERTS RD	INTERNAT LOGISTICS & EXPORT SER LLC	Lot too small to qualify for RDP Analysis	0.78		No
8	127	20.01	21 SYLVAN AVE	SYLVAN PROPERTY MANAGEMENT,LLC	Lot too small to qualify for RDP Analysis	0.71		No
9	802	12	574 SYLVAN AVE	EBEZ LLC	Lot too small to qualify for RDP Analysis. Recently reclassified as commercial property.	0.63		No
10	1002	12	51 ROBERTS RD	YEN, VICTOR	Lot too small to qualify for RDP Analysis	0.46		No
11	701	3	165 PERSHING RD	LEE, JOHN ENG & TAMMY YOUNG	Lot too small to qualify for RDP Analysis	0.40		No
12	502	2	149 DEMAREST AVE	NAZARIAN, NAZAR & ARTEMIS	Lot too small to qualify for RDP Analysis	0.37		No
13	1009	16	45 LAURIE DR	PALESTRONI, LUCIA	Lot too small to qualify for RDP Analysis	0.37		No
14	507	21	45 JOHN ST	KMB LLC	Lot too small to qualify for RDP Analysis	0.36		No
15	709	3	10 BOOTH AVE	AMAZON ACRES	Lot too small to qualify for RDP Analysis	0.35		No
16	202	2	4 FIFTH ST	4 FIFTH STREET ASSOCIATES LLC	Lot too small to qualify for RDP Analysis	0.35		No
17	1009	15	41 LAURIE DR	PALESTRONI, LUCIA	Lot too small to qualify for RDP Analysis	0.32		No
18	602	9	202 PERSHING ROAD	101 NORTH WOODWARD LLC %ARGENT VENT	Lot too small to qualify for RDP Analysis	0.32		No
19	601	15	471 PALISADE AVE	GILBERT, JENNIFER	Lot too small to qualify for RDP Analysis	0.30		No
20	1004	5	7 LYNN DRIVE	SINGH,CHARANJIT&HARVEEN KAUR	Lot too small to qualify for RDP Analysis	0.30		No
21	1104	4	11 JEAN DR	YAMANI, AMIR & GHAEMI, MARJAN	Lot too small to qualify for RDP Analysis	0.28		No
22	1103	18	16 JEAN DRIVE	MONIQUE RLTY INC CO L&R SERVICES	Lot too small to qualify for RDP Analysis	0.27		No
23	303	38	150 WOOD RD	OAK CLIFF ESTATES, INC	Lot too small to qualify for RDP Analysis	0.25		No
24	303	35	154 WOOD RD	OAK CLIFF ESTATES, INC	Lot too small to qualify for RDP Analysis	0.25		No
25	201	6	8 FIFTH ST	R & A LLC	Lot too small to qualify for RDP Analysis	0.24		No
26	902	13	17 ALLISON DR	JABI DEVELOPMT LLC % LUPPINO DEV.	Lot too small to qualify for RDP Analysis	0.23		No
27	201	1	2 FIFTH ST	2 FIFTH STREET ASSOCIATES LLC	Lot too small to qualify for RDP Analysis	0.23		No
28	514	4	4 CLENDENIN PL	DOWA LINE AMERICA CO.LTD.	Lot too small to qualify for RDP Analysis	0.23		No
29	303	37	146 WOOD RD	OAK CLIFF ESTATES, INC	Lot too small to qualify for RDP Analysis	0.22		No
30	303	40.05	22 SARA HILL LA	CLIFFS HOLDING LLC	Lot too small to qualify for RDP Analysis	0.22		No
31	127	19	11 IRVING AVE	DONG WON PARK	Lot too small to qualify for RDP Analysis	0.21		No
32	613	2	108 DEMAREST	C & Y DEVELOPMENT, LLC	Lot too small to qualify for RDP Analysis. Recently reclassified as residential development.	0.21		No
33	306	10	320 BOLZ ST	OAK CLIFF ESTATES, INC	Lot too small to qualify for RDP Analysis	0.21		No
34	303	44	312 BOLZ ST	OAK CLIFF ESTATES, INC	Lot too small to qualify for RDP Analysis	0.20		No
35	616	25	24 CLIFTON TERR	DOOLY,DANIEL E.	Lot too small to qualify for RDP Analysis	0.19		No
36	132	3	00 W BAYVIEW AVE	SYLVANVIEW CORP	Lot too small to qualify for RDP Analysis	0.19		No
37	406	2	365 MAURO RD	MAURO, JOSEPHINE M.J. PETROLINO	Lot too small to qualify for RDP Analysis	0.18		No
38	701	10	216 CHESTNUT ST	KATZ,STEVEN & MARGARET	Lot too small to qualify for RDP Analysis	0.17		No
39	202	11	21 FIFTH ST REAR	GOLDVALLEYASSET INC	Lot too small to qualify for RDP Analysis	0.17		No
40	202	6.01	13 FIFTH ST	2NS RLTY LLC C/O	Lot too small to qualify for RDP Analysis. Recently reclassified as residential development.	0.12		No
41	201	13	248 SYLVAN AVE	24-B SYLVAN AVE LLC	Lot too small to qualify for RDP Analysis	0.12		No
42	617	2	8 CLIFTON TERRACE	CLIFTON TERR ACQUISITIONS	Lot too small to qualify for RDP Analysis	0.12		No
43	202	8	17A SIXTH ST	RADCLIFFE, JAME E	Lot too small to qualify for RDP Analysis	0.11		No
44	202	3	FIFTH ST	DOGALI (ETALS), ROBIN	Lot too small to qualify for RDP Analysis	0.11		No
45	202	10	4 SIXTH ST REAR	GOLDVALLEYASSET INC	Lot too small to qualify for RDP Analysis	0.11		No
46	702	1	45 EGAN PL	BREMER, HERMAN & MARLENE	Lot too small to qualify for RDP Analysis	0.11		No
47	701	9	203 PERSHING RD	BAER,LEWIS & LORRAINE	Lot too small to qualify for RDP Analysis	0.11		No
48	411	14	30 SHERWOOD AVE	MORRISSEY, BRUCE C.	Lot too small to qualify for RDP Analysis	0.09		No
49	202	1	0 FIFTH ST	CHANG,JANELLE C. & YON HUI	Lot too small to qualify for RDP Analysis	0.06		No
50	128	11	1 FIRST ST	HIGAZI, TAREK & GHADA ALY	Lot too small to qualify for RDP Analysis	0.05		No
51	707	6	29 BOOTH AVE	WOLF, GILBERT & HELEN	Lot too small to qualify for RDP Analysis	0.04		No
52	117	8	55 HICKORY ST	LIASKOS, LEO	Lot too small to qualify for RDP Analysis	0.04		No
	202	4	02 9 FIFTH ST	ZIMATORE, CARLO A	Lot too small to qualify for RDP Analysis	0.03		No
	303	40.07	10 SARA HILL LA	CLIFFS HOLDING LLC	Recent Subdivision. Lot too small to qualify for RDP Analysis. Not Included in Mapping	Not available		No
	303	40.08	8 SARA HILL LA	THE RM FAMILY LP	Recent Subdivision. Lot too small to qualify for RDP Analysis. Not Included in Mapping	Not available		No
	802	12	02 164 PERSHING RD	RAMA, RENE, LEOVINA & JENNIFER	Recent Subdivision. Lot too small to qualify for RDP Analysis. Not Included in Mapping	Not available		No
	611	5	02 30 LORETTA CT	FARKOUH (TRSTE/ETC), RAYMOND	Recent Subdivision. Lot too small to qualify for RDP Analysis. Not Included in Mapping	Not available		No
	611	10	01 29 ROSLYN AVE	FARKOUH (TRSTE), MARTHA	Recent Subdivision. Lot too small to qualify for RDP Analysis. Not Included in Mapping	Not available		No
	611	10	02 33 ROSLYN AVE	FARKOUH (TRSTE), MARTHA	Recent Subdivision. Lot too small to qualify for RDP Analysis. Not Included in Mapping	Not available		No
					TOTAL VACANT AREA (MAPPED) (ac.)	34.36		
					TOTAL DEVELOPABLE AREA QUALIFYING FOR RDP ANALYSIS (ac.)		7.20	

