

HOUSING ELEMENT AND FAIR SHARE PLAN

**BOROUGH OF SADDLE RIVER
BERGEN COUNTY, NEW JERSEY**

October 5, 2020

Adopted October 26, 2020





Community Planning
Land Development and Design
Landscape Architecture

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BERGEN COUNTY, NEW JERSEY

PREPARED FOR:

BOROUGH OF SADDLE RIVER PLANNING BOARD
BA# 3077.01

The original document was appropriately signed and sealed on October 5, 2020 in accordance with Chapter 41 of Title 13 of the State Board of Professional Planners.



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TABLE OF CONTENTS

Introduction	1
Section I: Housing Element	7
Section II: Fair Share Obligation	25
Section III: Fair Share Plan	46
Appendices	64

TABLES

Table 1: Third Round Plan Components, Borough of Saddle River, New Jersey	5
Table 2: Existing Land Use	9
Table 3: Dwelling Units (1950 to 2018*)	13
Table 4: Housing Units by Tenure and Occupancy Status (2000 to 2018*)	14
Table 5: Units in Structure (2000 to 2018*)	14
Table 6: Number of Rooms in Housing Units (2000 to 2018*)	15
Table 7: Year Structure Built	15
Table 8: Occupants Per Room (2000 to 2018*)	16
Table 9: Equipment and Plumbing Facilities (2000 to 2018*)	16
Table 10: Gross Rent of Renter-Occupied Housing Units (2000 to 2018*)	17
Table 11: Value of Owner-Occupied Housing Units (2000 to 2018*)	17
Table 12: Population Growth (1970 to 2018*)	19
Table 13: Age Characteristics (2000 to 2018*)	19
Table 14: Average Household Size (2000 to 2018*)	20
Table 15: Household Income (2000 to 2018*)	20
Table 16: Housing Cost as Percentage of Income (2018*)	21
Table 17: Employment Status, Population 16 and Over (2000 to 2018*)	21
Table 18: Employed Residents Age 16 and Over, By Occupation (2000 to 2018*)	22
Table 20: Average Covered Employment Trends 2005-2019	23
Table 21: Trend in Residential Development	24
Table 22: Farm Assessed Properties	32
Table 23: Special Master Sites	33
Table 24: Municipally-Owned Land	34
Table 25: Vacant Land Assessment	36
Table 26: Calculation of RDP For Settlement	38
Table 27: Prior Round Plan Components	44
Table 28: Third Round Plan Components	44

MAPS

Existing Land Use	11
Municipal Property, Farmland Assessed and Special Master Sites Map	35
Vacant Land Assessment	37
Concept: Block 1402 Lots 23, 24 and 25	46
Aerial: Block 1402 Lots 23, 24 and 25	48
Aerial: Block 1603 Lots 1 and 2.01	49
Aerial: Block 1601 Lots 10, 10.01 and 11	51
Aerial: Block 1605 Lot 1	52
Concept & Aerial: Block 1703 Lot 15	53
Aerial: Overlay Zone	55
Third Round Plan Components Map	56
SRI Site A	61
SRI Site B	62

APPENDICES

A-1: Structural Conditions Survey
A-2: Plan Components Map
A-3: Draft Spending Plan
A-4: Draft Resolution of Intent to Bond
A-5: Ordinance No. 20-992 (Townhouse Inclusionary Housing District – 1)
A-6: Ordinance No. 20-993 (Townhouse Inclusionary Housing District – 2)
A-7: Ordinance No. 20-1000 (Affordable Housing District – 3)
A-8: Draft AH-4 Zone Ordinance (78 Woodcliff Lake Rd)
A-9: Draft AHO-5 Overlay Zone Ordinance (Boroline Rd Overlay)
A-10: Ordinance No. 19-963-C (Accessory Apartments)
A-11: Ordinance No. 19-966-C (Development Fees)
A-12: Draft Mandatory Set-Aside Ordinance
A-13: Environmental Constraints Maps – Sites Recommended for Consideration by FSHC
A-14: Resolution of Approval

INTRODUCTION

Historic Overview of the Courts and COAH

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

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

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

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

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

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

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

The Court decision has now effectively created a process for municipalities, like Saddle River, that had participated in the process before COAH but due to the inertia of COAH never obtained Third Round substantive certification of their Housing Element and Fair Share Plan (HE&FSP), to file a declaratory judgment seeking to declare their HE&FSP constitutionally compliant or receive temporary immunity from affordable housing builders remedy lawsuits while they prepare a new or revised HE&FSP to ensure their plan continues to affirmatively address their local housing need as may be adjusted by new housing-need numbers promulgated by the Court or COAH. The Borough of Saddle River filed a declaratory judgment and a brief in support of a motion for temporary immunity with the Court on July 2, 2015. Within its period of immunity, the Borough prepared a Third Round HE&FSP, dated March 9, 2016, which the Planning Board adopted on March 21, 2016, as well as subsequent plans, including an adopted November 2019 HE&FSP that addressed modifications to the Borough's vacant land analysis, along with changes in Plan components as the Borough sought to address its affordable housing obligation. These are identified below.

The Borough's Historic Response to Its Affordable Housing Obligations

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

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

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

units) through monetary contributions to those communities.

In this manner, the Borough's entire 162-unit Prior Round Obligation was affirmatively addressed. The Borough had also prepared, and adopted in December 2008, a Third-Round plan to address its Third-Round obligation, as adjusted by an analysis of the Borough's growth share projections. This Plan was filed in a timely manner with COAH. However, as noted, the Third-Round methodology utilized a growth share methodology that was subsequently invalidated by the Court, requiring a new plan based upon the Prior Round fair share methodology.

The Borough's most recently adopted Third Round HE&FSP, adopted November 26, 2019, addressed modifications to the Borough's vacant land analysis, along with changes in Plan components as the Borough sought to address an updated realistic development potential affordable housing obligation.

Third Round Affordable Housing Obligation and the Borough's Response

The state of the Third-Round affordable housing obligations for municipalities throughout New Jersey at present remains a fluid one, given the fact that neither the Courts, COAH, nor the legislature has come up with a definitive set of housing-need numbers that has been universally accepted. Initially, two sets of numbers were promulgated and widely discussed; this includes numbers in COAH's proposed 2014 regulations prepared by Dr. Robert Burchell of Rutgers University, and numbers prepared by David Kinsey, P.P., A.I.C.P. in July 2015 on behalf of Fair Share Housing Center. Their statewide numbers varied dramatically, with Dr. Burchell estimating the need for approximately 52,000 affordable housing units statewide, and Dr. Kinsey estimating the need for approximately 201,000 affordable housing units statewide. Dr. Kinsey has subsequently adjusted his numbers a few times since then, and his most current estimate of statewide need is for more than 300,000 affordable units.

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

The municipal consortium then entered into a contract with Econsult Solutions, Inc. ("Econsult") to prepare a second report – the "Solutions Report" – which would calculate fair share obligations for all of the municipalities in the State. This report was initially released on December 30, 2015, and later revised a number of times.

More recently Judge Mary Jacobson A.J.S.C. conducted a 40-day trial in Mercer County in the Summer of 2017 and issued a 217-page written opinion on March 8, 2018. The “Jacobson” number of affordable housing units statewide is 152,908. The following table compares the Econsult report fair share obligation numbers for Saddle River against those assigned to the Borough by Kinsey and by an extrapolation of Judge Jacobson’s numbers:

	<u>Econsult</u>	<u>Kinsey (11/2017)</u>	<u>Jacobson (3/18)</u>
1. Rehabilitation (Present Need) Obligation:	45	49	45
2. Prior Round Obligation (1987-99):	162	162	162
3. Prospective Need Obligation:	214	1,490*	244

*Capped at 20% of 1,219 occupied housing units as of July 1, 2015 = 244 units.

The Borough’s affordable housing planning relied upon the extrapolation of Judge Jacobson’s numbers for its prospective need obligation as those numbers are the result of an extensive trial and they have been accepted by Courts throughout the State. The prospective round obligation of 244 units also represents the permitted 20% cap on affordable housing based upon the number of occupied units in the Borough (1,219 units) as of July 1, 2015. Additionally, the Borough’s planning for affordable housing was also informed by an assessment of vacant developable land in the Borough pursuant to the prescribed vacant land adjustment (VLA) process and associated municipal realistic development potential (RDP). This process assisted in the determination of the Borough’s adjusted affordable housing obligation as reflected in the adopted 2019 Plan.

This 2020 HE&FSP addresses the Borough’s affordable housing obligation as it was established through a Settlement Agreement with Fair Share Housing Center (FSHC), a public advocacy organization devoted to defending the rights of lower income families through enforcement of the Mount Laurel doctrine. FSHC took exception to the Borough’s 2019 Plan approach to the manner in which the Borough sought to address its obligations, as did an intervenor who sought to construct affordable housing as part of an inclusionary development (meaning there would be both market rate and affordable units in a development). Their objections to the Borough’s approach led to the commencement of a trial on the issue; a settlement came to be agreed upon at the commencement of the trial.

The Settlement Agreement was signed by the parties on February 10, 2020, with a subsequent amendment between the Borough and FSHC signed June 9, 2020. They set for purposes of settlement the Borough’s prospective need at 244 units, consisting of a 132-unit RDP and a 112-unit unmet need. The settlement identifies the manner in which the Borough will address its obligation. The following table identifies the Plan’s sites to be designated to address the Borough’s Third Round affordable housing obligations:

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

Plan Component	Total Dwellings	Affordable Units/Credits
<u>Prospective Round RDP Mechanisms:</u>		
E. Allendale Rd BI 1402 Lots 23, 24 & 25	60 (52 mkt rate 8 Affordable units)	8 units
Algonquin Trail BI 1603 Lots 1 & 2.01	60 (48 mkt rate & 12 affordable units)	12 units
Choctau Trail BI 1601 Lots 10, 10.01 & 11	88 units (100% affordable project)	88 units
20 E. Allendale Rd BI 1605 Lot 1	23 units (100% affordable project)	23 units
<u>Unmet Need Mechanisms</u>		
78 Woodcliff Lake Rd*	16 (100% affordable project)	16 units
Boroline Rd BI 1302 Lots 1.02, 1.03 & 1.04	Overlay Zone atop PUD zoning	--

* One unit of this project will be allocated to RDP, and the remaining to unmet need.

The plan is organized into three sections. The first part of this plan, the Housing Element, contains background data on the Borough’s population and housing characteristics. The second section describes the Borough’s obligation for the provision of affordable housing. The Borough’s plan for meeting its affordable housing obligation is contained in the final section, Fair Share Plan.

SECTION I: HOUSING ELEMENT

A. COMMUNITY OVERVIEW

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

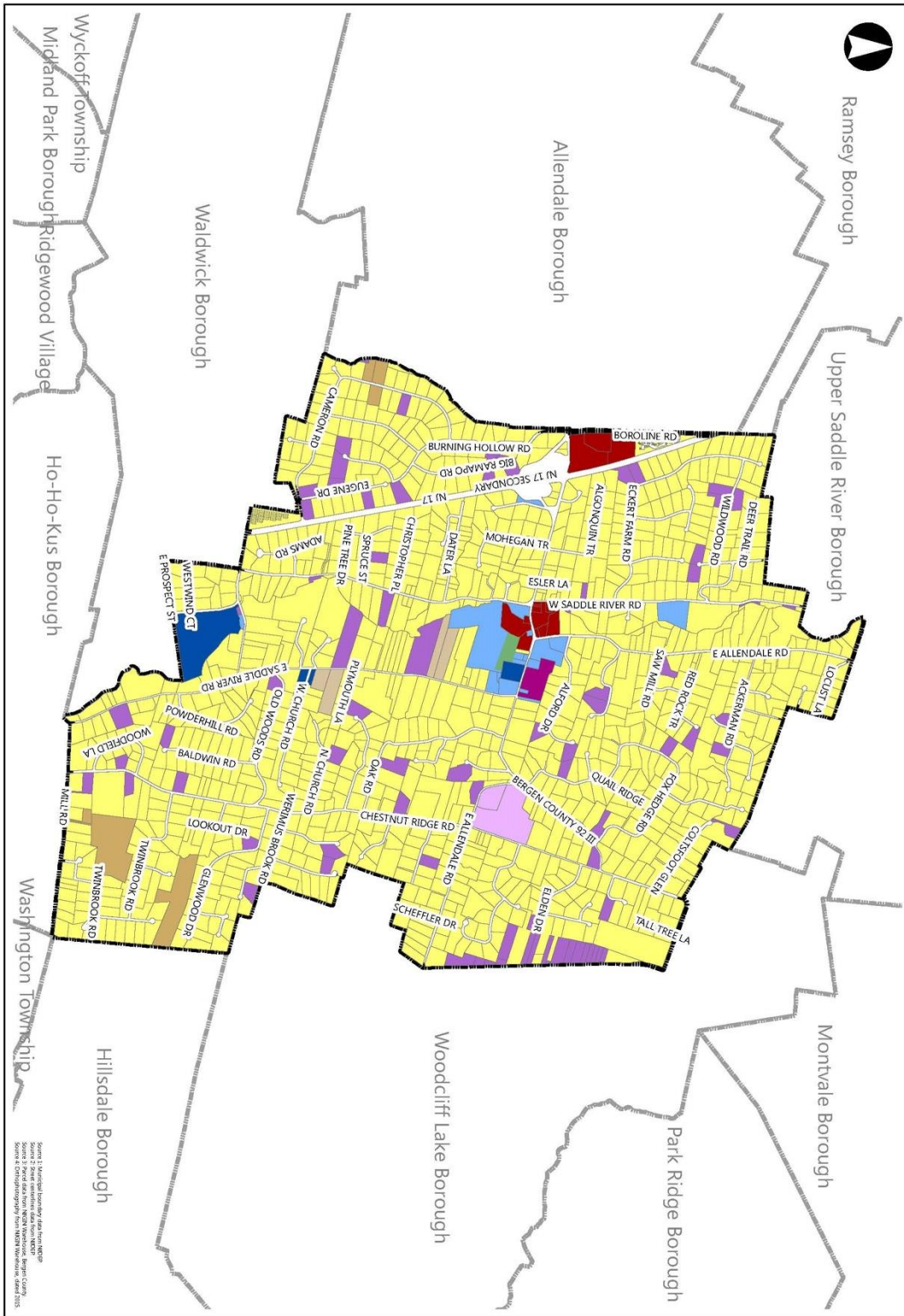
Residential is the overwhelming land use category in the Borough, comprising over 90 percent of the parcels, as shown in the table below.

