



**BOROUGH OF WOODCLIFF LAKE
FOURTH ROUND HOUSING ELEMENT
AND FAIR SHARE PLAN**

APPENDIX

APPENDIX

1

SPENDING PLAN

SPENDING PLAN

BACKGROUND

The Borough of Woodcliff Lake adopted its first Development Fee ordinance on in 1993, setting fees to be leveled on developers of non-residential development or residential development not having an affordable housing set-aside. As of December 31, 2024, the Borough's affordable housing trust fund has a balance of **\$515,747.16**. All development fees, interest, payments in lieu of creating affordable housing, and other income are kept in an interest-bearing affordable housing trust fund account for these purposes, with separate journal entries for the differing revenue and expenditure items.

The Borough submits this Spending Plan to support its Fourth Round Housing Element and Fair Share Plan and to demonstrate a "commitment" to expend all past and projected development fee revenues within four years of receipt as required by N.J.S.A. 52:27D-329.2 and -329.3.

REVENUES

The Borough anticipates the following forms of revenue during the Fourth Round:

- 1. Development Fees:** The Borough has collected over \$6.46 million in Development Fees since its trust fund was created in the 1990s. In recent years, the trust fund has earned an average of around \$22,000 in development fees annually, primarily from residential development. The Spending Plan anticipates that the Borough's development fee revenues over the next 10 years will largely continue to come from residential development, with occasional non-residential development fees from mixed-use redevelopment. The projected development fees account for:
 - ▶ Residential and nonresidential projects that have had development fees imposed upon them at the time of preliminary or final development approvals.
 - ▶ All projects currently before the planning and zoning boards for development approvals that may apply for building permits and certificates of occupancy.
 - ▶ Future development that is likely to occur based on historical rates of development.
- 2. Payments In-Lieu of Constructing Units (PIL):** Woodcliff Lake had previously received a \$150,000 payment in-lieu of creating affordable housing. As P.L. 2024, c.2 appears to prohibit future PIL arrangements, no such payments are anticipated in the Fourth Round.
- 3. Projected interest:** This Spending Plan projects that the Borough will take in \$7,694 over the next 10 years assuming an average annual interest rate of 3%.
- 4. Other Income:** The Borough previously received \$140,822.40 in other sources of income, including unit sales and fees. This Spending Plan does not anticipate any "other" forms of income in the Fourth Round.

Spending Plan Chart 1. Actual and Projected Trust Fund Revenues Through June 30, 2035

SOURCE OF REVENUES BY YEAR	PROJECTED DEVELOPMENT FEES	INTEREST	OTHER REVENUES	TOTAL
AS OF JANUARY 1, 2025	\$515,747.16			
2025	\$22,000	\$1,547		\$23,547
2026	\$22,440	\$660		\$23,100
2027	\$60,000	\$910		\$60,910
2028	\$24,000	\$824		\$24,824
2029	\$24,480	\$739		\$25,219
2030	\$24,970	\$656		\$25,626
2031	\$25,469	\$574		\$26,043
2032	\$50,000	\$566		\$50,566
2033	\$26,000	\$485		\$26,485
2034	\$26,520	\$406		\$26,926
2035	\$27,050	\$328		\$27,378
2025-2035 TOTAL	\$332,929	\$7,694	\$0	\$340,623

ADMINISTRATIVE MECHANISMS TO COLLECT AND DISTRIBUTE FUNDS

The following steps for the collection and distribution of development fee revenues shall be followed by Woodcliff Lake Borough.

- A. Collection of development fee revenues. All collection of development fee revenues will be consistent with the Borough's ordinance requirements and all applicable statutes and regulations.
- B. Distribution of development fee revenues. The Municipal Affordable Housing Administrator, in concert with the Borough Administrator and Chief Financial Officer will process the distribution of funds. The release of such funds requires the adoption of a resolution by the Borough Council. Once a request is approved by resolution, the Chief Financial Officer releases the requested revenue from the trust fund for the specific use approved in the governing body's resolution.

DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

Woodcliff Lake Borough proposes to use the funds in the trust fund for the below listed items during the Fourth Round:

- ▶ Affordability assistance to very-low, low- and moderate-income buyers and renters of affordable housing units;
- ▶ Administrative expenditures necessary for the preparation and implementation of a housing plan and supporting documents, and compliance with the affordable housing obligation; and
- ▶ Payment to the Bergen County United Way to provide special needs housing, as required by the Third Round Settlement Agreement with Fair Share Housing Center..

For any other uses of affordable housing trust funds, the Borough shall apply to the appropriate authority for an amendment to the Spending Plan.

AFFORDABILITY ASSISTANCE

The Borough is required to spend a minimum of 30 percent collected development fees, excluding expenditures made from the affordable housing trust fund, to provide affordability assistance to low- and moderate-income households in affordable units included in the Fair Share Plan (N.J.A.C. 5:93-8.16(c)). At least one-third of that amount must be dedicated to very-low income households (i.e. households earning less than 30 percent of the regional median income) or to create very-low income units.

Spending Plan Chart 2. Required Minimum Affordability Assistance Spending

ACTUAL DEVELOPMENT FEES & INTEREST THRU 2024		\$6,600,927
DEVELOPMENT FEES PROJECTED 2025-2035	+	\$332,929
INTEREST PROJECTED 2025-2035	+	\$7,694
LESS DEVELOPMENT FEES EXPENDED ON REHABILITATION	-	
LESS DEVELOPMENT FEES EXPENDED ON RCA	-	\$682,500
LESS DEVELOPMENT FEES EXPENDED ON HOUSING	-	\$4,977,154
TOTAL	=	\$1,281,896
30 PERCENT OF DEVELOPMENT FEE AND INTEREST REVENUES	x 0.30 =	\$384,569
LESS AFFORDABILITY ASSISTANCE EXPENDITURES TO DATE	-	\$-
PROJECTED MINIMUM AFFORDABILITY ASSISTANCE REQUIREMENT	=	\$384,569
PROJECTED MINIMUM VERY LOW-INCOME AFFORDABILITY ASSISTANCE REQUIREMENT	÷ 3 =	\$128,190

ADMINISTRATION

COAH rules prohibit municipalities from spending more than 20% of the revenues collected from development fees and from PILs collected prior to the adoption of the Roberts Bill (P.L. 2008, c. 46) toward the cost of administering their affordable housing programs, or implementing their affordable housing plan, preparing the housing plan, and negotiating settlement agreements to determine and address the affordable housing obligation. Administration costs include, but are not limited to, salaries and benefits for municipal employees or consultant fees necessary to prepare or implement a rehabilitation program, a housing element and fair share plan, and/or an affirmative marketing program.

The Borough does not anticipate utilizing its entire administrative expenditure allowance.

Spending Plan Chart 3. Administrative Spending Cap

DEVELOPMENT FEES/INTEREST COLLECTED THROUGH 2024		\$6,600,927
PAYMENT-IN-LIEU OF CONSTRUCTION THROUGH JULY 17, 2008	+	\$-
DEVELOPMENT FEES PROJECTED THROUGH 2035	+	\$332,929
INTEREST PROJECTED THROUGH 2035	+	\$7,694
LESS RCA EXPENDITURES	-	\$682,500
TOTAL	=	\$6,259,050
20 PERCENT OF DEVELOPMENT FEE AND INTEREST REVENUES	x 0.20 =	\$1,251,810
LESS ADMINISTRATIVE EXPENDITURES TO DATE	-	716,348.00
PROJECTED ALLOWED THIRD ROUND ADMINISTRATIVE EXPENDITURES	=	\$535,462

AFFORDABLE HOUSING CREATION

The Borough, at the time of this writing, anticipates providing as much as \$200,000 from its trust fund to Bergen County United Way to provide special needs housing in Woodcliff Lake at the 230 Broadway site.

FOURTH ROUND SPENDING PLAN SCHEDULE & SUMMARY

The Borough will utilize its trust fund revenues to fulfill its affordability assistance obligation, cover permitted costs of its consultants and administrative agents, and to provide a previously committed payout to the Bergen County United Way to create special needs housing at 230 Broadway.

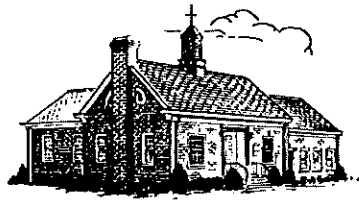
Spending Plan Chart 4. Projected Trust Fund Spending Through June 30, 2035

SOURCE OF REVENUES BY YEAR	AFFORDABILITY ASSISTANCE	ADMINISTRATION	UNITED WAY	TOTAL
2025	\$19,228	\$100,000	\$200,000	\$319,228
2026	\$38,457	\$15,000		\$53,457
2027	\$38,457	\$15,000		\$53,457
2028	\$38,457	\$15,000		\$53,457
2029	\$38,457	\$15,000		\$53,457
2030	\$38,457	\$15,000		\$53,457
2031	\$38,457	\$15,000		\$53,457
2032	\$38,457	\$15,000		\$53,457
2033	\$38,457	\$15,000		\$53,457
2034	\$38,457	\$15,000		\$53,457
2035	\$19,228	\$36,500		\$55,728
2025-2035 TOTAL	\$384,569	\$271,500	\$200,000	\$856,069

The Borough understands that pursuant to N.J.S.A. 52:27D-329.2 and 329.3 it is required to “commit” all collected revenues for expenditure within four (4) years from the date of collection. This Spending Plan shall constitute a commitment to spend or make available (for its affordability assistance, rehabilitation programs, or administrative purposes) all of its current and future Trust Fund revenues through June 30, 2035.

Spending Plan Chart 5. Fourth Round Spending Summary

BALANCE AS OF 1/1/2025	515,747.16
PROJECTED REVENUES 2025-2035	
1. DEVELOPMENT FEES	\$332,929
2. INTEREST	\$7,694
3. PAYMENTS IN-LIEU OF CONSTRUCTION	\$-
4. OTHER REVENUES	\$-
TOTAL REVENUE	\$340,623
PLUS BALANCE	\$856,370
PROJECTED SPENDING THROUGH 2035	
AFFORDABILITY ASSISTANCE (MINIMUM)	\$384,569
ADMINISTRATIVE	\$271,500
UNITED WAY	\$200,000
TOTAL EXPENDITURES/RESERVES	\$856,069
BALANCE ON JULY 1, 2035	\$301



BOROUGH OF WOODCLIFF LAKE

188 PASCACK ROAD, WOODCLIFF LAKE, NEW JERSEY 07677

Carlos Rendo, Mayor
Tomas J. Padilla, Borough Administrator

201-391-4977
Fax 201-391-8830

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Bonanno			X			
Brodsky			X			
Margolis			X			
Marsh	X		X			
Pollack			X			
Stern		X	X			
Mayor Rendo						

RESOLUTION ADOPTING FOURTH ROUND SPENDING PLAN

RESOLUTION NO. 25-194

JUNE 24, 2025

WHEREAS, in accordance with the Mount Laurel Doctrine every municipality has a constitutional obligation to create a realistic opportunity for producing a fair share of the regional present and prospective need for housing low and moderate income families; and

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L.2024, c.2, establishing a new framework for determining and enforcing municipal affordable housing obligations under the New Jersey Supreme Court’s Mount Laurel doctrine and the New Jersey Fair Housing Act (the “FHA”) (N.J.S.A. 52:27D-301, et al.); and

WHEREAS, among other things, the Act abolished the Council on Affordable Housing (hereinafter, “COAH”), and replaced it with seven retired, on recall judges designated as the Program and authorized the Director of the Administrative Office of the Courts, (hereinafter, respectively, “Director” and “AOC”) to create a framework to process applications for affordable housing compliance certification; and

WHEREAS, pursuant to N.J.S.A. 52:27D-304.1(f)(1)(b), each municipality was to adopt a binding resolution no later than January 31, 2025, determining and setting forth its present and prospective fair share obligations for the “Fourth Round” of affordable housing obligations (“Fourth Round”); and

WHEREAS, the Mayor and Council of the Borough of Woodcliff Lake (“Borough”) adopted Resolution No. 25-55 on January 27, 2025, committing to a present need obligation as 0 units and prospective need obligation as 329 affordable units for the Fourth Round.

WHEREAS, in accordance with the FHA and Administrative Directive #14-24, issued by the Administrative Office of the Courts on December 13, 2024 (“Directive #14-24”), the Borough filed a Complaint for Declaratory Judgment with the Superior Court of New Jersey, Law Division, Bergen County, entitled In the Matter of the Application of the Borough of Woodcliff Lake, County of Bergen, State of New Jersey, Docket No. BER-L-740-25 on January 29, 2025 (the “DJ Action”), identifying its present and prospective fair share obligations for the Fourth Round as set forth above, and committing to adopting and submitting a Fourth Round Housing Element and Fair Share Plan (“HEFSP”) as required by the FHA; and

WHEREAS, the Borough of Woodcliff Lake Planning Board (“Board”) adopted the HEFSP, entitled “Fourth Round Housing Element & Fair Share Plan” prepared by the Borough’s affordable housing planner, DMR Architects, dated May 2025 (the “Fourth Round HEFSP”), as an amendment to the Borough’s Master Plan on June 24, 2025; and

WHEREAS, the Fourth Round HEFSP includes a Fourth Round Spending Plan component, pursuant to the FHA and Directive #14-24, which project anticipated revenues to the Borough’s Affordable Housing Trust Fund, and describes estimated expenditures of funds to address its fair share obligations as set forth in the Fair Share plan and which specifically establishes that the expenditure of funds contemplated in the Fourth Round Spending Plan constitute a commitment for expenditure pursuant to N.J.S.A. 52:27D-329.2.d, with the four year time period beginning to run with the date of collection of the funds, as such time may be extended by virtue of the date of the Superior Court’s approval of this Fourth Round Spending Plan; and

WHEREAS, the Governing Body has reviewed the Fourth Round Affordable Housing Spending Plan appended to the Fourth Round HEFSP adopted by the Board on June 24, 2025, and wishes to adopt said plan.

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Woodcliff Lake, Bergen County, New Jersey, hereby adopts the Affordable Housing Spending Plan prepared by DMR Architects; and,

BE IT FURTHER RESOLVED by the Governing Body of the Borough of Woodcliff Lake, Bergen County, New Jersey that this resolution shall take effect immediately.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen, and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of June 24, 2025.

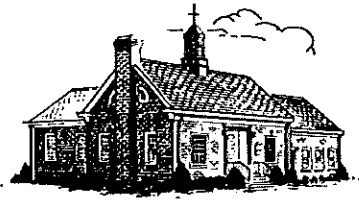


**DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK**

APPENDIX

2

RESOLUTION OF INTENT TO FUND



BOROUGH OF WOODCLIFF LAKE

188 PASCACK ROAD, WOODCLIFF LAKE, NEW JERSEY 07677

Carlos Rendo, Mayor
Tomas J. Padilla, Borough Administrator

201-391-4977
Fax 201-391-8830

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Bonanno			X			
Brodsky			X			
Margolis			X			
Marsh	X		X			
Pollack			X			
Stern		X	X			
Mayor Rendo						

RESOLUTION OF INTENT TO BOND IN THE EVENT THAT THERE IS A SHORTFALL IN FUNDING TO EFFECTUATE CERTAIN AFFORDABLE HOUSING MECHANISMS IN ITS FOURTH ROUND HOUSING ELEMENT AND FAIR SHARE PLAN

**RESOLUTION NO. 25-193
JUNE 24, 2025**

WHEREAS, the Governing Body of the Borough of Woodcliff Lake desires to create a realistic opportunity for the creation of affordable housing within the Borough; and

WHEREAS, the Borough voluntarily brought a timely declaratory judgment action pursuant to the procedures set forth by Administrative Directive #14-24 seeking approval of a Housing Element and Fair Share Plan that satisfied the Borough's obligation to provide for its fair share of the regional need of low- and moderate-income housing; and

WHEREAS, the Borough of Woodcliff Lake Planning Board has adopted a Fourth Round Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq., which addresses the requirements of N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq. as amended and supplemented, and the New Jersey Fair Housing Act; and

WHEREAS, the Fourth Round Housing Element and Fair Share Plan provides for expenditures to fund and support its affordable housing mechanisms; and

WHEREAS, the Borough has adopted a Development Fee Ordinance in order to generate revenue for the Borough's Affordable Housing Trust Fund; and

WHEREAS, the Borough anticipates that monies collected and deposited in the Affordable

Housing Trust Fund, along with other permitted funding sources, will be sufficient to effectuate the above-referenced mechanisms; and

WHEREAS, the Borough is committed to securing approval of its Fourth Round Housing Element and Fair Share Plan; and

WHEREAS, the Borough acknowledges the affordable housing rules and regulations that provide that, although utilization of a mandatory development fee ordinance is an appropriate mechanism to raise money for the purpose of off-setting the expenses incurred in connection with the Housing Element and Fair Share Plan, there must be an alternative funding source in the event that insufficient monies are derived from the mandatory development fee ordinance or other resources, or the funds are not received in a timely fashion, for the purpose of effectuating the affordable housing mechanisms; and

WHEREAS, the Borough wishes to express its commitment to cover such funding shortfalls and to fully implement the mechanisms set forth in its Fourth Round Housing Element and Fair Share Plan through bonding or other lawful means.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Woodcliff Lake, in the County of Bergen, State of New Jersey, that it does hereby confirm its intent that in the event that the projected funding from the mandatory development fee ordinance the Borough has adopted is insufficient to complete the aforementioned affordable housing mechanisms, it is the intention of the Governing Body of the Borough of Woodcliff Lake to adopt appropriate bond ordinances in order to provide the requisite funding in an appropriate time frame.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen, and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of June 24, 2025.

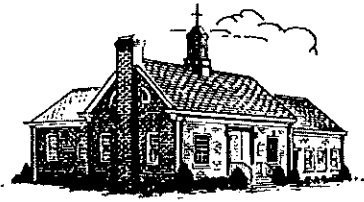


DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK

APPENDIX

3

RESOLUTIONS OF ADOPTION & ENDORSEMENT



BOROUGH OF WOODCLIFF LAKE

188 PASCACK ROAD, WOODCLIFF LAKE, NEW JERSEY 07677

Carlos Rendo, Mayor
Tomas J. Padilla, Borough Administrator

201-391-4977
Fax 201-391-8830

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Bonanno			X			
Brodsky		X	X			
Margolis			X			
Marsh	X		X			
Pollack			X			
Stern			X			
Mayor Rendo						

RESOLUTION ENDORSING THE 2025 HOUSING ELEMENT AND FAIR SHARE PLAN

RESOLUTION NO. 25-192 JUNE 24, 2025

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L.2024, c.2, establishing a new framework for determining and enforcing municipal affordable housing obligations under the New Jersey Supreme Court’s Mount Laurel doctrine and the New Jersey Fair Housing Act (the “FHA”) (N.J.S.A. 52:27D-301, *et al.*); and

WHEREAS, among other things, the Act abolished the Council on Affordable Housing (hereinafter, “COAH”), and replaced it with seven retired, on recall judges designated as the Program and authorized the Director of the Administrative Office of the Courts, (hereinafter, respectively, “Director” and “AOC”) to create a framework to process applications for affordable housing compliance certification; and

WHEREAS, pursuant to N.J.S.A. 52:27D-304.1(f)(1)(b), each municipality was to adopt a binding resolution no later than January 31, 2025, determining and setting forth its present and prospective fair share obligations for the “Fourth Round” of affordable housing obligations (“Fourth Round”); and

WHEREAS, the Mayor and Council of the Borough of Woodcliff Lake (“Borough”) adopted Resolution No. 25-55 on January 27, 2025, committing to a present need obligation as 0 units and prospective need obligation as 329 affordable units for the Fourth Round.

WHEREAS, in accordance with the FHA and Administrative Directive #14-24, issued by the Administrative Office of the Courts on December 13, 2024 (“Directive #14-24”), the Borough filed a Complaint for Declaratory Judgment with the Superior Court of New Jersey, Law Division,

Bergen County, entitled In the Matter of the Application of the Borough of Woodcliff Lake, County of Bergen, State of New Jersey, Docket No. BER-L-740-25 on January 29, 2025 (the “DJ Action”), identifying its present and prospective fair share obligations for the Fourth Round as set forth above, and committing to adopting and submitting a Fourth Round Housing Element and Fair Share Plan (“HEFSP”) as required by the FHA; and

WHEREAS, the Borough received objections to its Present and Prospective Need numbers from Fair Share Housing Center and the New Jersey Builders Association prior to the February 28, 2025 deadline; and

WHEREAS, the Borough ultimately secured a determination by the Program judge, the Honorable Ronald E. Bookbinder, A.J.S.C. (Ret.) confirming a mediated obligation consisting of a Present Need obligation of 0 and a Round 4 Prospective Need of 360; and

WHEREAS, pursuant to N.J.S.A. 52:27D-304.1(f)(2)(a) and Directive #14-24, each municipality must adopt and file as part of its DJ Action a HEFSP, with associated resolutions and proposed drafts of the appropriate zoning and other ordinances, necessary to implement its HEFSP, no later than June 30, 2025; and

WHEREAS, the Borough of Woodcliff Lake Planning Board (“Board”) adopted the HEFSP, entitled “Fourth Round Housing Element & Fair Share Plan” prepared by the Borough’s affordable housing planner, DMR Architects, dated May 2025 (the “Fourth Round HEFSP”), as an amendment to the Borough’s Master Plan on June 24, 2025; and

WHEREAS, the Governing Body desires to endorse the Fourth Round HEFSP adopted by the Board on June 24, 2025.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Woodcliff Lake, Bergen County as follows:

1. The Governing Body does hereby endorse the Fourth Round HEFSP adopted by the Borough of Woodcliff Lake Planning Board on June 24, 2025.
2. The Governing Body does hereby authorize the filing of this Resolution endorsing the Fourth Round HEFSP adopted by the Board on eCourts for review by the Program.
3. The Mayor and Clerk, together with other appropriate officers and employees of the Borough of Woodcliff Lake, are hereby authorized to take all steps necessary to effectuate the purposes of this Resolution.
4. This Resolution shall take effect immediately.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen, and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of June 24, 2025.



**DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK**

APPENDIX

4

NUMBERS DECLARATION AND SETTLEMENT

Wendy R. Quiroga, Esq. (ID# 029772002)
WEINER LAW GROUP LLP
629 Parsippany Road
Parsippany, NJ 07054
(973) 403-1100
Attorneys for Plaintiff Borough of Woodcliff Lake
Our File No.: WCL001
5215865.2

IN THE MATTER OF THE
APPLICATION OF THE
BOROUGH OF WOODCLIFF LAKE,
COUNTY OF BERGEN, STATE OF NEW
JERSEY

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY
DOCKET NO.:

**COMPLAINT FOR A
DECLARATORY JUDGMENT OF
COMPLIANCE WITH THE FAIR
HOUSING ACT**

Plaintiff, Borough of Woodcliff Lake, a municipal corporation and body politic organized under the laws of the State of New Jersey (hereinafter, “Woodcliff Lake” or the “Borough”), with offices located at 188 Pascack Rd, Borough of Woodcliff Lake, County of Bergen, State of New Jersey, by way of this Declaratory Judgment Action (“DJ Action”) as authorized under Directive #14-24 of the Administrative Office of the Courts alleges and says:

Background

1. The Borough of Woodcliff Lake is a municipal corporation of the State of New Jersey.
2. The Land Use Board of the Borough of Woodcliff Lake (hereinafter, “Land Use Board”) is a municipal agency created and organized under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et. seq., (“MLUL”), and, among other duties and obligations, is responsible for adopting the Housing Element and Fair Share Plan (“HEFSP”) of the Borough’s Master Plan.
3. Through this DJ Action, the Borough seeks the following relief in relation to its Fourth Round (2025-2035) affordable housing obligation: (a) to secure the jurisdiction of the

Affordable Housing Alternative Dispute Resolution Program (the “Program”) pursuant to P.L. 2024, c.2 (hereinafter, the “Act”) and the Court, pursuant to Directive #14-24; (b) to have the Program and the Court approve the Borough of Woodcliff Lake’s Present and Prospective affordable housing obligations as set forth in the binding resolution adopted by the Borough, attached hereto as **Exhibit 1**; (c) to have the Program and the Court approve a Housing Element and Fair Share Plan (“HEFSP”) to be adopted by the Land Use Board and endorsed by the Council and issue a “Compliance Certification” pursuant to the Act or other similar declaration such as a judgment of compliance and repose; (d) to the extent it is not automatically granted pursuant to the Act, through the filing of this DJ Action and binding resolution, to have the Program and the Court confirm Woodcliff Lake’s immunity from all exclusionary zoning litigation, including builder’s remedy lawsuits, during the pendency of the process outlined in the Act and for the duration of Fourth Round, *i.e.*, through June 30, 2035; and (e) to have the Program and the Court take such other actions and grant such other relief as may be appropriate to ensure that the Borough receive and obtain all protections as afforded to it in complying with the requirements of the Act, including, without limitation, all immunities and presumptions of validity necessary to satisfy its affordable housing obligations voluntarily without having to endure the expense and burdens of unnecessary third party litigation.