APPENDIX "B"


Housing
Plan
Legend
Vacant Land
Environmental Constraints

APPENDIX "C"


CITY OF ENGLEWOOD
CITY OF ENGLEWOOD
BOROUGH OF FT. LEE
BOROUGH OF TEANECK
R-A
R-B
B-2
B-3
PALISADES INTERSTATE PARK
HUDSON RIVER
ZONE'S DISTRICTS

APPENDIX "D"

APPENDIX

AH AFFORDABLE HOUSING ZONE
ORDINANCE NO._____
BOROUGH OF ENGLEWOOD CLIFFS
COUNTY OF BERGEN
STATE OF NEW JERSEY

AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF ENGLEWOOD CLIFFS, CHAPTER 30 ENTITLED "ZONING"

BE IT ORDAINED by the Borough Council of the Borough of Englewood Cliffs, County of Bergen, State of New Jersey, that the following amendments and revisions are made to the Revised General Ordinances of the Borough Englewood Cliffs, Chapter 30 entitled "Zoning".

Section 1 The list of definitions contained in Section 30-2 is hereby amended by the inclusion of the following terms in alphabetic order:

Rehabilitated unit is a previously deficient housing unit which has undergone significant renovation to meet municipal or other applicable housing code standards as further described in N.J.A. C.5:93-5.2(b).

Substandard housing unit means a housing unit with health and safety code violations that require the repair or replacement of a major system. A major system includes weatherization, a roof, plumbing, heating, electricity, sanitary plumbing, and/or a load bearing structural system.

Weatherization means building insulation (for attic, exterior walls, crawl space), replacement storm windows, replacement storm doors, replacement windows and replacement doors and is considered a major system for rehabilitation.

Section 2 The list of zones provided in Section 30-3 is hereby amended to include the AH Affordable Housing Multifamily Residential Zone. Englewood Cliff's Zoning Map dated May 1999 is herein amended and supplemented to depict Block 514 Lot 5 in the AH Affordable Housing Multifamily Residential Zone.

Section 3 Section 30-5 Use Regulations is herein amended to include the following modifications:

30-5.11 Permitted Uses and Supplemental Regulations Applicable in the AH Affordable Housing Residential Zone.

a. As principal permitted uses:
   1. Multifamily affordable dwellings.
b. As accessory permitted uses:
   1. On-site parking spaces for residents and guests of the development.
   2. Temporary storage of household waste and recycling awaiting pick-up.
   3. Identification signage.
c. As to supplemental regulations:

1. Occupancy of affordable dwellings shall be limited to income qualified households, marketed priced and deed restricted in compliance with all applicable regulations promulgated by the State of New Jersey or in accordance with any requirements established by Court order. All dwellings produced in this zone shall be income restricted affordable dwellings.

Section 4 REGULATIONS AS TO BULK, HEIGHT AND OTHER REQUIREMENTS

30-6.1 Schedule. The schedule entitled "Schedule of Regulations" is hereby amended and supplemented by the insertion of the following requirements which are to be applied to the Affordable Housing Multifamily Residential Zone:

Zone Parameter	Zone Requirement
Minimum Lot Area (sq. ft.)	15,000
Maximum Building Coverage (%)	50
Maximum Impervious Coverage (%)	70
Maximum Number of Stories	3
Maximum Permitted Density (du/ac.)	45
Min. Front Yard (ft.)	15
Min. Side Yard (ft.)	15
Min. Rear Yard (ft.)	15
Min. Front Yard Parking Buffer (ft)	15
Min. Side Yard Parking Buffer (ft.)	5
Min. Rear Yard Parking Buffer (ft.)	5

Section 5

All Ordinances of the Borough of Englewood Cliffs which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 6

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

Section 7

This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

ATTEST:

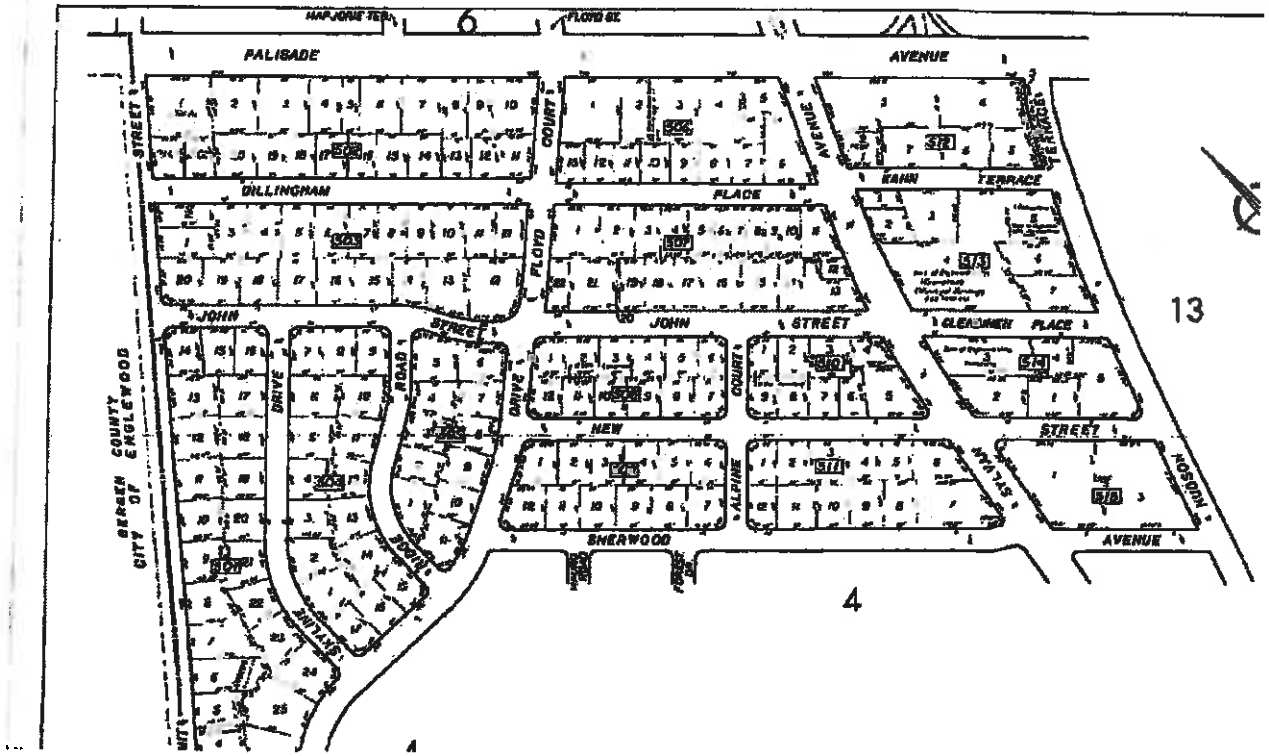
BOROUGH OF ENGLEWOOD CLIFFS
COUNTY OF BERGEN
STATE OF NEW JERSEY

_____
Lisette M. Duffy, Borough Clerk

By: _____
Joseph C. Parisi, Jr., Mayor

APPENDIX "E"

34003036.ENGLEWOOD CLIFFS BORO District: | Block: 0 | Lot: 0 | Coded On: | Map: 00500 | Download Map: TIF or PNG Map Viewer Help



APPENDIX "F"

THIS LEASE AGREEMENT made the 6 day of December 1971, by and between the Borough of Englewood Cliffs a municipal corporation of the State of New Jersey as Lessor and the Lions Club of Englewood Cliffs, Inc. a non-profit corporation of the State of New Jersey,

WITNESSETH that the Borough of Englewood Cliffs does hereby lease to the Lions Club of Englewood Cliffs, Inc. pursuant to the power vested in the Borough by R.S. 40A:12-14C et. seq. the following described premises:

Block 10T; Lots 1-2-3-4 on the official map of the Borough of Englewood Cliffs

For a term of 5 years commencing on the first day of December, 1971, and ending on the 31st day of November, 1976, such premises to be used and occupied for the construction and utilization of a community center for the Borough of Englewood Cliffs and its residents as well as any non-profit civic organizations operating within the Borough of Englewood Cliffs, such construction and utilization to take place at no cost to the Borough of Englewood Cliffs and such construction to be completed no later than two years from the date hereof in failure of which the premises hereby leased shall revert to the Borough of Englewood Cliffs and this lease shall be terminated.

UPON THE FOLLOWING CONDITIONS AND COVENANTS:

1. The Lions Club of Englewood Cliffs, Inc. agrees to pay to the Borough of Englewood Cliffs as rent for and during the

term hereof the sum of $1.00 per year such sum being payable upon the execution hereof and on the annual anniversary hereof.

2. The use specified hereunder shall be for the benefit of all of the residents of Englewood Cliffs and to provide an area for any activity for the promotion of the health, safety, morals and general welfare of the community and of any non-profit corporation or association operating therein.

3. The lessee hereunder shall submit annually a report to the Mayor and Council of the Borough of Englewood Cliffs, which agencies shall be responsible for enforcement of the conditions of this lease, a report setting out the use to which these premises were put during each year, the activities of the lessee undertaken in furtherance of the public purpose for which the leasehold was granted; the approximate value or cost, if any, of such activities in furtherance of such purpose, and an affirmation of the continued tax-exempt status of the Lions Club of Englewood Cliffs, Inc. pursuant to both State and Federal Law.

4. It is further understood and agreed that the lessee hereunder has and shall have at any time during the initial five-year period of this lease an option to renew the lease under the same terms and conditions hereof for an additional period of five years.

5. It is further understood and agreed that this lease shall become effective upon its ratification by the enactment of an appropriate ordinance pursuant to statute.

BOROUGH OF ENGLEWOOD CLIFFS, a municipal corporation State of N.J.

BY: _____
Mayor - Attest

_____
Borough Clerk

Councilman

Councilman

Councilman

Councilman

Councilman

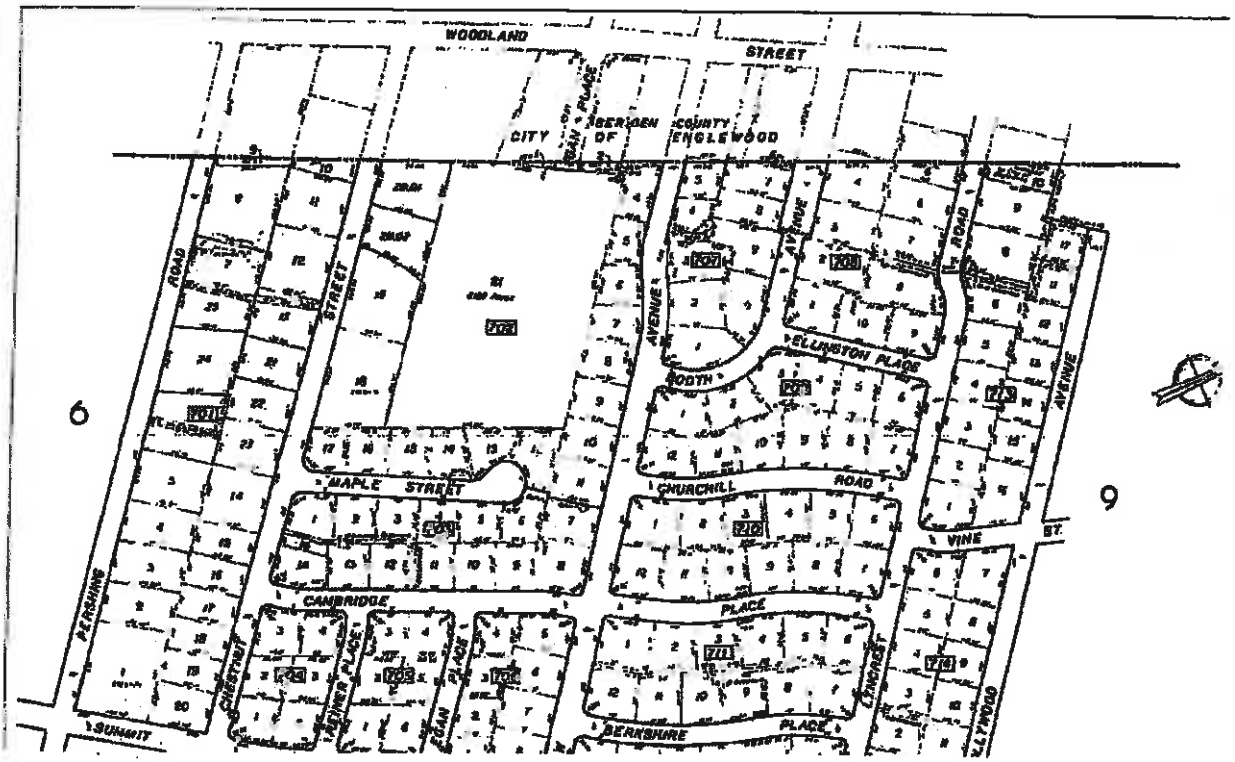
Councilman

LIONS CLUB OF ENGLEWOOD CLIFFS, INC.