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

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

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

The accompanying Existing Land Use Map illustrates the distribution of land uses throughout the Borough.



Source 1: Municipal Boundary data from GIS
 Source 2: Parcel data from NJMIS
 Source 3: Parcel data from NJMIS
 Source 4: Orthophotography from NADIR Technology, dated 2015

Scale	1:10,000
North Arrow	True North
Legend	See map legend
Map Date	11/02/2020
Map Title	Saddle River Borough Land Use Map
Map Author	Burgis & Associates, Inc.
Map Contact	1000 Park Avenue, Suite 200, Saddle River, NJ 07634 Phone: 201-261-1111 Fax: 201-261-1112 Email: info@burgis.com

Legend
Municipal Boundaries
Saddle River Boundary
Parcels
Vacant (1)
Residential (2)
Farm House (3A)
Farm Qualified (3B)
Commercial (4A)
Commercial (4B)
Other School Property (15A)
Other School Property (15B)
Public Property (15C)
Religious & Charitable Property (15D)
Cemeteries & Graveyards (15E)

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Project Title:
2018 Housing Element & Fair Share Plan

Map Date:
 11/02/2020

B. INVENTORY OF MUNICIPAL HOUSING STOCK

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

1. Number of Dwelling Units. As shown in the table below, the rate of the growth of the Borough's housing stock slowed steadily each decade between 1950 and 2010. However, estimates for 2018 suggest an increased rate of growth over the past decade, from 1,204 units in 2010 to 1,360 units in 2018.

Table 3: Dwelling Units (1950 to 2018*)
Borough of Saddle River, New Jersey

Year	Total Dwelling Units	Numerical Change	Percentage Change
1950	309	-	-
1960	546	+237	+76.7
1970	742	+196	+35.9
1980	904	+162	+21.8
1990	1,072	+168	+18.6
2000	1,183	+111	+10.4
2010	1,204	+21	+1.8
2018*	1,360	+156	+13.0

Sources: 2003 Bergen County Data Book, 2010 U.S. Census, *2018 data is the average between January 2014 and December 2018 (American Community Survey 5-Year Estimates), Saddle River tax information

The following table provides additional detail regarding the tenure and occupancy of the Borough's housing stock. As shown below, 78.7 percent of the Borough's housing stock was estimated to be owner-occupied in 2018, down from 86.3 percent in 2000. This reduction is a function of multi-family rentals that have been built in the community over the last decade. The number of rental units increased from 97 units in 2000 to 192 units in 2018.

Table 4: Housing Units by Tenure and Occupancy Status (2000 to 2018*)
Borough of Saddle River, New Jersey

Category	2000		2010		2018*	
	Units	Percent	Units	Percent	Units	Percent
Owner-Occupied Units	1,021	86.3	939	77.1	1,070	78.7
Renter-Occupied Units	97	8.2	165	13.7	192	14.1
Vacant Units	65	5.5	100	8.3	98	7.2
Total Units	1,183	100.0	1,204	99.1	1,360	100.0

Sources: U.S. Census 2000, 2010, *2018 American Community Survey 5-Year Estimates

2. Housing Characteristics. The following tables provide additional information on the characteristics of the Borough's housing stock, including data on the number of units in structures and the number of rooms. As shown below, the housing stock is predominantly characterized by single-family detached units, which represented 91 percent of all dwelling units in 2000 but decreased to 81 percent based on the 2018 American Community Survey (ACS) data. This change reflects the creation of additional multi-family units in varied housing types since 2000.

Table 5: Units in Structure (2000 to 2018*)
Borough of Saddle River, New Jersey

Units in Structure	2000		2010		2018*	
	Number	Percent	Number	Percent	Number	Percent
1-unit, detached	1,082	91.5	1,009	83.8	1,099	80.8
1-unit, attached	55	4.6	79	6.6	55	4.0
2 units	9	0.8	19	1.6	0	0.0
3 or 4 units	0	0.0	0	0.0	0	0.0
5 to 9 units	0	0.0	0	0.0	34	2.5
10 to 19 units	4	0.3	0	0.0	0	0.0
20 or more units	29	2.5	97	8.1	172	12.6
Mobile home	4	0.3	0	0.0	0	0.0
Boat, RV, van, etc.	0	0.0	0	0.0	0	0.0
Total	1,183	100.0	1,204	100.0	1,360	100.0

Sources: U.S. Census 2000, 2010 and *2018 American Community Survey 5-Year Estimates.

Table 6: Number of Rooms in Housing Units (2000 to 2018*)
Borough of Saddle River, New Jersey

Number of Rooms	2000		2010		2018*	
	Number	Percent	Number	Percent	Number	Percent
≤ Four	46	3.9	182	15.6	199	14.6
Five	28	2.4	0	0.0	29	2.1
Six	82	6.9	117	9.7	86	6.3
Seven	136	11.5	53	4.4	138	10.1
Eight	199	16.8	61	5.1	207	15.2
≥ Nine	692	58.5	791	65.7	701	51.5
Total	1,183	100.0	1,204	100.0	1,360	100.0

Sources: U.S. Census 2000, 2010 and *2018 American Community Survey 5-Year Estimates.

3. Housing Age. The following table details the age of the Borough’s housing stock. As shown, over 55 percent of the Borough’s housing units were constructed after 1980. Only 14 percent of the housing stock was built prior to 1950.

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

Year Built	Number of Units	Percent
2014 or later	35	2.6
2010 to 2013	27	2.0
2000 to 2009	231	17.0
1990 to 1999	273	20.1
1980 to 1989	186	13.7
1970 to 1979	195	14.3
1960 to 1969	46	3.4
1950 to 1959	178	13.1
1940 to 1949	36	2.6
1939 or earlier	153	11.3
Total	1,360	100.0

Source: 2018 American Community Survey 5-Year Estimates.

4. Housing Conditions. Presented below is an inventory of the Borough’s housing. The first table identifies the extent of overcrowding in the Borough, defined as housing units with more than one occupant per room. The data indicates that the Borough has no occupied housing units considered overcrowded.

Table 8: Occupants Per Room (2000 to 2018*)
Borough of Saddle River, New Jersey

Occupants Per Room	2000		2010		2018*	
	Number	Percent	Number	Percent	Number	Percent
1.00 or less	1,118	100.0	1,104	100.0	1,262	100.0
1.01 to 1.50	0	0.0	0	0.0	0	0.0
1.51 or more	0	0.0	0	0.0	0	0.0
Total	1,118	100.0	1,104	100.0	1,262	100.0

Sources: U.S. Census 2000, 2010 and *2018 American Community Survey 5-Year Estimates.

The table below presents other key characteristics of housing conditions, including the presence of complete plumbing and kitchen facilities and the type of heating equipment used. As shown, the number and percentage of units lacking complete kitchen facilities increased between 2000 and 2018, from 33 units (2.7%) in 2000 to 145 units (11.5% in 2018). However, no units in Saddle River lack complete plumbing facilities, as shown in the table below.

Table 9: Equipment and Plumbing Facilities (2000 to 2018*)
Borough of Saddle River, New Jersey

Facilities	2000		2010		2018*	
	Number	Percent	Number	Percent	Number	Percent
<u>Kitchen:</u>						
With Complete Facilities	1,088	97.3	1,056	95.7	1,117	88.5
Lacking Complete Facilities	33	2.7	48	4.3	145	11.5
<u>Plumbing:</u>						
With Complete Facilities	1,118	100.0	1,104	100.0	1,262	100.0
Lacking Complete Facilities	0	0.0	0	0.0	0	0.0
<u>Heating Equipment:</u>						
Standard Heating Facilities	1,118	100.0	1,104	100.0	1,234	97.8
Other Means, No Fuel Used	0	0.0	0.0	0.0	28	2.2

Sources: U.S. Census 2000, 2010 and *2018 American Community Survey 5-Year Estimates.

5. Purchase and Rental Values. As shown in the following table, 31.2 percent of Saddle River's rental housing stock had monthly rents of \$1,500 or more in 2000. By 2018, over 68 percent of rents are greater than \$1,500, with the median rent reported at \$1,736. Suffice it to say that the Borough's median rent is higher than the median monthly rent of Bergen County as a whole (\$1,454).

Table 10: Gross Rent of Renter-Occupied Housing Units (2000 to 2018*)
Borough of Saddle River, New Jersey

Gross Rent	2000		2010		2018*	
	Number	Percent	Number	Percent	Number	Percent
Less than \$500	8	8.6	0	0.0	0	0.0
\$500 to \$1,000	17	18.3	40	25.8	17	8.9
\$1,000 to \$1,500	25	26.9	18	11.6	44	22.9
\$1,500 or more	29	31.2	97	62.6	131	68.2
No Cash Rent	14	15.0	x	x	x	x
Total	93	100.0	155	100.0	192	100.0
Median Gross Rent	\$1,254		\$1,906		\$1,736	
Bergen County Median Gross Rent	\$844		\$1,236		\$1,454	

Sources: U.S. Census 2000, 2010 and *2018 American Community Survey 5-Year Estimates.

Table 11 below shows that approximately 93 percent of Saddle River’s owner-occupied units had a value of \$500,000 or more in 2018, which is about the same as in 2000 when about 91 percent of Saddle River’s owner-occupied units had a value of \$500,000 or more. However, homes valued at greater than \$1,000,000 increased from 46.8 percent in 2000 to 78.9 percent in 2018. The Borough’s median value is nearly 2.9 times the County’s median value.

Table 11: Value of Owner-Occupied Housing Units (2000 to 2018*)
Borough of Saddle River, New Jersey

Value Range	2000		2010		2018*	
	Number	Percent	Number	Percent	Number	Percent
Less than \$400,000	12	1.2	58	6.2	71	6.6
\$400,000 to \$500,000	76	7.8	10	1.1		
\$500,000 to \$1,000,000	427	44.2	118	12.6	155	14.5
\$1,000,000 or more	453	46.8	716	76.3	844	78.9
Total	968	100.0	939	100.00	1,070	100.0
Median Value	\$970,100		\$1,000,000+		\$1,785,200	
Bergen County Median Value	\$433,000		\$482,300		\$459,200	

Sources: U.S. Census 2000, 2010 and *2018 American Community Survey 5-Year Estimates.

6. Number of Units Affordable to Low- and Moderate-Income Households. Saddle River is placed in COAH Housing Region One, which is comprised of Bergen, Passaic, Hudson and Sussex counties. Based on the 2020 Affordable Housing Professionals of New Jersey (AHPNJ) regional income limits, the median household income for a three-person household in Region

One is \$86,357. A three-person moderate income household, defined as 80 percent of the median income, would have an income not exceeding \$69,085.

An affordable sales price for a three-person moderate-income household earning 80 percent of the median income is estimated at approximately \$150,000. This estimate is based on the UHAC affordability controls outlined in N.J.A.C. 5:80-26.3. In 2018 the percentage of housing units in the Borough valued at less than \$150,000 was 4.3 percent.

For renter-occupied housing, an affordable monthly rent for a three-person household is estimated at approximately \$1,890. According to the most recent U.S. Census data from the 2018 ACS, approximately 70 percent of the Borough's rental units had a gross rent less than \$2,000. This is attributable to the affordable housing efforts previously engaged by the Borough.

7. Substandard Housing Capable of Being Rehabilitated. As discussed in more detail in the Fair Share Obligation section of this report, the Borough of Saddle River has undertaken a Structural Conditions Survey, pursuant to COAH's Round 2 rules, to provide an estimate of the number of units in Saddle River that are in need of rehabilitation and are not likely to experience "spontaneous rehabilitation." Per the results of the Structural Conditions Survey, the Borough determined that there were nine substandard units in need of rehabilitation in Saddle River. However, based upon an analysis by Kinsey and Hand, it has been determined that sixty percent of substandard units are units occupied by lower income households. Thus, the Borough's rehabilitation obligation is determined to be 6 units. The Borough's rehabilitation obligation is further explored in the Fair Share Obligation section of this document.

C. POPULATION ANALYSIS

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

1. Population Size. As seen in the table below, the Borough experienced slowing growth through the 2000 Census. The 2010 Census data indicates the Borough had 3,152 residents, representing a 1.5 percent decrease over the 2000 Census figure, but the 2018 ACS estimate shows a population rebound of 1.9 percent.

Table 12: Population Growth (1970 to 2018*)
Borough of Saddle River, New Jersey

Year	Population	Population Change	Percent Change
1970	2,437	--	--
1980	2,763	+336	+13.8
1990	2,950	+187	+6.8
2000	3,201	+251	+7.8
2010	3,152	-49	-1.5
2018*	3,212	+60	+1.9

Sources: U.S. Census data and *2018 American Community Survey 5-Year Estimates

2. Age Characteristics. The Borough’s age characteristics are outlined in the table below. As shown, the Borough’s population is growing older, consistent with suburban national trends. Saddle River’s median age has increased since 2000 from 47 to 56.3 years of age in 2018.

Table 13: Age Characteristics (2000 to 2018*)
Borough of Saddle River, New Jersey

Age	2000		2010		2018*	
	Number	Percent	Number	Percent	Number	Percent
Under 5 years	162	5.1	113	3.6	95	3.0
5 to 14 years	409	12.8	408	13.0	302	9.4
15 to 24 years	295	9.2	313	10.0	348	10.8
25 to 34 years	162	5.1	170	5.4	138	4.3
35 to 44 years	471	14.7	275	8.7	177	5.5
45 to 54 years	565	17.7	565	17.9	479	14.9
55 to 64 years	483	15.1	537	17.0	658	20.5
65 to 74 years	334	10.4	361	11.5	410	12.8
75 years & over	320	10.0	410	12.9	605	18.8
Total	3,201		3,152		3,212	
Median Age	47		50.5		56.3	

Source: U.S. Census 2000, 2010; *2018 American Community Survey 5-Year Estimates

3. Average Household Size. The Borough’s average household size has steadily declined over the past 20 years, from 2.74 in 2000 to 2.545 in 2018.