COUNT 1
ESTABLISHMENT OF JURISDICTION UNDER P.L.2024, C.2

4. The Borough of Woodcliff Lake repeats and realleges each and every allegation as set forth in the previous paragraphs of this DJ Action as if set forth herein in full.

5. The Act represents a major revision of the Fair Housing Act of 1985, N.J.S.A. 52:27D-301 *et seq.*

6. Among other things, the Act abolished the Council on Affordable Housing (hereinafter, "COAH"), and replaced it with seven retired, on recall judges designated as the Program. Among other things, the Act authorized the Director of the Administrative Office of the Courts, (hereinafter, respectively, "Director" and "AOC") to create a framework to process applications for a compliance certification.

7. On or about December 13, 2024, the Director issued Directive #14-24, which among other things, required municipalities seeking compliance certification to file an action in the form of a declaratory judgment complaint and Civil Case Information Statement in the County in which the municipality is located within 48 hours after the municipality's adoption of a binding resolution as authorized under the Act and attach a copy of said binding resolution to the DJ Action.

8. The Borough adopted a binding resolution establishing its present and prospective affordable housing obligations within the statutory window of time set forth in the Act and in accordance with the methodology and formula set forth in the Act, a certified copy of which resolution is attached to this DJ Action as **Exhibit 1**.

9. Based on the foregoing, the Borough has established the jurisdiction of the Program and the Court in regard to this DJ Action for a compliance certification as set forth hereinafter.

WHEREFORE, the Borough of Woodcliff Lake seeks a declaratory judgment for the following relief:

- a. Declaring that the Borough has established jurisdiction for the Program and the Court to confirm its present and prospective affordable housing needs as set forth in the binding resolution attached as **Exhibit 1** to this DJ Action or to adjust such determination consistent with the Act;

- b. Declaring the present and prospective affordable housing obligations of the Borough under the Act;
- c. Declaring the approval of the Borough's HEFSP subsequent to its adoption by the Land Use Board and its endorsement by the Borough Council, including, as appropriate and applicable, (i) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; (ii) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); (iii) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; (iv) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; (v) an adjustment based upon any ruling in litigation involving affordable housing obligations; and/or (vi) any other applicable adjustment permitted in accordance with the Act and/or applicable COAH regulations;
- d. Declaring that the Borough continues to have immunity from all exclusionary zoning litigation and all litigation related to its affordable housing obligations as established under the Program;
- e. Declaring and issuing compliance certification and immunity from exclusionary zoning litigation in accordance with the Act and Directive #14-24 to the Borough of Woodcliff Lake for the period beginning July 1, 2025 and ending June 30, 2035; and
- f. Declaring such other relief that the Program and Court deems just and proper within the parameters of the Act and applicable COAH regulations.

COUNT II
**DETERMINATION OF THE PRESENT AND PROSPECTIVE NEED OF THE
BOROUGH OF WOODCLIFF LAKE**

10. The Borough repeats and realleges each and every allegation set forth in the previous paragraphs of this DJ Action as if set forth herein in full.

11. The Act adopted the methodology to calculate every municipality’s present and prospective need affordable housing obligation for the Fourth Round (2025-2035) and beyond.

12. The Act directed the Department of Community Affairs (“DCA”) to apply the methodology and to render a non-binding calculation of each municipality’s present and prospective affordable housing obligations to be contained in a report to be issued not later than October 20, 2024.

13. The DCA issued its report on October 18, 2024.

14. Pursuant to the October 18, 2024 report, the DCA calculated the Borough’s present and prospective affordable housing obligations as follows:

PRESENT NEED (REHABILITATION OBLIGATION)	FOURTH ROUND PROSPECTIVE NEED OBLIGATION (2025-2035)
0	423

15. The proposed non-binding Present Need obligation, also known as the rehabilitation obligation, represents the number of substandard existing deficient housing units in the municipality currently occupied by low- and moderate-income (“LMI”) households.

16. The proposed non-binding Prospective Need obligation, is calculated as a share of the region in which the municipality is located.

17. Region 1, in which the Borough of Woodcliff Lake is located, includes Bergen, Hudson, Passaic and Sussex Counties.

18. As established by the Act, the regional Prospective Need is calculated by establishing the increase in households in the region between the 2020 and 2010 federal decennial Census, and dividing the household change increase by 2.5 to estimate the number of low- and moderate- income households (and the number of homes needed to address same).

19. Regional Prospective Need is allocated across the region by applying three factors:

- a. Equalized Nonresidential Valuation;
- b. Income Capacity; and
- c. Land Capacity.

20. Pursuant to the Act, a municipality desiring to participate in the Program is obligated to adopt a “binding resolution” determining its present and prospective affordable housing obligations to which it will commit based upon the methodology set forth in the Act.

21. On January 27, 2025, the Borough Council of the Borough of Woodcliff Lake (the “Borough Council”) adopted Resolution #25-55, accepting the Present Need obligation of 0 units and setting forth a Prospective Need obligation of 329 units as its Fourth Round (2025 to 2035) affordable housing obligation. A true and accurate copy of Resolution #25-55 is attached hereto as **Exhibit 1**.

22. The Borough does not challenge the methodology to determine the Borough’s Fourth Round affordable housing obligations, but Borough employees and professionals have reviewed the lands identified by the DCA for the Land Capacity Factor, and believes that the DCA failed to map the same required regulatory 300-foot buffer around the Borough’s C1-rated surface water bodies as it did for the linear waterways. As such, a recalculation of the Land Capacity Factor was necessary in order to account for land use data errors in the DCA Report’s calculation

that identified 34.95 acres of developable land within the Borough when only 15.1 acres are developable.

23. In addition, the DCA Report utilized 5-year American Community Survey data published by the U.S. Census Bureau for the years 2018 to 2022 to determine the Income Capacity Factor. On December 12, 2024, the Census Bureau published more current data for the period 2019 to 2023, and applying the more recent data reduces the Borough's Income Capacity Factor from 1.61% to 1.39%. In combination with the corrected Land Capacity Factor, the Borough's regional allocation factor is reduced from 1.26% to 1.19%, reducing the Borough's Prospective Need allocation to 329 units.

24. Based on the review of the DCA Report and findings made by the Borough Planner, as supported by the Borough Planner's report which is attached to Resolution #25-55 and incorporated herein as **Exhibit 2**, the Borough Council adopted a binding resolution determining a municipal Prospective Need obligation of 329 based on a more refined calculation of the Land Capacity Factor and Income Capacity Factor.

25. Woodcliff Lake seeks the approval of and confirmation by the Program and the Court of the Present and Prospective affordable housing obligations as set forth in the binding resolution attached hereto and made a part hereof as **Exhibit 1** or the adjustment of those obligations consistent with the Act and the applicable COAH regulations.

26. Pursuant to the binding resolution, the Borough of Woodcliff Lake reserves all rights to amend its affordable housing obligations in the event of a successful legal challenge, or legislative change, to the Act.

27. The Borough's determination of its affordable housing obligation has the presumption of validity as the determination was established in accordance with N.J.S.A. 52:27D-304.2 and N.J.S.A. 52:27D-304.3.

WHEREFORE, the Borough of Woodcliff Lake seeks a declaratory judgment for the following relief:

- a. Declaring that the Borough has established jurisdiction for the Program and the Court to confirm its present and prospective affordable housing needs as set forth in the binding resolution attached as **Exhibit 1** to this DJ Action or to adjust such determination consistent with the Act;
- b. Declaring the present and prospective affordable housing obligations of Woodcliff Lake under the Act;
- c. Declaring the approval of the Borough's HEFSP subsequent to its adoption by the Land Use Board and its endorsement by the Council, including, as appropriate and applicable, (i) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; (ii) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); (iii) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; (iv) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; (v) an adjustment based upon any ruling in litigation involving affordable housing obligations; and/or (vi) any other applicable adjustment permitted in accordance with the Act and/or applicable COAH regulations;

- d. Declaring that the Borough continues to have immunity from all exclusionary zoning litigation and all litigation related to its affordable housing obligations as established under the Program;
- e. Declaring and issuing compliance certification and immunity from exclusionary zoning litigation in accordance with the Act and Directive #14-24 to the Borough for the period beginning July 1, 2025 and ending June 30, 2035; and
- f. Declaring such other relief that the Program and Court deems just and proper within the parameters of the Act and applicable COAH regulations.

COUNT III
HOUSING ELEMENT AND FAIR SHARE PLAN

28. The Borough of Woodcliff Lake repeats and realleges each and every allegation set forth in the previous paragraphs of this DJ Action as if set forth herein in full.

29. Pursuant to the Act, a Housing Element and Fair Share Plan (hereinafter, (“HEFSP”) must be prepared, adopted by the Land Use Board and endorsed by the municipality by June 30, 2025.

30. Woodcliff Lake hereby commits for its professionals to prepare the appropriate HEFSP to address its affordable housing obligations, as determined by the Program and the Court which HEFSP shall apply as appropriate, any applicable adjustments, including, without limitation, 1) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; 2) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); 3) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; 4) an adjustment based on any future legislation that may be adopted that allows an

adjustment of the affordable housing obligations; 5) an adjustment based upon any ruling in litigation involving affordable housing obligations; and/or 6) any other applicable adjustment permitted in accordance with the Act and/or applicable COAH regulations.

WHEREFORE, the Borough of Woodcliff Lake seeks a declaratory judgment for the following relief:

- a. Declaring that Woodcliff Lake has established jurisdiction for the Program and the Court to confirm its present and prospective affordable housing need as set forth in the binding resolution attached as **Exhibit 1** to this DJ Action or to adjust such determination consistent with the Act;
- b. Declaring the present and prospective affordable housing obligations of Woodcliff Lake under the Act;
- c. Declaring the approval of Woodcliff Lake's HEFSP subsequent to its adoption by the Land Use Board and its endorsement by the Council, including, as appropriate and applicable, (i) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; (ii) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); (iii) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; (iv) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; (v) an adjustment based upon any ruling in litigation involving affordable housing obligations; and/or (vi) any other applicable adjustment permitted in accordance with the Act and/or applicable COAH regulations;

- d. Declaring that the Borough of Woodcliff Lake continues to have immunity from all exclusionary zoning litigation and all litigation related to its affordable housing obligations as established under the Program;
- e. Declaring and issuing compliance certification and immunity from exclusionary zoning litigation in accordance with the Act and Directive #14-24 to the Borough of Woodcliff Lake for the period beginning July 1, 2025 and ending June 30, 2035; and
- f. Declaring such other relief that the program and Court deems just and proper within the parameters of the Act and applicable COAH regulations.

COUNT IV
CONFIRMATION OF IMMUNITY

31. The Borough of Woodcliff Lake repeats and realleges each and every allegation set forth in the previous paragraphs of this declaratory judgment complaint as if set forth herein in full.

32. Pursuant to the Act, a municipality that complies with the deadlines in the Act for both determining present and prospective affordable housing obligations affordable housing obligations and for adopting an appropriate HEFSP shall have immunity from exclusionary zoning litigation.

33. The Borough of Woodcliff Lake has met the deadline for the adoption and filing of its binding resolution (and the filing of this DJ Action in accordance with Directive #14-24) not later than January 31, 2025 by adopting the binding resolution attached to this DJ Action as **Exhibit 1**, and has committed to the adoption of its HEFSP by June 30, 2025.

WHEREFORE, the Borough of Woodcliff Lake seeks a declaratory judgment for the following relief:

- a. Declaring that the Borough has established jurisdiction for the Program and the Court to confirm its present and prospective affordable housing needs as set forth in the binding resolution attached as **Exhibit 1** to this DJ Action or to adjust such determination consistent with the Act;
- b. Declaring the present and prospective affordable housing obligations of Woodcliff Lake under the Act;
- c. Declaring the approval of the Borough's HEFSP subsequent to its adoption by the Land Use Board and its endorsement by the Council, including, as appropriate and applicable, (i) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; (ii) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); (iii) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; (iv) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; (v) an adjustment based upon any ruling in litigation involving affordable housing obligations; and/or (vi) any other applicable adjustment permitted in accordance with the Act and/or applicable COAH regulations;
- d. Declaring that the Borough continues to have immunity from all exclusionary zoning litigation and all litigation related to its affordable housing obligations as established under the Program;
- e. Declaring and issuing compliance certification and immunity from exclusionary zoning litigation in accordance with the Act and Directive #14-24

to Woodcliff Lake for the period beginning July 1, 2025 and ending June 30, 2035; and

- f. Declaring such other relief that the Program and Court deems just and proper within the parameters of the Act and applicable COAH regulations.

WEINER LAW GROUP, LLP
Attorneys for Plaintiff, Borough of
Woodcliff Lake

By: /s/ *Wendy R. Quiroga*
Wendy R. Quiroga, Esq.

Dated: January 29, 2025

CERTIFICATION PURSUANT TO R. 4:5-1

Wendy R. Quiroga, Esq., of full age, hereby certifies as follows:

1. I am a member of the Firm of Weiner Law Group, LLP, attorneys for plaintiff, Borough of Woodcliff Lake.
2. To the best of my knowledge, there is no other action pending in any court or any pending arbitration proceeding of which the matter in controversy herein is the subject and no such other action or arbitration proceeding is contemplated. To the best of my knowledge, there are no other parties who should be joined in this action.
3. The within Complaint was filed and served within the time prescribed by the Rules of Court.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

WEINER LAW GROUP, LLP
Attorneys for Plaintiff, Borough of
Woodcliff Lake

By: /s/ Wendy R. Quiroga
Wendy R. Quiroga, Esq.

Dated: January 29, 2025

CERTIFICATION PURSUANT TO R. 1:38-7(b)

Wendy R. Quiroga, Esq., of full age, hereby certifies as follows:

1. I am a member of the Firm of Weiner Law Group, LLP, attorneys for plaintiff, Borough of Woodcliff Lake.
2. I certify that confidential personal identifiers have been redacted from documents now submitted to the Court and will be redacted from all documents submitted in the future in accordance with R. 1:38-7(b).

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

WEINER LAW GROUP, LLP
Attorneys for Plaintiff, Borough of
Woodcliff Lake

By: /s/ *Wendy R. Quiroga*
Wendy R. Quiroga, Esq.

Dated: January 29, 2025

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4, notice is hereby given that Wendy R. Quiroga, Esq., attorney for Plaintiff, Borough of Woodcliff Lake is designated as trial counsel in the above captioned matter.

WEINER LAW GROUP, LLP
Attorneys for Plaintiff, Borough of
Woodcliff Lake

By: /s/ *Wendy R. Quiroga*
Wendy R. Quiroga, Esq.

Dated: January 29, 2025

Exhibit 1



BOROUGH OF WOODCLIFF LAKE

188 PASCACK ROAD, WOODCLIFF LAKE, NEW JERSEY 07677

Carlos Rendo, Mayor
Tomas J. Padilla, Borough Administrator

201-391-4977
Fax 201-391-8830

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Bonanno			X			
Brodsky			X			
Margolis	X		X			
Marsh			X			
Pollack			X			
Stern		X	X			
Mayor Rendo						

RESOLUTION OF THE BOROUGH OF WOODCLIFF LAKE, BERGEN COUNTY, COMMITTING TO THE BOROUGH'S FOURTH ROUND AFFORDABLE HOUSING OBLIGATION

RESOLUTION NO. 25-55 JANUARY 27, 2025

WHEREAS, on March 20, 2024, Governor Philip D. Murphy signed into law, a Bill commonly known as A4/S50 or P.L. 2024, c.2, which amended the Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) (hereinafter the "4th Round Rules"); and

WHEREAS, the 4th Round Rules abolished the Council on Affordable Housing, also known as COAH, and delegated its responsibilities to the New Jersey Department of Community Affairs (hereinafter "DCA"), the New Jersey Housing and Mortgage Finance Agency, and the Affordable Housing Dispute Resolution Program (hereinafter "Program"), ordered to be formed by the same law; and

WHEREAS, the 4th Round Rules requires the DCA to calculate and publish, not later than October 20, 2024, non-binding estimates of fair share obligations, comprised of the Present Need or Rehabilitation Obligation and a Prospective Need or New Construction Obligation, for each municipality in the State of New Jersey; and

WHEREAS, the Prospective Need represents the need for newly constructed or preserved affordable housing units projected over the next 10 years, calculated for "regions" consisting of three to four counties and allocated to each municipality based on three (3) factors to allocate the Regional Need to each applicable municipality: equalized non-residential valuation, income capacity, and land capacity; and

WHEREAS, the Borough of Woodcliff Lake is located in Region 1, identified in the 4th Round Rules as consisting of all municipalities in Bergen, Hudson, Passaic, and Sussex Counties; and

WHEREAS, the Present Need represents the need for rehabilitation of substandard homes in the municipality, occupied by low- and moderate-income households, based upon publicly available local estimates of housing that lacks adequate plumbing or kitchens, is overcrowded, is more than 50 years old, and is likely to be occupied by low- and moderate-income households; and

WHEREAS, the DCA issued a report on October 18, 2024 (“DCA Report”) wherein it reported its estimate of the obligation for all municipalities based upon its interpretation of the standards in the 4th Round Rules; and

WHEREAS, the DCA Report calculates the Round 4 (2025-2035) obligation of the Borough of Woodcliff Lake (“Borough”), as follows: a Present Need or Rehabilitation Obligation of 0 and a Prospective Need or New Construction Obligation of 423; and

WHEREAS, the 4th Round Rules provides that the DCA Report is non-binding, thereby inviting municipalities to demonstrate that the 4th Round Rules would support lower calculations of Round 4 affordable housing obligations; and

WHEREAS, the 4th Round Rules further provides that “[a]ll parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by COAH unless those regulations are contradicted by statute, including P.L. 2024, c.2, or binding court decisions” (N.J.S.A 52:27D-311(m)); and

WHEREAS, COAH regulations authorize vacant land adjustments as well as durational adjustments; and

WHEREAS, the DCA has released a Geographic Information Systems spatial data representation of the Land Capacity Analysis for P.L. 2024, c.2 containing the Vacant and Developable land information that serves as the basis for calculating the land capacity factor; and

WHEREAS, the Borough of Woodcliff Lake’s affordable housing planner, DMR Architects, has reviewed the lands identified by the DCA for the land capacity factor with respect to the MOD-IV Property Tax List data, construction permit data, land use board approvals, configuration, and accessibility to ascertain whether these identified developable lands may accommodate development; and

WHEREAS, DMR Architects has identified an error in the DCA’s land capacity analysis whereby the DCA correctly removed land within the 300 feet of a Category-One (C1) linear water

bodies but failed to measure appropriate buffers around C1-rated lakes, ponds, or reservoirs such as the Woodcliff Lake Reservoir and Holdrum Brook Pond, which are also subject to the 300-foot buffer requirement; and

WHEREAS, applying the most recently published American Community Service (“ACS”) data for the 5-year period of 2018 to 2023 to the DCA’s Methodology Workbook for Income Allocation Factor reduces the allocation factor from 1.61% to 1.39%; and

WHEREAS, after excluding lands that were inaccurately determined by the DCA to be developable and adjusting the income data, the Borough calculated its Round 4 obligation to include a Present Need or Rehabilitation Obligation of 0 and a Prospective Need or New Construction Obligation of 329 units as noted in DMR Architects’ analysis attached herewith as Exhibit A; and

WHEREAS, the 4th Round Rules provides the “municipality’s determination of its fair share obligation shall have a presumption of validity, if established in accordance with sections 6 and 7” of the Act; and

WHEREAS, the Borough’s calculation of its Round 4 obligation was calculated in accordance with sections 6 and 7 of the 4th Round Rules and is therefore entitled to a presumption of validity; and

WHEREAS, the 4th Round rules, as written at Section 23 of P.L.2024, c.2 (C.52:27D-310.1), allow built-out communities to seek an adjustment of their Prospective Need obligations based on a lack of vacant, available, and environmentally unconstrained land on which to build new homes, called a vacant land adjustment, with the caveat that any municipality seeking a vacant land adjustment shall be required to prepare a Housing Element and Fair Share Plan providing for the satisfaction of not less than 25% of its 329 unit Prospective Need , or 83 units; and

WHEREAS, DMR Architects conducted an analysis according to the 4th Round rules and methodologies, and concluded that the Borough of Woodcliff Lake has a realistic development potential of less than 83 units, based upon vacant and available land, before accounting for the 25% minimum; and

WHEREAS, the Planning Board of Woodcliff Lake Borough shall adopt not later than June 30, 2025 a Housing Element and Fair Share Plan addressing its Prospective and Present Needs, with the Prospective Need to be adjusted to not less than 83 units based upon a lack of vacant land, pursuant to section 23 of P.L.2024, c.2 (C.52:27D-310.1); and

WHEREAS, the 4th Round Rules require that every municipality adopt before January 31, 2025, and upload onto a website created for the Program within 48 hours of adoption, a binding resolution identifying their affordable housing obligations; and

WHEREAS, the Borough reserves the right to comply with any additional amendments to the 4th Round Rules that the Legislature may enact; and

WHEREAS, the Borough also reserves the right to adjust its position in the event of any rulings in the Montvale case (MER-L-1778-24) or any other such action that alters the deadlines and/or requirements of the 4th Round Rules; and

WHEREAS, in the event that a third party challenges the calculations provided for in this Resolution, the Borough of Woodcliff Lake reserves the right to take such position as it deems appropriate in response thereto, including that its Round 4 Prospective Need Obligation should be lower than described herein; and

WHEREAS, in addition to the foregoing, nothing in the 4th Round Rules requires or can require an increase in the Borough's Round 4 Present or Prospective Need Obligations based on a successful downward challenge of any other municipality in the region since the plain language and clear intent of the 4th Round Rules is to establish, for example, unchallenged numbers by default on March 1, 2025; and

WHEREAS, in light of the above, the Mayor and Council find that it is in the best interest of the Borough of Woodcliff Lake to declare its modifications to the obligations reported by the DCA on October 18, 2024 subject to the reservations set forth herein; and

WHEREAS, pursuant to Directive #14-24, a municipality seeking a certification of compliance with the Fair Housing Act shall file an action in the form of a declaratory judgment complaint . . . in the county in which the municipality is located . . . within 48 hours after adoption of the municipal resolution of fair share obligations, or by February 3, 2025, whichever is sooner"; and

WHEREAS, the Borough seeks a certification of compliance with the Fair Housing Act and, therefore, directs its Affordable Housing Counsel to file a declaratory relief action within 48 hours of the adoption of this resolution in Bergen County.

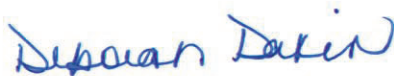
NOW, THEREFORE, THE FOLLOWING SHALL BE RESOLVED, by the Council of the Borough of Woodcliff Lake, Bergen County, New Jersey on this 27th day of January 2025:

1. All of the above Whereas Clauses are incorporated into the operative clauses of this resolution.

2. For the reasons set forth in this resolution, the Borough of Woodcliff Lake commits to a Round 4 Present Need obligation of 0 units and a Round 4 Prospective Need obligation of 329 based on the calculations set forth in Exhibit A, subject to all reservations of all rights, which specifically include, without limitation, the following:
 - a. The right to a vacant land adjustment and any other adjustment in accordance with COAH regulations;
 - b. The right to adjust its fair share obligations in the event of any future legislation that changes its obligations under current law;
 - c. The right to adjust its obligations based upon any ruling in the Montvale case (MER-L-1778-24) or any other litigation; and
 - d. The right to adjust its obligations in the event of a third-party challenge to the fair share obligations set forth by the DCA
3. The Borough's Affordable Housing Counsel, within 48 hours of the passing of this resolution, file a declaratory judgment complaint in Bergen County in order to maintain the Borough's immunity from exclusionary zoning litigation.
4. The Borough authorizes its Affordable Housing Counsel to attach this resolution as an exhibit to the declaratory judgment action that is filed and to submit and/or file this resolution with the Program or any other such entity as may be determined to be appropriate.
5. The Borough Clerk shall publish the filing materials and this resolution on a publicly accessible page of the Borough's website.
6. The Borough shall undertake all acts necessary to adopt, not later than June 30, 2025, a Housing Element and Fair Share Plan addressing its Prospective and Present Needs, with the Prospective Need to be adjusted to not less than 83 units based upon a lack of vacant land, pursuant to section 23 of P.L.2024, c.2 (C.52:27D-310.1)
7. This resolution shall take effect immediately, according to law.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen, and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of January 27, 2025.



DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK

Exhibit 2



TO: Woodcliff Lake Affordable Housing Steering Committee
Woodcliff Lake Borough Mayor and Council Members

FROM: Dan Hauben, PP, AICP, LEED® Green Associate™, DMR Architects
Francis Reiner, PP, LLA, DMR Architects

DATE: January 29, 2025

RE: **4TH ROUND AFFORDABLE HOUSING ALTERNATIVE PROSPECTIVE NEED REPORT**

The Borough of Woodcliff Lake, in order to maintain immunity from exclusionary zoning or builders remedy lawsuits, is required by the Fourth Round Rules¹ to adopt, not later than January 31, 2025, a resolution declaring their affordable housing obligations for New Jersey's Fourth Affordable Housing Round, lasting from July 1, 2025 to June 30, 2035. The Fourth Round Rules at P.L. 2024 c.2² permit the adopted resolution to either accept the non-binding Prospective Need³ and Present Need⁴ numbers calculated by the New Jersey Department of Community Affairs (DCA) and published on October 18, 2024, or to propose different obligations based upon methodology compliant and consistent with the methodology and requirements in Sections 6 and 7 of P.L. 2024 c.2 for calculating those obligations. Failure to adopt such a resolution or comply with the statutory methodology could result in the municipality losing immunity from exclusionary zoning or builders' remedy lawsuits.

The NJ DCA published a Methodology Worksheet on October 18, 2024, containing the data and formulas used to calculate municipal Prospective and Present Need obligations for the Fourth Round. For the Borough of Woodcliff Lake, the DCA calculated a Prospective Need obligation of **423 units**, and a Present Need obligation of zero (0) units.

Consistent with the Fourth Round Rules and the methodologies dating back more than 30 years and endorsed by Judge Jacobson in Mercer County in 2018, the municipal Prospective Need is calculated at the multi-county housing region level and allocated to each municipality based upon three factors: the Land Capacity Factor, Non-Residential Property Factor, and Household Income Factor. These factors are intended to represent every municipality's capacity to support low- and moderate-income housing relative to their housing region.

DMR Architects, the Affordable Housing Planning Consultant for the Borough of Woodcliff Lake, has reviewed the methodology and data utilized by the N.J. DCA to calculate the Borough's Prospective and Present Need obligations, and identified an error in the determination of the Land Capacity Factor for Woodcliff Lake, and has analyzed more up-to-date data with implications for the Household Income Factor. Correction of the Land Capacity Factor error and updating the Household

¹ Section 304.1 of the New Jersey Fair Housing Act (N.J.S.A 52:27D-301 et seq.), as amended by Section 2 of P.L. 2024 c.2

² Also known as Bill A4/S50, signed into law by Governor Phil Murphy on March 20, 2024"

³ The Prospective Need is the number of units that a municipality must plan to create, approve, or zone to allow to be created before 2035

⁴ The Present Need is an estimate of the number of substandard housing units that may be eligible for rehabilitation through a municipally- or county-funded program during the 10-year period from 2025 to 2035.



Income Factor data would warrant a reduction of the Borough's Prospective Need downward from the 423 units calculated by NJ DCA to **329 units**.

LAND CAPACITY FACTOR

The "Land Capacity Factor" is intended to identify each municipality's share of its weighted regional vacant and developable land based upon data available at the State level. The DCA's mapping and geospatial analysis behind this factor determined that the Borough is home to **34.951 acres of the 1,980 acres in Housing Region 1⁵**, resulting in a Land Capacity factor of **1.77%**.

Consistent with past accepted methodologies, the DCA's analysis assessed any vacant land within the regulatory 300-foot buffer around a Category-One (C1) water body⁶ as *undevelopable*, excluding those lands from a municipality's share of vacant and developable land for the purposes of calculating the Land Capacity Factor. However, while the DCA mapped 300-foot buffers around the State's C1 water bodies linear GIS shapefile (representing mostly streams and rivers), it did not – in Woodcliff Lake, at least - map those buffers around C1-rated surface water bodies (lakes, ponds, reservoirs).

Erasing from the DCA's mapping of vacant and developable lands (Vacant Land Output) all lands within the 300-foot riparian zone around Woodcliff Lake Reservoir and Holdrum Brook Pond in Wood Dale County Park reduces the amount of vacant developable land from DCA's calculation of 34.951 acres to 15.1 acres. When DCA's Methodology Worksheet is updated to reflect 15.1 acres in Woodcliff Lake, including automatically reducing Region 1's vacant acreage from 1,980 to 1,960 to account for the removal of approximately 20 acres of vacant and developable land from the analysis, Woodcliff Lake's Land Capacity Factor is reduced from 1.77% to 0.77%. This reduces Woodcliff Lake Borough's average regional Prospective Need allocation factor from 1.59% to 1.26%, thereby reducing its share of the Regional Prospective Need **from 423 units to 349 units**.

HOUSEHOLD INCOME FACTOR

The Household Income Factor for determining a municipality's allocation of regional affordable housing need is intended to reflect a municipality's household wealth relative to the rest of its housing region. The DCA utilized 5-year American Community Survey (ACS) data published by the U.S. Census Bureau for the years 2018 to 2022. On December 12, 2024, the Census Bureau published data one-year more current, for the period of 2019 to 2023. Applying the more recent data to the DCA's Methodology Workbook reduces the Borough's Income Allocation Factor from **1.61%** as calculated by the DCA to **1.39%**. When combined with the corrected Land Capacity Factor, this reduces the Borough's regional allocation factor from **1.26% to 1.19%**, which further reduces the Prospective Need allocation to **329 units**.

REDUCTION

The Borough of Woodcliff Lake, in its resolution expected to be adopted on January 27, 2025, should propose that its Prospective Need is **329 units**, based upon a reduction of the Land Capacity and Household Income Factors contributing toward its Average Regional Allocation Factor. The reduction accounts for Category One riparian buffers around the Woodcliff Lake Reservoir and Holdrum Brook

⁵ Consisting of Bergen, Passaic, Hudson, and Sussex Counties

⁶ Pursuant to N.J.A.C. 7:13



and the availability of more current American Community Survey data on household income, and remains faithful to the methodology and requirements in Sections 6 and 7 of P.L. 2024 c.2.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Hauben".

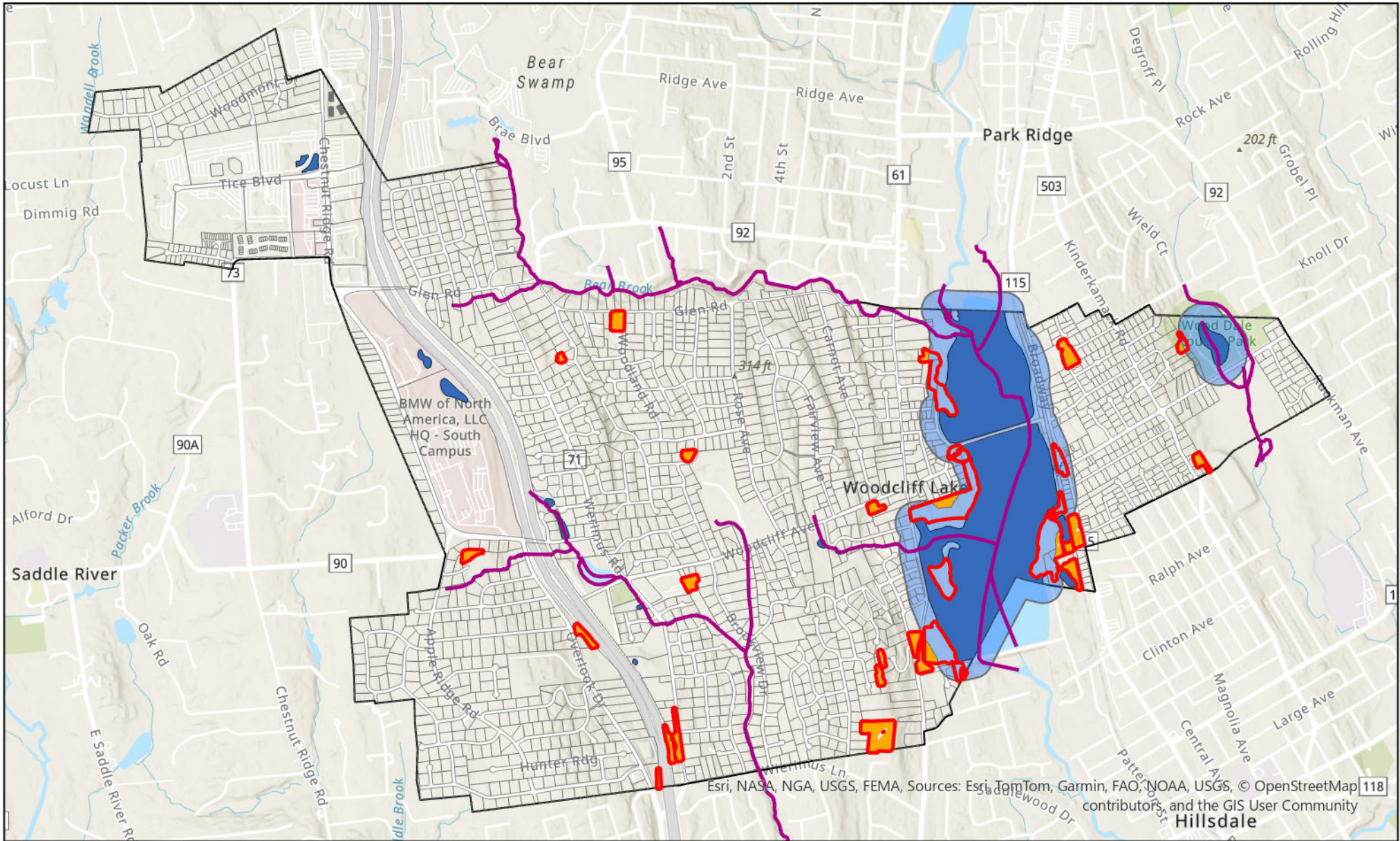
Dan Hauben, PP, AICP, LEED® Green Associate™
DMR Architects

A handwritten signature in black ink, appearing to read "Francis A. Reiner".

Francis A. Reiner, PP, LLA
DMR Architects

WOODCLIFF LAKE - DCA MAPPING CORRECTION FOR CATEGORY ONE WATER BODIES

BER-L-000740-25 01/29/2025 6:59:12 PM Pg 26 of 41 Trans ID: LCV2025225489



- C1 Waterways
- Water Bodies
- C1 Buffer (300 ft.) from Water Body
- DCA Vacant Land Output (Woodcliff Lake)
- Vacant Land Output Removing C1 Buffer Area
- Woodcliff Lake Lot Lines
- Woodcliff lake



Esri, NASA, NGA, USGS, FEMA, Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

aggregated to the Housing Region level, less the valuation changes in Qualified Urban Aid municipalities. All of these changes were positive.

For the next step, the Affordable Housing Law requires that *“the change in the municipality’s nonresidential valuations shall be divided by the regional total change in nonresidential valuations to determine the municipality’s share of the regional change as the equalized nonresidential valuation factor.”* Each municipality’s equalized nonresidential valuation change was then divided by the change for its Housing Region to determine its Equalized Nonresidential Valuation Factor.

Income Capacity Factor

The Affordable Housing Law requires calculation of an Income Capacity Factor, which measures the extent to which a municipality’s income level differs from that of the lowest-income municipality in its Housing Region. It is calculated as the average of two measures. The first is *“the municipal share of the regional sum of the differences between the median municipal household income, according to the most recent American Community Survey Five-Year Estimates, and an income floor of \$100 below the lowest median household income in the region.”* The second is *“the municipal share of the regional sum of the differences between the median municipal household incomes and an income floor of \$100 below the lowest median household income in the region, weighted by the number of the households in the municipality.”*

DCA began by pulling the median household income for every municipality from Table S1903 of the Census Bureau’s American Community Survey 2018-22 5-Year Estimates, the most recently available dataset for all New Jersey municipalities at the time of the calculation. Household data from Table S1901 was also used to implement the household weighting required by the Affordable Housing Law.

First, DCA computed the lowest municipal median household income in each Housing Region and subtracted 100 from that to produce Housing Region median household income floors.

Lowest Median Income by Housing Region

Housing Region	Lowest Median Household Income	Lowest Income Municipality in Region
1	52,092	Paterson city
2	46,360	Newark city
3	56,139	Perth Amboy city
4	44,344	Trenton city
5	36,158	Camden city
6	29,721	Penns Grove borough

Then for each municipality, excluding the Qualified Urban Aid municipalities, the regional income floor was subtracted from the median household income⁷ to compute the difference from the regional income floor. Those differences were then summed to the Housing Region level to produce aggregated income differences by region, less any differences accounted for by Qualified Urban Aid municipalities. Each municipality's difference from the regional income floor was then divided by its Housing Region aggregated income differences, to compute its share of Housing Region income differences. Next, the same calculation was performed, however each municipality's difference from the regional income floor was multiplied by its number of households to produce household-weighted income differences. These differences were then aggregated to the Housing Region level, and each municipality's weighted difference was divided by its Housing Region aggregated household-weighted income differences, producing its share of Housing Region household-weighted income differences.

The share of Housing Region income differences and share of Housing Region household-weighted income differences were then averaged to produce the Income Capacity Factor.

⁷Three municipalities, Walpack Township, Teterboro Borough, and Tavistock Borough did not have 2018-22 Median Household Income estimates available. As the Affordable Housing Law requires that "the most recent American Community Survey Five-Year Estimates" be used, DCA used the most recently available ACS figures for these municipalities, which were 2008-12 for Tavistock, 2011-15 for Walpack, and 2015-19 for Teterboro. Six municipalities, Ho-Ho-Kus, Tavistock, Millburn, Rumson, Chatham Borough, and Mountain Lakes, had median household incomes that were top-coded at 250,000 by the Census Bureau. The Census Bureau top-codes median household incomes above 250,000 to ensure privacy for individuals reporting high incomes.

Land Capacity Factor

The Land Capacity Factor is computed pursuant to statutory edict by determining, for each municipality, the total acreage that is developable utilizing the most recent land use / land cover (LULC) data from the New Jersey Department of Environmental Protection (DEP), the most recently available (2024) MOD-IV Property Tax List data from the Division of Taxation in the Department of the Treasury, and construction permit data from the Department of Community Affairs. DCA excluded lands subject to development limitations and applied weighting factors as specified in the Affordable Housing Law. Weights were applied to developable lands based on the planning area type in which such land was located, as required by the Law. The weights were as follows:

Planning Area Weights

Planning Area	Weight
Planning Area 1 (Metropolitan)	1
Planning Area 2 (Suburban)	1
Planning Area 3 (Fringe)	0.5
Planning Area 4 (Rural)	0
Planning Area 5 (Environmentally Sensitive)	0
Centers in Planning Areas 1 and 2	1
Centers in Planning Areas 3, 4, and 5	0.5
Pinelands Regional Growth Area	0.5
Pinelands Town	0.5
All other Pinelands	0
Meadowlands	1
Meadowlands Center	1
Highlands Preservation Area	0
Highlands Planning Area Existing Community Zone	1
Highlands Designated Center in a Highlands-conforming municipality	1
Highlands Planning Area, State-designated sewer service area, Highlands municipality that is not a Highlands-conforming municipality as determined by the Highlands Water Protection and Planning Council	1
All other Highlands Planning Areas	0

The analysis work was done using Model Builder in ArcGIS Pro. A description of GIS data sources and the Model Builder flow process is included in Appendix C. Only the land area within the above planning areas were included in the analysis. The total

developable land area for each municipality was divided by the Housing Region total, excluding land area corresponding to Qualified Urban Aid municipalities, to determine its Land Capacity Factor.

The datasets mandated for use by the legislation have significant limitations in their use. The LULC data reflect a geographic depiction of the classification system established by the U.S. Geological Survey (Anderson Codes) and modified by DEP. Based on aerial imagery from 2020, land areas are identified by category to reflect uses and coverages.

The following LULC areas were used to identify vacant, developable land:

LULC Areas Identified as Vacant, Developable Land

Code	Description
2100	Cropland and Pastureland
2200	Orchards/Vineyards/Nurseries/Horticultural Areas
4110	Deciduous Forest (10-50% Crown Closure)
4120	Deciduous Forest (>50% Crown Closure)
4210	Coniferous Forest (10-50% Crown Closure)
4220	Coniferous Forest (>50% Crown Closure)
4230	Plantation
4311	Mixed Forest (>50% Coniferous With 10-50% Crown Closure)
4312	Mixed Forest (>50% Coniferous With >50% Crown Closure)
4321	Mixed Forest (>50% Deciduous With 10-50% Crown Closure)
4322	Mixed Forest (>50% Deciduous With >50% Crown Closure)
4410	Old Field (< 25% Brush Covered)
4411	Phragmites Dominate Old Field
4420	Deciduous Brush/Shrubland
4430	Coniferous Brush/Shrubland
4440	Mixed Deciduous/Coniferous Brush/Shrubland
4500	Severe Burned Upland Vegetation
7600	Undifferentiated Barren Lands

Vacant land identified from a mapping of the above LULC categories was initially supplemented with a mapping of all tax parcels coded as vacant land or qualified farmland by individual municipal tax assessors. Each individual tax lot in the state is assigned a unique identifier called a PAMS PIN which consists of a concatenation of the Division of Taxation four-digit Municipality Code, Block, Lot and Qualification

Code for each of the over 3.4 million individual tax lots in the state. However, there are abundant instances throughout the state where multiple adjoining parcels with the same Property Class and under one ownership are consolidated for the purposes of generating tax bills. However, the individual parcel boundaries are not consolidated. The result of this practice is that a Property Class Code is only assigned to one parcel and the associated parcels are only noted in the MOD-IV Property Tax data via an “Additional Lots” field that is not standardized to a point where queries and data joins are practical. In most cases, these additional lots are assigned a null value in all of the other property characteristic fields within the dataset, and they cannot be easily identified as vacant or qualified farmland parcels. While an attempt was made to capture these null value fields and integrate them with the main parcel with which they are associated, success was limited. Additionally, many parcels coded by local Tax Assessors may technically be vacant land but are not actually developable. The most prevalent examples of this are common open space that is part of planned residential development and landfills. However, uncoded additional lots, common open space and landfills are generally captured by the LULC part of the analysis. Consequently, tax parcels identified as vacant land and qualified farmland were not used as a source dataset in the analysis.

Conversely, because the LULC data identify land cover based aerial imagery, many instances were noted where forested crown closure was actually rear yards of clustered residences, buffer areas on non-residential development or tree-covered roadways. To address this issue, a mask was built, using the MOD-IV data, to remove LULC areas where there is no underlying tax parcel (indicating rights of way), and underlying tax parcels with property class codes for residential, commercial, industrial, apartment, railroad, and school.

Given the age of both the LULC and MOD-IV Property Tax data, an analysis of construction permit data reported to DCA by municipalities was incorporated to capture more recent development activities that warranted removal of properties otherwise identified as vacant.

The aggregate of land areas identified as vacant from the LULC geospatial data, as adjusted to reflect underlying non-vacant property class coded parcels and updated information from construction permit data, served as a starting point for the DCA Land Capacity Analysis.

GIS data that reflect the statutorily defined Housing Regions 1 through 6, planning area weights, and municipal boundaries were used to isolate and identify vacant land at the municipal and regional levels. These areas were then reduced to reflect undevelopable land based on GIS mappings of open space, preserved farmland, category 1 waterways and wetlands (and associated buffers based on special resource area restrictions), steep slopes exceeding 15 percent, and open waters.

Steep slope areas obtained from the 10 foot digital elevation model LiDAR data compiled by the State Office of GIS (OGIS) are extremely granular and reflect steep slope areas that are too small and fragmented to be realistically included in a generalized analysis of vacant land for the purposes of this study. The sheer size (over 176 million polygons) of the dataset also presented impediments from the perspective of computational resource capacities. Therefore, certain thresholds were used to both reduce the size of datasets and focus on steep slopes that reflect impactful constraints on development potential. Small patches of steep slope areas consisting of 250 square feet or less were removed from the dataset. Additionally, recognizing that the impact of a 250 square foot steep slope area on a small area is different than it is on a larger area, all areas where steep slopes impacted 10 percent or less of the identified area were counted towards land capacity in their entirety. Where more than 10 percent of an area was impacted by steep slopes, the developable area was reduced in size by the area of steep slope.

Due to limitations resulting from inconsistencies between source datasets, the resulting municipal and regional mappings include many instances of small land areas caused by an incongruous alignment of geospatial layers. These “slivers” are considered artifacts of error that are common when overlaying polygons and vectors from non-coincident data sources. To correct for this anomaly, and to account for very small areas remaining after the exclusion of various environmental constraints, all feature parts with an area less than 2,500 square feet (presuming a 25 by 100 foot area could be a developable property) were removed from the resulting analysis. The resulting land area for each municipality was summed with the resulting land areas for all other municipalities within the housing regions to then determine the municipal percentage of land capacity for the housing region.