BY: _____
President

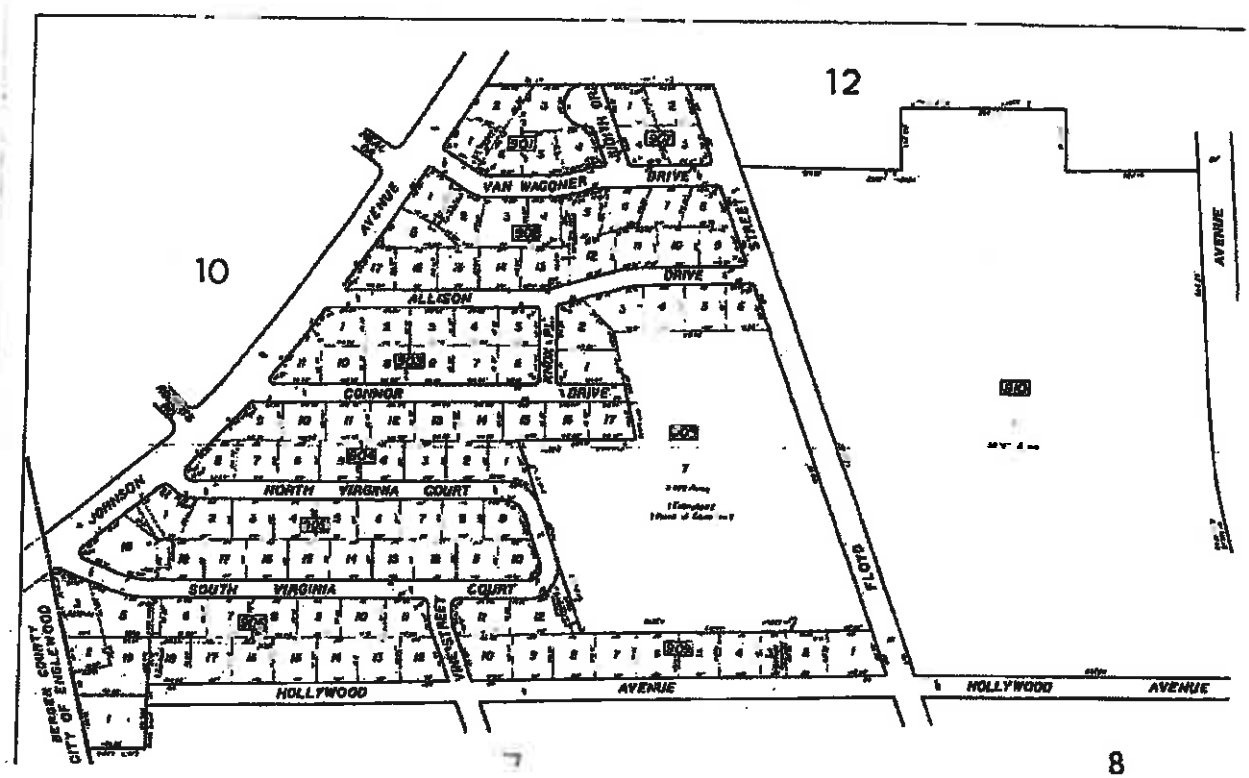
ATTEST: _____
Secretary

APPENDIX "G"


WOODLAND
STREET
CITY OF ENGLEWOOD
BERGEN COUNTY
ROAD
STREET
AVENUE
ELLINGTON PLACE
SOUTH
AVENUE
6
9
MAPLE STREET
CHURCHILL ROAD
VINE ST.
CAMBRIDGE PLACE
CHESTNUT
SUMMIT
BERKSHIRE PLACE
LLYWOOD

APPENDIX "H"

34003081 ENGLEWOOD CLIFFS BORO District: | Block: 0 | Lot: 0 | Coded On: | Map: 00000 | Download Map: TIF or PNG Map Viewer Help



APPENDIX "I"

Appendix

AFFORDABLE HOUSING UNMET NEED OVERLAY I ZONE

ORDINANCE NO._____

BOROUGH OF ENGLEWOOD CLIFFS
COUNTY OF BERGEN
STATE OF NEW JERSEY

AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF ENGLEWOOD CLIFFS, CHAPTER 30 ENTITLED "ZONING"

BE IT ORDAINED by the Borough Council of the Borough of Englewood Cliffs, County of Bergen, State of New Jersey, that the following amendments and revisions are made to the Revised General Ordinances of the Borough Englewood Cliffs, Chapter 30 entitled "Zoning".

Section 1 The list of zones provided in Section 30-3 is hereby amended to include the Affordable Housing Unmet Need Overlay I Zone. Englewood Cliff's Zoning Map dated May 1999 is herein amended and supplemented to depict the following properties in the Affordable Housing Unmet Need Overlay I Zone:

Block 702 Lot 21
Block 908 Lot 7 (partial; limited to 2 acres in southeast corner of property).

Section 2 Section 30-5 Use Regulations is herein amended to include the following modifications:

30-5.12 Permitted Uses and Supplemental Regulations Applicable in the Affordable Housing Unmet Need Overlay I Zone.

a. As principal permitted uses:
   1. Attached single family dwellings, both market rate and affordable.
b. As accessory permitted uses:
   1. On-site parking spaces for residents and guests of the development.
   2. Temporary storage of household waste and recycling awaiting pick-up.
   3. Identification signage.
c. As to supplemental regulations:
   1. Maximum permitted density shall be 7 dwelling units per acre.
   2. An affordable housing setaside of no less than 20% of the total number of dwellings comprising the development but in no case less than 3 affordable dwellings is herein established.
   3. Occupancy of affordable dwellings shall be limited to income qualified households, marketed, priced and deed restricted in compliance with all applicable regulations promulgated by the State of New Jersey or in accordance with any requirements established by Court order. No less than half of all affordable dwellings shall be restricted to low-income households.
   4. All developments constructed in the overlay zone shall produce a landscaping plan for review by the Englewood Cliffs planning board. Areas of a site not occupied with buildings, pavement, walkways or equipment associated with a dwelling shall be appropriately landscaped with a mixture of trees, bushes and turf. The landscape buffer shall be heavily planted with trees and

bushes to create a screening effect. Above ground stormwater management basins or impoundments shall not encroach into the required landscaped buffer area.