Table 14: Average Household Size (2000 to 2018*)
Borough of Saddle River, New Jersey

Year	Total Population	Number of Households	Average Household Size
2000	3,201	1,128	2.74
2010	3,152	1,216	2.59
2018*	3,212	1,262	2.545

Source: U.S. Census 2000, 2010; *2018 American Community Survey 5-Year Estimates

4. Household Income. Detailed household income figures are shown in the table below. As shown, 608 of the Borough's households had an income of \$200,000 or more in 2018, which is an increase of 60% over 2010 incomes. The Borough's median household income in 2018 was 83% higher than the median household income of Bergen County as a whole.

Table 15: Household Income (2000 to 2018*)
Borough of Saddle River, New Jersey

Income Category	2000		2010		2018*	
	Number	Percent	Number	Percent	Number	Percent
Less than \$15,000	38	3.4	22	2.0	50	4.0
\$15,000 to \$25,000	49	4.3	114	10.3	86	6.8
\$25,000 to \$50,000	116	10.3	130	11.8	165	13.1
\$50,000 to \$75,000	117	10.4	114	10.3	62	4.9
\$75,000 to \$100,000	181	16.0	176	15.9	79	6.3
\$100,000 to \$150,000	105	9.3	68	6.2	188	14.9
\$150,000 to \$200,000	128	11.4	101	9.1	24	1.9
\$200,000 or more	394	34.9	379	34.3	608	48.2
Total	1,128	100	1,104	100	1,262	100
Median Household Income	\$134,289		\$97,197		\$175,357	
Bergen County Median	\$65,241		\$81,708		\$95,837	

Sources: U.S. Census 2000, 2010 and *2018 American Community Survey 5-Year Estimates.

5. Housing Cost Burden. Households that pay more than 30 percent of their income for housing are considered cost burdened and may have difficulty affording necessities such as food, clothing, transportation and medical care. Despite Saddle River's affluence, the data from the 2018 ACS reveals that approximately 37 percent of owner-occupied households and 74 percent of rental households had housing costs of 30 percent or more.

Table 16: Housing Cost as Percentage of Income (2018*)
Borough of Saddle River, New Jersey

Percentage of Income	2018*			
	Owner-Occupied		Renter-Occupied	
	Number	Percent	Number	Percent
<20 percent	513	48.5	7	3.8
20 to 29 percent	155	14.7	41	22.3
30 percent or more	390	36.9	136	73.9
Occupied Units	1,058	100.0	184	100.0

Source: *2018 American Community Survey 5-Year Estimates.

D. EMPLOYMENT ANALYSIS

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

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

Table 17: Employment Status, Population 16 and Over (2000 to 2018*)
Borough of Saddle River, New Jersey

Employment Status	2000		2010		2018*	
	Number	Percent	Number	Percent	Number	Percent
In labor force	1,344	52.4	1,268	51.1	1,436	52.4
Civilian labor force	1,344	52.4	1,268	51.1	1,436	52.4
<i>Employed</i>	<i>1,301</i>	<i>50.8</i>	<i>1,185</i>	<i>47.8</i>	<i>1,384</i>	<i>50.5</i>
<i>Unemployed</i>	<i>43</i>	<i>1.7</i>	<i>83</i>	<i>3.3</i>	<i>52</i>	<i>1.9</i>
<i>% of civilian labor force</i>		<i>3.2</i>		<i>6.5</i>		<i>3.6</i>
Armed Forces	0	0.0	0	0.0	0	0.0
Not in labor force	1,219	47.6	1,212	48.9	1,302	47.6
Total Population 16 and Over	2,563		2,480		2,738	

Sources: U.S. Census 2000, 2010 and *2018 American Community Survey 5-Year Estimates.

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

Table 18: Employed Residents Age 16 and Over, By Occupation (2000 to 2018*)
Borough of Saddle River, New Jersey

Occupation	2000		2018*	
	Number	Percent	Number	Percent
Management, Professional and related Occs	843	64.8	1,058	76.4
Service Occupations	69	5.3	57	4.1
Sales and Office Occupations	304	23.4	208	15.0
Natural resources, construction and maintenance Occs	32	2.5	7	0.5
Production, transportation and material moving Occupations	53	4.0	54	3.9
Total	1,301	100.0	1,384	100.0

Sources: U.S. Census 2000, *2018 American Community Survey 5-Year Estimates.

Table 19: Employed Residents Age 16 and Over, By Industry (2000 to 2018*)
Borough of Saddle River, New Jersey

Industry	2000		2018*	
	Number	Percent	Number	Percent
Agriculture, forestry, fishing, hunting and mining	5	0.4	0	0.0
Construction	42	3.2	16	1.2
Manufacturing	121	9.3	57	4.1
Wholesale trade	74	5.7	55	4.0
Retail trade	93	7.1	82	5.9
Transportation and warehousing, and utilities	36	2.8	38	2.7
Information	59	4.5	73	5.3
Finance, insurance, real estate, rental and leasing	193	14.8	301	21.7
Professional, scientific, management, administrative and waste management services	219	16.8	218	15.8
Educational, health and social services	334	25.7	415	30.0
Arts, entertainment, recreation, accommodation and food services	86	6.6	6	0.4
Other services	12	0.9	69	5.0
Public administration	27	2.1	54	3.9
Total	1,301	100.0	1,384	100.0

Sources: U.S. Census 2000, *2018 American Community Survey 5-Year Estimates.

E. HOUSING AND EMPLOYMENT PROJECTIONS

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

1. Probable Future Employment and Regional or Community Factors Impacting Upon Future Employment in the Borough. Employment was generally stable between 2007-2015 according to average employment trend data from New Jersey Department of Labor and Workforce Development numbers. There was a significant increase in the number of private sector jobs from 2015 to 2016; however, this was followed by a significant decrease in the number of private sector jobs from 2018 to 2019. Assuming the current economic climate continues, and recognizing the limited availability of vacant land for new non-residential development, only minor changes in employment characteristics are anticipated.

**Table 20: Average Covered Employment Trends 2005-2019
Borough of Saddle River, New Jersey**

Year	Number of Jobs	Change in Number of Jobs	Percent Change
2005	1,126		
2006	1,310	184	16.3
2007	1,275	-35	-2.7
2008	1,285	10	0.8
2009	1,271	-14	-1.1
2010	1,303	32	2.5
2011	1,307	4	0.3
2012	1,309	2	0.2
2013	1,301	-8	-0.6
2014	1,384	83	6.4
2015	1,363	-21	-1.5
2016	1,604	241	17.7
2017	1,568	-36	-2.2
2018	1,603	35	2.2
2019	1,296	-307	-19.2

Source: NJ Department of Labor and Workforce Development

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

2. Projection of the Municipality's Housing Stock. With the exception of 2003, residential development in the Borough has remained very modest over the past 20 years, as reflected in the annual data shown below.

Table 21: Trend in Residential Development
Analysis of Certificates of Occupancy and Demolition Permits, 2000-2019
Borough of Saddle River, New Jersey

Year	COs Issued	Demo Permits Issued	Net Growth
2000	13	8	-5
2001	10	6	+4
2002	18	0	+18
2003	76	5	+71
2004	6	11	-5
2005	10	23	-13
2006	4	14	-10
2007	12	26	-14
2008	20	12	+8
2009	8	6	+2
2010	17	4	+13
2011	12	2	+10
2012	1	6	-5
2013	2	7	-5
2014	14	9	+5
2015	0	6	-6
2016	3	3	0
2017	1	1	0
2018	3	2	+1
2019	3	4	-1
20 YR Total	233	155	+78
20 YR Average	11.65	7.75	-
Yearly Average			3.9

SECTION II: FAIR SHARE OBLIGATION

A. Summary of Fair Share Obligation

The state of the Third-Round affordable housing obligations for municipalities throughout New Jersey at present remains a fluid one, given the fact that neither the Courts, COAH, nor the legislature has come up with a definitive set of housing-need numbers that has been universally accepted.

As explained above in the Introduction, the following table compares the Econsult Fair Share numbers for Saddle River against those assigned to the Borough by FSHC’s expert, Kinsey, and by an extrapolation of Judge Jacobson’s numbers:

	<u>Econsult</u>	<u>Kinsey</u>	<u>Jacobson</u> <u>(extrapolated)</u>
1. Rehabilitation (Present Need) Obligation:	45	49	45
2. Prior Round Obligation (1987-99):	162	162	162
3. Prospective Need Obligation:	214	1,490*	244

*Capped at 20% of 1,219 occupied housing units as of July 1, 2015 = 244 units.

Ultimately, the Borough entered into a Settlement Agreement with FSHC on February 10, 2020, with a subsequent amendment between the Borough and FSHC signed June 9, 2020. Under the terms and conditions of the Settlement Agreement, as amended, the Borough has the following obligations for the period from 1987 - 2025:

	<u>Obligation per Settlement</u>
1. Rehabilitation (Present Need) Obligation:	To be determined by Structural Conditions Survey
2. Prior Round Obligation (1987-1999):	162
3. Gap + Prospective Need Obligation (1999-2025):	244

The Settlement Agreement also establishes, for the purposes of settlement, that the Borough’s prospective need obligation of 244 units shall consist of a 132-unit RDP and a 112-unit unmet need, as discussed in more detail below.

B. Structural Conditions Survey

The Borough’s affordable housing obligation is also informed by a structural conditions survey that was undertaken by the Borough in 2020. In accordance with N.J.A.C. 5:93-5.2, a structural conditions survey is an assessment of a municipality’s housing stock in order to determine the number of deficient housing units occupied by low- and moderate-income households. Pursuant to COAH’s Second Round regulations, and as set forth in the Settlement Agreement with FSHC, the Borough may rely on its Structural Conditions Survey to modify its Present Need (Rehabilitation) Obligation.

A copy of Saddle River's July 25, 2020 Structural Conditions Survey is included in the Appendix of this plan. As shown, the Borough determined that there were nine substandard units in need of rehabilitation in Saddle River. However, based upon an analysis by Kinsey and Hand, it has been determined that sixty percent of substandard units are units occupied by lower income households. Thus, the Borough's rehabilitation obligation stands at six units.

C. Vacant Land Adjustment

The Borough's affordable housing obligation is also informed by a vacant land adjustment and imposition of a realistic development potential (RDP) analysis prepared in accordance with N.J.A.C. 5:93-4.2. This analysis identifies all vacant parcels within the Borough and identifies those of minimally 0.83 acres in size, and/or impacted by wetlands and associated buffers, steep slopes, flood plains and category one streams and associated buffers. This information was used to calculate the yield of remaining developable acreage to be utilized in determining the Borough's Third Round RDP.

The analysis reveals there are 31.35 acres of vacant land in the community. However, of this, only 23.89 acres are considered developable due to the aforementioned environmental constraints, lot area restrictions and in consideration of the locations of vacant lots within established single-family subdivisions without access to sewer infrastructure. This analysis is shown on page 45. This results in the Borough's Third Round RDP of 31 units. The remainder of the community's Third Round obligation shall transfer to unmet need.

As required by N.J.A.C. 5:97-5.2(c)3, when preparing vacant land adjustments municipalities shall supply "an inventory of all privately and municipally-owned vacant land..." Parcels included in the below vacant land inventory are mostly privately held as there are no Borough-owned parcels that qualify for RDP analysis as they are below the 0.83 acre threshold and/or utilized for community purposes, with the exception of Block 1605 Lot 1, which is included in the Borough's Fair Share Plan as a 100% affordable housing development.

COAH also provided a relief mechanism from specific substantive rules as provided in N.J.A.C. -15.1(a) which states, "any party may request a waiver from a specific requirement of the Council's rules at N.J.A.C. 5:91, 5:92 and 5:93 at any time. Such a waiver may be requested as part of a municipal petition, by motion in conformance with N.J.A.C. 5:91-12, or in such other form as the Council may determine, consistent with its procedural rules at N.J.A.C. 5:91; (b) The Council will grant waivers from specific provisions of its rules if it determines: 1. That such a waiver fosters the production of low and moderate income housing; 2. That such a waiver fosters the intent of, if not the letter of, its rules; or 3. Where the strict application of the rule would create an unnecessary hardship."

In considering whether sites are appropriate for inclusionary development, N.J.A.C. 5:93-5.6(b) states

“the Council’s review of municipal plans to zone for inclusionary development shall include, but not necessarily be limited to: the existing densities surrounding the proposed inclusionary site; the need for a density bonus in order to produce low and moderate income housing; whether the site is approvable, available, developable and suitable pursuant to N.J.A.C. 5:93-1.3; the site’s conformance with the SDRP pursuant to N.J.A.C. 5:93-5.4; the existence of steep slopes, wetlands and floodplain areas on the site; the present ability of a developer to construct low and moderate income housing at a specific density; the length of time an inclusionary site has been zoned at a specific density and set-aside without being developed; and the number of inclusionary sites that have developed within the municipality at specific densities and set-asides.”

Minimum Parcel Size

N.J.A.C. 4.2(c)2 permits the exclusion from a vacant land inventory of “any vacant continuous parcels of land in private ownership of a size which would accommodate less than five dwelling units as per the COAH standard [minimum presumptive density of 6 units per acre].” This threshold translates to a minimum parcel size of 0.83 acres below which, any such parcels should not be considered as contributing to the Borough’s RDP as they would produce less than 5 dwelling units. Therefore, parcels within the Borough identified as being vacant with a net developable land area of less than 0.83 acres factoring environmental constraints, have been excluded from the RDP calculation. This approach has been widely accepted previously by COAH when active in granting substantive certification for municipal housing plans and most recently in a number of settlements agreements through the current court process. The notation of “too small to qualify” applied to these undersized parcels in the below vacant land analysis summary spreadsheet is sufficient in communicating this regulatory aspect of the process.

Environmental Constraints

“Municipalities may exclude as potential sites for low and moderate-income housing: inland wetlands...flood hazard areas...and sites with slopes in excess of 15 percent, which render a site unsuitable for low and moderate-income housing. In cases where part of a site is unsuitable for low and moderate income housing because of flood hazard areas or inland wetlands, the Council shall not permit low and moderate income housing to be constructed on that unsuitable part of the site,” as permitted by N.J.A.C. 5:93-4.2(e)2.ii. As such, the portions of the Borough’s vacant land with environmental constraints, including wetlands, 100-year floodplains, steep slopes in excess of 15% and C1 Streams, and associated buffer requirements, have been eliminated from consideration in the RDP calculation. This includes the elimination of parcels with a land area greater than 0.83 but with a net developable area less than 0.83 when accounting for environmental constraints.