Land Capacity Factor Calculation

Treasury Municode	Region	Municipality	County	Land Use/Land Cover Methodology Land Area	% of Region's Developable Land	Qualified Urban Aid
201	1	Allendale borough	Bergen	23.870	1.2%	0
202	1	Alpine borough	Bergen	27.984	1.4%	0
203	1	Bergenfield borough	Bergen	0.000	--	1
204	1	Bogota borough	Bergen	1.233	0.1%	0
205	1	Carlstadt borough	Bergen	0.171	0.0%	0
206	1	Cliffside Park borough	Bergen	0.000	--	1
207	1	Closter borough	Bergen	11.372	0.6%	0
208	1	Cresskill borough	Bergen	2.079	0.1%	0
209	1	Demarest borough	Bergen	2.939	0.1%	0
210	1	Dumont borough	Bergen	1.193	0.1%	0
211	1	Elmwood Park borough	Bergen	5.046	0.3%	0
212	1	East Rutherford borough	Bergen	13.606	0.7%	0
213	1	Edgewater borough	Bergen	0.303	0.0%	0
214	1	Emerson borough	Bergen	13.913	0.7%	0
215	1	Englewood city	Bergen	12.770	0.7%	0
216	1	Englewood Cliffs borough	Bergen	7.053	0.4%	0
217	1	Fair Lawn borough	Bergen	3.079	0.2%	0
218	1	Fairview borough	Bergen	0.102	0.0%	0
219	1	Fort Lee borough	Bergen	4.441	0.2%	0
220	1	Franklin Lakes borough	Bergen	60.108	3.1%	0
221	1	Garfield city	Bergen	0.000	--	1
222	1	Glen Rock borough	Bergen	6.539	0.3%	0
223	1	Hackensack city	Bergen	0.000	--	1
224	1	Harrington Park borough	Bergen	16.643	0.8%	0
225	1	Hasbrouck Heights borough	Bergen	2.588	0.1%	0
226	1	Haworth borough	Bergen	23.061	1.2%	0
227	1	Hillsdale borough	Bergen	15.314	0.8%	0
228	1	Ho-Ho-Kus borough	Bergen	12.983	0.7%	0
229	1	Leonia borough	Bergen	3.187	0.2%	0
230	1	Little Ferry borough	Bergen	0.339	0.0%	0
231	1	Lodi borough	Bergen	0.000	--	1
232	1	Lyndhurst township	Bergen	1.701	0.1%	0
233	1	Mahwah township	Bergen	49.312	2.5%	0
234	1	Maywood borough	Bergen	1.182	0.1%	0
235	1	Midland Park borough	Bergen	7.880	0.4%	0
236	1	Montvale borough	Bergen	37.787	1.9%	0
237	1	Moonachie borough	Bergen	19.963	1.0%	0
238	1	New Milford borough	Bergen	2.088	0.1%	0
239	1	North Arlington borough	Bergen	7.179	0.4%	0
240	1	Northvale borough	Bergen	2.211	0.1%	0
241	1	Norwood borough	Bergen	7.835	0.4%	0
242	1	Oakland borough	Bergen	14.594	0.7%	0
243	1	Old Tappan borough	Bergen	23.854	1.2%	0

244	1	Oradell borough	Bergen	3.059	0.2%	0
245	1	Palisades Park borough	Bergen	0.569	0.0%	0
246	1	Paramus borough	Bergen	49.252	2.5%	0
247	1	Park Ridge borough	Bergen	4.080	0.2%	0
248	1	Ramsey borough	Bergen	46.403	2.4%	0
249	1	Ridgefield borough	Bergen	2.003	0.1%	0
250	1	Ridgefield Park village	Bergen	1.110	0.1%	0
251	1	Ridgewood village	Bergen	8.148	0.4%	0
252	1	River Edge borough	Bergen	3.547	0.2%	0
253	1	River Vale township	Bergen	11.578	0.6%	0
254	1	Rochelle Park township	Bergen	0.241	0.0%	0
255	1	Rockleigh borough	Bergen	5.755	0.3%	0
256	1	Rutherford borough	Bergen	2.349	0.1%	0
257	1	Saddle Brook township	Bergen	6.241	0.3%	0
258	1	Saddle River borough	Bergen	70.885	3.6%	0
259	1	South Hackensack township	Bergen	0.058	0.0%	0
260	1	Teaneck township	Bergen	22.363	1.1%	0
261	1	Tenafly borough	Bergen	10.796	0.6%	0
262	1	Teterboro borough	Bergen	0.188	0.0%	0
263	1	Upper Saddle River borough	Bergen	12.950	0.7%	0
264	1	Waldwick borough	Bergen	8.775	0.4%	0
265	1	Wallington borough	Bergen	1.983	0.1%	0
266	1	Washington township	Bergen	14.514	0.7%	0
267	1	Westwood borough	Bergen	2.806	0.1%	0
268	1	Woodcliff Lake borough	Bergen	15.100	0.77%	0
269	1	Wood-Ridge borough	Bergen	0.623	0.0%	0
270	1	Wyckoff township	Bergen	32.819	1.7%	0
901	1	Bayonne city	Hudson	0.000	--	1
902	1	East Newark borough	Hudson	0.000	0.0%	0
903	1	Guttenberg town	Hudson	0.000	0.0%	0
904	1	Harrison town	Hudson	0.000	--	1
905	1	Hoboken city	Hudson	0.000	--	1
906	1	Jersey City	Hudson	0.000	--	1
907	1	Kearny town	Hudson	0.000	--	1
908	1	North Bergen township	Hudson	0.000	--	1
909	1	Secaucus town	Hudson	107.854	5.5%	0
910	1	Union City	Hudson	0.000	--	1
911	1	Weehawken township	Hudson	0.000	--	1
912	1	West New York town	Hudson	0.000	--	1
1601	1	Bloomington borough	Passaic	74.544	3.8%	0
1602	1	Clifton city	Passaic	0.000	--	1
1603	1	Haledon borough	Passaic	17.961	0.9%	0
1604	1	Hawthorne borough	Passaic	25.036	1.3%	0
1605	1	Little Falls township	Passaic	28.933	1.5%	0
1606	1	North Haledon borough	Passaic	29.594	1.5%	0
1607	1	Passaic city	Passaic	0.000	--	1
1608	1	Paterson city	Passaic	0.000	--	1

1609	1	Pompton Lakes borough	Passaic	0.228	0.0%	0
1610	1	Prospect Park borough	Passaic	13.312	0.7%	0
1611	1	Ringwood borough	Passaic	0.000	0.0%	0
1612	1	Totowa borough	Passaic	28.212	1.4%	0
1613	1	Wanaque borough	Passaic	20.998	1.1%	0
1614	1	Wayne township	Passaic	186.219	9.5%	0
1615	1	West Milford township	Passaic	0.000	0.0%	0
1616	1	Woodland Park borough	Passaic	46.962	2.4%	0
1901	1	Andover borough	Sussex	0.000	0.0%	0
1902	1	Andover township	Sussex	0.000	0.0%	0
1903	1	Branchville borough	Sussex	0.000	0.0%	0
1904	1	Byram township	Sussex	4.156	0.2%	0
1905	1	Frankford township	Sussex	0.000	0.0%	0
1906	1	Franklin borough	Sussex	67.953	3.5%	0
1907	1	Fredon township	Sussex	0.000	0.0%	0
1908	1	Green township	Sussex	37.238	1.9%	0
1909	1	Hamburg borough	Sussex	20.970	1.1%	0
1910	1	Hampton township	Sussex	0.000	0.0%	0
1911	1	Hardyston township	Sussex	325.548	16.6%	0
1912	1	Hopatcong borough	Sussex	43.772	2.2%	0
1913	1	Lafayette township	Sussex	0.000	0.0%	0
1914	1	Montague township	Sussex	0.000	0.0%	0
1915	1	Newton town	Sussex	0.000	0.0%	0
1916	1	Ogdensburg borough	Sussex	0.000	0.0%	0
1917	1	Sandyston township	Sussex	0.000	0.0%	0
1918	1	Sparta township	Sussex	33.214	1.7%	0
1919	1	Stanhope borough	Sussex	24.520	1.3%	0
1920	1	Stillwater township	Sussex	0.000	0.0%	0
1921	1	Sussex borough	Sussex	0.000	0.0%	0
1922	1	Vernon township	Sussex	36.994	1.9%	0
1923	1	Walpack township	Sussex	0.000	0.0%	0
1924	1	Wantage township	Sussex	0.000	0.0%	0

			Prospective Need											
			Present Need	Qualified Urban Aid Municipality	Equalized Nonresidential Valuation Factor	Land Capacity Factor	Income Capacity Factor	Average Allocation Factor	Prospective Need	Prospective Need >1,000?	Total Households (2020 Census)	Subject to 1,000/20% Cap? (PN>1,000 or PN>20% of Occ. Hsg)	Cap	Prospective Need Obligation with 1,000/20% Cap
Woodcliff Lake Bergen	1	0	0	1.39%	0.77%	1.39%	1.19%	329	0	2,114	0	423	329	
TOTAL		65,410						84,677		3,426,102			80,755	
AVERAGE		116						150		6,075			143	

Regional Obligations Calculations - 2010 and 2020 Census

Region	Regional Prospective Need	2010 Households - Decennial Census	2020 Households - Decennial Census	Change	Change Divided by 2.5 (Assumed Low- and Moderate Income Household Growth)
VIA MIN					

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Adjustment Factors

Region	Sum of Region Units Allocated by Municipality	Adjustment Factor

% Change

Households by County, 2010 and 2020 Decennial Censuses

Gross Prospective Need

Region	County	2010 Households (2010 Census SF1)	2020 Households (2020 Census Demog. Profile)
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Income Capacity Factor Calculation

DCA Municode	County Subdivision FIPS	Municipality	County	Region	Number of Households	Median household income in the past 12 months (in 2022 inflation-adjusted dollars) *	\$100 Below Regional Median HH Income Floor	Diff. from Median Household Income Floor with Household Weight	HH Weighted Income Difference % of Region Total	Diff from Median Household Income Floor	Income Difference % of Region Total	Income Capacity Factor	Qualified Urban Aid
0201	3400300700	Allendale borough	Bergen	1	2,332	156,992	53,666	240,956,232	0.7%	103,326	1.2%	0.94%	0
0202	3400301090	Alpine borough	Bergen	1	517	250,000	53,666	101,504,678	0.3%	196,334	2.3%	1.29%	0
0203	3400305170	Bergenfield borough	Bergen	1	9,430	124,083	53,666	0	0.0%	0	0.0%	--	1
0204	3400306490	Bogota borough	Bergen	1	3,125	107,321	53,666	167,671,875	0.5%	53,655	0.6%	0.55%	0
0205	3400310480	Carlstadt borough	Bergen	1	2,639	94,854	53,666	108,695,132	0.3%	41,188	0.5%	0.39%	0
0206	3400313570	Cliffside Park borough	Bergen	1	10,615	94,960	53,666	0	0.0%	0	0.0%	--	1
0207	3400313810	Closter borough	Bergen	1	2,632	187,500	53,666	352,251,088	1.0%	133,834	1.6%	1.28%	0
0208	3400315820	Cresskill borough	Bergen	1	3,085	173,293	53,666	369,049,295	1.1%	119,627	1.4%	1.22%	0
0209	3400317530	Demarest borough	Bergen	1	1,695	175,078	53,666	205,793,340	0.6%	121,412	1.4%	1.00%	0
0210	3400318400	Dumont borough	Bergen	1	6,491	125,585	53,666	466,826,229	1.3%	71,919	0.8%	1.08%	0
0212	3400319510	East Rutherford borough	Bergen	1	4,177	91,789	53,666	159,239,771	0.5%	38,123	0.4%	0.45%	0
0213	3400320020	Edgewater borough	Bergen	1	7,009	137,847	53,666	590,024,629	1.7%	84,181	1.0%	1.33%	0
0211	3400321300	Elmwood Park borough	Bergen	1	7,267	100,852	53,666	342,900,662	1.0%	47,186	0.5%	0.76%	0
0214	3400321450	Emerson borough	Bergen	1	2,641	153,963	53,666	264,884,377	0.8%	100,297	1.2%	0.96%	0
0215	3400321480	Englewood city	Bergen	1	11,258	101,398	53,666	537,366,856	1.5%	47,732	0.6%	1.04%	0
0216	3400321510	Englewood Cliffs borough	Bergen	1	1,930	222,192	53,666	325,255,180	0.9%	168,526	2.0%	1.44%	0
0217	3400322470	Fair Lawn borough	Bergen	1	12,150	147,952	53,666	1,145,574,900	3.3%	94,286	1.1%	2.18%	0
0218	3400322560	Fairview borough	Bergen	1	5,580	64,152	53,666	58,511,880	0.2%	10,486	0.1%	0.14%	0
0219	3400324420	Fort Lee borough	Bergen	1	18,531	105,535	53,666	961,184,439	2.7%	51,869	0.6%	1.67%	0
0220	3400324990	Franklin Lakes borough	Bergen	1	3,771	230,987	53,666	668,677,491	1.9%	177,321	2.1%	1.98%	0
0221	3400325770	Garfield city	Bergen	1	11,541	75,701	53,666	0	0.0%	0	0.0%	--	1
0222	3400326640	Glen Rock borough	Bergen	1	3,678	210,369	53,666	576,333,634	1.6%	156,703	1.8%	1.73%	0
0223	3400328680	Hackensack city	Bergen	1	20,305	82,212	53,666	0	0.0%	0	0.0%	--	1
0224	3400330150	Harrington Park borough	Bergen	1	1,776	180,515	53,666	225,283,824	0.6%	126,849	1.5%	1.06%	0
0225	3400330420	Hasbrouck Heights borough	Bergen	1	4,360	118,670	53,666	283,417,440	0.8%	65,004	0.8%	0.78%	0
0226	3400330540	Haworth borough	Bergen	1	1,053	227,841	53,666	183,406,275	0.5%	174,175	2.0%	1.27%	0
0227	3400331920	Hillsdale borough	Bergen	1	3,393	169,862	53,666	394,253,028	1.1%	116,196	1.4%	1.24%	0
0228	3400332310	Ho-Ho-Kus borough	Bergen	1	1,425	250,000	53,666	279,775,950	0.8%	196,334	2.3%	1.54%	0
0229	3400340020	Leonia borough	Bergen	1	3,350	116,429	53,666	210,256,050	0.6%	62,763	0.7%	0.66%	0
0230	3400340680	Little Ferry borough	Bergen	1	4,539	79,476	53,666	117,151,590	0.3%	25,810	0.3%	0.32%	0
0231	3400341100	Lodi borough	Bergen	1	9,381	84,570	53,666	0	0.0%	0	0.0%	--	1
0232	3400342090	Lyndhurst township	Bergen	1	9,363	109,021	53,666	518,288,865	1.5%	55,355	0.6%	1.06%	0
0233	3400342750	Mahwah township	Bergen	1	9,756	128,125	53,666	726,422,004	2.1%	74,459	0.9%	1.47%	0
0234	3400344880	Maywood borough	Bergen	1	3,814	113,306	53,666	250,350,960	0.7%	65,640	0.8%	0.74%	0
0235	3400346110	Midland Park borough	Bergen	1	3,001	140,063	53,666	259,277,397	0.7%	86,397	1.0%	1.33%	0
0236	3400347610	Montvale borough	Bergen	1	3,086	183,664	53,666	401,173,828	1.1%	129,998	1.5%	1.87%	0
0237	3400347700	Moonachie borough	Bergen	1	937	108,359	53,666	51,247,341	0.1%	54,693	0.6%	0.39%	0
0238	3400351660	New Milford borough	Bergen	1	6,157	113,513	53,666	368,477,979	1.1%	59,847	0.7%	0.87%	0
0239	3400352320	North Arlington borough	Bergen	1	6,646	101,493	53,666	317,858,242	0.9%	47,827	0.6%	0.73%	0
0240	3400353430	Northvale borough	Bergen	1	1,678	117,717	53,666	107,477,578	0.3%	64,051	0.7%	0.53%	0
0241	3400353610	Norwood borough	Bergen	1	1,981	164,766	53,666	220,089,100	0.6%	111,100	1.3%	0.96%	0
0242	3400353850	Oakland borough	Bergen	1	4,395	162,862	53,666	479,916,420	1.4%	109,196	1.3%	1.32%	0
0243	3400354870	Old Tappan borough	Bergen	1	1,935	199,250	53,666	281,705,040	0.8%	145,584	1.7%	1.25%	0

0244	3400354990	Oradell borough	Bergen	1	2,687	214,736	53,666	432,795,090	1.2%	161,070	1.9%	1.55%	0
0245	3400355770	Palisades Park borough	Bergen	1	7,375	101,295	53,666	351,263,875	1.0%	47,629	0.6%	0.78%	0
0246	3400355950	Paramus borough	Bergen	1	8,420	139,707	53,666	724,465,220	2.1%	86,041	1.0%	1.53%	0
0247	3400356130	Park Ridge borough	Bergen	1	3,256	165,391	53,666	363,776,600	1.0%	111,725	1.3%	1.17%	0
0248	3400361680	Ramsey borough	Bergen	1	5,248	164,767	53,666	583,058,048	1.7%	111,101	1.3%	1.48%	0
0249	3400362910	Ridgefield borough	Bergen	1	4,082	115,676	53,666	253,124,820	0.7%	62,100	0.7%	0.72%	0
0250	3400362940	Ridgefield Park village	Bergen	1	5,113	98,184	53,666	227,620,534	0.6%	44,518	0.5%	0.58%	0
0251	3400363000	Ridgewood village	Bergen	1	8,816	217,250	53,666	1,442,156,544	4.1%	163,584	1.9%	3.01%	0
0252	3400363360	River Edge borough	Bergen	1	4,377	155,827	53,666	447,158,697	1.3%	102,161	1.2%	1.23%	0
0253	3400363690	River Vale township	Bergen	1	3,521	199,021	53,666	511,794,955	1.5%	145,355	1.7%	1.57%	0
0254	3400363990	Rochelle Park township	Bergen	1	2,309	118,259	53,666	149,145,237	0.4%	64,593	0.8%	0.59%	0
0255	3400364170	Rockleigh borough	Bergen	1	83	166,875	53,666	9,396,347	0.0%	113,209	1.3%	0.67%	0
0256	3400365280	Rutherford borough	Bergen	1	6,955	136,069	53,666	573,112,865	1.6%	82,403	1.0%	1.30%	0
0257	3400365340	Saddle Brook township	Bergen	1	5,358	125,935	53,666	387,217,302	1.1%	72,269	0.8%	0.97%	0
0258	3400365400	Saddle River borough	Bergen	1	1,372	236,985	53,666	251,513,668	0.7%	183,319	2.1%	1.42%	0
0259	3400368970	South Hackensack township	Bergen	1	932	82,750	53,666	27,106,288	0.1%	29,084	0.3%	0.21%	0
0260	3400372360	Teaneck township	Bergen	1	13,406	134,311	53,666	1,081,126,870	3.1%	80,645	0.9%	2.01%	0
0261	3400372420	Tenafly borough	Bergen	1	5,222	208,088	53,666	806,391,684	2.3%	154,422	1.8%	2.05%	0
0262	3400372480	Teterboro borough	Bergen	1	35	36,429	53,666	0	0.0%	0	0.0%	0.00%	0
0263	3400375140	Upper Saddle River borough	Bergen	1	2,623	246,719	53,666	506,378,019	1.4%	193,053	2.2%	1.84%	0
0264	3400376490	Wallidick borough	Bergen	1	3,434	155,526	53,666	349,787,240	1.0%	101,860	1.2%	1.09%	0
0265	3400376490	Wallington borough	Bergen	1	4,905	82,422	53,666	141,048,180	0.4%	28,756	0.3%	0.37%	0
0266	3400377135	Washington township	Bergen	1	3,317	168,922	53,666	382,304,152	1.1%	115,256	1.3%	1.22%	0
0267	3400380270	Westwood borough	Bergen	1	4,195	169,026	53,666	483,935,200	1.4%	115,360	1.3%	1.36%	0
0268	3400382300	Woodcliff Lake borough	Bergen	1	2,123	211,233	53,666	334,514,741	1.0%	157,567	1.8%	1.39%	0
0269	3400382570	Wood-Ridge borough	Bergen	1	3,821	131,412	53,666	297,067,466	0.8%	77,746	0.9%	0.88%	0
0270	3400383050	Wyckoff township	Bergen	1	5,897	196,632	53,666	843,070,502	2.4%	142,966	1.7%	2.03%	0
0901	3401703580	Bayonne city	Hudson	1	28,325	81,285	53,666	0	0.0%	0	0.0%	--	1
0902	3401719360	East Newark borough	Hudson	1	829	65,272	53,666	9,621,374	0.0%	11,606	0.0%	0.08%	0
0903	3401728650	Guttenberg town	Hudson	1	4,953	77,636	53,666	118,723,410	0.3%	23,970	0.3%	0.31%	0
0904	3401730210	Harrison town	Hudson	1	8,991	82,290	53,666	0	0.0%	0	0.0%	--	1
0905	3401732250	Hoboken city	Hudson	1	27,654	176,943	53,666	0	0.0%	0	0.0%	--	1
0906	3401736000	Jersey City	Hudson	1	123,132	94,813	53,666	0	0.0%	0	0.0%	--	1
0907	3401736510	Keatry town	Hudson	1	14,756	83,212	53,666	0	0.0%	0	0.0%	--	1
0908	3401752470	North Bergen township	Hudson	1	23,784	75,505	53,666	0	0.0%	0	0.0%	--	1
0909	3401766570	Secaucus town	Hudson	1	8,525	134,746	53,666	691,207,000	2.0%	81,080	0.9%	1.46%	0
0910	3401774630	Union City	Hudson	1	25,782	65,369	53,666	0	0.0%	0	0.0%	--	1
0911	3401779330	Weehawken township	Hudson	1	8,176	122,653	53,666	0	0.0%	0	0.0%	--	1
0912	3401779610	West New York town	Hudson	1	20,645	67,139	53,666	0	0.0%	0	0.0%	--	1
1601	3403106640	Bloomingtondale borough	Passaic	1	3,023	126,221	53,666	219,333,765	0.6%	72,555	0.8%	0.73%	0
1602	3403113690	Clifton city	Passaic	1	32,897	99,003	53,666	0	0.0%	0	0.0%	--	1
1603	3403129070	Haledon borough	Passaic	1	3,252	94,178	53,666	131,745,024	0.4%	40,512	0.5%	0.42%	0
1604	3403130570	Hawthorne borough	Passaic	1	7,613	118,093	53,666	490,482,751	1.4%	64,427	0.7%	1.07%	0
1605	3403140620	Little Falls township	Passaic	1	5,597	126,518	53,666	407,752,644	1.2%	72,852	0.8%	1.00%	0
1606	3403153040	North Haledon borough	Passaic	1	2,998	131,810	53,666	234,275,712	0.7%	78,144	0.9%	0.79%	0
1607	3403156550	Passaic city	Passaic	1	20,434	56,780	53,666	0	0.0%	0	0.0%	--	1
1608	3403157000	Paterson city	Passaic	1	49,688	53,766	53,666	0	0.0%	0	0.0%	--	1
1609	3403160090	Pompton Lakes borough	Passaic	1	4,142	119,038	53,666	270,770,824	0.8%	65,372	0.8%	0.77%	0

1610	3403161170	Prospect Park borough	Passaic	1	2,045	48,615	53,666	0	0.0%	0	0.0%	0
1611	3403163150	Ringwood borough	Passaic	1	4,154	142,529	53,666	369,166,902	1.1%	88,863	1.0%	0
1612	3403173140	Totowa borough	Passaic	1	3,892	114,417	53,666	235,508,812	0.7%	60,511	0.7%	0
1613	3403176730	Wanaque borough	Passaic	1	4,350	112,326	53,666	255,171,000	0.7%	58,660	0.7%	0
1614	3403177840	Wayne township	Passaic	1	18,697	151,561	53,666	1,830,342,815	5.2%	97,895	1.1%	0
1615	3403179460	West Milford township	Passaic	1	9,799	122,930	53,666	688,516,936	2.0%	70,264	0.8%	0
1616	3403182423	Woodland Park borough	Passaic	1	5,383	85,638	53,666	172,105,276	0.5%	31,972	0.4%	0
1901	3403701330	Andover borough	Sussex	1	274	78,750	53,666	6,873,016	0.0%	25,084	0.3%	0
1902	3403701360	Andover township	Sussex	1	2,188	123,333	53,666	152,431,396	0.4%	69,667	0.8%	0
1903	3403707300	Branchville borough	Sussex	1	296	124,167	53,666	20,868,296	0.1%	70,501	0.8%	0
1904	3403709160	Byram township	Sussex	1	2,999	137,367	53,666	251,019,299	0.7%	83,701	1.0%	0
1905	3403724810	Frankford township	Sussex	1	2,035	113,642	53,666	122,051,160	0.3%	59,976	0.7%	0
1906	3403724930	Franklin borough	Sussex	1	2,252	90,152	53,666	82,166,472	0.2%	36,486	0.4%	0
1907	3403725140	Fredon township	Sussex	1	1,174	142,292	53,666	104,046,924	0.3%	88,626	1.0%	0
1908	3403727420	Green township	Sussex	1	1,237	137,083	53,666	103,186,829	0.3%	83,417	1.0%	0
1909	3403729220	Hamburg borough	Sussex	1	1,575	90,655	53,666	58,257,675	0.2%	36,989	0.4%	0
1910	3403729490	Hampton township	Sussex	1	2,054	105,636	53,666	106,746,380	0.3%	51,970	0.6%	0
1911	3403729850	Hardyston township	Sussex	1	3,631	119,103	53,666	237,601,747	0.7%	65,437	0.8%	0
1912	3403732910	Hopatcong borough	Sussex	1	5,842	114,057	53,666	352,804,222	1.0%	60,391	0.7%	0
1913	3403737440	Lafayette township	Sussex	1	859	118,750	53,666	55,907,156	0.2%	65,084	0.8%	0
1914	3403747430	Montague township	Sussex	1	1,519	99,521	53,666	69,653,745	0.2%	45,855	0.5%	0
1915	3403751930	Newton town	Sussex	1	3,439	73,679	53,666	68,824,707	0.2%	20,013	0.2%	0
1916	3403754660	Ogdensburg borough	Sussex	1	857	104,946	53,666	43,946,960	0.1%	51,280	0.6%	0
1917	3403765700	Sandyston township	Sussex	1	801	104,609	53,666	40,805,343	0.1%	50,943	0.6%	0
1918	3403769690	Sparta township	Sussex	1	7,355	167,371	53,666	836,300,275	2.4%	113,705	1.3%	0
1919	3403770380	Stanhope borough	Sussex	1	1,320	134,583	53,666	106,810,440	0.3%	80,917	0.9%	0
1920	3403770890	Stillwater township	Sussex	1	1,583	109,777	53,666	88,823,713	0.3%	56,111	0.7%	0
1921	3403771670	Sussex borough	Sussex	1	979	72,601	53,666	18,537,365	0.1%	18,935	0.2%	0
1922	3403775740	Vernon township	Sussex	1	8,986	113,439	53,666	537,120,178	1.5%	59,773	0.7%	0
1923	3403776640	Walpack township	Sussex	1	0	16,667	53,666	0	0.0%	0	0.0%	0
1924	3403776790	Wantage township	Sussex	1	4,073	103,672	53,666	203,674,438	0.6%	50,006	0.6%	0

E4

**IN THE MATTER OF THE
DECLARATORY JUDGMENT
ACTION OF THE BOROUGH OF
WOODCLIFF LAKE, BERGEN
COUNTY PURSUANT TO P.L. 2024,
CHAPTER 2,**

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – CIVIL PART
BERGEN COUNTY
DOCKET NO. BER-L-740-25

Civil Action

Mt. Laurel Program

**DECISION AND ORDER ON
FAIR SHARE OBLIGATION**

THIS MATTER, having come before the Affordable Housing Dispute Resolution Program pursuant to challenges filed by Fair Share Housing Center and New Jersey Builders Association, interested parties disputing the determination of present and prospective fair share obligation established by the Borough of Woodcliff Lake (Municipality), on January 27, 2025, and;

The Program, having considered the submissions of counsel representing the Borough of Woodcliff Lake as well as any submissions filed thereto by interested parties, Fair Share Housing Center and New Jersey Builders Association, hereby recommends an ORDER as follows:

- The challenge/s is/are summarily dismissed for failure to:
- state with particularity how the municipal calculation fails to comply with Sections 6 and 7 of N.J.S.A. 52:27D-301, et al.