Section 3 REGULATIONS AS TO BULK, HEIGHT AND OTHER REQUIREMENTS

30-6.1 Schedule. The schedule entitled "Schedule of Regulations" is hereby amended and supplemented by the insertion of the following requirements which are to be applied in the Affordable Housing Unmet Need Overlay I Zone:

Zone Parameter	Zone Requirement
Minimum Lot Area (sq. ft.)	87,120
Min Lot Width (ft.)	300
Maximum Building Coverage (%)	33
Maximum Impervious Coverage (%)	50
Maximum Permitted Density (du/ac.)	7
Maximum Number of Stories	3
Min. Front Yard from Public Road (ft.)	40
Min. Front Yard from Site Road (ft.)	20
Min. Side Yard (ft.)	30
Min. Rear Yard (ft.)	25
Min. Landscaped Buffer to Lot Line of Property Developed with Single Family Dwelling, Not Included Within Any Required Yard Area.	35

Section 4

All Ordinances of the Borough of Englewood Cliffs which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 5

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

Section 6

This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

ATTEST:

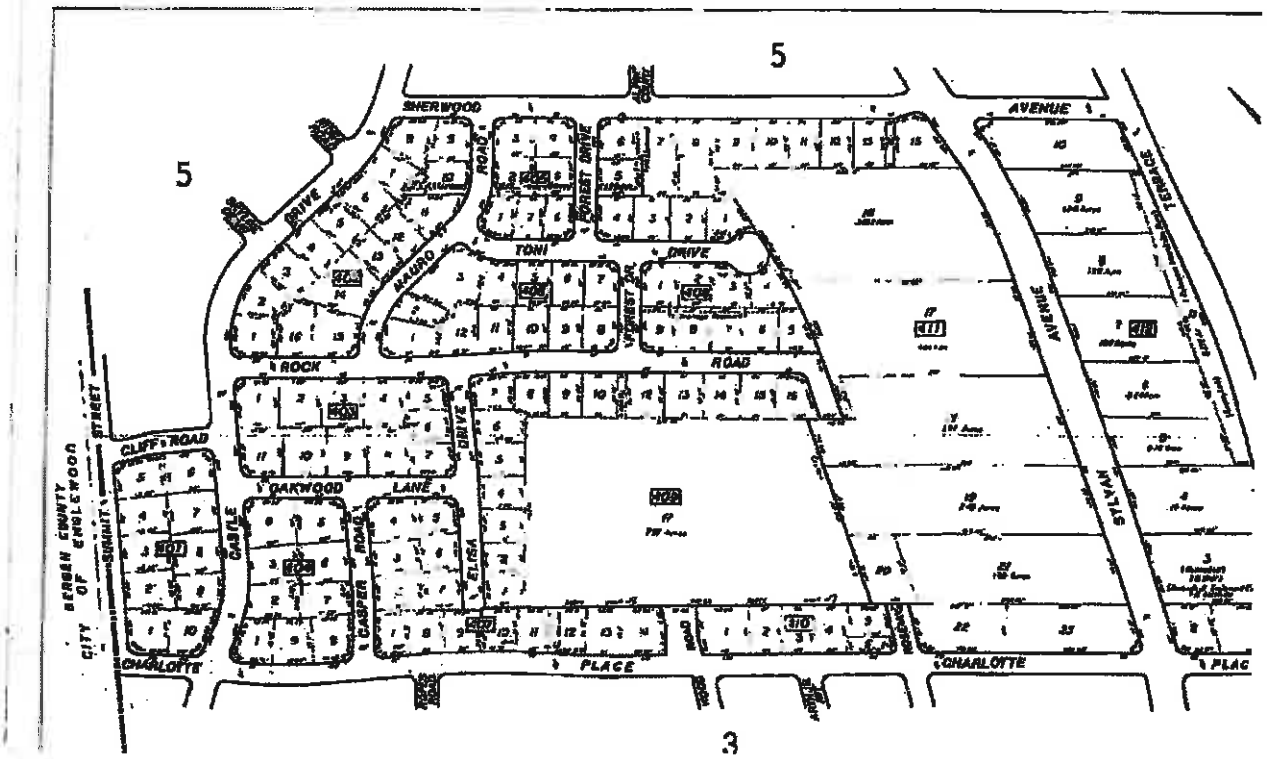
BOROUGH OF ENGLEWOOD CLIFFS
COUNTY OF BERGEN
STATE OF NEW JERSEY

_____
Lisette M. Duffy, Borough Clerk

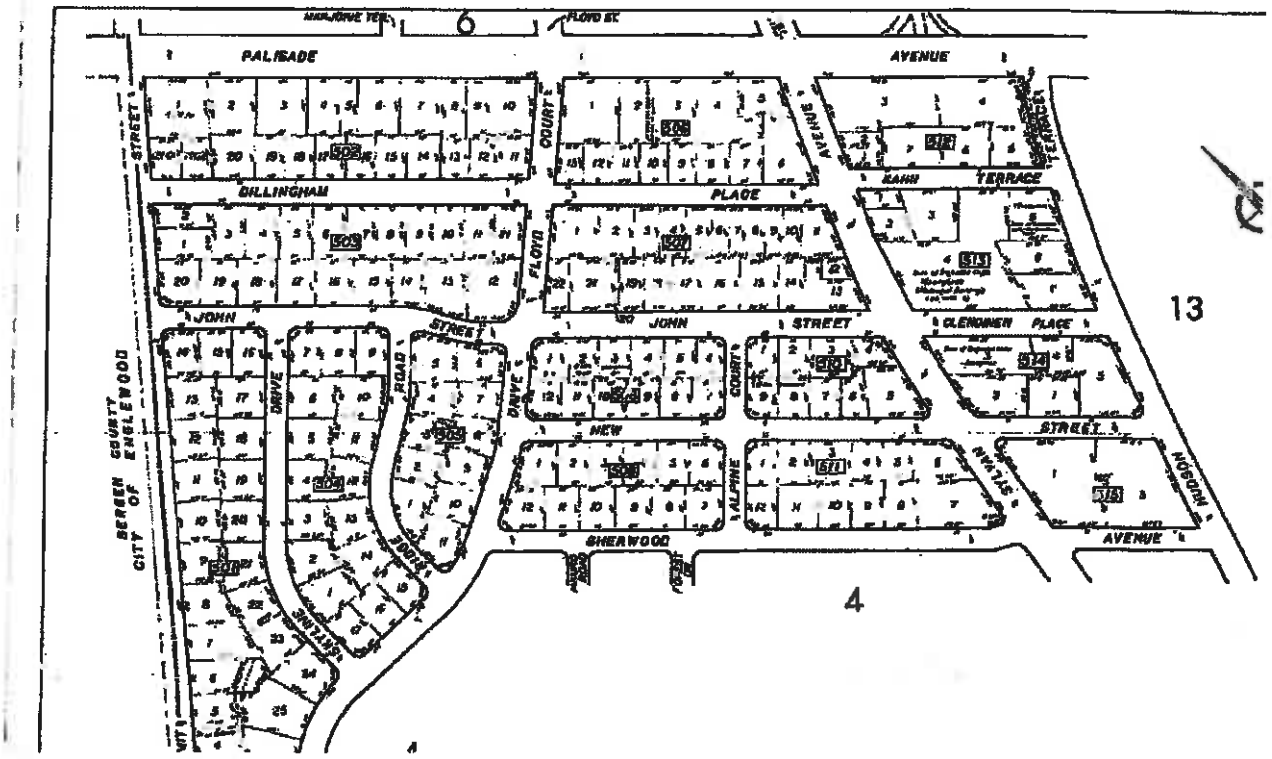
By: _____
Joseph C. Parisi, Jr., Mayor

APPENDIX "J"

3403930.ENGLEWOOD CLIFFS BORO District: | Block: 0 | Lot: 0 | Coded On: | Map: 00400 | Download Map: TIF or PNG New Viewer Help



3400301 0.ENGLEWOOD CLIFFS BORO District: | Block: 6 | Lot: 9 | Coded On: | Map: 00500 | Download Map: TIF or PNG Map Viewer Help



APPENDIX

AFFORDABLE HOUSING UNMET NEED OVERLAY II ZONE

ORDINANCE NO._____

BOROUGH OF ENGLEWOOD CLIFFS
COUNTY OF BERGEN
STATE OF NEW JERSEY

AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF ENGLEWOOD CLIFFS, CHAPTER 30 ENTITLED "ZONING"

BE IT ORDAINED by the Borough Council of the Borough of Englewood Cliffs, County of Bergen, State of New Jersey, that the following amendments and revisions are made to the Revised General Ordinances of the Borough Englewood Cliffs, Chapter 30 entitled "Zoning".

Section 1 The list of zones provided in Section 30-3 is hereby amended to include the Affordable Housing Unmet Need Overlay II Zone. Englewood Cliff's Zoning Map dated May 1999 is herein amended and supplemented to depict the following properties in the Affordable Housing Unmet Need Overlay II Zone:

Block 412 Lots 1 through 10, inclusive;
Block 512 Lots 1 thorough 7, inclusive,
Block 513 Lots 1 thorough 7, inclusive,
Block 514 Lots 1 through 4, inclusive, and
Block 515 Lots 1 and 2.

Section 2 Section 30-5 Use Regulations is herein amended to include the following amendments:

30-5.11 Permitted Uses and Supplemental Regulations Applicable to the Affordable Housing Unmet Need Overlay II Zone.

a. As principal permitted uses:
   1. Multifamily market rate and affordable dwelling units.
b. As accessory permitted uses:
   1. On-site parking spaces for residents and guests of the development.
   2. Temporary storage of household waste and recycling awaiting pick-up.
   3 Identification signage.