Furthermore, 5:93-4.2(e)2.iii. provides, “where the Legislature adopts legislation that requires the mapping of other natural resources and provides a mechanism for their regulation, the Council shall

include such resources in its criteria and guidelines for municipal adjustment.”

While the wetlands and C1 stream buffers are illustrated on the vacant land adjustment map to illustrate the extent to which such constraints exist in the Borough and impact vacant lands, it is noteworthy that the C1 stream buffers have no impact on the identified vacant parcels with respect to the Borough’s RDP calculation. Similarly, where 50-foot wetlands buffers have been applied to vacant parcels and lands contributing to the Borough’s RDP, they have not resulted in a reduced RDP calculation (obligation) given the limited amounts of land area impacted.

Neighborhood Context and Compatibility

As provided in N.J.A.C. 5:97-5.2(C)6., in preparing vacant land adjustments, municipalities shall provide “an inventory of any areas in the municipality that may develop or redevelop. Examples of such areas include, but are not limited to: a private club owned by its members; publicly owned land, downtown mixed use areas, high density residential areas surrounding the downtown; areas with a large aging housing stock appropriate for accessory apartments; properties that may be subdivided and support additional development; and any parcel(s) that has the potential to be redeveloped.”

The Borough has identified 14 parcels totaling 25.89 acres as having the potential to develop or redevelop for affordable housing and contribute toward its RDP calculation. These parcels include lots in single-family residential zones located on County roads, existing landscape nursery property and Borough owned property.

In consideration of areas that have the potential to develop or redevelop with affordable housing, the regulations specifically call out “downtown mixed-use areas” and “high density residential areas surrounding the downtown” as being appropriate locations. Such areas are typified by residential densities above the minimum presumptive density of 6 units per acre, have access to public transportation and community amenities, and are near centers of employment. Medium to high residential densities and mixed-use arrangements containing commercial and residential uses are often developed at a scale and intensity significantly greater than and inconsistent with the Borough’s current single-family neighborhoods zoned at a maximum density of 0.5 units per acre and maximum building height of 35 feet.

N.J.A.C. 5:93-4.2(e)6. provides “Individual sites that the Council determines are not suitable for low and moderate-income housing may also be eliminated from the inventory...” As defined in N.J.A.C. 5:93-1.3, “‘suitable site’ means a site that is adjacent to compatible land uses, has access to appropriate streets and is consistent with the environmental policies delineated in N.J.A.C. 5:93-4.” In addition, per N.J.A.C. 5:93-4.2 (f) “...the Council shall consider the character of the area surrounding each site and the need to provide housing for low and moderate-income households in establishing densities and set-asides for each site, or part thereof, remaining in the inventory.”

One component of assessing neighborhood context revolves around the issue of land use compatibility. This term has been defined by Harvey Moskowitz et al. in *The Complete Illustrated Book of Development Definitions*, Fourth Edition, published in 2015 to include such issues as “development intensity, building coverage, design, bulk and occupancy, traffic generation, parking requirements, access and circulation, site improvements, and public facilities and service demands. Within this context, prospective development which may be twelve times the density of surrounding uses is determined to be an incompatible relationship.

Similarly, based on the NJDEP definition of ‘compatibility of uses’ (“the ability for uses to exist together without aesthetic or functional conflicts”), it is again clear the distinction between 1 single-family dwelling on 2 acres is significantly different from a 12-unit development relative to character, aesthetics and functionality.

Sewer and Water Utilities

N.J.A.C. 5:93-4.1(a) provides “there may be instances when a municipality can exhaust an entire resource (land, water or sewer) and still not be able to provide a realistic opportunity for addressing the need for low and moderate-income housing as determined by the Council. This subchapter outlines standards and procedures for municipalities to demonstrate that the municipal response to its housing obligation is limited by the lack of land, water or sewer.

Provisions addressing issues of available infrastructure in the Second Rules include:

N.J.A.C. 5:93-4.3 (a) When a community has sufficient land, but insufficient water and/or sewer to support inclusionary development, the Council shall review each possible site for inclusionary development to determine if it is realistic for the site to receive the required water and/or sewer during the period of substantive certification.

N.J.A.C. 5:93-5.3 (b) Municipalities shall designate sites that are available, suitable, developable and approvable, as defined in N.J.A.C. 5:93-1. In reviewing sites, the Council shall give priority to sites where infrastructure is currently or imminently available.

Farmland

The below table provides a list of the 15 properties within the Borough with the 3B Farm Qualified property tax classification and indicate the extent to which they qualify for RDP analysis. As shown on Table 22, 1 of the 15 parcels qualifies for RDP analysis with 4.03 developable acres. The remaining parcels have been disqualified as noted. The Borough’s farm assessed parcels and environmental constraints are shown on the accompanying Municipal, Farmland and Special Master Sites Map.

**Table 22: Farm Assessed Properties
Borough of Saddle River, New Jersey**

ID	Block	Lot	Property Location	Owner	Comments	Total Area (ac.)	Developable Area (ac)	Developable?
1	1607	3	74 E. ALLENDALE ROAD	MEEKS, JOHN A. & KATHERINE	Entirely impacted by 100-year floodplain	5.48	0.00	No
2	1607	20	135 E. SADDLE RIVER ROAD	ZIMMER, STUART	Parcel under development.	2.7	0.00	No
3	1607	21.02	131 E. SADDLE RIVER ROAD	ZIMMER, STUART & CRAIG LUCAS	Qualifies for RDP analysis	6.54	4.03	Yes
4	1801	7.01	12 RIVER FARM LANE	PATRIOT FARM, LLC	Approx. 50% of parcel impacted by 100-year floodplain. Approved commercial development.	17.00	0.00	No
5	1801	11.02	5 WILLOW POND ROAD	WEBER, STEPHEN & ELIZABETH	Developed w/ single family home on cul-de-sac in single-family neighborhood. Not a farm.	0.00	0.00	No
6	1801	21.01	9 LOWER CROSS ROAD	HOFER, ELIZABETH MILYADIS & ALAN	Horse riding facility.	5.06	0.00	No
7	1805	5	17 CAMERON ROAD	ROHSLER,H&M,G/P ROHSLER NUR.PART.LP	Part of Allendale nursery operation.	2.87	0.00	No
8	1805	6	19 CAMERON ROAD	ROHSLER NURSERY PARTNERS, L.P.	Part of Allendale nursery operation.	2.16	0.00	No
9	1805	24	CAMERON RD - REAR	SAW MILL ENTERPRISES	Part of Allendale nursery operation.	0.72	0.00	No
10	1806	5.01	18 CAMERON RD	ROHSLER,H&M,G/P ROHSLER NUR.PART.LP	Part of Allendale nursery operation.	2.32	0.00	No
11	2002	7	29 E. SADDLE RIVER ROAD	JOE JEFFERSON CLUB	Approx. 50% of parcel impacted by 100-year floodplain and steep slopes. Developed with club house. On national register of historic places.	9.50	0.00	No
12	2101	13	GLENWOOD DRIVE - REAR	GEORGE H. DEMAREST, L.L.C.	Preserved farmland.	17.38	0.00	No
13	2102	21	157 MILL ROAD	157 MILL ROAD, LLC % NAT'L RETAIL	Developed with single-family home. No realistic development potential. Impacted by steep slopes and stream.	23.04	0.00	No
14	2102	22	157 MILL ROAD	157 MILL ROAD, LLC % NAT'L RETAIL	Impacted entirely by steep slopes.	1.50	0.00	No

ID	Block	Lot	Property Location	Owner	Comments	Total Area (ac.)	Developable Area (ac)	Developable?
15	2102	27	12 CHESTNUT RIDGE ROAD	WALSH, DONNA	Donna Walsh mansion.	3.49	0.00	No
					Total Acreage	99.76 ac		
					Total Qualifying Developable Acreage		4.03 ac	

Special Master Sites

The below table provides a list of the 9 properties identified by the Borough’s court assigned Special Master as requiring further analysis as to whether they should qualify for RDP analysis. As shown on the table, 4 of the 9 parcels qualify for RDP analysis with 11.33 developable acres. Block 1607 Lot 21.02 is also included in the above farmland property assessment. All properties identified as contributing to RDP have been included in the full vacant land analysis spreadsheet and map. The remaining parcels have been disqualified as noted. The specified Special Master parcels and environmental constraints are shown on the accompanying Municipal, Farmland and Special Master Sites Map.

**Table 23: Special Master Sites
Borough of Saddle River, New Jersey**

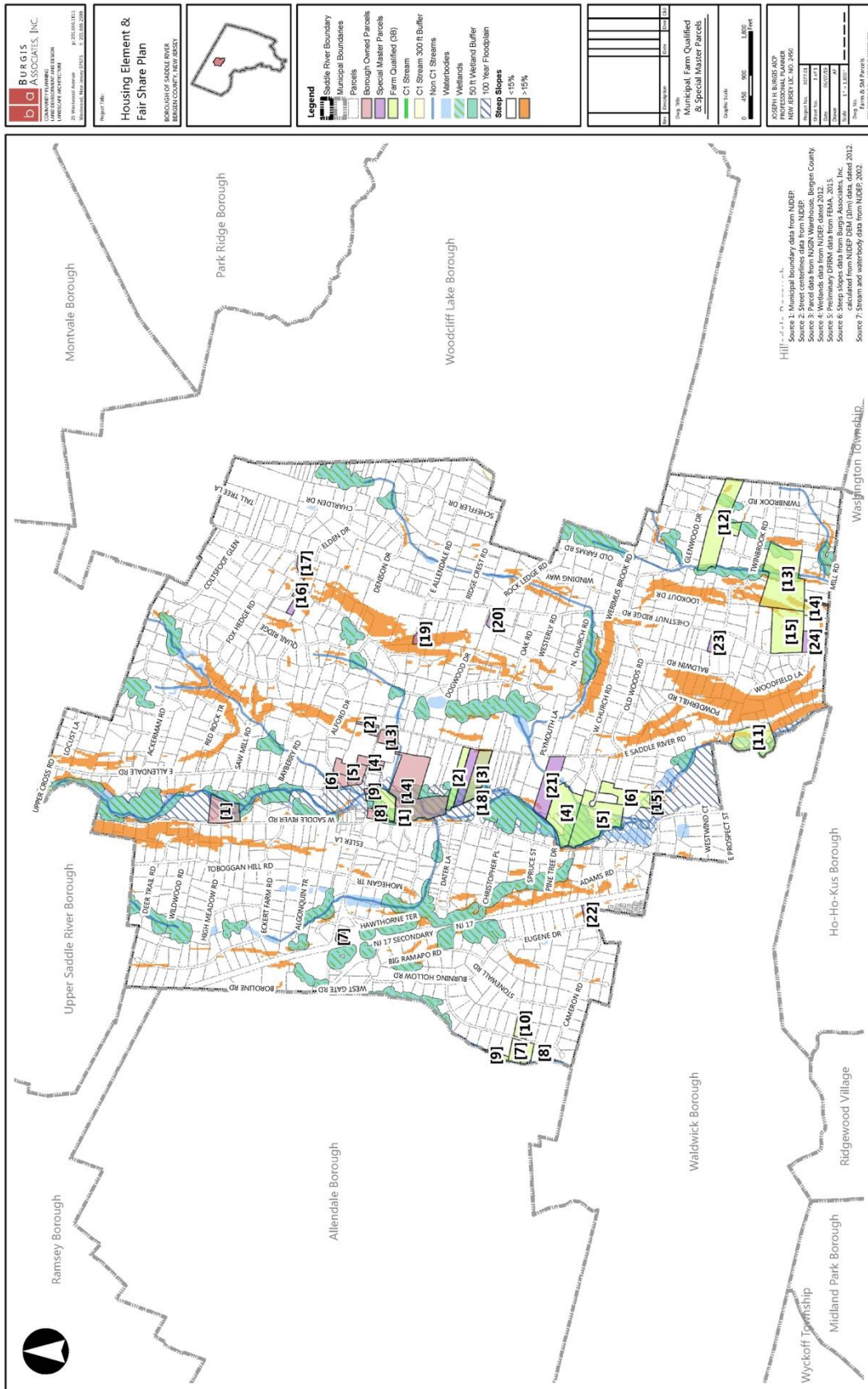
ID	Block	Lot	Property Location	Owner	Comments	Total Area (ac.)	Developable Area (ac)	Developable?
16	1403	9	110 FOX HEDGE ROAD	HOLUBA, STANLEY	Impacted by steep slopes & huge depression.	2.56	0.69	No
17	1501	1	175 CHESTNUT RIDGE ROAD	175 CHESTNUT RIDGE, L.L.C.	Impacted by steep slopes.	2.02	1.68	No
18	1607	21.02	131 E SADDLE RIVER ROAD	ZIMMER, STUART & CRAIG LUCAS	Isolated lot in SF subdivision. (Impacted by wetlands, floodplain and steep slopes.)	6.54	4.03	Yes
19	1702	3	16 WOODCLIFF LAKE ROAD	DOYLE, RICHARD	Impacted by steep slopes.	2.11	1.11	No
20	1702	10	103 CHESTNUT RIDGE ROAD	LEDERER, SELMA, JAMES, & JEREMY	Qualifies for RDP analysis.	2.62	2.62	Yes
21	1801	4	103 E. SADDLE RIVER ROAD	S.R.ENTERPRISES C/O J. ABRAMS	Approved new dwelling.	9.04	0.00	No
22	1808	12	2 EUGENE ROAD	MORANO, JOSEPH A. & LISA A.	All but 36,540 sf constrained by detention pond.	2.06	0.84	No
23	2003	23	29 CHESTNUT RIDGE ROAD	CONTE, PATRICIA	Qualifies for RDP analysis.	2.37	2.37	Yes
24	2102	26	6 CHESTNUT RIDGE ROAD	NOEL LOVE GROSS QUAL PERS RES TRST	Qualifies for RDP analysis.	2.31	2.31	Yes
					Total Acreage	31.64 ac		
					Total Qualifying Developable Acreage		11.33 ac	

Municipally-Owned Land and County-Owned Land

The below table provides a list of the 15 Borough-owned properties and the extent to which they qualify for RDP analysis. As shown on Table 24, Block 1605 Lot 1 qualifies for RDP analysis. The Borough-owned parcels and environmental constraints are shown on the accompanying Municipal, Farmland and Special Master Sites Map.