- include the challenger's own calculation of the fair share obligations in compliance with sections 6 and 7 of N.J.S.A. 52:27D-301 et al.

And the matter is hereby directed to the vicinage Mount Laurel judge for review and entry of an order as to the municipality's determination of its fair share obligation.

- The challenge/s filed by _____ is/are rejected, and the Program hereby affirms the determination of _____ municipality_____.

- The challenge is deemed valid as the Program finds the municipality did not comply with the requirements of Sections 6 and 7 of N.J.S.A. 52:27D-301, et al.

- The Program thus revokes the immunity of _____ (municipality)_____ from exclusionary zoning litigation.

- _____ (municipality)_____ shall adjust its determination of present and prospective need obligation as follows:

AND IT APPEARING THAT, the parties have engaged in extensive settlement negotiations before, during and after the settlement conferences, with the guidance and assistance of the program member assigned to the case and the special adjudicator;

AND IT APPEARING THAT, challenges to the Municipal calculations were timely and properly filed by Fair Share Housing Center represented by Counsel, and by the New Jersey Builders Association represented by Counsel, both challengers disputing the town proposed obligations for present and prospective need, and supporting DCA present and prospective need obligations, each challenge supported by their own expert reports;

AND IT APPEARING THAT, New Jersey Builders Association have notified the Program in writing that by their counsel that they will not participate in the settlement negotiations, and that they will not object to any settlement reached between the municipality and Fair Share Housing Center;

AND IT APPEARING THAT, the Municipality and Fair Share Housing Center have reached a resolution, the settlement was placed on the record, the parties circulated a settlement agreement that has been uploaded to eCourts and that the municipal governing body has adopted resolution 25-104 accepting the settlement;

AND IT APPEARING THAT, the special adjudicator recommends accepting the settlement to the program;

AND IT APPEARING THAT, the terms of the settlement are as follows: The prospective need obligation for the Township shall be 360 units and that parties will now move on to the compliance phase to address the remaining issues,

✓ Following the settlement conference conducted before the Program on March 14, 2025, the Borough of Woodcliff Lake and Fair Share Housing Center mutually agreed to settle and resolve the issues in dispute over the allocated fair share obligation upon the following terms and conditions (the “Settlement”). And, the Borough of Woodcliff Lake may retain immunity from exclusionary zoning litigation. The authorized representatives of each party confirmed their acceptance of the foregoing terms and conditions to the Program’s satisfaction. The Program hereby recommends approval of the Settlement.

✓ **Terms & Conditions of Settlement/Statement of Reasons:**

Special adjudicator Joseph H. Burgis recommends this settlement. The terms of the settlement are as follows: 360 units of affordable housing for prospective need obligation, and that parties will now move on to the compliance phase to address the remaining issues pursuant to FHA and the AOC Directive. This settlement is fair because it avoids the time, costs and uncertainty of litigation.

The Program:

By: /s/ Ronald E. Bookbinder

Hon. Ronald E. Bookbinder, A.J.S.C. (Ret.)

Dated: April 10, 2025

Mount Laurel Judge:

The Program's decision is accepted for the reasons set forth by the Program, accepted for the reasons set forth below, rejected, accepted/rejected in part.

Findings of fact and conclusions of law (Rule 1:7-4(a)):

By:

Hon. _____, **J.S.C.**

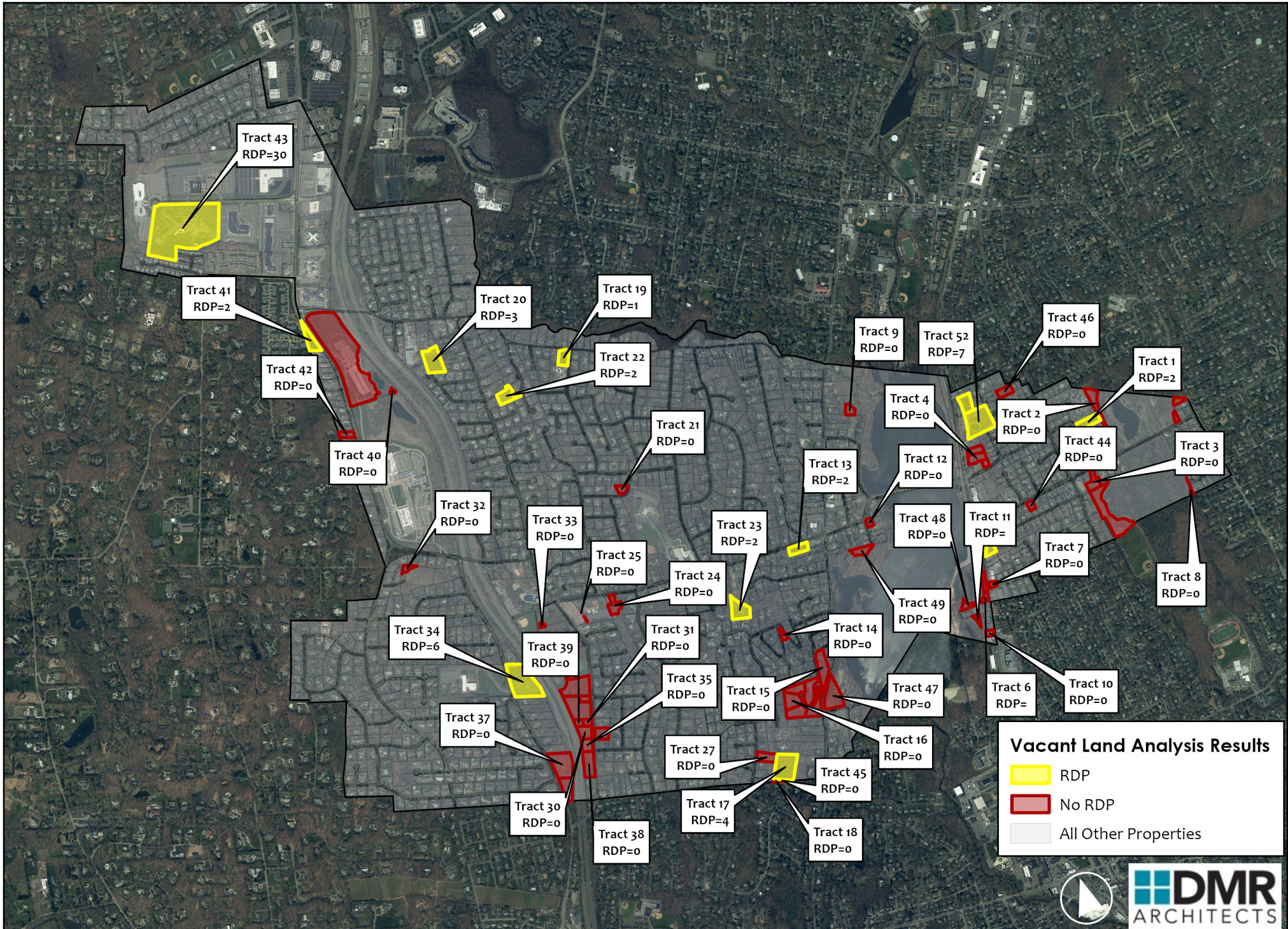
Dated: _____

APPENDIX

5

VACANT LAND ANALYSIS

WOODCLIFF LAKE 4TH ROUND VACANT LAND ANALYSIS



TractID	Block	Lot	Address
1	2902	22	24 AMY COURT
2	2903	1	PROSPECT AVE
3	2801	12	PROSPECT AVE
4	2602	2	230 BROADWAY
4	2602	1	230 BROADWAY
4	2602	9	15 HIGHVIEW AVE
5	2601	17	264 BROADWAY
6	2406	11	BROADWAY
6	2303	1	BROADWAY
7	2704	5	80 BROADWAY
8	2801	18	PROSPECT AVE
9	2501	13	WOODCLIFF AVE
10	2303	6	BROADWAY
11	2301	5	COLES CROSSING
12	2404	1	
13	2004	5	55 WOODCLIFF AVE
14	2106	15	WEST HILL ROAD
15	2105	1	7 PASCACK RD
16	2205.01	3	3 ROSENGREN COURT
16	2205.01	5	6 ROSENGREN COURT
16	2205.01	6	2 ROSENGREN COURT
16	2205.01	2.01	1 ROSENGREN COURT
16	2205.01	4	10 ROSENGREN COURT
17	2205	9	PASCACK ROAD
18	2205	12	BLUEFIELD COURT
19	1707	12	179 GLEN ROAD
20	605	16	
21	1502	4	DORCHESTER ROAD
22	1701	2.01	32 BIRCHWOOD DRIVE EXT.
23	2005.01	13	107 WOODCLIFF AVE
24	1402	10	WOODCLIFF AVENUE
25	1402	7	223 WOODCLIFF AVE
26	1401	6	75 WERIMUS ROAD
27	2205	16	30 KENWOOD DRIVE
28	1202	1	63 WERIMUS ROAD
29	1202	2	55 WERIMUS RD
30	1202	3.01	47 WERIMUS ROAD
31	1202	2.02	
32	808	3	10 DEERFIELD DRIVE
33	1401	2	1 OAK AVENUE
34	908	2	88 OVERLOOK DRIVE
35	1202	3.02	39 WERIMUS ROAD
36	1201	7	OVERLOOK DR
37	1201	6	OVERLOOK DRIVE
38	1202	4	WERIMUS ROAD
39	1202	2.03	
40	602	1	300 CHESTNUT RIDGE RD
41	601	1	CHESTNUT RIDGE ROAD
42	701	4	257 CHESTNUT RIDGE ROAD
43	301	3.04	200 TICE BOULEVARD
43	302	1.22	21 CENTENNIAL WAY
44	2702	7	38 PROSPECT AVE
45	2205	11	9 BLUEFIELD COURT
46	2601	5	ELM PLACE
47	2301	1	PASCACK RD WOODCLIFF LK
48	2301	1	PASCACK RD WOODCLIFF LK
48	2301	3	BROADWAY
49	2301	1	PASCACK RD WOODCLIFF LK
50	2703	1	126 BROADWAY
51	1302	9	42 WERIMUS RD

52	2601	15	240 BROADWAY
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TractID	Assessed Use	Gross Acres	Unconstrained Acres	Applied Density*	Total Developable Units	20% Affordable Housing Set Aside	Realistic Development Potential	Note
1	Vacant	1.13	1.12	6	6	2	2	
	Public/Tax Exempt							
2	Public/Tax Exempt	21.90	2.00	6	11	3	0	Open Space
3	Commercial	1.10	1.01	6	6	2	0	Parking / landscaper yard
	Public/Tax Exempt							Third Round site with development
4	Public/Tax Exempt	0.29	1.86	18	33	7	0	application
5	Vacant	1.61	1.20	10	11	3	3	Minor improvements
6	Vacant	1.00	0.80	18	14	3	0	Reservoir
7	Vacant	0.26	0.25	18	4	0	0	Parking
	Public/Tax Exempt							
8	Public/Tax Exempt	34.80	3.96	6	23	5	0	OS listed in MP
9	Vacant	62.83	0.55	6	3	0	0	Reservoir
10	Vacant	0.30	0.28	18	4	0	0	Parking
11	Vacant	1.90	0.28	18	5	1	0	Reservoir
12	Vacant	0.29	0.29	6	1	0	0	Driveway to House
	Public/Tax Exempt							
13	Public/Tax Exempt	0.90	0.92	8	7	2	2	
14	Vacant	0.21	0.31	6	1	0	0	Undersized
15	Vacant	3.10	1.94	6	11	3	0	Reservoir related, IDd in 2002 Master Plan as open space
16	Vacant	1.00	6.40	6	38	8	0	Rosengren Settlement - Townhouse development progressing
17	Vacant	3.20	3.14	6	18	4	4	
18	Vacant	0.07	0.10	6	0	0	0	Undersized
19	Vacant	0.91	0.92	6	5	1	1	
20	Vacant	2.37	2.37	6	14	3	3	
	Public/Tax Exempt							
21	Public/Tax Exempt	0.49	0.47	6	2	1	0	Undersized
22	Vacant	0.82	1.22	6	7	2	2	
23	Farmland	0.90	1.78	6	10	2	2	
	Public/Tax Exempt							
24	Public/Tax Exempt	4.20	0.99	6	5	1	0	FHA Prohibited
	Public/Tax Exempt							
25	Public/Tax Exempt	2.00	0.02	6	0	0	0	Undersized
	Public/Tax Exempt							
26	Public/Tax Exempt	3.80	2.89	6	17	4	0	OS listed in MP
27	Vacant	1.08	1.05	6	6	2	0	Dwelling
	Public/Tax Exempt							
28	Public/Tax Exempt	0.40	0.39	6	2	0	0	Undersized
	Public/Tax Exempt							
29	Public/Tax Exempt	3.36	2.90	6	17	4	0	Undersized
	Public/Tax Exempt							
30	Public/Tax Exempt	0.99	1.03	6	6	2	0	Undersized
31	Vacant	0.35	0.35	6	2	0	0	Undersized
32	Vacant	4.90	0.37	6	2	0	0	Undersized
	Public/Tax Exempt							
33	Public/Tax Exempt	2.90	0.13	6	0	0	0	OS listed in MP
34	Residential	5.51	4.80	6	28	6	6	
	Public/Tax Exempt							
35	Public/Tax Exempt	0.82	0.86	6	5	1	0	Open Space
	Public/Tax Exempt							
36	Public/Tax Exempt	1.50	1.42	6	8	2	0	Open Space
37	Commercial	2.90	3.04	6	18	4	0	Reservoir related
	Public/Tax Exempt							Reservoir, IDd in 2002 MP as perpetual open space
38	Vacant	1.60	1.67	6	10	2	0	space
39	Vacant		0.37	6	2	0	0	Undersized
40	Commercial	21.18	16.13	6	96	20	0	BMW Redevelopment site
41	Vacant	1.40	1.13	6	6	2	2	Townhouse Common Land
42	Vacant	0.57	0.55	6	3	0	0	Undersized
43	Vacant	19.98	19.03	8	147	30	30	Vacant Hilton site
44	Vacant	0.29	0.33	6	2	0	0	Undersized
45	Vacant	0.05	0.08	6	0	0	0	Undersized
46	Vacant	0.85	0.77	6	4	0	0	Undersized
47	Vacant	1.20	2.49	10	24	5	0	2002 id as open space
48	Vacant	1.20	0.49	10	4	0	0	2002 id as open space
49	Vacant	1.20	0.83	10	8	2	0	2002 Master Plan lists as open space
50	Commercial	0.80	0.68	8	8	2	2	Vacant gas station
51	Residential	0.96	0.9632	6	6	2	0	Approved for SF development
52	Vacant	4.91	3.83	10	39	7	7	Approved inclusionary development
Total		232.3	102.75		709	150	66	

*Housing units per acre



FROM: Dan Hauben, PP, AICP, LEED® Green Associate™, DMR Architects
Francis Reiner, PP, LLA, DMR Architects

RE: 4TH ROUND AFFORDABLE HOUSING VACANT LAND ANALYSIS

Section 310.1 of the New Jersey Fair Housing Act (NJSA 52:27D-310.1), as amended by the signing of PL 2024, Chapter 2 (also known as Bill A4/S50), permits a municipality to **adjust** its Prospective Need obligation for the Fourth Round and all subsequent affordable housing rounds **based on a lack of vacant, available land**. The Borough of Woodcliff Lake, being a mostly built-out community, intends to seek a vacant land adjustment (VLA) of its Prospective Need obligation, and has authorized DMR to conduct preliminary analysis of its vacant land in order to calculate a vacant-land adjusted Prospective Need, historically known as the “Realistic Development Potential” or RDP.

WHAT IS VACANT LAND

Section 310.1 of the Fair Housing Act does not specifically identify what lands should be considered when computing a vacant land adjustment, but uses the terms “**vacant**” and “**available**”. Section 311. states that municipalities are “**entitled to rely upon regulations ... adopted by the Council on Affordable Housing unless those regulations are contradicted by statute...**”. DMR turns to the definitions of the terms “vacant land” and “available land” at N.J.A.C. 5:93-1.2, adopted by the Council on Affordable Housing (COAH) in 1993, which guide the analysis to start off by considering land that is “**Undeveloped and unused land area on a site with clear title and that is free of encumbrances which preclude development for low- and moderate-income housing**”.

WHAT IS EXCLUDED FROM ANALYSIS

Sections 310.1(a) through (g) identify lands **that may be excluded from the inventory of vacant land** and would therefore not contribute to the RDP:

- (a) any land that is owned by a local government entity that as of January 1, 1997, has adopted, prior to the institution of a lawsuit seeking a builder's remedy or prior to the filing of a petition for substantive certification of a housing element and fair share plan, a resolution authorizing an execution of agreement that the land be utilized for a public purpose other than housing;
- (b) any land listed on a master plan of a municipality as being dedicated, by easement or otherwise, for purposes of conservation, park lands or open space and which is owned, leased, licensed, or in any manner operated by a county, municipality or tax-exempt, nonprofit organization including a local board of education, or by more than one municipality by joint agreement pursuant to P.L.1964, c.185 (C.40:61-35.1 et seq.), for so long as the entity maintains such ownership, lease, license, or operational control of such land;
- (c) any vacant contiguous parcels of land in private ownership of a size which would accommodate fewer than five housing units based on appropriate standards pertaining to housing density;
- (d) historic and architecturally important sites listed on the State Register of Historic Places or National Register of Historic Places prior to the date of filing a housing element and fair share plan pursuant to section 3 of P.L.2024, c.2 (C.52:27D-304.1) or initiation of an action pursuant to section 13 of P.L.1985, c.222 (C.52:27D-313);
- (e) agricultural lands when the development rights to these lands have been purchased or restricted by covenant;

- (f) sites designated for active recreation that are designated for recreational purposes in the municipal master plan; and
- (g) environmentally sensitive lands where development is prohibited by any State or federal agency, including, but not limited to, the Highlands Water Protection and Planning Council, established pursuant to section 4 of P.L.2004, c.120 (C.13:20-4), for lands in the Highlands Preservation Area, and lands in the Highlands Planning Area for Highlands-conforming municipalities.

METHODOLOGY

DMR's methodology for carrying out the vacant land adjustment analysis for Woodcliff Lake is as follows:

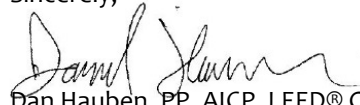
1. Plot the most current tax parcel data in a Geographic Information System (GIS) as of **May 2024**, when the analysis was initiated, and join to that spatial data the most current MOD-IV property tax assessment data available from the County;
2. Select all parcels that are identified in the MOD-IV data as vacant or farmland (property class=1, 3A, or 3B), or which have an improvement value of \$0.00, or which have no property class or improvement value data assigned to them (fields are null). **This selects all lots that may be undeveloped and unused**, consistent with the definition of "vacant land" at N.J.A.C. 5:93-1.2, or which may be used for agricultural purposes;
3. For quality control, apply other property selection queries as well as aerial imagery to identify any vacant lands that may not have been captured in step 2;
4. Overlay the most current GIS data published by the State of New Jersey showing **lands that are protected for open space purposes**, and cross-check the mapped data with recreational and open space inventory (ROSI) records;
5. Review prior Master Plans and Open Space Plans to determine if properties identified in steps 2 and 3 are open space and recreational resources that are not mapped by the State or listed on a ROSI;
6. Review tax maps to identify open space lands owned or controlled by tax-exempt entities and which have deed restrictions or other restrictions that would prohibit development, such as common space owned by a homeowner association;
7. Overlay the most current GIS mapping data of **properties or buildings that are protected from development for Historic Preservation or Farmland Preservation** purposes;
8. Remove from the list of vacant lands any properties permitted to be excluded under Section 310.1 (a), (b), (d), (e), and (f);
9. Use a combination of aerial imagery, street photography, in-person examination, and knowledge of pending or ongoing construction to evaluate whether any remaining sites identified as vacant are in use, under construction, or have another condition affecting them which would cause them to be considered **in use, developed, and/or unavailable**;
10. Remove any parcels or portions thereof that are constrained by NJDEP¹-regulated environmental conditions, consistent with 310.1(g), as follows:
 - a. Wetlands, water bodies, streams, and their regulatory buffers. An additional 10 to 15 feet is added to each buffer that is projected from a line feature in GIS where the

¹ New Jersey Department of Environmental Protection

regulatory buffer is measured from top-of-bank, as the line feature represents the centerline of the water feature. For polygon features, the buffer is measured from the feature boundaries;

- b. FEMA 100-year flood hazard areas plus 3 feet BFE as regulated by the NJ DEP;
11. Apply suitable densities to each parcel, giving consideration to surrounding uses, lot shape/dimensions, densities permitted in existing inclusionary zones in the community, approved densities or number of units in approved or proposed projects, and densities of existing multi-family development in the community. If the density multiplied by the lot size results in a non-whole number, the total number of units permitted on the site is rounded down, because densities permitted in zoning represent a maximum;
12. If the densities applied to a lot would not result in the creation of five or more total units, eliminate the lot from consideration;
13. To determine the realistic development potential, or the number of affordable units the sites would accommodate, DMR took guidance from COAH's previous rules, and divided the total development potential by five, and rounded up, to reflect a minimum 20% set-aside. The resulting set-aside is also known as the Realistic Development Potential, or RDP.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Hauben", written over a light blue horizontal line.

Dan Hauben, PP, AICP, LEED® Green Associate™

DMR Architects

APPENDIX

6

**LANDS
CONSIDERED BUT
NOT INCLUDED IN
PLAN**



John P. Inglesino
Managing/Founding Partner
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EQUITY PARTNERS
John P. Inglesino*
John P. Wyolskala*
Lisa D. Taylor*
Denís F. Driscoll
Justin A. Marchetta
Derek W. Orth
*FOUNDING PARTNER

April 9, 2025

Via Federal Express & Via Email

Mayor Carlos Rendo
Debbie Dakin, RMC, CMR
188 Pascak Road
Woodcliff Lake, NJ

**Re: Request for Inclusion in Fourth Round Housing Plan
100 Tice Boulevard, Woodcliff Lake New Jersey
Block 301, Lot 3.05**

Dear Mayor Rendo,

This firm represents SIG 100 Tice, LLC ("SIG"). SIG is the owner of that certain property identified as Block 301, Lots 3.05 on the official tax map of the Borough of Woodcliff Lake (the "Borough") and located at 100 Tice Boulevard (the "Property"). The purpose of this correspondence is to formally request that the Borough rezone the Property as a compliance mechanism for the Fourth Round of affordable housing.

By way of brief background, the Party City Headquarters Building that currently exists on the Property is going to be vacated due to Party City's bankruptcy. Rather than demolish the existing structure, SIG proposes to convert it into approximately 100-120 rental units with a fifteen (15) percent affordable set aside. To make such a use feasible, SIG requests a long-term tax exemption as permitted by New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:20-1 et seq.

In addition, SIG proposes to construct an additional 68 townhome units with 14 of those newly constructed townhomes being designated for affordable housing. The proposed townhomes are highly amenitized and modern and residents will have access to parking spaces which meet applicable RSIS standards.