c. As to supplemental regulations:
   1. An affordable housing setaside consisting of no less than 20% of the total number of dwellings comprising the development is herein established. No less than half of all affordable dwellings shall be occupied by low income households.
   2. Occupancy of affordable dwellings shall be limited to income qualified households, marketed, priced and deed restricted in compliance with all applicable regulations promulgated by the State of New Jersey or in accordance with any requirements established by Court order.

Section 3 REGULATIONS AS TO BULK, HEIGHT AND OTHER REQUIREMENTS

30-6.1 Schedule. The schedule entitled "Schedule of Regulations" is hereby amended and supplemented by the insertion of the following requirements which are to be applied to the Affordable Housing Unmet Need Overlay II Zone:

Zone Parameter	Zone Requirement
Minimum Lot Area (sq. ft.)	15,000
Maximum Building Coverage (%)	50
Maximum Impervious Coverage (%)	70
Maximum Number of Stories	3
Maximum Permitted Density (du/ac.)	45
Min. Front Yard (ft.)	15
Min. Side Yard (ft.)	15
Min. Rear Yard (ft.)	15
Min. Front Yard Parking Buffer (ft)	15
Min. Side Yard Parking Buffer (ft.)	5
Min. Rear Yard Parking Buffer (ft.)	5

Section 4

All Ordinances of the Borough of Englewood Cliffs which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 5

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

Section 6

This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

ATTEST:

BOROUGH OF ENGLEWOOD CLIFFS
COUNTY OF BERGEN
STATE OF NEW JERSEY

_____
Lisette M. Duffy, Borough Clerk

By: _____
Joseph C. Parisi, Jr., Mayor

Cathy

PulteGroup

RECEIVED
JAN 25 2016

January 22, 2016

Municipal Clerk and Mayor
Borough of Englewood Cliffs
482 Hudson Terrace
Englewood Cliffs, NJ 07632

Re: Request for Addition to Township Notice/Service List for Inclusionary Housing

Dear Sirs / Madam:

On behalf of PulteGroup, I respectfully request that our office be added to the notice/service list to be notified of any matter relating to the Township's Fair Share Housing Plan.

The New Jersey Supreme Court's March 10, 2015 opinion in the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council of Affordable Housing directs that notice of Mount Laurel related declaratory judgement actions must be provided to interested parties.

Please be advised that PulteGroup is such an interested party as to your municipality. We ask that notice of any such declaratory judgment action and the list of intervenors that have filed notice involving your municipality be provided to the undersigned at the address set forth below. Please send all information to the following address:

Thomas Palumbo
Land Acquisitions Manager
PulteGroup
150 Allen Road, Suite 303
Basking Ridge, NJ 07920
Tom.Palumbo@PulteGroup.com

Please feel free to contact me at your earliest convenience if you would like to meet to discuss any potential inclusionary development opportunities within your community.

Thank you for your attention to this matter.