**Table 24: Municipally-Owned Land
Borough of Saddle River, New Jersey**

ID	Block	Lot	Property Location	Owner	Comments	Total Area (ac.)	Developable Area (ac)	Developable?
24	1401	1.01	184 W SADDLE RIVER RD	BOROUGH OF SADDLE RIVER	Community park.	6.81	0.00	No
25	1402	26.14	E ALLENDALE RD	BOROUGH OF SADDLE RIVER	Vacant.	0.56	0.56	No
26	1402	27	101 E. ALLENDALE RD	BOROUGH OF SADDLE RIVER	School parking area.	0.30	0.00	No
27	1402	30.01	89 E. ALLENDALE RD	BOROUGH OF SADDLE RIVER	Community parking area.	0.98	0.00	No
28	1402	31	83 E. ALLENDALE RD	BOROUGH OF SADDLE RIVER	Developed with municipal complex.	5.34	0.00	No
29	1402	32	176 E. ALLENDALE RD	BOROUGH OF SADDLE RIVER	Developed with municipal complex.	2.19	0.00	No
30	1605	1	20 E. ALLENDALE RD	BOROUGH OF SADDLE RIVER	Developed lot in established single-family neighborhood.	1.06	1.06	Yes
31	1607	1	66 E. ALLENDALE RD	66 EAST ALLENDALE, LLC	Developed. Privately owned.	2.13	0.00	No
32	1607	4	76 E. ALLENDALE RD	BOROUGH OF SADDLE RIVER	Developed.	0.29	0.00	No
33	1607	7	88 E. ALLENDALE RD	BOROUGH OF SADDLE RIVER	Developed. Museum.	0.67	0.00	No
34	1607	8	90 E. ALLENDALE RD	BOROUGH OF SADDLE RIVER	Vacant.	0.27	0.27	No
35	1607	9	92 E. ALLENDALE RD	BOROUGH OF SADDLE RIVER	Vacant.	0.45	0.45	No
36	1607	11	100 E. ALLENDALE RD	BOROUGH OF SADDLE RIVER	Municipal building.	3.88	0.00	No
37	1607	40	Rec Field	BOROUGH OF SADDLE RIVER	Community park.	23.73	0.00	No
38	2002	3	22 LOWER CROSS RD	BOROUGH OF SADDLE RIVER	Vacant	0.41	0.00	No
					Total Acreage	49.07 ac		
					Total Qualifying Developable Acreage		1.06 ac	

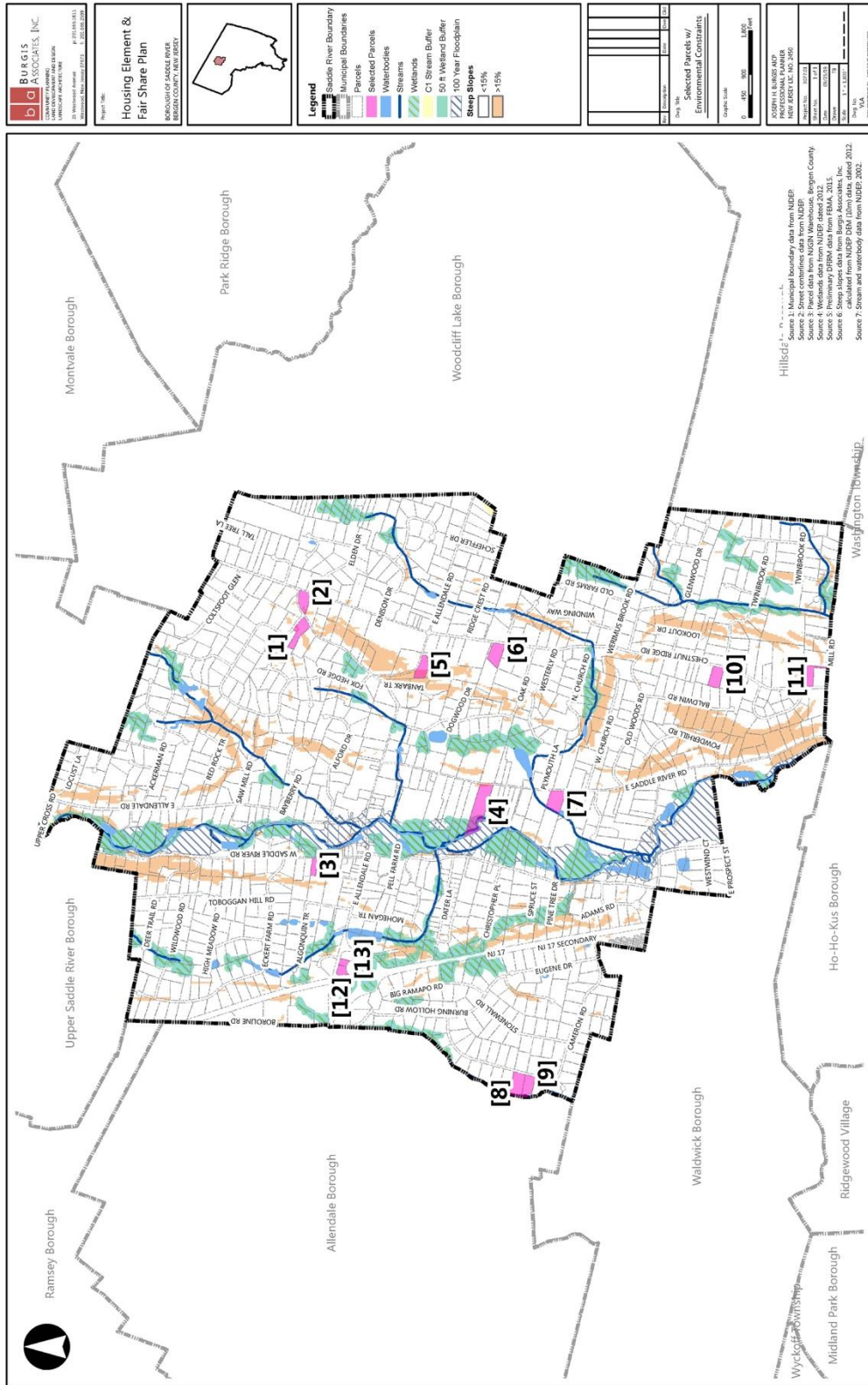


Vacant Land Assessment

In addition to the vacant land analysis and as detailed herein, the plan proposes to enable an additional 25 affordable units on the Housing Authority of Bergen County Boroline Road site, which generates 5 more units of RDP. Consequently, the Borough has established its RDP to be 33 affordable housing units. The Borough's vacant land assessment is presented in the table below and the accompanying map.

Table 25: Vacant Land Assessment
Borough of Saddle River, New Jersey

ID	Block	Lot	Property Location	Owner	Comments	Total Area (ac.)	Developable Area (ac)	Density (du/ac)	RDP (units)
1	1403	9	110 FOX HEDGE ROAD	HOLUBA, STANLEY	On County road, corner of E. Allendale Rd. & Fox Hedge Rd; Partially impacted by steep slopes; On Court Master list. Not developable due to topo.	2.56	0.00	6	0.00
2	1501	1	175 CHESTNUT RIDGE ROAD	175 CHESTNUT RIDGE, L.L.C.	On County road; On Court Master list.	2.02	1.87	6	2.24
3	1603	1	167 WEST SADDLE RIVER RD	PARK, WARREN & JACQUELYN	On County road.	1.05	0.98	6	1.18
4	1607	21.02	131 E. SADDLE RIVER ROAD	ZIMMER, STUART & CRAIG LUCAS	On County road. On Court Master list.	6.54	4.03	6	4.84
5	1702	3	16 WOODCLIFF LAKE ROAD	DOYLE, RICHARD	On County road; On Court Master list; Developable area takes into consideration steep slope impacts. Potential Borough site.	2.11	1.13	6	1.36
6	1702	10	103 CHESTNUT RIDGE ROAD	LEDERER, SELMA, JAMES, & JEREMY	On County road; On Court Master list.	2.75	2.75	6	3.30
7	1801	4.01	103 E. SADDLE RIVER ROAD	S.R.ENTERPRISES C/O J. ABRAMS	On County road. On Court Master list.	3.02	2.24	6	2.69
8	1805	5	17 CAMERON ROAD	ROHSLER,H&M,G/P ROHSLER NUR.PART.LP	Nursery	2.87	2.6	6	3.12
9	1805	6	19 CAMERON ROAD	ROHSLER NURSERY PARTNERS, L.P.	Nursery	2.16	2.02	6	2.42
10	2003	23	29 CHESTNUT RIDGE ROAD	CONTE, PATRICIA	On County road. On Court Master list.	2.34	2.34	6	2.81
11	2102	26	6 CHESTNUT RIDGE ROAD	NOEL LOVE GROSS QUAL PERS RES TRST	On County road. On Court Master list.	2.31	2.31	6	2.77
12	1605	1	20 E. ALLENDALE ROAD	BOROUGH OF SADDLE RIVER	Borough 100% affordable housing development	1.06	1.06	6	1.27
13	1605	2	22 E. ALLENDALE ROAD	LICATA, MICHAEL J. & SUSAN M.	Borough 100% affordable housing development	0.56	0.56	6	0.67
SUBTOTAL						31.35	23.89	-	28.67
n/a	1302	1	Boroline Road	HABC	100% affordable housing development	0.60	0.60	25 du	5
TOTAL						31.95	24.49		33



RDP For Settlement Purposes

In response to the Borough establishing its RDP as 33 units, FSHC submitted an expert report including a vacant land analysis finding that the Borough's RDP was 221 units, and the Special Master submitted a pre-trial report finding that the Borough's RDP was 212 units. Ultimately, as set forth in the Settlement Agreement between the Borough and FSHC, as amended, all parties agreed – for the sole purposes of settlement – to accept an RDP for the Borough of 132 units, as calculated below:

**Table 26: Calculation of RDP For Settlement
Borough of Saddle River, New Jersey**

Vacant Properties Contributing to RDP

Block	Lot	Address	Acreage	Density	Total Yield	RDP
1105	24	65 FOX HEDGE ROAD	1.35	6	8.1	2
1105	27.07	10 RED ROCK TRAIL	2.26	6	13.6	3
1202	20	15 CHARLDEN DRIVE	4	6	24	5
1202	32.03	2A APPLE RIDGE ROAD	2.23	6	13.4	3
1301	31	37 WEST WILDWOOD ROAD	1.65	6	9.9	2
1301	32	35 WEST WILDWOOD ROAD	1.73	6	10.4	2
1303	12	59 STONY RIDGE ROAD	2.1	6	12.6	3
1303	13	58 STONY RIDGE ROAD	2.1	6	12.6	3
1402	23.02	12 ALFORD DRIVE	2.23	6	13.4	3
1402	26.10	18 ALFORD DRIVE	2.06	6	12.4	2
1402	26.11	15 FOX HEDGE RD	1.31	6	7.9	2
1402	38.01	11 BAYBERRY DRIVE	2	6	12	2
1402	38.02	11 BAYBERRY DRIVE	3.01	6	18.1	4
1402	46.03	204 E SADDLE RIVER ROAD	2.5	6	15	3
1611	4	18 BIG RAMAPO RD	1.96	6	11.8	2
1611	4.02	14 BIG RAMAPO RD	2.1	6	12.6	3
1611	4.05	6 BURNING HOLLOW	0.89	6	5.3	1
1701	19	17 WESTERLY ROAD	1.92	6	11.5	2
1701	35.01	19 NORTH CHURCH ROAD	2.17	6	13	3
1801	11.03	7 WILLOW POND ROAD	2	6	12	2
1803	3	11 SPRUCE ROAD	2.01	6	12.1	2
1807	14	1 EUGENE ROAD	1.98	6	11.9	2
1808	6	14 EUGENE ROAD	2.03	6	12.2	2
1808	10	6 EUGENE ROAD	1.99	6	11.9	2
1808	12	2 EUGENE ROAD	2.06	6	12.4	2
2003	1	6 OLD WOODS ROAD	1.95	6	11.7	2
2003	23	29 CHESTNUT RIDGE ROAD	2.37	6	14.2	3
2003	41	14 E. SADDLE RIVER ROAD	4.05	6	24.3	5
2102	21	157 MILL ROAD	16.5	6	99	20

Properties in Plan Contributing to RDP

Block	Lot	Name			Yield	RDP
1402	23-25	SRI Realty Site			60	12
1603	1,2	SRI Realty Site (also B 1602, L 1)			60	12
1601	10, 10.01, 11	100% Affordable site			80	16

TOTAL RDP

132

SECTION III: FAIR SHARE PLAN

A. PLAN SUMMARY

The Housing Element and Fair Share Plan identifies the manner in which the Borough's fair share affordable housing obligations – inclusive of a 6-unit rehabilitation obligation, 162-unit Prior Round Obligation, and 244-unit Prospective Need obligation – are to be addressed. This is summarized below.

1. Rehabilitation Obligation. The Township intends to satisfy its 6-unit Rehabilitation obligation through participation in the Bergen County Housing Rehabilitation Program and/or, as determined to be necessary, the establishment of a municipal Rehabilitation Program to rehabilitate at least 6 units in the Borough. This will be discussed in more detail later in this section.
2. Prior Round Obligation. The Borough's 162-unit Prior Round Obligation, covering the period from 1987 to 1999, has been fully addressed by past affordable housing completions. This is detailed later in this section.
3. Prospective Need Obligation. Pursuant to the Borough's Settlement Agreement with FSHC, as amended, Saddle River has a Third Round Prospective Need obligation of 244 units. This figure is comprised of an RDP of 132 and a remaining unmet need of 112. The Borough will satisfy its RDP obligation with proposed inclusionary housing units, proposed 100 percent affordable housing units, and rental bonus credits permitted in accordance with COAH's Round 2 rules. The Borough will address its unmet need through a combination of 100 percent affordable housing units, overlay zoning, an accessory apartment program, development fees, and a Borough-wide mandatory set-aside program. These are detailed later in this section.