A concept plan is enclosed herewith for the Borough's consideration. The Property meets all of the suitability criteria for inclusionary development, and is "suitable,"



Mayor Carlos Rendo
April 9, 2025
Page 2

“available,” “developable,” and “approvable” as those terms are defined in COAH’s regulations. The Property is already serviced by public water and sewer, and the New Jersey State Development and Redevelopment Plan locates the Property in the Metropolitan Planning Area (Planning Area 1). As such, the State has designated the Property as an appropriate area to provide for much of the State’s future development, to permit growth in compact forms, and to revitalize stagnant areas of the Borough. For these reasons, the Property is an ideal location for the redevelopment of the inclusionary community as proposed herein.

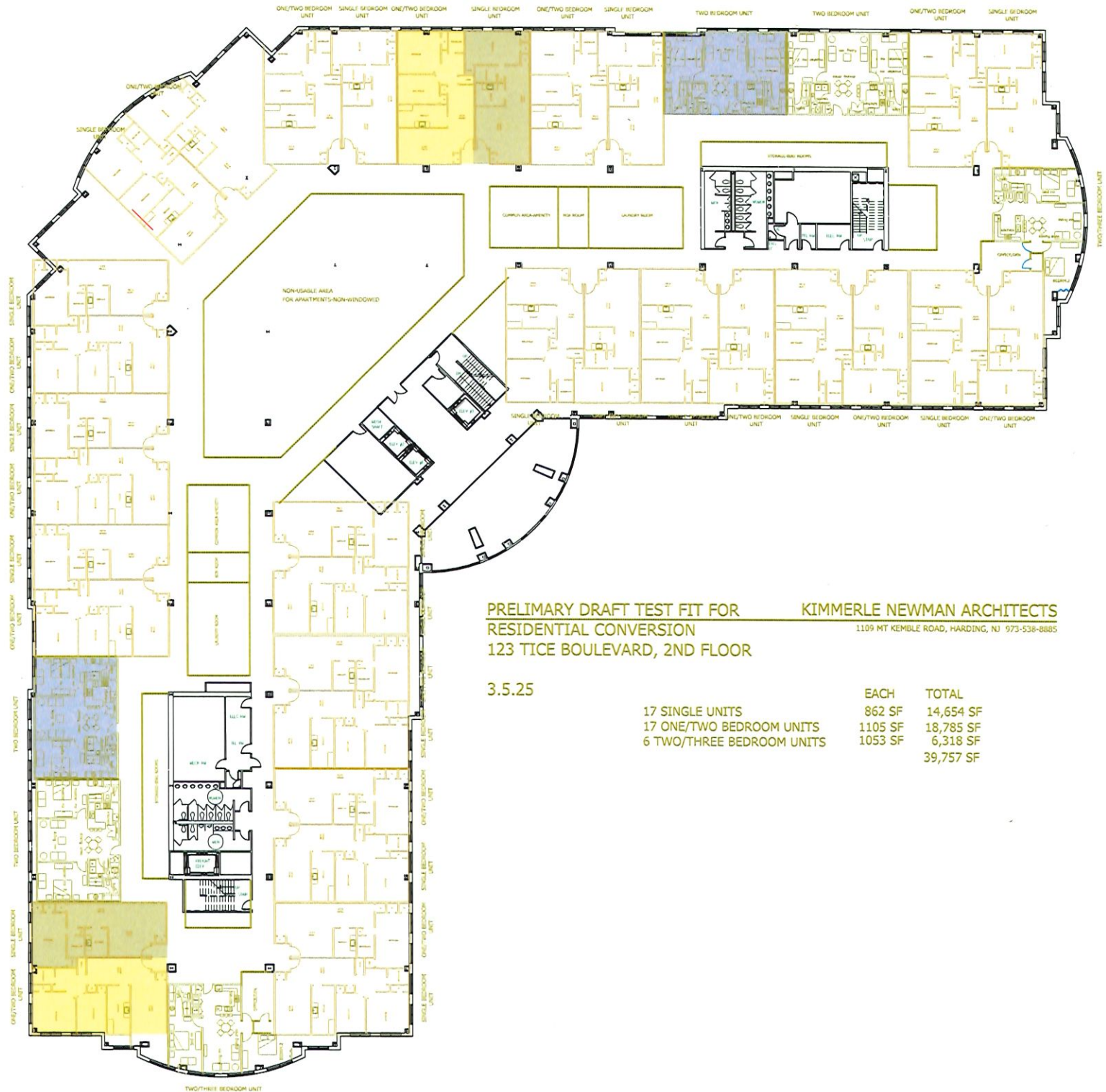
We thank the Borough for considering this submission. We would welcome a meeting with the Borough and its professionals to discuss our proposal. We look forward to hearing from you.

Very Truly Yours,

JOHN P. INGLESINO

Encl.

cc: Wendy R. Quiroga, Esq., Borough Attorney (via e-mail) (w/ encls.)
Thomas Padilla, Borough Business Administrator (via e-mail) (w/ encls.)

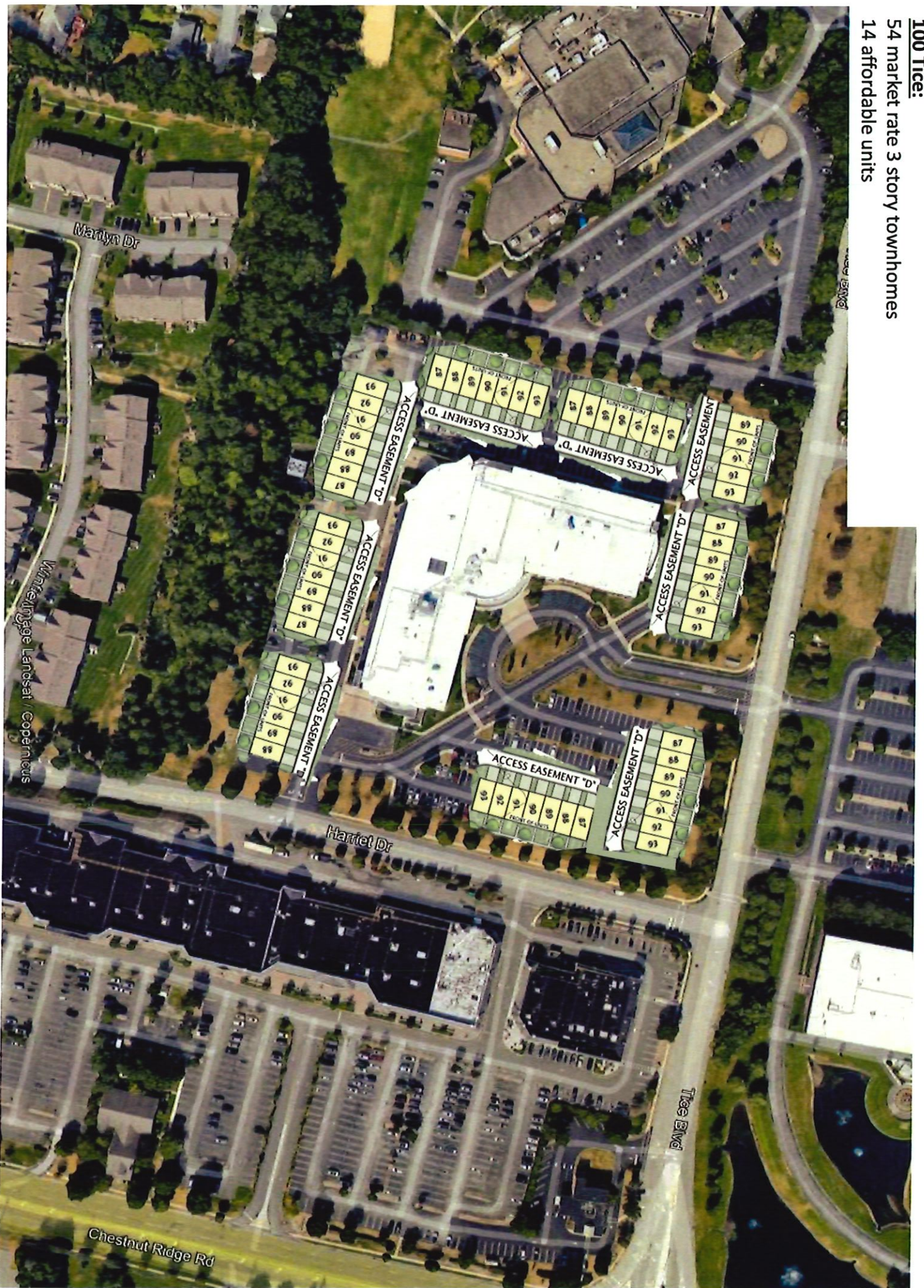


PRELIMINARY DRAFT TEST FIT FOR **KIMMERLE NEWMAN ARCHITECTS**
RESIDENTIAL CONVERSION 1109 MT KEMBLE ROAD, HARDING, NJ 073-538-8885
123 TICE BOULEVARD, 2ND FLOOR

3.5.25

	EACH	TOTAL
17 SINGLE UNITS	862 SF	14,654 SF
17 ONE/TWO BEDROOM UNITS	1105 SF	18,785 SF
6 TWO/THREE BEDROOM UNITS	1053 SF	6,318 SF
		39,757 SF

100 Tice:
54 market rate 3 story townhomes
14 affordable units



WinterImage Landsat / Copernicus

MARTIN W. KAFAFIAN (NJ, NY, DC BARS)
ADOLPH A. ROMEI (NJ, NY BARS)
JOHN J. LAMB (NJ BAR)
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IRA E. WEINER (NJ BAR)
MICHAEL STERNLIEB (NJ BAR)

RALPH J. PADOVANO (1935-2016)
JAMES R. BEATTIE (1935-2021)

Reply to New Jersey Office
Writer's Direct Access
Email: adelvecchio@beattielaw.com
Direct Dial and Fax: (201) 799-2107

May 29, 2025

Via Certified Mail, R/R/R and Email (mayorrendo@wclnj.com)

Mayor Carlos Rendo and all Council Members
Borough of Woodcliff Lake
188 Pascack Road
Woodcliff Lake, New Jersey 07677

**Re: Gregory Egli
258 and 264 Broadway
Block 2601, Lots 16 and 17
Woodcliff Lake, New Jersey**

Dear Mayor Rendo and Council Members:

I am writing on behalf of Gregory Egli, the owner of property commonly known as 258 and 264 Broadway, and more formally known as Block 2601, Lots 16 and 17 (the "Property") and is located in the Borough's R-15 Zone. The Property is approximately 2 acres in size and is currently improved with a residential structure.

Gregory Egli plans on redeveloping the Property as a contribution towards satisfying the Borough's affordable housing obligation. We believe that the Property should be considered in the context of "unmet need" and "changed circumstances" for the current and prior round obligations and, in the context of any proposed compliance by the Borough with Assembly Bill No. 4 ("A4") that amended the Fair Housing Act, *N.J.S.A.* 52:27D-301 et seq. and was enacted earlier this year.

Fifty-Four Years of Service

Mayor Carlos Rendo and all Council Members
May 29, 2025
Page 2

Gregory Egli welcomes any opportunity to meet with the Borough to discuss the redevelopment opportunities for the Property and how to incorporate affordable housing on the Property. We ask that the Property be included in all calculations required by A4 and in any plan developed by the Borough for satisfying the Borough's constitutional obligation to provide affordable housing. We also ask to be notified of all meetings and submissions made by the Borough in compliance with A4.

On behalf of Mr. Egli, we look forward to working with the Borough in redeveloping the Property and assisting the Borough in meeting its affordable housing obligations.

Very truly yours,

/s/ Antimo A. Del Vecchio

Antimo A. Del Vecchio

ADV:rcf

C: Thomas Padilla, Borough Administrator (via email, Tpadilla@wclnj.com)
Deborah Dakin, RMC, CMR (via email, debbiedakin@wclnj.com)
Clairese Aquilino, Land Use Board Secretary (via email, caquilino@wclnj.com)

APPENDIX

7

240 BROADWAY

**Borough of Woodcliff Lake
Land Use Board
Resolution**

**VARIANCE RELIEF AND PRELIMINARY SITE PLAN APPROVAL
AND SUBDIVISION APPROVAL**

In the Matter of the Application of
J. Rocker Development, LLC
240 Broadway, Block 2601, Lot 15
Decided December 17, 2024

WHEREAS, Elizabeth F. Wilson (the "Owner") is the owner of the property located at 240 Broadway and designated as Lot 15 in Block 2601 on the Tax Map of the Borough of Woodcliff Lake (the "Property"); and

WHEREAS, J. Rocker Development, LLC (the "Applicant"), with the Owner's consent, has made application to the Land Use Board of the Borough of Woodcliff Lake (the "Board") for Preliminary (but not Final) Site Plan Approval pursuant to N.J.S.A. 40:55D-37 and Chapter 292 of the Borough's Site Plan Review Ordinance, Subdivision approval pursuant to N.J.S.A. 40:55D-1 and Chapter 332 of the Borough's Subdivision of Land Ordinance, together with application for variance relief pursuant to N.J.S.A. 40:55D-70(c) for bulk variances and N.J.S.A. 40:55-70(d) for use, height and density variances and for waivers to permit 11 luxury townhouse units, 28 stacked townhouse units and 2 single-family homes in a R-15 residential zone; and

WHEREAS, public hearings were held by the Board on August 27, 2024, September 24, 2024, October 22, 2024 and December 17, 2024 before Board members Chairman Corrado Belgiovine, Christina Hembree, Sanjeev Dhawan, Jane Ann Witchurch-Carluccio, Nilufer De Scherer, Lynda Picinic and Michael Kaufman. The Applicant was represented by counsel, Jeffrey B. Lehrer, Esq. of the firm DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis, Lehrer & Flaum, P.C.. At the hearings the Applicant submitted proof of notice and publication as required by law. In addition the following exhibits were submitted by the Applicant (A), the Board (WCL) and an Objector (O):

Exhibit List

- | | |
|------|---|
| C-1 | Cover sheet |
| C-01 | Site Plan – 21 sheets dated June 28, 2024 |
| C-02 | Topographic map of existing conditions titled "Existing Conditions Plan". |

C-02A	Existing steep slope plan
C-03	Plan that shows trees intended to be removed and trees that are to be Protected
C-04	Site plan (before revision)
C-05	Grading and Drainage Plan
PB1-1.1	Building 1 – Floor Plans
PB1-1.2	Building 1 – Floor Plans
PB1-1.3	Building 1 – Elevations
PB1-1.4	Building 2 – Floor Plans
PB1-1.5	Building 2 – Floor Plans
PB1-1.6	Building 2 – Elevations
PB1-1.7	Building 2 – Elevations
PB1-1.8	Buildings 1 & 2 – Unit Plans
PB1-2.1	Buildings 3 & 4 – Floor Plans
PB1-2.2	Buildings 3 & 4 – Floor Plans
PB1-2.3	Buildings 3 & 4 – Floor Plans
PB1-2.4	Buildings 3 & 4 – Elevations
PB1-2.5	Buildings 3 & 4 – Elevations
PB1-2.6	Building Type 2 – Unit Plans
A-1	Color rendering of Site Plan
A-2	Architectural plan prepared by Appel Design Group
A-3	Rendering of the proposed uphill townhouses for lot 15.03

- A-4 Proposed stacked interlocking townhouses for lot 15.04
- A-5 A view from Broadway with trees
- A-6 Same view as A-5 that is a bit more transparent
- A-7 Site Plan prepared by L2A Land Design, Revision No. 1 dated September 13, 2024
- A-8 Revised Site Plan C-102 prepared by L2A Land Design LLC
- A-9 Packet of aerial photographs (5 pages) prepared by John McDonough, P.P.
- A-10 Revised Site Plan sheet CP-CO4 dated December 2, 2024

Woodcliff Lake Exhibit List

- WCL-1 Neglia Engineering Completeness & Technical Review No. 1 dated August 2, 2024
- WCL-2 DMR Planning Review Memo dated August 5, 2024
- WCL-3 Emails from DPW dated July 11, 2024 and August 20, 2024
- WCL-4 Memo Woodcliff Lake Fire Department dated August 20, 2024
- WCL-5 Memo Woodcliff Lake Police Department dated August 23, 2024
- WCL-6 Neglia Engineering revised report dated November 24, 2024
- WCL-7 Memo from Shade Tree Committee dated December 10, 2024
- WCL-8 Fire Department email dated December 22, 2024
- WCL-9 DPW email dated December 11, 2024
- O-1 Letter from Laurence Van Eck, Esq.

WHEREAS, the Board has reviewed the plans and exhibits enumerated above and other evidence submitted, having heard and considered the testimony presented by the Applicant and all members of the public that offered comments, and having heard the arguments of counsel and considered the reports, letters and emails of the Board professionals and Borough Departments

{A1787011.1 }

mentioned above.

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of the Borough of Woodcliff Lake that it makes the following findings:

1. The property is a single lot identified as Block 2601, Lot 15 on the Borough of Woodcliff Lake Tax Maps and the subject property is further identified as 240 Broadway which is located on the eastern side of Broadway, north of the intersection of Highview and Broadway. Broadway is also known as Bergen County Route 90 and is under the jurisdiction of the County of Bergen.
2. The property consists of approximately 4.90 acres and is bounded by Broadway to the west and a New Jersey Transit rail line and the Woodcliff Lake reservoir to the south, residential uses to the north, residential uses to the east with Clinton Place and residential uses to the south. The property consists of a vacant, partially wooded lot. The Applicant proposes to subdivide the subject property into four (4) new lots proposed as Lots 15.01, 15.02, 15.03 and 15.04.
2. The existing site has a masonry garage, asphalt driveways and stone walls.
4. The Applicant proposes to construct single family homes on Lots 15.01 and 15.02 accessed via driveways from Clinton Place, or sell the lots.
5. Proposed Lot 15.03 is located in the center of the subject property and proposed lot 15.04 is located at the western end of the subject property, fronting Broadway. A proposed new private roadway "Roadway A" would provide access from Broadway to Lots 15.03 and 15.04.
6. The Applicant proposed to construct two (2) buildings on Lot 15.03, Building #1 and Building #2. Building #1 would consist of five (5) for-sale land units, and Building #2 would consist of six (6) for-sale land units. All units in Buildings #1 and #2 would be three-bedroom units.
7. The Applicant proposes to construct two (2) four-story rental townhouse buildings on Lot 15.04, Building #3 and Building #4, each consisting of 14 rental units. In total between the two buildings, the Applicant proposed one (1) one-bedroom market-rate unit, 11 two-bedroom market-rate units, 21 three-bedroom market-rate units, one (1) one-bedroom COAH unit, three (3) two-bedroom COAH units, and two (2) three-bedroom COAH units.

The applicant requested the following variances:

{A1787011.1 }

Variance relief under NJSA 40:55D-70d as follows:

- a. D(1) for a Use (Multi-family) not permitted in the zone for proposed Lots 15.03 and 15.04;
- b. D(5) Density Variance for proposed Lots 15.03 (2.8 units are permitted on a 42,648.9 sq. ft. lot and 11 units are proposed) and 15.04 (8.8 units are permitted on a 132,012.9 sq. ft. lot and 28 units are proposed) exceeding the permitted number of units for both lots;
- c. D(6) Height Variance for a structure exceeding more than 10% of the requirement 30 ft. Proposed Lot 15.03 structures at 38.3 ft. and proposed Lot 15.04 structures at 63.7 ft.. Variance for Lot 15.04 Buildings 3 and 4 proposed at 3.5 stories where the limit is 2.5 stories;
- d. Relief is required under NJSA 40:55D-35 for proposed Lot 15.03: "No permit for the erection of any building or structure shall be issued unless the lot abuts a street giving access to such proposed building or structure." The proposed major subdivision land locks the new Lot 15.03.

Bulk Variance relief under N.J.S.C. 40:55D-70(c):

- a. Minimum lot frontage for new lot 15.03: required 100 ft, proposed 0 ft;
- b. Minimum front yard setback for new lot 15.03: required 35 ft., proposed 19 ft.;
- c. Minimum rear yard for new lot 15.04: required 30 ft., proposed 19 ft.;
- d. Maximum total surface coverage: limit 40%, proposed for new lot 15.03; 58.19%, proposed for new lot 15.04: 47.52%;
- e. Maximum lot coverage: limit 15%, proposed for lot 15.03: 47.1%;
- f. Maximum number of stories: limit 2.5 stories, proposed for new lot 15.04: 3.5 stories
- g. A variance from the requirements of 380-111(c) retaining wall maximum exposed wall face: required 3 ft., proposed 19 ft.;
- h. A variance from the requirements of 380-80(5)(a)(1) Parking lots and paving buffer areas (property line): required 30 ft., proposed 7.5 ft.;
- i. A variance from the requirements of 292-25.7 Driveway maximum slope or 332-31

Streets: limit 6%, proposed 12%;

- j. A variance from the requirements of 380-109A Critical slopes area maximum disturbed area: New lot 15.03 & 15.04: Slope 15% to 19.99% - 32,882 sq. ft.: limit 35%, proposed 85.17%; Slope 20% to 24.99% - 26,410 sq. ft.: limit 25%, proposed 89.17%; Slope 25% or greater – 32,246 sq. ft.: limit 15%, proposed 90.08%.

**TESTIMONY OF MICHAEL DIPPLE
OF L2A LAND DESIGN LLC
AUGUST 27, 2024**

(1) Prior to his testimony it was stipulated that Applicant was only seeking preliminary Site plan approval. Mr. Dipple's qualifications as a NJ licenses civil engineer were accepted by the Board. Mr. Dipple testified that 240 Broadway runs along Broadway, to the west is the reservoir. To the north, south and east there are single-family residential zones in the R-15 Zone. The lot is 4.9 acres designated as Lot 15. It sits squarely within the R-15 Zone with a little bit bounded by R-22.5 and the reservoir to the west. He identified C-02 topographic map of existing conditions titled "Existing Conditions Plan". The property is essentially vacant. There are extensive and steep slopes. There are some existing retaining walls and a small masonry garage and a bit of asphalt and old driveways. The property jumps up rather quick and hits another stone wall, goes up steeper again and in the back it gets a little more densely wooded. The lot has frontage on Broadway. The lot also has narrow frontage, 50 feet back from Clinton Place. Clinton Place ends with a cul-de-sac and doesn't quite touch the subject property. He referred to two rights-of-way extending from Clinton Place as well as Edward Place on the south side. Sheet C-02A is an existing steep slope plan. The plan is color coded. Green is between 15 and about 20, yellow is between 20-25 and pink is 25-50. Right in the middle of the property is the jump in grade

(2) Sheet C-03 is a plan that shows trees intended to be removed and trees that are to be protected. There is a demolition tree removal plan. The tree removal stops where the single-family lots are proposed. C-04 is the site plan. The gray area depicts where you have the townhouses and apartments and there are four buildings 1, 2, 3 and 4. Buildings 1 and 2 are townhouse buildings, five units in Building 1 and six units in Building 2. Buildings 3 and 4 both have 14 units and are stacked.

(3) Proposed is a driveway about two-thirds of the way to the north. The front of the driveway enters the property taking a right turn and continues in a southerly direction and turns left and then you come up to the property where you encounter a circulation and parking area between the different buildings. Inside that are 22 proposed parking spaces and a drive aisle that is 24 feet wide and is called Roadway A. The driveway coming up is also 24 feet wide. He opined that this conforms with Residential Site Improvement Standards for the width of that road. There are garages in front of all the buildings.

(4) There is a red-line which is the depiction of the riparian zone, a 300 foot buffer from
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the reservoir which is a regulated area but it is not a conservation or a restricted area, it's just a regulated area. It's 300 feet from the top of the bank of the reservoir so the west side of the property is impacted by the 300 foot riparian zone.

(5) The dark lines noted on the site plan are proposed retaining walls that are tiered.

(6) Buildings 3 and 4, the lower units are referred to as walkout units. The backs of those properties will be one floor below where you access through the garage and they are stepped which is commonly done.

(7) Starting from the back of the property and coming forward there are retaining walls and then you would come to the backyards of Buildings 1 and 2 and the area back there is actually a floor higher than the front of the building where the garage is so it is stepped.

(8) Across the parking area it is fairly flat. Buildings 3 and 4 are the walkout bottom units. He opined that this is how they make the grade change work. Variance relief is required for the size and height of the retaining walls.

(9) There are proposed two lots for the single-family homes, Lots 15.01 and 15.02 are proposed with two driveways coming off of the Clinton Place cul-de-sac. There is no intention to move the cul-de-sac or alter it. The Applicant's property does not go right up to Clinton Place, maybe 40 feet from the edge of the cul-de-sac. He opined the right of way continues so they do have frontage on Clinton Place, probably a paper street.