Sincerely yours,

Thomas Palumbo
Land Acquisitions Manager
PulteGroup Northeast Corridor Division

Cc: Steve Schlageter
Corey Wescoe

Clarke Caton Hintz
Architecture
Planning
Landscape Architecture

100 Barrack Street
Trenton NJ 08608
clarkecatonhintz.com
Tel: 609 883 8383
Fax: 609 883 4044

Honorable Gregg A. Padovano, J.S.C.
Superior Court of New Jersey
Bergen County Justice Center
10 Main Street
Hackensack, NJ 07601

January 21, 2016

Re: IMO the Appl. of the Bor. of Englewood Cliffs, Docket No. BER-L-6119-15

Dear Judge Padovano,

This master's report on the Third Round Draft Plan and Plan Summary of the Borough of Englewood Cliffs ("Englewood Cliffs" or "Borough") is submitted pursuant Your Honor's Order of October 29, 2015. The October 29th Order set forth a process for the Borough to submit a "Summary of Plan" such that "Good faith compliance with this order shall be a factor in an application for further extension of immunity."

This report reviews the submittals of the Borough provided by E. Carter Corriston, Esq., including the filed Complaint for Declaratory Judgement, a draft fair share plan and the court-required plan summary. The Borough is now represented by Brent R. Pohlman, Esq.

For the reasons set forth below, I recommend that the Court provide the Borough with continued immunity. Currently, per Your Honor's Order of December 22, 2015, the Borough has immunity through March 31, 2016. Also, I would recommend that Englewood Cliff's planner meet with me to further review the Borough's plan, the proposed vacant land adjustment ("VLA") and additional means to address unmet need. I would also recommend that mediation begin to address concerns/objections raised by Fair Share Housing Center ("FSHC") regarding the Borough's VLA, unmet need and compliance mechanisms.

Philip Caton, AICP
John Clarke, FAIA
George Hlubik, AIA
Brian Slaugh, AICP
Michael Sullivan, AICP

Emeriti
John Clarke, FAIA
Carl Hintz, AICP, ASLA

I have reviewed a number of documents in preparation of this report, including most notably the following:

- The Complaint for Declaratory Judgement filed by Englewood Cliffs with the Court on July 1, 2015.
- The Summary of Plan for Total Fair Share Obligation prepared by Steven M. Lydon, PP, AICP, submitted on November 24, 2015.

- The draft Third Round Housing Element and Fair Share Plan ("HEFSP"), dated November 20, 2015, prepared by Burgis Associates with Steven M. Lydon, PP, AICP, planner of record.
- The 2009 Borough of Englewood Cliffs' Reexamination Report prepared by Jason L. Kasler, PP, AICP.
- The objection/comment letter, dated December 21, 2015, submitted by Joshua D. Bauers of FSHC.

Standard for Review

Before addressing the substance of the Borough's submissions, it is useful to review the guidance on immunity provided to the Trial Courts by the Supreme Court in Mount Laurel IV.[1]

The Court emphasized that the position of "unfortunate uncertainty" in which municipalities find themselves was due to "COAH's failure to maintain the viability of the administrative remedy" and that the judicial review process which the Court was setting in motion was "not intended to punish the towns" 221 N.J. at 23. It then continued,

> *And as part of the Court's review, we also authorize, as more fully set forth hereinafter, a Court to provide a town whose plan is under review immunity from subsequently filed challenges during the Court's review proceedings, even if supplementation of the plan is required during the proceedings. 221 N.J. at 24*

The Supreme Court made it clear that while Trial Courts should be "generously inclined" to grant applications for temporary immunity during the review of municipal plans, that review should not be "unreasonably protracted." 221 N.J. at 26. As stated below, the Supreme Court instructed the Trial Courts to authorize exclusionary zoning actions seeking a builder's remedy if the town is "determined to be constitutionally noncompliant."

> *The courts should endeavor to secure, whenever possible, prompt voluntary compliance from municipalities in view of the lengthy delay in achieving satisfaction of towns' Third Round obligations. If that goal cannot be accomplished, with good faith effort and reasonable speed, and the town is*

[1] In re Adoption of N.J.A.C. 5:96 & 5:97, 221 N.J. 1 (2015)

determined to be constitutionally noncompliant, then the court may authorize exclusionary zoning actions seeking a builder's remedy.
221 N.J. at 33 (emphasis added)

In addition to the guidance offered by Mount Laurel IV, it is important to note that there has been no determination by the Court of the appropriate methodology for calculating regional affordable housing obligations, much less specific assignments of municipal housing need. Nor has there been a determination of the standards with which to measure municipal compliance. Absent these determinations, there can be no conclusive quantitative assessment of municipal constitutional compliance. As such, this letter report is intended to assist the Court to determine if the municipality is proceeding in good faith in estimating its possible affordable housing obligation and identifying compliance strategies, consistent with guidance provided by Mount Laurel IV, to satisfy the affordable housing obligation once assigned.

Estimate of Fair Share Obligation

Englewood Cliffs initially participated in the COAH affordable housing process in the Second Round. On March 6, 1995, the Borough submitted a petition for Substantive Certification. Having little developable land, it applied for a vacant land adjustment ("VLA") to reduce its 219-unit precredited need (all new construction) for the Second Round (1987 to 1999). COAH agreed to grant the VLA with a realistic development potential ("RDP") of 4 units and the Borough amended its plan to reflect the VLA and satisfy the need with a municipally sponsored project. As a condition of approval for the substantive certification, COAH required the Borough to place an overlay zone on 28.13 acres, known as the Prentice Hall site. The Borough did not accept the condition requested by COAH to address unmet need, indicating that it did not believe the site was appropriate for affordable housing. COAH denied the Borough's petition on November 5, 1997.

The Borough petitioned COAH for substantive certification in the Third Round on March 11, 2009. The Third Round petition also included a request for a VLA of the 219-unit Prior Round obligation. This VLA analysis found that the RDP was 7 units and the unmet need therefore was 212 units. A 12.679 acre site was identified for overlay zoning at 18 units per acre which could provide 216 total housing units with an affordable housing setaside. The Borough's Third Round plan disputed COAH's 'growth share' obligation of 86 units and, alternatively, presented a case for a 47-unit Third Round Growth Share. The Borough's Plan proposed to rezone its Department of Public Works site so that it could yield a 54-unit 100% affordable housing development satisfying both

the RDP generated by the Prior Round VLA and the Third Round Growth Share. The petition was not acted on by COAH prior to the invalidation of the 2008 regulations by Judge Skillman's October 2010 Appellate Division decision which was upheld by the NJ Supreme Court's September 2013 decision. It appears that the Borough did not go forward with rezoning the two (2) sites, both of which may have had impediments to their development as proposed.

On November 24, 2015, the Borough submitted the Summary of Plan for Total Fair Share Obligation and the draft Third Round HEFSP dated November 20, 2015. Both documents were prepared by Burgis Associates, Inc.

As with the Borough's previous HEFSPs, Englewood Cliffs is requesting a VLA. While COAH and the Borough reached agreements on the details of the VLAs for the Second and Third Rounds, the VLAs were never 'finally' approved as part of a COAH grant of substantive certification. The latest analysis found that there are only 7.2 acres of vacant land that are developable, resulting in a proposed RDP of 9 units.[2]

In the objection letter of December 21, 2015, Mr. Bauers of FSHC raises several questions about the preparation of the VLA. Based on our initial review of the VLA, there may be opportunities to increase the RDP and to provide additional means to address unmet need. Several possible rezoning proposals referenced in the plan should be more fully discussed, with additional information provided to me and FSHC.