As detailed herein, the Housing Element and Fair Share Plan can accommodate the entirety of the community's affordable housing obligation through 2025 in a manner that affirmatively addresses affordable housing need, while at the same time addressing planning concerns and maintaining the overall character of the community.

B. MINIMUMS/MAXIMUMS TO BE ADDRESSED

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

1. Age-Restricted Units. Pursuant to N.J.A.C. 5:93-6.1.b.2, the Borough is permitted to age-

restrict up to 25 percent of its 132-unit RDP, totaling a maximum of 33 age-restricted units.

2. Rental Units. Pursuant to N.J.A.C. 5:93-5.15.a, the Borough is required to address at least 25 percent of its 132-unit development with rental units. This equates to a minimum of 33 rental units.
3. Rental Bonus Credits. Pursuant to N.J.A.C. 5:93-5.15.d, the Borough shall receive a 2:1 rental bonus credit for rental units made available to the general public, up to the 33-unit rental obligation. Age-restricted rental units may be eligible for rental bonus credits at a ratio of 1.33:1; however, no more than 50 percent of the rental obligation shall receive a bonus for age restricted rental units.

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

1. Regional Contribution Agreements. Pursuant to P.L. 2008, Chapter 46, the Borough may not apply any units transferred via RCA towards its Third Round obligation.
2. Very Low-Income Units. Pursuant to P.L. 2008, Chapter 46, the Borough must reserve at least 13 percent of 132-unit RDP for occupancy by very low-income households. Very low-income households are defined as having a gross household income equal to 30 percent or less of the median gross household income.

C. PLAN COMPONENTS

This section of the plan details the projects, mechanisms and funding sources which will be used to meet the Borough's affordable housing obligations, as discussed above.

1. Rehabilitation Share. As established in Section II of this plan, Saddle River's Rehabilitation obligation is 6 units. The Borough plans to address this obligation through participation in the Bergen County Housing Rehabilitation Program and/or, as determined to be necessary, the establishment of a municipal Rehabilitation Program to rehabilitate at least 6 units in the Borough, and will utilize funds obtained from Saddle River's affordable housing trust fund.

In order to fully satisfy its rehabilitation obligation, the Borough will commit \$20,000 per unit. This will require a total contribution of \$120,000. Pursuant to COAH's rules that allow municipalities to utilize money collected from development fees for this purpose, the Township shall set aside the required \$120,000 from its affordable housing trust fund account to be made available to income-qualified households to participate in the program, one-third

of which will be made available within the first year following approval of this plan. The Spending Plan included in the Appendix of this document demonstrates sufficient funding to satisfy the Borough’s 6-unit Rehabilitation obligation.

2. Prior Round Obligation. The Borough’s 162-unit Prior Round Obligation, covering the period from 1987 to 1999, has been fully addressed by past affordable housing completions. These include a combination of new construction family units, senior housing units, and regional contribution agreements (RCAs), as shown in the table below.

**Table 27: Prior Round Plan Components
Borough of Saddle River, New Jersey**

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

3. Third Round Obligation. The Borough’s 244-unit Prospective Need obligation consists of a 132-unit RDP (as established in Section II of this plan) and a 112-unit unmet need. The Borough’s RDP and a portion of its unmet need will be satisfied as shown in the table below.

**Table 28: Third Round Plan Components
Borough of Saddle River, New Jersey**

Plan Component	Total Dwellings	Affordable Units/Credits
<u>Prospective Round RDP Mechanisms:</u>		
E. Allendale Rd BI 1402 Lots 23, 24 & 25	60 (52 mkt rate 8 Affordable units)	8 units
Algonquin Trail BI 1603 Lots 1 & 2.01	60 (48 mkt rate & 12 affordable units)	12 units
Choctau Trail BI 1601 Lots 10, 10.01 & 11	88 units (100% affordable project)	88 units
20 E. Allendale Rd BI 1605 Lot 1	23 units (100% affordable project)	23 units
<u>Unmet Need Mechanisms</u>		
78 Woodcliff Lake Rd*	16 (100% affordable project)	16 units
Boroline Rd BI 1302 Lots 1.02, 1.03 & 1.04	Overlay Zone atop PUD zoning	--

* One unit of this project will be allocated to RDP, and the remaining to unmet need.

Pursuant to the applicable COAH regulations as set forth in N.J.A.C 5:93-1.3, an analysis was undertaken to determine that each site addressing the Borough's RDP meets the applicable 'approvable', 'available', 'developable', and 'suitable', criteria, as follows, and as detailed below:

"Approvable site" means a site that may be developed for low and moderate income housing in a manner consistent with the rules or regulations of all agencies with jurisdiction over the site. A site may be approvable although not currently zoned for low and moderate income housing.

"Available site" means a site with clear title, free of encumbrances which preclude development for low and moderate income housing.

"Developable site" means a site that has access to appropriate water and sewer infrastructure, and is consistent with the applicable areawide water quality management plan (including the wastewater management plan) or is included in an amendment to the areawide water quality management plan submitted to and under review by DEP.

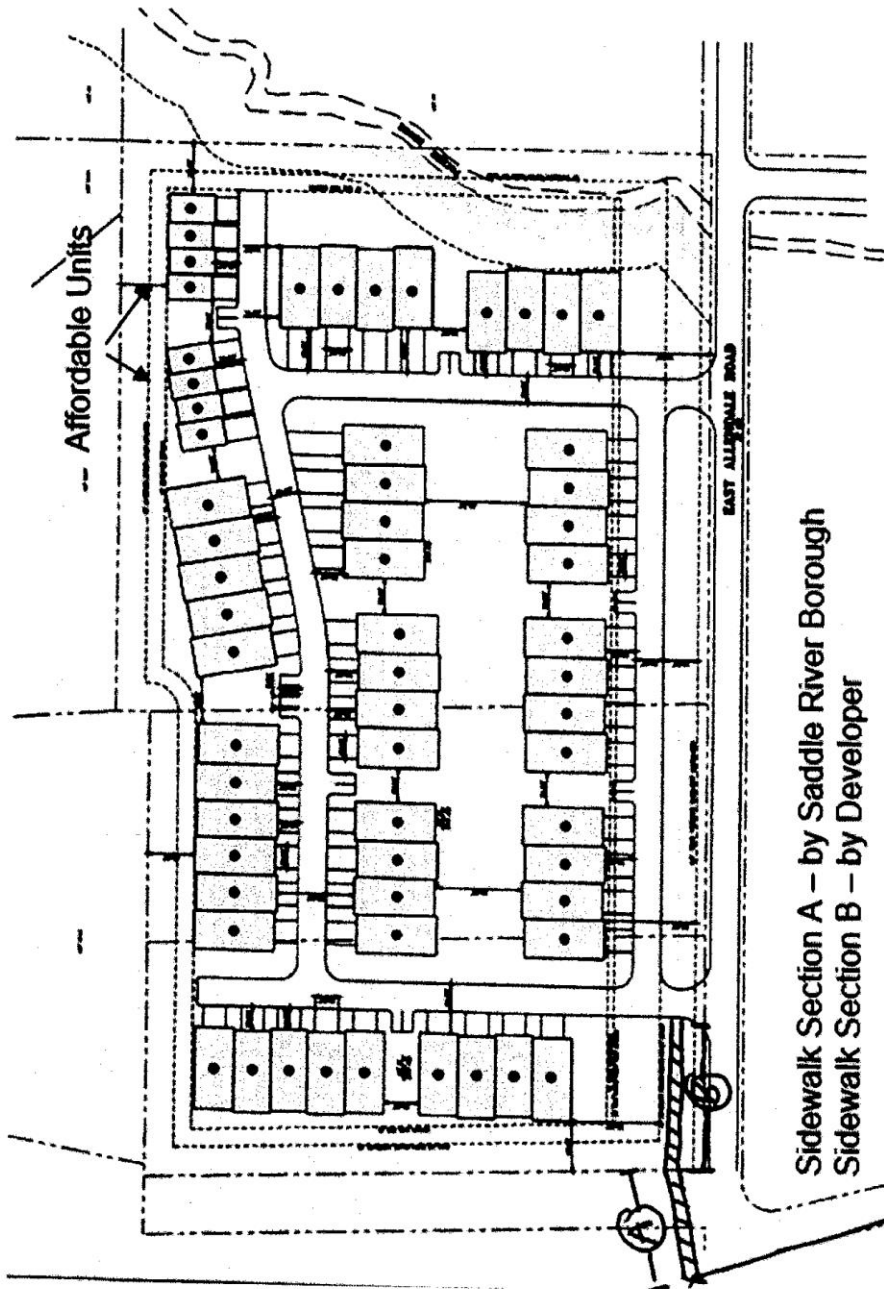
"Suitable site" means a site that is adjacent to compatible land uses, has access to appropriate streets and is consistent with the environmental policies delineated in N.J.A.C. 5:93-4.

These criteria are all affirmed by the various sites' location and physical characteristics, as noted below.

The Borough proposes to address its Third Round obligations, as set forth in the Settlement Agreement, by rezoning the following sites:

- a. Block 1402 Lots 23, 24, and 25. This 10.25-acre property, commonly referred to as the 'O'Donnell Property' is located immediately to the east of the Wandell School, on the northerly side of E. Allendale Road. The site actually encompasses three lots, one of which is the 'O'Donnell' lot and two lots to the west of that lot, all of which are developed with detached single-family dwellings. The Plan calls for this site to be developed with a maximum of sixty dwellings, consisting of eight affordable units and fifty-two market rate units, representing a density of 5.85 dwelling units per acre. The intent of this designation is to have this site developed consistent with the Borough's recently adopted Ordinance No. 20-992 Townhouse Inclusionary Housing District 1 regulations which include an Attachment A that depicts a concept layout for the property. This concept layout is provided on the following page.

ATTACHMENT A
Concept Layout for Block 1402, Lots 23, 24 and 25
at 107, 111 and 115 East Allendale Road



With respect to the issue of the 'approvable', 'available', 'developable', and 'suitable', criteria, the following is noted:

- i. Available: This site is free of encumbrances which would otherwise preclude its development for low and moderate income housing. A title search indicates there are no encumbrances that would adversely impact the ability to develop the site as contemplated herein. Additionally, in this case a developer has expressed interest in developing the site for sixty dwelling units including eight affordable housing units on-site. Furthermore, it is our understanding that there is clear title to the property.
- ii. Approvable: The site is approvable, as reflected in the fact that the Borough has rezoned the property for sixty attached dwelling units including eight affordable units, consistent with the aforementioned Settlement Agreement. A review of site conditions reveals only a modest percentage of the site is impacted by environmentally sensitive features.
- iii. Developable: The site is developable, as the site is in the Bergen County Utility Authority service area, and there is more than sufficient sewer capacity available from the Bergen County Utility Authority, as provided for in their Sewer Capacity Agreement with the Borough of Saddle River. As part of the Settlement Agreement, the Borough agrees to pay its proportionate costs associated with the construction of a pump station/force main to facilitate development of this site.

The Borough also acknowledges there is sufficient water capacity to service this site, & if it were found to be insufficient, the Borough shall, pursuant to the Settlement Agreement, use any and all means necessary, incl but not necessarily limited to acquiring the necessary water capacity &/or upgrade water system in order to facilitate development here.

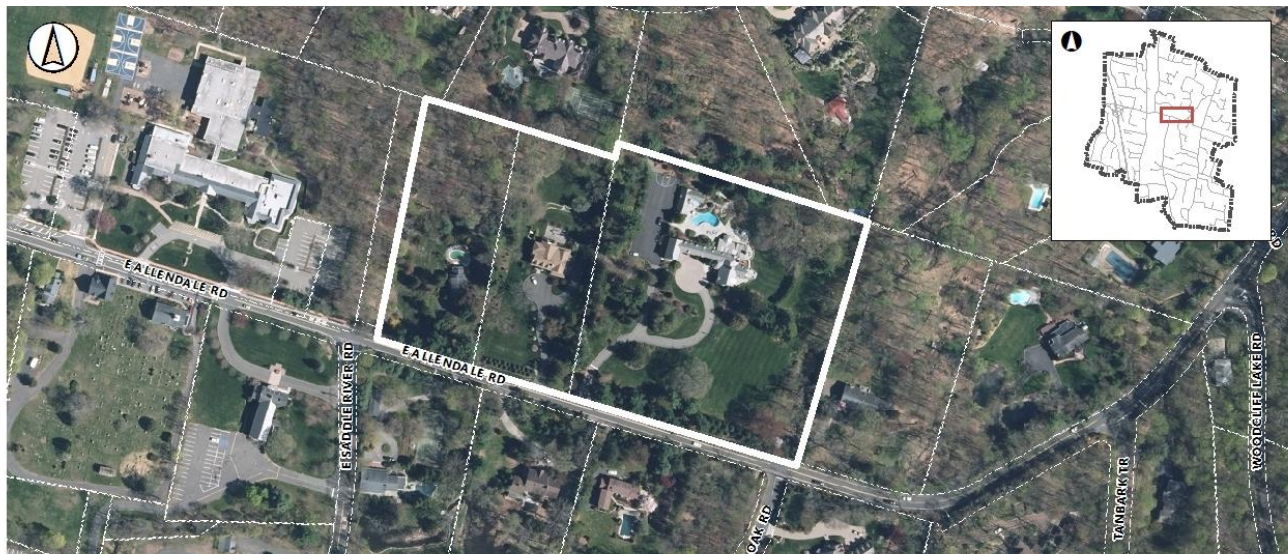
- iv. Suitable: This site is also suitable for the intended development. As previously noted, the site is located immediately to the east of the Wandell School and the Borough's commercial business district. It fronts on a County road that provides direct access to the regional road network, with access to Route 17 to the west along E. Allendale Road. This property is also near to Borough recreation facilities. Further, the property has limited environmental constraints (in the form of wetlands and some steeper areas in the easternmost portion of the property) that do not materially impede the site's development.

With respect to issues of land use compatibility, it is noteworthy that often, compatibility is viewed as consisting of the same land uses and densities as the

surrounding development pattern. However, in the context of affordable housing, issues of compatibility and density must be viewed more broadly than that. The reason for this is simple. The New Jersey Supreme ruled in Mt Laurel II that every municipality has a constitutional obligation to provide affordable housing within its community, and that parenthetically requires higher density development. Without accepting this construct, If compatibility was limited to the same land uses and densities, those municipalities whose development pattern historically was limited to large lot single-family development would be allowed to continue to impose what the Court has deemed to be exclusionary zoning practices. And that is precisely what the Courts have struck down.