(10) The roadway goes through the riparian area that would require NJDEP approval and a flood hazard permit from the DEP is required; however, he opined that they are not in the flood plain at all. They have met with the DEP but have not yet filed a formal application.

(11) Broadway is also a county road and approval will be required by the Bergen County Planning & Engineering Department and an application has been submitted to the County. A dedication will be required along Broadway for a widened right of way of eight feet. All of the setbacks are measured from the new right-of-way.

(12) With regard to zoning, he prepared a Zoning Table. The two single-family lots are compliant. Lot 15 is 16,898 sq. ft. and Lot 15.02 is 16,867 sq. ft.

(13) A variance is required for Lot 15.03 which is the center portion. The proposed buildings 1 and 2 are 18.7 feet from the subdivision line technically requiring a front yard setback variance. For side yard setback he opined that the requirement is 20 feet and that they are compliant. None of the buildings would be closer than 20 feet to any of the neighbors' property. Combined side yard requirement is 40 feet and he opined they are compliant. The rear yard setback is 30 feet and he opined that they are in compliance.

(14) Variance relief is required for building height and steep slopes. The Borough

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Code requires that you are to measure from the average grade.

(15) The grade is so significant that for the middle Buildings 1 and 2, it shows at 38.3 feet and for Buildings 3 and 4, 64.7 feet. This is due to the measurement of average grade.

(16) For lot coverage on the middle lot being proposed they cannot make the 15% allowable coverage and are showing 47.1 and the same is true for surface coverage of both Lots 15.03 and 15.04, 40% is permitted and they are showing 58.19 and 47.52.

(17) With regard to parking, he opined the requirement is 83 parking spaces. Proposed are EV charging stations that will have two ports. Technically they only require 82 parking spaces per the new State Statute but they are proposing 88 parking spaces in excess of the Residential Site Improvement Standards. For common visitor parking, being that they have 39 units, they require 19 parking spaces and they have 22 in the common area.

(18) C-05 is the grading and drainage plan. The plan shows grading changes.

(19) The driveway has a pitch of about 12.8% which is compliant with Residential Site Improvement Standards but it does not meet the Borough Ordinance which requires a maximum slope of 6%. He opined that roadway width and dimensions and grading are compliant with RSIS.

(20) Under the new stormwater regulations the required suspended solid capture for the water quality leaving the site is at 95% as they are in the 300 foot buffer area. It's not easy to get to 95 and there is a 95% total suspended solid removal for a project that impacts the 300 foot riparian zone.

(21) The pervious pavement has a maintenance obligation because water is coming through and there is an Operation and Maintenance Manual that will be provided to the Borough for maintenance of the pervious pavement and an Operations and Maintenance Manual will be provided as is required by the DEP.

(22) There is also an underground system south of the entrance driveway. There are underground chambers that receive some of the water. This will get reviewed by the DEP and the Bergen County Soil Conservation District.

(23) A-1 is a landscaping sheet. A lot of existing vegetation is to remain and be enhanced. They have a landscape architect on staff. Some improvements need to be made, street trees, tighter spacing.

(24) He reviewed the Neglia report with regard to covenants, deed restrictions and easements. He reviewed the title report and there was no indication that they are on top of anything which they are aware of.

(25) With regard to retaining walls, variances are sought. The highest retaining wall he believes would be 22 feet in height. They tried to tier the retaining walls everywhere they could and they are shown as parallel black lines separated by six feet. It will be a decorative wall to blend in with the architecture. Retaining walls under the Borough Land Use Code (the "Code") are limited to 3 feet in height and they have retaining walls that are up to 22 feet. The retaining walls are highest along the southerly property line where the road bends in an easterly direction. The retaining wall will be 20 feet higher than the neighbor. The setback proposed is about 6 feet and it's 6 feet for the road and puts the retaining wall at about two feet. Due to the slope, the retaining wall goes down to zero. It goes from 20 feet to zero feet within 75 feet.

(26) There are some internal trash rooms in Buildings 3 and 4 and it's a private waste hauler that will pick up the trash. The townhouses would have a place to store their trash and they would bring it out. Management would help the lower level apartments in Buildings 3 and 4 to do that because they don't have driveway access where they can pull their cans in.

(27) With regard to snow storage he testified that there is an area at the end of the circulation area and there is an island in the middle which has opportunities. There are landscaped areas between all the driveways. There are opportunities in order to remove all that snow. The snow is not supposed to be stored on pervious pavement. With regard to fire hydrants they propose to have three to comply with the Fire Chief's request.

(28) Utilities come in directly off Broadway and everything is underground. The water, gas, electric, sanitary are all underground and connect on Broadway. The sanitary for the two single-family homes actually run through an easement that they are creating and run over to Edward Place due to the elevation of those two homes and that availability. Although Mr. Dipple said the request was made for roads of 30 feet wide he opined that it is just way too wide. Sheet C-11 depicts a truck and a depiction of an aerial fire truck that was sent to them. He opined that a 30 foot wide road is not required.

(29) Each townhouse with a garage will be equipped with an outlet that has electric charger capacity. It's a Level 2 charger not like a Tesla charger that you see on the Turnpike. It is little and hangs on the wall and takes about five hours to charge your car. He opined that per the building code, they are permitted. With regard to water, they believe they did a hydrant flow test and that's being looked at. He opined they serve communities uphill from this.

(30) With regard to tree removal, they are planning on complying with the Code in terms of tree replacement and spacing.

(31) In terms of lighting, the average illumination in the parking lot is 1.5 foot candles and .9 foot candles is proposed and the minimum illumination for the street is 3.0 foot candles whereas 1.6 is proposed and a waiver is being requested for the lighting. They try to hit about a half foot candle through the parking area.

(32) With regard to a courtyard plaza or park area, he opined that they are battling two forces here, that being the County and more so the DEP and working to exclude some of this access from the riparian zone disturbance but to create parks and things like that can be difficult. They don't want you to knock down the trees is what they want. They want mature vegetation. The Applicant will continue to work with the Board professionals if anything is possible. It would have to come not only from the Board, the County and the DEP.

(33) With regard to drainage, water goes to the Broadway right of way which eventually travels across the street, across the tracks and goes into the reservoir. The proposal is to continue a pipe to the north to assist and that exists a couple of properties down.

(34) Sheet C-05 grading and drainage shows a storm sewer working with the County and that's all going to be in the County right-of-way and send the storm sewer down to another existing storm sewer which goes underneath the road, under the tracks and out into the reservoir. Mr. Dipple opined that the water runoff should be half of what it is before the property is developed. He opined the decrease in the water runoff is done with detention basins and they calculated with bigger rainfall events that supposedly will be coming in the year 2100. The stormwater calculations are in the Stormwater Management Report and will be reviewed by the State and maybe the Soil Conservation District.

(35) With regard to the pervious pavement, there is another layer of crushed stone and under drain piping. Some of the water will go straight into the ground. Water runoff does go into a catch basin but it does have the capacity to also absorb into the ground. Some of the water will infiltrate and there is an outlet structure that has as a storm continues to increase it will be able to run out and that's controlled; however, initially the water will infiltrate and then it will rise to a certain level and go into the system and it can leave the basin under a controlled rate that is below the existing. There is restriction on how much water you can infiltrate.

(36) A question was raised that the townhouse lot is in essence landlocked and that there will need to be some type of easement agreement required. There will be a private waste hauler except for the single-family homes.

(37) Mr. Dipple was questioned by residents with regard to total surface coverage. The surface lot having a total surface coverage of 58.19% and the other lot which is the largest piece which is the front Lot 15.04 has 47.52%. Members of the public asked questions with regard to the height of the structure and the volume of soil going to be brought into the site. A soil movement application was filed and identified as document SM-01. Sheet SM-01 Soil Movement Application shows a total soil import of 3,611 cubic yards. It was noted that the calculations for height are from existing grade not the finished grade ordinance. Questions were raised with regard to where the soil would come from.

(38) Questions were also raised about the decks. Mr. Dipple testified that they are actually patios. Mr. Dipple testified that the 20 foot setback was measured from the bump out of the

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platform that comes out of the doorway. Questions were raised by the public as to a barrier or aesthetics between the single-family homes and the rest of the townhomes and Mr. Dipple testified that a fence is shown at the top of the retaining wall.

(39) A question was raised as to whether restrictions or conditions could be made that the two lots being created be used only as single family residences. It was stipulated that the owner could make a declaration that the lots would be used only for single-family purposes.

(40) Upon questioning, Mr. Dipple indicated the distance between the road and the property to the north is about 10 feet.

(41) Questions were also raised about fences to prevent people from falling over the retaining walls. Mr. Dipple testified that the plans show a four foot high fence and is shown as a four foot high decorative metal fence.

TESTIMONY OF ELIZABETH WILSON

(1) Elizabeth Wilson, with a resident address in Florida, stated that she is the owner of the property. She read a statement to the Board that the property in question has been owned by her family for almost 150 years. Her great grandfather Alphonse May purchased the property in 1877 after serving in the U.S. Navy. The house, a mansard styled roofed house, was on the hill and some may remember. Her grandfather George later inherited the property together with her grandmother Pauline who raised her Uncle George and her mother Charlotte there. Her grandfather built a second home on the property and her great grandmother and they lived there together. So, since 1877 a member of her family has lived on that property. Her great grandmother Eliza actually made part of the family property available to build the reservoir. Family members were actively involved in the community including school board, historical society, tree commission and others.

(2) She inherited the property 14 years ago after the passing of her Uncle Geroge, Jr. Her and her husband no longer live in New Jersey and her children are all settled in Michigan. Over the years many individuals have expressed interest in purchasing the property. None of them seemed like the right fit.

(3) She became acquainted with the Applicant's attorney, Jeff Lehrer, who works with many builders and developers and knows the work of many builders and developers.

(4) She testified that ultimately she felt that Jon Rocker of J. Rocker Associates was the right developer to restore the property into the next phase. She opined that she feels confident that Jon will build a project that her great grandparents and the May family will be proud of. It is her sincere hope that the Board approves the project.

LEGAL ARGUMENT OF JAMISON P. VAN ECK, ESQ. SEPTEMBER 24, 2024

(1) Mr. Jamison P. Van Eck from the firm of Wells Jaworski & Leibman appeared and reference was made to his letter of objection that was marked O-1. Mr. Van Eck opined that under Borough Ordinance 380-12 §12 Subdivision applies to all residential zones and no lot shall be used for parking or through driveways for adjoining properties, This constitutes a use prohibition. You cannot use a property for parking on an adjoining lot or a drive through driveway. He further opined that proposed Lot 15.03 the guest parking and driveway for that lot are all on Lot 15.04 so it is his position that it requires a D-1 use variance in addition to the D-1 use variance already requested. He also stated accessory structures should be located on the same lot and the similar argument would apply to stormwater facility and that under the R-15 zone parking and driveways are not principal permitted uses.

(2) Mr. Lehrer, attorney, for the applicant opined that under the Pearl mart case, the question is really whether the notice informed the public of the nature of the application in a common sense matter. He also questioned whether the access road constitutes a driveway, whether it is public or private a road it is commonly used by the public for vehicular and/or pedestrian purposes. He further noted that none of the municipal review letters indicated that the relief suggested by Mr. Van Eck was required.

(3) Mr. Lehrer concluded that, at worst, a C variance was required and he included that in the catch all language of the notice. He further noted that notice was given for D₁ relief and under Price v Himejai all D variances are subsumed in the D₁ variance.

(4) Mr. Lehrer also opined that the middle Lot 15.04 has no direct access to the roadway and no D variance is needed since it is quite common for stormwater facilities as part of a subdivision are on a stand-alone lot.

(5) The Borough Planner Francis Reiner noted that he has not seen variances requested in a project where there is a subdivision like this creating more lots as part of the development and he didn't identify it as a use variance.

**TESTIMONY OF LAURENCE APPEL, AIA, NCRB
SEPTEMBER 24, 2024**

(1) Laurence Appel, AIA, NCRB appeared as a licensed architect for the Applicant and referred to drawings PB1-2.4 and PB1-2.5. Mr. Appel's qualifications as a NJ licensed Architect were accepted by the Board. There was a change to these documents and they were marked A-2 for identification. A rendering was marked A-3 for identification. A-3 is a rendering of the proposed uphill townhouses for lot 15.03 commonly referred to as the luxury townhouses. The second rendering is the proposed stacked interlocking townhouses marked as A-4 for lot 15.04. A view from Broadway with trees was marked as A-5. Another exhibit was marked A-6 which is the same view as A-5 that is a bit more transparent. Architect Appel testified that in his opinion the site was very challenging with regard to topography and they worked diligently with a team of professionals {A1787011.1 }

to provide a project that balances many objectives. It's an improvement on the Broadway Corridor recognizing that this is a TOD (Transit Oriented Development Project). It provides new housing opportunities with a portion inclusionary with affordable units. The proposed townhouses on lot 15.03 are two and a half stories with garages at the ground floor basement level. There are two type of units for the luxury townhouses. Type A which is the endcap which is a little bit larger about 3,500 sq. ft. and Type B which is an interior unit which is a bit smaller 2,900 sq. ft. No Type A unit or endcap has a den. There are only four endcap units. In addition the parking is not any different for a three bedroom versus a four bedroom.

(2) Exhibit A-4 are Buildings 3 and 4 and are the proposed interlocking townhomes so they are not truly townhouses, they are stacked and interlocking. They are three and a half stories with an exposed basement that people refer to as walkout basements unlike the uphill townhouse. A-4 is the front of the buildings. The townhouses face each other and there is a parking and landscaping island and the roadway creating a loop in front of the two structures. He reiterated that Buildings 3 and 4 are rental townhouse buildings each consisting of 14 rental units. One 1-bedroom market unit, eleven 2-bedroom market units, ten 3-bedroom market units, one 1-bedroom affordable unit, three 2-bedroom affordable units and two 3-bedroom affordable units. The income level will be spelled out in the Developers Agreement. The way that height is measured by the Borough Ordinances, Buildings 3 and 4 are at 63.7 feet and 58.9 feet. Each of the flats in Buildings 3 and 4 will have handicap accessibility for both the New Jersey Barrier Free Code as well as FHA. This is done by having both a staircase as well as a vertical platform lift. The access to the entrances to the basement level flats as shown on drawing PB1-2.5. The lifts are ADA compliant. He testified concerning the utility connections which will require coordination with the utility companies. They attempted to locate them on the sides of the buildings. The downhill stacked townhouses Buildings 3 and 4 will need to be common and the building will be sprinklered.

(3) For the townhouses, anyone with a garage has availability for trash. Each resident would bring out trash in containers, whether trash or recycling for collection. One different situation would be for the A flats which have the walkout basements Buildings 3 and 4. These will provide for trash rooms and will have suitable bins for storage and recycling and it is proposed that the building management or superintendent will scavenge from these trash rooms and bring them up to the curb for collection.

(4) With regard to EV charging, they are not putting them in; they are just installing junction boxes to make them ready.

(5) The buildings are designed with light colored brick along with beige and brought up certain architectural elements varying in heights. The windows are large in proportion to work well with the aesthetics. There are decorative architectural metal railings to utilize the balconies and balconettes. For siding there is both horizontal siding as well as vertical board and batten siding. They are proposing fiber cement block. They are selecting these materials because they look good and stay looking good and require little maintenance. Products being used are similar to that of a custom home with premium quality materials.

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(6) Architect Appel discussed the Broadway architectural design standards found in Code Section 292-33(a), (b) and (c). Parking is screened as provided in the Code. The architecture was residentially inspired using vernacular architectural forms consistent with the Code. There are deep overhangs, steeply pitched roofs, bays and gables that are integrated with the architectural design. Horizontal articulation was also provided. There is roof articulation, cross gables and changes in geometry which in his opinion are successful in de-massing the structure as well as creating visual interest to the buildings.

(7) Vertical articulation was also created. It creates human/pedestrian scale in the buildings, masonry at the base and decorative lighting. The middle area material changes are provided creating different materials vertically lined up and creating interesting roof lines.

(8) There is a monument sign proposed for the entrance which requires a variance because they are not permitted in the zone. He opined that the monument sign is appropriate and effective because driving on Broadway, it is easy to see a small tasteful sign and get access rather than pass by the site. The sign will provide identity, is a handsome sign consistent with the architecture and consistent with the site design as well.

(9) Mr. Appel opined that the family homes at the top of the ridge serve as an appropriate transitional use to the rest of the development.

(10) Mr. Appel confirmed that they were meeting the requirements on the Borough Street Scape Standard. It was reiterated that they would comply with Code section 292-33.1 (the Street Scape Ordinance) for properties fronting on Broadway. Mr. Appel clarified they are proposing –hardy plank siding which is a fiber cement siding product. Typically trim around the windows would be Azek or one of the other composites. Roofing shingles will be architectural dimensional shingles and a prefinished metal that all of which is spelled out at PB1-2.4 which highlighted product description as well as colors. Railings will be powder coated aluminum. In addition to the architectural shingles there is prefinished standing continuous metal roofing. There are also balconettes which are really not like balconies but they are made to look like balconies which show architectural change to the facades. The backs of the buildings facing Broadway, PB1-2.5, show the lower levels does have walkable balconies.

(11) The condensing units for air conditioning to be provided on the sides and the rear of the buildings and screened with landscaping that will be installed on the endcaps. Mr. Appel confirmed that assumed grade is the same as finished grade. For Building no. 2 around 40 feet high from finished grade from the rear. From the front it will be approximately 50 feet from finished grade to the ridge and Building 1 would be similar.

(12) With regard to views from the streets Cricket, Edward and Clinton, Mr. Appel has been up on the streets and it is densely wooded. From Clinton, when the residences are built, they will take the place of the wooded trees, that would otherwise have been blocked by a tree is now

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going to be a house. For the other properties there are some viewpoints where you can see through the trees. Most of it is pretty densely wooded and the existing trees will buffer some of the proposed structures. To some extent the existing residences on either Cricket, Edwrd and Clinton will be able to see the structures.

(13) With regard to reservoir views from Buildings 1 and 2 and 3 and 4, Mr. Appel stated you are only going to have views where you are looking from the rear of the building for Buildings 3 and 4 and have some reservoir views. Buildings 1 and 2 will essentially be blocked by Buildings 3 and 4 from having that view except on certain kind of angles which again will be impacted by trees.

(14) On cross-examination by Mr. Van Eck it was established that from finished grade the height of the front of Buildings 3 and 4 is between, 41 and 42 feet. From finished grade the elevation from the rear of the Buildings 3 and 4 is approximately 51 feet. Buildings 3 and 4 are three and a half stories and the limit is two and a half stories. The height from finished grade if complying with the two and half story building would be approximately 10 feet 2 inches less. With regard to Buildings 1 and 2, existing grade is 38.3 ft and 34.6 ft., however from finished grade they would be approximately 50 ft and 40 ft. With regard to the attics, they are not habitable. The triangles on PB1-2.1 represent entrances.

(15) There was no drawing that showed what it is going to look like in the winter when the deciduous trees lose their leaves but it will be closer to Exhibit A-6. The renderings were created and cannot be verified as a true depiction but in Mr. Appel's opinion and belief it's as accurate as renderings are.

(16) Mr. Appel confirmed that the architectural style would be the same as the renderings.

(17) Some air conditioning units would be placed in the rear of Buildings 3 and 4 but they probably would not be seen from Broadway as they would be buffered and concealed.

(18) Mr. Appel opined that some ordinances measure height to the gutter line but he could not provide a list.

(19) Questions were asked with regard to locations of the transformers and condensers. Mr. Appel stated that the mechanical equipment such as compressors would not all be grouped together. The intent would be to locate these and separate them around the buildings and not have them all in one place.

(20) A resident questioned whether the two proposed houses on Lots 15.01 and 15.02 would act as a transition because it's really a continuation of existing single-family homes and suggested that the area where the proposed single-family homes are should be left wooded. Mr. Appel said that both of them would serve in a different way but similar objective.

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(21) With regard to trash for Buildings 3 and 4, there would need to be a building manager and superintendent that would have to be either on the premises or close by. They don't have to be on site. That would be an ownership decision.

(22) It was stipulated that the noise from air conditioning compressors will not exceed 50 decibels at the property line, 50 decibels from 10 o'clock at night until 6 o'clock in the morning and then goes up to 60 decibels from 6 o'clock in the morning until 10 o'clock at night.

(23) The trash alcoves are in between Buildings 3 and 4 facing towards Broadway.

**TESTIMONY OF TREVOR CURTIS, LICENSED ENGINEER
SEPTEMBER 22, 2024**

Trevor Curtis, a licensed engineer testified. He was substituting for Mr. Dipple who could not be at the meeting. Mr. Curtis' qualifications as a NJ licensed professional engineer were accepted by the Board.

(1) He marked as A-7 sheet C-04 Site Plan Revision No. 1 dated September 13, 2024. Mr. Curtis testified that the purpose of preparing A-7 is based upon comments at the last meeting with regard to the retaining walls to the side lot lines. He shifted the site slightly to maintain a minimum of 5 feet separation as per Code for all retaining walls at the southerly and northerly lot lines, the side lines. He opined that this results in a greater setback of retaining walls to the side lot lines. It also results in a slightly greater setback of the roadway by shifting the site slightly and condensing it slightly. He believed the retaining walls under the previous design were two feet from the property line and now they are five feet from the southerly property line and six feet from the northerly property line. He opined that this is compliant with the Code. In addition the entrance way was tapered to comply with some of the Fire Chief's comments. He also incorporated a larger radii in the driveway to accommodate comments that were discussed during the prior hearing. He also sent the plan to Park Ridge Water for their preliminary review. He testified Park Ridge Water made two minor comments on the preliminary review but nothing in terms of whether or not an extension of the water main to Clinton Place is necessary or not. He further opined that they would be compliant with all the Fire Department's comments and any comments issued by Park Ridge Water during their review.

(2) With regard to comments regarding a 30 foot required buffer, his interpretation is that it refers to a 30 foot buffer for nonresidential properties to residential properties so in his opinion these are two residential uses and a 30 foot buffer would not be required.

(3) He testified that it is important to note that there are two driving factors for the site. One is the riparian zone which limits disturbances. The second design criteria that was key to driving the site was fire truck circulation for safety. The site is a steep slope site. Upon further

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questioning by Board members, it was explained that the driveway would remain the same but the radii changed to allow for better turning movements for emergency fire apparatus. He confirmed that's on this latest revision. The retaining walls to the southerly boundary were to remain about the same. He opined that they are still compliant with the side yard setbacks for the buildings.

(4) Mr. Curtis testified that should the DEP grant a permit on the current layout but likely, there would be numerous conditions of approval. They could be anything from whether or not there are any endangered species, and some restriction for construction. They are constructing in compliance with plans that are signed by the DEP and constructing the storm water as approved by the DEP which conditions will be laid out upon approval via an individual permit. The DEP will extensively review not only the riparian zone but the entire site as well. As a condition of approval they would need to secure a DEP permit.

(5) Mr. Curtis confirmed that Buildings 3 and 4 were at an elevation of 222 feet and the luxury townhomes Buildings 1 and 2 were at an elevation of 234 feet. According to his quick math it appears that the building is about 10 feet lower than Edward Place at that point so you would be looking at approximately a 30 foot building at a compliant setback. He opined that you would be looking at a compliant looking building from the vantage point of Edward Place. If you are 10 feet lower and the building height is 40 feet in back of Building 2 you are looking at a compliant 30 foot, plus or minus foot, building standing on Edward Place at the easterly portion.

(6) The luxury townhome's views of the reservoir would probably be blocked by the lower townhomes unfortunately.

(7) Mr. Curtis acknowledged that they are requesting preliminary site plan approval and there are a lot of technical questions but a lot of these in his opinion can be addressed during final site plan approval in coordination with the Borough Engineer to mitigate concerns.

(8) Mr. Curtis confirmed that the storm water would be going in a southerly direction through the storm drain system. Mr. Curtis confirmed to a resident of the property to the north that if he was leaving his dwelling he would be looking at landscaping, then multiple tiers of retaining walls and then the structure above.

(9) He testified that inlets could be installed along the property lines to capture water runoff and it's outlined in the Code that all retaining walls need to be designed with storm water capturing in addition to plantings on the tiers.

(10) The property owner to the north requested there be some sort of berm with evergreens to block his view of a 51.3 foot structure and the existing trees are very tall but the branch line doesn't start for up to 15 to 20 feet. The existing trees are not going to do anything with regard to the view.

(11) Mr. Curtis opined that the condensers are more likely to go on the rear west

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facade than they are on the northern façade and that is what he typically has seen in townhouse designs. The exact locations would be shown typically during final site plan approval.