The November 20, 2015 draft Third Round HEFSP preliminarily addresses the Borough's affordable housing obligations using the results of the Third Round numbers developed by Dr. Robert Burchell for COAH's 2014 proposed but not adopted rules. The Borough relied on a Third Round rehabilitation obligation of four (4) units, a Prior Round obligation of 179 units and a Prospective Need of 200 units (which appears to be an undercounting of the 354-unit COAH Third Round 1999 to 2024 number (218 for 1999 to 2014 + 136 for 2014 to 2024) in its unadopted 2014 rules.

We have reviewed the alternative fair share estimates for Englewood Cliffs generated by Econsult Solutions and by David Kinsey, PhD., PP, FAICP, for FSHC. The Econsult Solutions' report was issued on December 30, 2015 and the Kinsey/FSHC report was revised through July 2015. The calculation of Third Round Present or Rehabilitation obligation by Econsult resulted in a need of zero (0) units while Kinsey's result was four (4) units. Both reports find the Borough's Prior Round (1987-1999) obligation to be 219

[2] RDP based on 7.2 acres x 6 units per acre for a 43.2 unit yield; with a 20% set-aside the calculated number of affordable units is: 43.2 x 20% or 8.6 rounded to 9 units.

units. The Borough's Third Round Prospective Need as determined by Econsult is 239 units while Kinsey calculates a need of 372 units.

FSHC takes strong exception to the fact that the Borough chose to use the unadopted methodology developed by Dr. Burchell, terming it evidence of bad faith. In Englewood Cliff's case, while they used the methodology that FSHC states does not comply with the instructions of the Supreme Court, they were not able to consider the Econsult approach due to the timing of their HEFSP submittal. It is premature to speculate on whether the Econsult or Kinsey Methodology, both of which are referenced above, (or some combination thereof) will be validated by the Court.

In any event, whatever Englewood Cliffs' Third Round Prospective Need is determined to be by Your Honor, it is clear that the Borough will have to continue its request for a VLA. Even with a modest Third Round Prospective Need, the Borough still has at least a 210-unit Prior Round obligation that it can't fully address due to limited land resources. Thus, as the Supreme Court's decision requires that Prior Round obligations remain, the Borough's 219-unit Prior Round obligation per N.J.A.C. 5:93 (new construction) remains as reduced to a possible RDP of 9 and a 210-unit unmet need that would increase to include any Third Round fair share obligation assigned.

The Plan Summary

The draft HEFSP of November 20, 2015 indicates that Englewood Cliffs proposes to address its Third Round projected RDP of 9 units with 16 new units of family rental housing as described below. The Borough plans to meet unmet need requirements with a residential overlay zone that may provide approximately 12+ units of affordable housing. The proposed commercial overlay zones do have the potential for generating a large number of units; however, the Borough hasn't provided an estimate as of this date.

To address its RDP and to start to address unmet need, Englewood Cliffs is proposing to 'redevelop' an existing municipal property at 474 Hudson Terrace, Block 514 Lot 5, It is developed with a small building (leased to a local service organization for meeting space), a few parking spaces and two (2) tennis courts. A 16-unit affordable senior and family rental apartment building is proposed and a draft zoning ordinance, with a proposed density of 45 units per acre, has been included in the plan. The project will have an added expense due to the need to provide parking under two (2) stories of apartments due to the small size of the lot, 0.4 acres, with frontage on three (3) streets. The facility is expected to generate 19 credits or 10 more than the RDP. There is no discussion of how the Borough may finance this project. The Borough should address the proposed financing and the feasibility of the proposal given the size of the site.

Two (2) draft affordable housing overlay zoning ordinances are proposed to address the Borough's 210-unit unmet need based on just the Prior Round of 219 units reduced to possibly a 9-unit RDP. The first is a residential overlay zone that will permit family for-sale attached single-family dwellings at 7 units per acre with a 20% set-aside requirement. One issue with the proposal as written is that the developer is given an option to use the present zoning or the overlay provisions. An overlay zone is designed to be the required zoning unless a developer wishes to keep the existing use in operation. Once a change is proposed, the affordable housing provisions must apply.

The two (2) sites chosen for this overlay zoning are both undeveloped and are currently owned by educational institutions. The first is a 6.1 acre tract (Block 702 Lot 21) owned by a private school located in the neighboring community of Englewood City and is used for their outdoor athletic activities. With the 20% set-aside provision the site could provideg affordable units. The Dwight-Englewood School is a short distance away from their facility. The site is an interior site within the block in which it is located and is surrounded by single family homes. Access is provided by a small street that is actually located in Englewood City. The Borough should provide documentation verifying the long range plans for this property by the private school.

The second site would have to be created by subdividing two (2) acres of land from the existing nine (9) acre North Cliff Elementary School site, Block 908 Lot 7. A large portion of this site is vacant and heavily wooded. The site as planned would provide three (3) affordable units. The Borough should present evidence to demonstrate why it believes that the local school district would consider this land as surplus and potentially available for sale.

The second overlay zone would be placed over adjoining properties included in two (2) commercial districts, B-2 and B-4. Block and lot numbers have not been provided in the report but the area is described as bounded by Charlotte Place to the South, Palisades Avenue on the north, Hudson Terrace on the east and Sylvan Avenue on the west. The sites involved appear to be intensely developed commercial sites. The draft ordinance provided would render the current uses non-conforming thereby any proposed new uses for the sites would have to implement the affordable housing requirements.

The Borough proposes to find a partner to administer their 4-unit rehabilitation program such as the Bergen County Housing Authority. It will use affordable housing trust fund money and the Borough budget to fund the program. The Borough may also wish to explore whether using the rehabilitation program services of the Bergen County Community Development office is feasible.

Conclusion

Based on this review, which confirms Englewood Cliff's efforts to meet its RDP and to identify opportunities to take advantage of 'underdeveloped and redeveloped' sites to provide additional affordable units to address unmet need, I would recommend continued immunity be provided to the Borough. Also, I would recommend that the Borough planner meet with me to review the VLA analysis, the proposed zoning changes for unmet need and to explore additional development opportunities for unmet need. Subsequently, as contemplated in Your Honor's October 29th Order, I would also recommend that mediation begin to address concerns/objections raised by FSHC pertaining to the Borough's proposed VLA, unmet need mechanisms or other Borough compliance mechanisms.

I would be pleased to respond to any questions or requests for further information Your Honor or the parties may have on this report.

Sincerely,

Mary Beth Lonergan

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Steven Lydon, PP, AICP, Burgis Associates
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