COAH addressed this when they adopted regulations that stated that they shall consider both the character of the area and the need to provide affordable housing when determining the suitability of a site, and identified densities of six to eight dwelling units per acre as a minimum presumptive density for affordable housing.

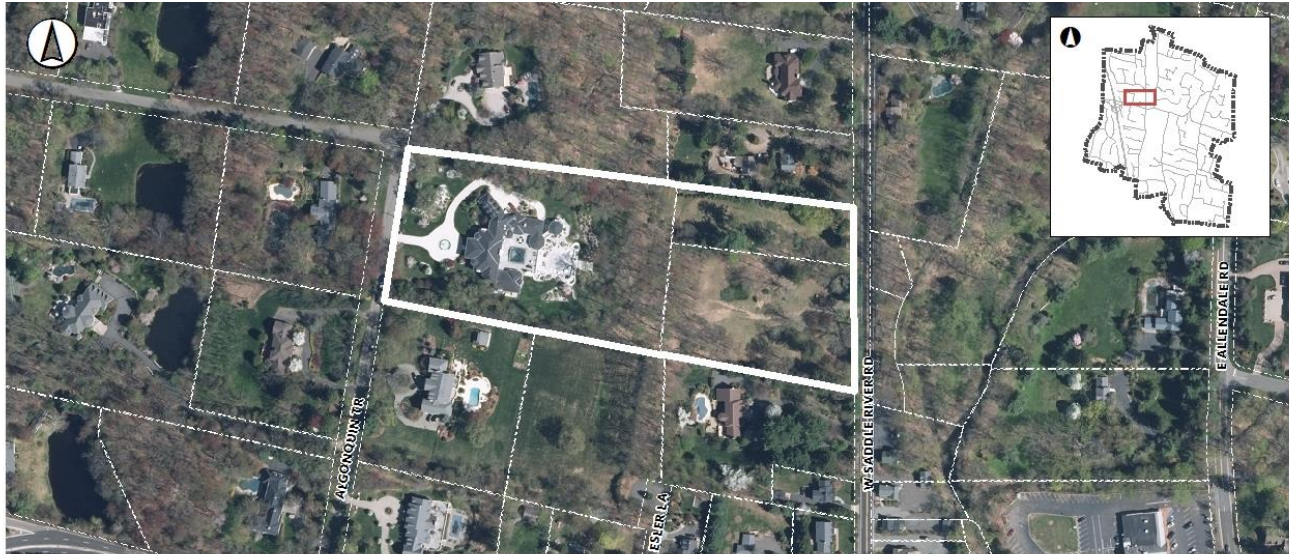
In summary, the analysis reveals the applicable criteria are met. An aerial map of the site is provided below.



- b. Block 1603 Lots 1 & 2.01: This 7.2 acre site is located on the easterly side of Algonquin Trail and extends as a through lot eastward to West Saddle River Road, The Plan calls for a maximum of sixty dwellings on this site, inclusive of twelve affordable units and forty-eight market rate units, representing a density of 8.3 dwelling units per acre. The intent of this designation is to have this site developed consistent with the Borough's recently adopted Ordinance No. 20-993 Townhouse Inclusionary Housing District 2 regulations.

All of the conclusions regarding availability, approvability, developability, and suitability noted above apply equally to this site, exclusive, of course, of the descriptions of specific locations of the two properties, number of affordable units at each of the locations, and locations of environmental constraints.

In summary, the analysis reveals the applicable criteria are met. An aerial map of the site is provided below.



- c. Block 1601 Lots 10, 10.01 & 11: This property is located on Choctau Tail, on the northerly side of E. Allendale Road, east of Route 17. This Plan provides for eighty-eight dwellings on site, all of which are to be affordable units (and which may include special needs units). The three lots encompass a total area of 7.18 acres in size. The anticipated development would thus yield a density of 12.2 dwelling units per acre, however, the Borough may vacate a portion of Choctau Road, which would reduce the tract's density. The intent of this site's affordable housing designation is to have this site developed consistent with the Borough's recently adopted Ordinance No. 20-1000 Affordable Housing - 3 regulations. It is noted that development may be concentrated on the westerly two lots encompassing a total of five acres in this zone. In this case, no additional multi-family dwellings would be allowed to be constructed in the portion of the zone located on the north side of E. Allendale Road. Additionally, as noted below, due to the proximity of this property and the 20 E. Allendale Road site, it is anticipated that these two properties could be developed as a single integrated development tract.

It is also notable that the Planning Board approved a site plan for an eighty-eight unit development on this site, consistent with the AH-3 zoning regulations, on September 17, 2020, and adopted a resolution of approval at its meeting on September 21.

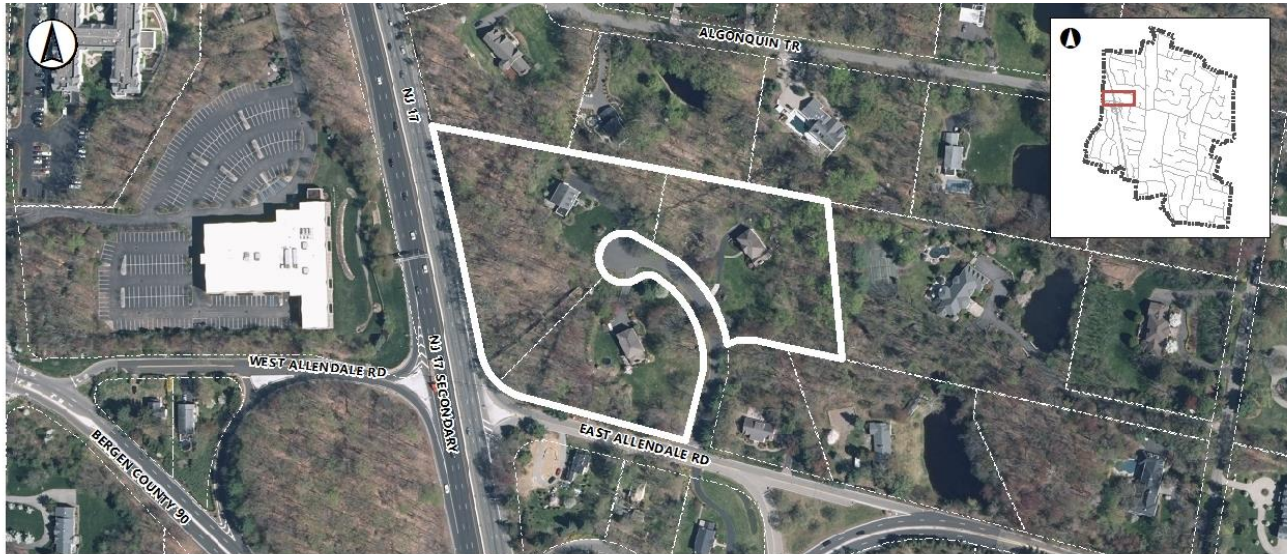
With respect to the issue of the 'approvable', 'available', 'developable', and 'suitable', criteria, the following is noted:

- i. Available: This site is free of encumbrances which would otherwise preclude development of the site for low and moderate income housing. The Borough of Saddle River has acquired all three of these lots, and has, in the Settlement Agreement, agreed to have the site developed as a one hundred percent affordable housing project containing eighty-eight affordable units.
- ii. Approvable: The site is approvable, as reflected in the fact that the Borough has rezoned the property for eighty-eight multi-family dwellings, all of which are affordable units, consistent with the aforementioned Settlement Agreement. The approvability of the site is also reflected in the fact that the Borough Planning Board has already granted site plan approval for this eighty-eight unit project. While recognizing that a portion of the site is impacted by environmentally sensitive features, the Board concluded the project satisfactorily accommodated the proposed number of dwellings on the property.
- iii. Developable: The site is developable, as the site is in the Bergen County Utility Authority service area, and there is more than sufficient sewer capacity available from the Bergen County Utility Authority, as provided for in their Sewer Capacity Agreement with the Borough of Saddle River. As part of the Settlement Agreement, the Borough agrees to pay its proportionate costs associated with the construction of a pump station/force main to facilitate development of this site.

The Borough also acknowledges there is sufficient water capacity to service this site, & if it were found to be insufficient, the Borough shall, pursuant to the Settlement Agreement, use any and all means necessary, including but not necessarily limited to acquiring the necessary water capacity and/or upgrade water system in order to facilitate development here.
- iv. Suitable: This site is also suitable for the intended development. The site is located immediately to the east of the Route 17/E. Allendale Road interchange thereby providing direct access to the regional road network and is in relatively close proximity to the Borough's business district as well as the Allendale business district. It fronts on a County road that provides direct access to the regional road network, with access to Route 17 to the west along E. Allendale Road. This property is also near to Borough recreation facilities. With respect to issues pertaining to land use compatibility and

density, see the above comments pertaining to Item a. above (Block 1402), which are also applicable here.

In summary, the analysis reveals the applicable criteria are met. An aerial map of the site is provided below.



- d. Block 1605 Lot 1: This property, at 20 E. Allendale Road, is located on the south side of E. Allendale Road, opposite Choctau Trail. It is also immediately to the east of Route 17. This Plan calls for twenty-three units on-site, all of which are affordable units (and which may include special needs units). The property occupies an area of 1.06 acres. The anticipated development would thus yield a density of 21.6 dwelling units per acre. As noted above, due to the physical relationship and orientation of this property to the Choctau Trail site, and the fact that one developer has been selected to develop both properties, the intent of this site's affordable housing designation is to have this site developed consistent with the Borough's recently adopted Ordinance No. 20-1000 Affordable Housing – 3 regulations, which encourages a unified integrated approach to the development on both sites.

It is also notable that the Planning Board has already approved a site plan for a twenty-three unit development on this site, consistent with the AH-3 zoning regulations, on September 17, 2020, and adopted a resolution of approval at its meeting on September 21.

With respect to the issue of the 'approvable', 'available', 'developable', and 'suitable', criteria, the following is noted:

- i. Available: This site is free of encumbrances which would otherwise preclude development of the site for low and moderate income housing. The Borough of

Saddle River has acquired this property and pursuant to the Settlement Agreement, has agreed to have the site developed as a one hundred percent affordable housing project containing twenty-three affordable units.

- ii. **Approvable:** The site is approvable, as reflected in the fact that the Borough has rezoned the property for twenty-three multi-family dwellings, all of which are affordable units, consistent with the aforementioned Settlement Agreement. The approvability of the site is also reflected in the fact that the Borough Planning Board has already granted site plan approval for this twenty-three unit project.
- iii. **Developable:** All of the conclusions regarding developability noted above for Block 1601 Lots 10, 10.01 & 11 apply equally to this site.
- iv. **Suitable:** All of the conclusions regarding suitability noted above for Block 1601 Lots 10, 10.01 & 11 apply equally to this site.

In summary, the analysis reveals the applicable criteria are met. An aerial map of the site is provided below.



- e. **Block 1703 Lot 15.** This 2.3 acre Borough-owned property is located on the southerly side of Woodcliff Lake Road at the municipal boundary line with the Borough of Woodcliff Lake, at Woodcliff Lake Road's intersection with Apple Ridge Road (a paper street at the intersection), and near to Chestnut Ridge Road. This Plan calls for the site to be developed with a maximum of sixteen units on site, all of which will be affordable units. These sixteen units represent a density of 6.96 dwelling units per acre. Development on this property shall adhere to the design considerations set forth in the Settlement Agreement. A concept plan illustrating

With respect to the issue of the 'approvable', 'available', 'developable', and 'suitable', criteria, the following is noted:

- i. Available: This site is free of encumbrances which would otherwise preclude development of the site for low and moderate income housing. The Borough of Saddle River has acquired this property and pursuant to the Settlement Agreement, has agreed to have the site developed as a one hundred percent affordable housing project containing sixteen affordable units. A concept plan has been prepared to indicate that the site's development can be placed outside of the areas of the site restricted from development due to the applicable buffer zones associated with a nearby C-1 stream and wetlands.
- ii. Approvable: The site is approvable. The Borough has agreed to rezone the property for sixteen affordable multi-family dwellings, consistent with the aforementioned Settlement Agreement. The site analysis reveals that, while the property is impacted by wetlands and associated wetland buffers, and a nearby C-1 stream and its associated buffer, the concept plan prepared for this site indicates the proposed building and associated parking and circulation aisles can be accommodated without impacting these environmentally sensitive features.
- iii. Developable: The site is developable, as the site is in the Bergen County Utility Authority service area, and there is more than sufficient sewer capacity available from the Utility Authority, as provided for in their Sewer Capacity Agreement with the Borough. As part of the Settlement Agreement, the Borough agrees to pay its proportionate costs associated with the construction of a pump station/force main to facilitate development of this site. The Borough also acknowledges there is sufficient water capacity to service this site, and if it were found to be insufficient, the Borough shall, pursuant to the Settlement Agreement, use any and all means necessary, including but not necessarily limited to acquiring the necessary water capacity and/or upgrade water system in order to facilitate development here.
- iv. Suitable: This site is also suitable for the intended development. The site is located immediately to the southwest of the BMW office headquarters on Chestnut Ridge Road, and nearby is the Chestnut Ridge Road commercial corridor, and access to the Garden State Parkway and regional road network. With respect to issues pertaining to land use compatibility and density, see the above comments pertaining to Item a. above (Block 1402), which are also applicable here.

In summary, the analysis reveals the applicable criteria are met.

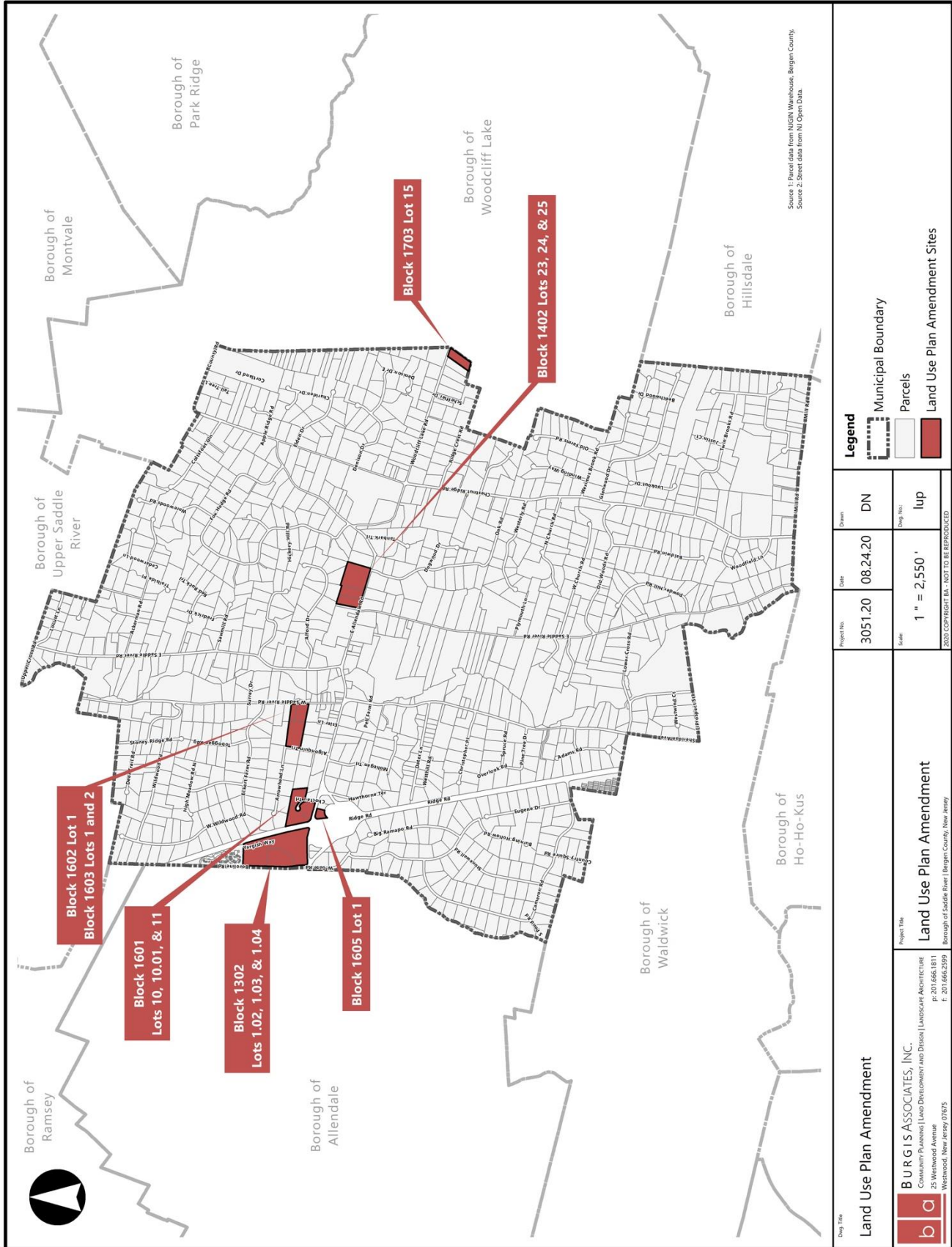
- f. Overlay Zone: Block 1302 Lots 1.02, 1.03 and 1.04. In addition to the above plan components, the HE&FSP also calls for an overlay zone on property along Boroline Road identified as Block 1302 Lots 1.02, 1.03 and 1.04. These parcels occupy an area of approximately 20 acres and are developed with an extended stay hotel, assisted living, and an office building. The intent here is to retain the underlying Planned Unit Development zoning on these sites and also allow multi-family residential development at thirty units per acre as an overlay zone. The overlay zone will require a 20% set-aside for affordable housing. As such, if these 20 acres were to be redeveloped with inclusionary housing, up to 120 affordable units could be generated from this overlay zone.

An aerial map of the proposed overlay zone is provided below and a draft ordinance (Affordable Housing Overlay District – 5) is provided in the Appendix of this document.



All of the sites identified above are shown on the accompanying map on the following page.

Saddle River, New Jersey Housing Element and Fair Share Plan



Source 1: Parcel data from NGIN Warehouse, Bergen County
Source 2: Street data from NJ Open Data.

Legend	
	Municipal Boundary
	Parcels
	Land Use Plan Amendment Sites

Project No.	3051.20	Date	08.24.20	Client	DN
Scale	1" = 2,550'	Design	lup	2020 COPYRIGHT BY: NOT TO BE REPRODUCED	

Project Title Land Use Plan Amendment Borough of Saddle River Bergen County, New Jersey	

Project Title Land Use Plan Amendment	
BURGIS ASSOCIATES, INC. COMMUNITY PLANNING LAND DEVELOPMENT AND DESIGN LANDSCAPE ARCHITECTURE P. 201.666.8111 25 Westwood Avenue Westwood, New Jersey 07675	

D. ADDITIONAL UNMET NEED MECHANISMS

The rules make clear that there is no requirement that a municipality “meet” and “satisfy” its entire unmet need; the rules require a municipality to “address” and “respond” to unmet need. In addition to 15 of the 16 units to be constructed at the 78 Woodcliff Lake Rd 100 percent affordable housing site and the proposed Overlay Zone along Boroline Road, as described in Section C. above, the Borough proposes to address its 112-unit unmet need through an accessory apartment program, development fees, and a Borough-wide mandatory set-aside program, as discussed below.

1. Accessory Apartment Program. The Borough intends to address its affordable housing obligation via the establishment of an accessory apartment program pursuant to N.J.A.C. 5:93-5.9. An accessory apartment is “a self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters and a private entrance, which is created within an existing home, or through the conversion of an existing accessory structure on the same site, or by an addition to an existing home or accessory building, or by the construction of a new accessory structure on the same site.” The Borough’s adopted accessory apartment ordinance is included in the Appendix of this plan.

COAH permits a municipality to receive credit for up to 10 accessory apartments towards its affordable housing obligation, provided that said apartments have affordability controls for at least 10 years. To be considered “affordable,” rents on accessory apartments shall average 57.5 percent of median income, including utilities. The Borough will provide \$25,000 per accessory apartment deed restricted for moderate income families, \$35,000 per accessory apartment restricted for low income families, and \$50,000 per accessory apartment restricted for very low income families.

2. Development Fee Ordinance. The Borough shall continue to impose development fees through a Development Fee Ordinance, as permitted by COAH. The funds generated by the collection of development fees will be applied directly toward implementation of the Borough’s Housing Element and Fair Share Plan. The Borough’s adopted development fee ordinance is included in the Appendix of this plan.
3. Mandatory Affordable Housing Set-Aside Ordinance. The Borough intends to adopt an ordinance which requires that any multifamily development of five or more dwelling units provide an affordable housing set-aside at a rate of twenty percent. This requirement will ensure that new multifamily residential development in Saddle River will provide its fair share of affordable units and assist with the Borough’s continuous efforts to address its affordable housing obligation. The proposed draft mandatory set-aside ordinance is included in the Appendix of this plan.

E. FSHC Suggested Sites for Affordable Housing

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

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

An Environmental Constraints map is included in the Appendix of the plan showing all three locations.

F. Intervenor Sites

Pursuant to N.J.A.C. 5:93-4.2(g), "the municipality may address its RDP through any activity approved by the Council, pursuant to N.J.A.C.5:93-5. The municipality need not incorporate into its housing element and fair share plan all sites used to calculate the RDP if the municipality can devise an acceptable means of addressing its RDP. The RDP shall not vary with the strategy and implementation techniques employed by the municipality."

Furthermore, N.J.A.C. 5:93-13.2 provides guidance in considering intervenor sites in Planning Areas 1 and 2: "When considering granting site specific relief to an objector in Planning Area 1 or 2, the Council shall grant such relief if the Council determines that the objector's site is available, approvable, developable and suitable."

It is further noted that intervenor SRI (Saddle River Investments) has previously requested the Borough consider the development of three sites. One of these sites, Block 1402, Lots 23, 24 and 25, is included within this HEFSP as a plan component to satisfy RDP. The other two sites, Block 1703 Lots 6 and 25 ("Site A") and Block 1902 Lots 41 and 42 (Site "B"), are shown on the accompanying site maps below. While these two sites are located within the Northwest Bergen County Utilities Authority Sewer Service Area, neither are served by a sewage treatment facility as the Borough of Saddle River has no sewer infrastructure.

Site A encompasses 4.6 acres inclusive of both lots, each of which is developed with a single-family dwelling. Site A is located in a neighborhood characterized by large detached single-family dwellings on lots averaging 2 acres and homes averaging 4,622 square feet in area.

Site B, also consisting of two lots, encompasses 9.5 acres with each lot developed with a detached single-family dwelling. Most notably, Lot 42 occupies 6.4 acres and is developed with an 18,289 square foot dwelling. Site B is located within an established neighborhood characterized by large lot single-family development with an average density of approximately 0.5 units per acre.

While no specific number of units were proposed for either Sites A or B, at the minimum presumptive density of six units per acre, such a density would be incompatible with the surrounding detached single-family neighborhoods of these sites. Neither of these sites are suitable for multifamily development at the densities proposed given their locations within existing neighborhoods developed almost entirely with single-family dwellings on lots averaging 2 acres in area at 0.5 dwelling units per acre. COAH's Second Round Rules require that municipality's plans to zone for inclusionary development shall be reviewed for surrounding densities and the suitability of sites based on adjacency to compatible land uses, access to appropriate streets and consistent with COAH's environmental policies. Whether inclusionary development or not, it is clear these properties are not suitable for the development of affordable housing at such high densities.

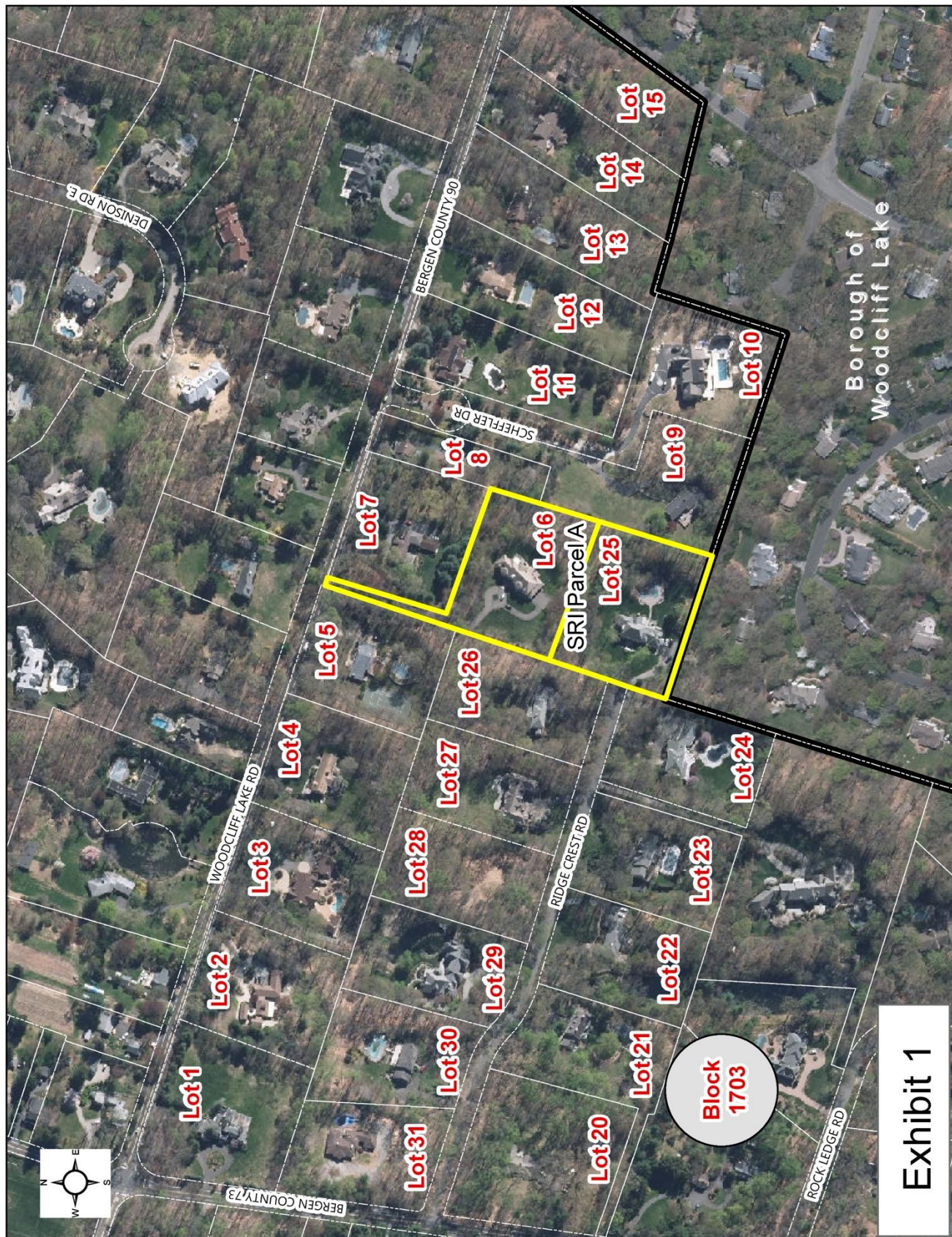


Exhibit 1

Saddle River, New Jersey Housing Element and Fair Share Plan



APPENDICES

- A-1: Structural Conditions Survey
- A-2: Plan Components Map
- A-3: Draft Spending Plan
- A-4: Draft Resolution of Intent to Bond
- A-5: Ordinance No. 20-992 (Townhouse Inclusionary Housing District – 1)
- A-6: Ordinance No. 20-993 (Townhouse Inclusionary Housing District – 2)
- A-7: Ordinance No. 20-1000 (Affordable Housing District – 3)
- A-8: Draft AH-4 Zone Ordinance (78 Woodcliff Lake Rd)
- A-9: Draft AHO-5 Overlay Zone Ordinance (Boroline Rd Overlay)
- A-10: Ordinance No. 19-963-C (Accessory Apartments)
- A-11: Ordinance No. 19-966-C (Development Fees)
- A-12: Draft Mandatory Set-Aside Ordinance
- A-13: Environmental Constraints Maps – Sites Recommended for Consideration by FSHC
- A-14: Resolution of Approval