**TESTIMONY OF TREVOR CURTIS, P.E.
OCTOBER 22, 2024**

(1) Trevor Curtis, P.E. testified that, since the last meeting, his team took into consideration the Board’s comments as well as public comments and the changes made to the plans to include additional street trees spaced 30 feet on center to conform with the Borough Ordinance, a minimum five foot sidewalk on the southern portion of the development as well as the northern portion of the development and a four foot minimum wide landscaped strip from the curb to the sidewalk on the southern portion of the development.

(2) With regard to the monument sign, it is now indicated at a location and it is six feet long by four feet high 24 square feet in total and sits on the southern portion of the driveway entrance with perennial landscaping around it. It is externally illuminated. No monument signs are permitted in R-15 zones. The dimensions with setbacks are conforming with comparable monument signs that the Borough has approved in the past.

(3) With regard to comments made about being able to jump over the fence in the vicinity of Edward Place, the height of the fence was increased to a six foot solid wood fence as well as adding a no trespassing sign as a way to identify where the end of Edward Place right of way is in comparison to the property. The six foot high solid wood fence was extended around the rear portion of the property where the adjacent property sits higher than the applicant’s property. Within the internal portions of the site the aluminum fence still remains the same where they have fall protection.

(4) The next revision was for landscaping and what was done was infilling the previous landscaping design with 25 evergreen trees that were added to the front portion of the eastern portion of the site between proposed deciduous trees and along the wall, in particular the northern portion to provide a softening of any perceived negative impact of the retaining walls. The proposed evergreen trees could be eight to ten feet at the time of planting and are expected to grow greater than 30 feet. There also are some shrubs that were added between the tiers. The additional landscaping amounts to 35 additional evergreens and 32 additional shrubs. Mr. Curtis was questioned about lack of a significant buffer for the south side of the property. Mr. Curtis was questioned about the 20 foot high retaining wall at the pinch point on the southerly boundary. Mr. Curtis indicated he would be happy to work with the Board on lowering the height of the retaining wall. The Borough Engineer, Anthony Kurus, PE advised that the driveway is too close to the south boundary. Two feet might not be enough to get a retaining wall and landscaping. He was questioned whether parking areas had to be 30 feet from a residentially zoned property. Mr. Curtis believed that the 30 foot requirement refers to nonresidential development. It was noted that property to the south also has a 10 foot retaining wall. Mr. Curtis indicated that the wall could be lowered and maybe the buffer can be increased. The matter was not opened to the public because it was anticipated that changes

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would be made to the site plan.

DOUGLAS POLYNIAK, P.E.
OCTOBER 22, 2024

(1) He is a graduate of Lehigh University with a Bachelor of Science in civil engineering. He acquired his degree in 1998 and since that time he was working in the field of traffic engineering. He was accepted as a traffic expert by the Board.

(2) He prepared a traffic impact assessment report dated June 26, 2024.

(3) There are 41 residential units, 28 apartments, 11 townhomes and 2 single-family homes. Access is via one driveway to Broadway and there will be two driveways to the single-family homes on Clinton Place. Broadway is a County road with a speed limit of 40 mph; 850 feet south of the site is the Woodcliff Lake train station which can be accessed via sidewalks and crosswalks at Highview Avenue. Highview Avenue and Broadway is controlled by a stop sign and there is a signalized traffic light at the intersection of Woodcliff Lake Avenue and Broadway.

(4) He performed peak hour and rush hour traffic counts on Tuesday, May 21, 2024, counted from 7 to 9 in the morning and 4 to 6:30 in the evening. They found that the morning peak hour occurred from 7:45 to 8:45 and during the evening 4:45 to 5:45 was the busiest hour. He used a software program to determine the levels of service for movements on all approaches. What they found is that during the existing conditions in the morning of peak hour the movements at the intersection operated at a level of service D or better.

(5) They next projected the anticipated volumes associated with the residential units using the Institute of Transportation Engineers Trip Generation Manual, 11th Edition. He used rates for single family detached homes, single family attached homes and multi-family low rise units. He opined using the ITE that during the morning peak hour five entering vehicles will enter the site with 13 exiting and during the evening there is 15 entering vehicles with eight exiting. He opined that both ITE and NJ DOT consider 100 peak hour trips as a significant increase but this project will generate one-quarter of that and he opines it will have a minimal impact on off-site intersections.

(6) At the traffic signal, he opined there would be no change in the level of service and that the intersection will operate at a level service E or better with or without site traffic at that location. Upon questioning he stated that the level of service is measured like a report card. A is the least amount of delay and F rated for an intersection or movement that is exceeding capacity.

(7) He was also questioned about increased traffic going south on Broadway coming from Hillsdale. Mr. Polyniak stated that the intersection is a very unique intersection with the offsets that exist. Mr. Polyniak also acknowledged that when the train comes in, it creates another unique situation. During peak hour in the morning between 7:45 a.m. and 8:45 a.m. five cars entering and 13 exiting. Seven of the exiting vehicles will go south on Broadway. One every ten

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minutes. The evening peak hours are between 4:45 p.m. to 5:45 p.m. and they had 15 entering and eight exiting vehicles. A question was raised with regard to assigned parking spaces, if that would be something they can do and Mr. Polyniak responded in the affirmative.

(8) The traffic study was conducted on a Tuesday.

(9) Mr. Polyniak was questioned with regard to future traffic. The study performed by Mr. Polyniak did not include specific sites such as 188 Broadway or other soon to be developed areas such as the VFW or another north of Highview, rather, he used an inflation rate.

(10) With regard to making a left hand turn from Highview, Mr. Polyniak has done so and it is a unique situation and you have to wait for a gap in traffic or until someone allows you to enter the flow of traffic.

(11) With regard to the traffic generation, the development of the site will add to traffic in the area which is obvious and the application will not generate zero traffic but the impact is very low.

(12) The development will not alleviate or improve existing Broadway traffic conditions.

(13) The growth factor was used for the next few years which is a fairly standard way of identifying growth for projects that are not yet built.

(14) A growth factor was compounded for two years at 2.75% for Broadway and Woodcliff Avenue and 1.75% for Highview Avenue.

(15) He reiterated that he increased the intersection volumes by a percentage compounded for two years to develop the future based on NJDOT published data for local street collector roadways.

(16) Mr. Polyniak reiterated that based upon the study the proposal would not create a significant impact.

(17) Mr. Polyniak was questioned whether the train stops were taken into account. Mr. Polyniak stated they were observed and witnessed but as far as collecting count data they don't count the train as it passes, impacts, add or prohibits vehicle from going through the intersection. The train does have an impact on the intersection by allowing vehicles to enter and exit the intersection or jamming them up.

(18) Questions were asked how to obtain funds to fix the intersection and a plan to fix the intersection.

TESTIMONY OF JOHN MCDONOUGH, PP
OCTOBER 22, 2024

(1) Mr. McDonough was sworn in and identified the Exhibit marked A-9 which are aerial photographs. He is the project planner and is both a licensed landscape architect and professional planner in the State of New Jersey. His license is in good standing. He is a member of the American Institute of Certified Planners. Mr. McDonough's qualifications as a NJ professional planner were accepted by the Board.

(2) He referred to Exhibit A-10 a five-part exhibit which is a packet of maps and photographs, particularly recent aerial drone photographs of the subject site and surroundings. He testified that there are several things that make this property distinct. The property is substantially oversized in the context of the neighborhood. He opined there is excellent spatial capacity to accommodate the unified development and a higher intensity of use. The site is close to the transit center where the train station is located within a few minutes walk from the subject site. The site also overlooks the reservoir, a beautiful land feature.

(3) From a planning standpoint it is good planning to concentrate people around amenities including mass transit, and beautiful natural landscapes.

(4) The flattest part of the property is at the base of the hill where it is constrained by riparian lands. If they could put the buildings there they would, but the flattest lands are those that have environment constraints that force the development up the hill.

(5) Mr. McDonough opined that the development plan is logical from a planning standpoint in terms of its response of this to the landscape. The serpentine road is perfectly logical when you are dealing with a rugged terrain and a sloping terrain. The two lots at the top of the hill are conforming. He opined that the development of this land is inevitable. Trees will come down, slopes will be disturbed, even under a fully conforming plan. Even with a conforming development, there would be a building wall at the end of Edward Place that you would see.

(6) What is being proposed is a four lot major subdivision, two lots with one-family dwellings plus two lots with townhouse development. In addition to the two conforming single family lots, there will be a new Lot 15.03 luxury townhouses that is going to have two buildings, 11 units total, three bedrooms each to be offered for sale. Lot 15.04 is going to have stacked townhouses that is going to be two buildings, 28 units and a 15% affordable set aside for rent.

(7) The provision of affordable housing is of paramount public interest and that is what drives density. The Board should look at one lot over from the subject development where the Borough recently implemented new zoning in the AH-NB zone district that affects Lots 9, 1 and 2 in Block 2602. They are 2601 and one lot removed is allowing affordable housing of 20 units on 2.25 acres. The Applicant with double the land mass at 4.9 acres is proposing 39 units. He opined that there is good comparative zoning.

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(8) Other uses that could be developed on the site would be civic uses, schools could go there, public buildings public services are all permitted in the zone district as well.

(9) Consideration for this application is that it takes the unknown out of the equation. You know the landscaping you are going to get. You know the buildings you are going to get. He opined that the buildings are very attractive and further opined that they are premium, high quality buildings that will add value and quality to the site and in turn add value and quality to the neighborhood and community at large. He further opined that lessing the units will erode the integrity of the development and have an impact on quality. There is a need for certain critical mass to drive the quality.

(10) The property is near the convergence of multiple zones on Broadway, including the S-O Zone, the B-2 District, the AH-2 District and the AH-NB District as well.

(11) The luxury townhouse lot does not conform because it doesn't front on a public street.

(12) Mr. McDonough testified about the three D variances required. First there are the "D" variances that are required for multi-family development as opposed to single family. The second D variance relates to density relief more units than allowed under the Code. The third D variance is related to height (together the variances are D1, D5 and D6 use, density and height). With regard to the use variance there is what is known as the Medici test, a four part test.

(13) First, all land use planning starts with the land so the focus is on suitability of the land to accommodate the development including particular suitability or site suitability. Mr. McDonough opined that the site is particularly suited for the use by virtue of its context and by virtue of its condition. The lot is the largest in the area and has capacity and spatial capacity to accommodate the proposed development.

(14) The second part of the test moves from the land and focuses on the Municipal Land Use Law and the Code. There are 18 or so purposes of zoning in the preamble to the Municipal Land Use Law and it is the Applicant's burden to prove it advances at least one of them. Mr. McDonough opined that he sees multiple uses because the project promotes the general welfare because it provides new housing stock and provides inclusionary development. Affordable housing numbers came out with a new fourth round in October of this year.

(15) Mr. McDonough further opined that the development supports the purpose of Zoning through the promotion of a planning goal to provide adequate light, air and open space. Additionally there is the advancement of a planning goal to provide a variety of land uses in appropriate locations because it promotes development that celebrates the lake (reservoir), and is nestled very nicely into the land form. The development nestles into the hillside which mitigates the overall mass and scale impact on the surrounding neighborhood. There is a diversified mix of

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housing types here to give the ultimate resident a choice in the type of unit that it would like to live in. Another purpose is to promote the free flow of traffic because the proposed parking supply complies, lessens the number of driveways and access points that could be realized on Broadway in terms of a fully conforming development and driveways tapping into the road. Another purpose of zoning is the promotion of a desirable visual environment because it will feature high quality, high attractive architecture and a beautiful landscape plan. Another purpose of zoning is for efficient use of land and there is economy of scale when you are looking at a multi-family vitalization of land that is not contributing anything positive to the community.

(16) The third part of the test is the public impact and he opined that there is good level of comfort here that the site will flow and function and operate safely, efficiently and most importantly comfortably for the people who will live in these units and the buildings are designed to meet all applicable codes including the UCC (Uniform Construction Code), RSIS (Residential Site Improvement Standards), ADA (Americans with Disabilities Act) and EV (Electric Vehicle) regulations as well.

(17) Mr. McDonough further acknowledged that the Board can impose reasonable conditions to enhance site integration with the neighborhood and the design provides adequate room for landscaping and buffering.

(18) The last part of the test is to look at the site and the impact on the zone plan and ordinance. He opined the relief is not tantamount to a rezoning since only the governing body has the right to rezone. When it is a use variance rather than a change in the zone, there is a much finer level of detail and one of the things that the Board has that the governing body does not have is an abundance of details from the witnesses. Every detail has been vetted for hours which is something that the governing body would not have had in a zone change. The project is substantially consistent with the goals and objectives of the 2022 Master Plan including the land use aspect on page 6 to provide a range of housing options to satisfy diverse housing needs.

(19) Mr. McDonough further referred to the Borough's 2008 Broadway Corridor Study which recommended diversifying uses along Broadway and to consider allowing mixing residential and commercial development particularly near the train station to incentivize redevelopment of underutilized parcels and foster a more traditional downtown environment.

(20) With regard to the Medici requirement of reconciliation, he opined that the reconciliation requirement is met by the process here

(21) With regard to the D5 density relief, he referred to the Grubbs case and reiterated that the density is necessary to provide critical mass to effectuate inclusionary development and high quality development and the benefits of the project. Counter balancing that with the negative criteria you look at whether density can be accommodated on the site. Based on the testimony there is adequate water, sewer and parking capacity to accommodate the proposed development and the

added density will not create a negative traffic impact based upon the testimony of the expert before him. He further opined that based upon all the testimony, the development would not exceed the carrying capacity of the land and does not constitute over development or overcrowding.

(22) With respect the D6 height relief, the legal basis for that relief pertains to what is known as the Grasso case. He clarified the identification of the height relief as follows: Lot 15.03, the one at the top of the hill 38.3 feet where 30 feet would be maximum and then 63.7 feet vs 30 feet on 15.04 at the base of the hill. He opined that this is in response to the development that responds to a sloping terrain. The proposed height is necessary to effectuate a beneficial project and the overall betterments that he testified about. He opined that none of the gross height limitations are violated here because (1) the added height will not block scenic views or create undesirable shadow effects to the neighboring homes. There is good horizontal separation, landscaping and a sloping terrain where these buildings are nestled into the hillside. The added height will not contribute to runoff problems and give this property an unfair height advantage over surrounding neighbors. In addition, the project is not lifting the site and not lifting the grade so there is no lifting of the site to create an unfair height advantage over the other properties. The added height will not create opposing obtrusive structures that will overwhelm the area.

(23) With regard to the C variances (bulk variances), Mr. McDonough referred to balancing tests and opined that the benefits of the application substantially outweigh the detriments. On the positive side he reiterated all of the positives he previously testified to and added revitalizing and underutilized and unproductive site.

(24) With regard to the negative criteria and the number of stories 3.5 versus 2.5 that's allowed, justifications are the same as for the height relief, not creating an obtrusive, overbearing structure in the context of the neighborhood. With regard to lot frontage for Lot 15.03 justified by virtue of the fact that the site does not have reasonable access for emergency vehicles. Front and rear setbacks requested are mitigated by the vertical separation of the structures.

(25) With regard to building coverage on Lot 15.04, it is 47.52% where 40% is the maximum. He opined it is mitigated by the lot coverage and the overall lot coverage including impervious surfaces actually complies with the Ordinance.

(26) With regard to building coverage of 58.19% where 40% is the limitation for Lot 15.03 he opined it is a balanced development building that you see on Lot 15.04 at the bottom of the hill are in scale with the building that are going to be at the top of the hill. He opined that there is good balance, good symmetry to the overall project.

(27) The lot coverage on Lot 15.03 is at 47.1% where 15% would be the maximum that's allowed; however, this is mitigated by stormwater controls and the overall site and the overall comprehensive development of the site.

(27) With regard to retaining wall exposure, the maximum testified to is 20 feet and 3

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feet is the maximum allowed. It could be mitigated by vegetation. (The parking lot buffer was addressed in later testimony in December)

(28) With regard to the road slope at 12% where 6% is the maximum allowed, he opined that it meets acceptable engineering design per testimony.

(29) With regard to slope disturbance, it is aided by soil erosion and settlement control compliance,

**TESTIMONY OF JOHN MCDONOUGH, PP
DECEMBER 17, 2024**

(1) Mr. McDonough was questioned by the Borough Planner Fran Reiner and was asked if Mr. McDonough had reviewed the revised plans that were submitted by the engineer and landscape architect and Mr. McDonough acknowledged that he had and opined that none of the relief that the Applicant was seeking was worsened. His testimony would not change and actually the plan that was changed has improved the application.

(2) Mr. McDonough was questioned about the affordable housing obligation and acknowledged there are 28 rental units and 15% of the rental units would be required to have affordable units. There are 11 for sale units and 2 single family lots.

(3) Mr. McDonough was asked by Mr. Reiner to verify that, based upon the calculations that would mean the rentals would require 4.2 units and the for sale units required 2.6 for a total of 6.8, rounded to a total of 7 affordable units. Mr. McDonough testified that he will verify that the Applicant is going to comply by what it is required in the Code and acknowledged the Applicant will abide by the Code.

(4) Mr. Reiner opined that the Borough of Woodcliff Lake Code states in the last sentence that no subdivision shall be permitted or approved for the purposes of avoiding compliance with this requirement and that requirement being 15% set aside for rental and 20% set aside for sale. You cannot subdivide property for the purpose of avoiding an affordable housing requirement.

(5) Mr. McDonough testified that the 7th affordable housing unit would likely be in the basement of Building No. 4 where there is a one bedroom plus den which could be converted to an affordable housing unit. Mr. McDonough further acknowledged and stipulated that low and medium requirements for affordable housing would be met.

(6) On cross-examination Mr. McDonough testified that it is physically possible to have high quality single family homes built on the site.

(7) On cross-examination Mr. McDonough confirmed sections of the Master Plan including the master plan objective is to reaffirm and enhance the existing residential character of the

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municipality which consists primarily of detached single family residential development.

(8) Mr. McDonough also confirmed that there is no recreation area proposed on the site; however, it was noted that there was a significant riparian zone that should be considered as open space.

(9) On cross-examination Mr. McDonough testified that probably the first one-third of the site is essentially green, loaded with planting and landscaping before you encounter the first building.

**TESTIMONY OF TREVOR CURTIS, P.E.
DECEMBER 17, 2024**

(1) Trevor Curits, P,E, was called back to testify with regard to the revised site plan Exhibit Sheet CP-C-04 dated December 2, 2024 which was marked A-10 for identification.

(2) Mr. Curtis testified that they took into consideration the Board's comments from the prior hearing in October as well as public comments and went back to the drawing board particularly with regard to the setback "pinch point" retaining wall on the southerly lot line that was 20 feet high. Working with the architect they were able to reduce about 13.33 feet of the overall width of the lower townhomes that are noted as Buildings 3 and 4 on the site plan. In addition minor changes were made to the access roadway along the southerly lot line to achieve a distance offset of the retaining wall to approximately 11 feet which was previously five feet on the site plan documents that were testified to in October. More significantly, they were able to tier that wall to two separate tiers with plantings along the bottom of the wall and the first tier of the wall to allow for approximately two nine-foot tiers rather than a singular 20 foot retaining wall that is five feet from the southerly lot line.

(3) With regard to landscaping, more plantings were specified since the prior submission. They added 71 evergreen trees and 12 shrubs and that does not include the additional plantings that were provided as part of the October hearing to improve the views from the northerly side of the property.

(4) In his opinion they achieved the goal of what the Board was asking for at the October hearing while maintaining the requested variances and not exacerbating them in any way. In fact the building coverage went down slightly because the buildings got somewhat smaller.

(5) The retaining walls essentially go down to "zero" after about 75 feet.

(6) He noted that the Shade Tree Committee did not have the opportunity to review the planting species that were added but as part of compliance, they would discuss complying with any species requirements as outlined by the Shade Tree Committee.

(7) He also received a letter email from the Fire Department and they had one change in
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location for a fire hydrant and he had no objection to the Fire Department comment to relocate the hydrant.

(8) Borough Engineer Anthony Kurus commented that it was a definite improvement. The wall heights were reduced, reduced impervious coverage overall, building coverage went down, wall heights went down.

(9) The Borough Planner Fran Reiner noted that they put plant material between the two tiers and afforded themselves room to plant additional evergreen trees along the southerly property line and the two tiers has provided the opportunity to better screen those walls from a landscape standpoint. Mr. Reiner further stated that the Applicant should save and protect the trees that are shown as existing along the east side and when the two lots are developed it will have the ability to see what trees are taken from there. The trees along the north and in close proximity to the retaining walls the intention is that they will be protected during construction and saved as well as the trees that are shown on the west side along Broadway. The intention is to protect those and save those as well. Mr. Curtis confirmed that was correct.

(10) Upon questioning Mr. Curtis acknowledged that the site is going to be irrigated.

(11) Mr. Curtis testified that any improvements on this property with access from Broadway would have to be subject to approval by the DEP and probably will take approximately six months.

(12) Mr. Curtis confirmed that if someone is standing at the end of the cul-de-sac on Clinton Place they would be able to see the buildings but you would be looking down on them.

(13) Mr. Curtis opined that within five years the rooflines would be covered by the landscaping.

(14) Mr. Curtis confirmed that the maximum height of the retaining wall per the application is 15 feet and that one particular height occurs at the retention basin just west of the lower townhomes.

(15) The driveway offset from the southerly lot line is now between 16 and 23 feet. The first parking space from the southerly lot line is almost 80 feet and on the northerly lot line the first parking space is about 80 feet.

(16) As a result of the revised plans discussed by Mr. Curtis, certain of the bulk or "c" variances have been reduced in intensity or eliminated. Set forth below are the "c" or bulk variances set forth in Exhibit Sheet CP-C04 dated December 2, 2024.

- a. Minimum lot frontage for 15.03: required 100 ft. proposed 0 ft.;

- b. Minimum front yard setback for new lot 15.03: required 35 ft., proposed 18.7 ft.;
- c. Maximum total surface coverage: limit 40%, proposed for new lot 15.03: 57.05%, proposed for new lot 15.04: 45.41%;
- d. Maximum lot coverage: limit 15%, proposed for lot 15.03: 42.59%;
- e. Maximum number of stories: limit 2.5 stories, proposed for new lot 15.04: 3.5 stories;
- f. A variance from the requirements of 380-111 (c) retaining wall maximum exposed wall face: required 3 ft., proposed 15 ft.;
- g. A variance from the requirements of 380-80(5)(a)(1) Parking lots and paving buffer areas (property line): required 30 ft., proposed 13.5 ft.;
- h. A variance from the requirements of 292-25.7 Driveway maximum slope or 332-31 Streets: limit 6%, proposed 12.8%;
- i. A variance from the requirements of 380-109A Critical slopes area maximum disturbed area: New lot 15.03 & 15.04: Slope 15% to 19.99% - 32,882 sq. ft.: limit 35%, proposed 85.17%; Slope 20% to 24.99% - 26,410 sq. ft.: limit 25%, proposed 89.17%; Slope 25% or greater – 32,246 sq. ft.: limit 15%, proposed 90.08%.

**TESTIMONY OF BRIAN INTINDOLA
DECEMBER 17, 2024**

(1) Mr. Intindola addressed the Neglia report which indicated that the south bound level of service on Broadway will decrease from a level service D to a level service of E during the weekday evening peak hour.

(2) A level service D is the expectation in New Jersey at a traffic signal. Very rare do you get traffic signals at the level of service A which is the best minimal delay. In this area in Bergen County level of service D is almost expected. Level service E is expected in this area in Bergen County especially along the Broadway corridor because it is one of the few streets that are in that area. The comparison of level service D to E incorporates a growth rate at 2.75%.

(3) With regard to weekends for residential use, there are many trips in and out and it's not as concentrated as an A.M. or P.M.

(4) With regard to the offset intersection, he opined that it would not impact the westerly flow of traffic trying to go south from Highland. What the applicant is adding is really

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minimal to the intersection. It has some impact but it is not a really significant impact.

PUBLIC COMMENTS

Various public comments were made by residents on Clinton Place and Edwards Place as well as the adjoining property owner most notably as follows:

1. Michael Chladel, 18 Edwards Place questioned whether the units will actually have good views of the reservoir and whether it would be a bucolic setting, disturbing the topography by removing well established trees, the extent of retaining walls and visual changes of the development including fences. He also questioned whether the approval actually benefits the community although he acknowledged that transit oriented development is good for Woodcliff Lake and is desirable at this location. He suggested that the property be acquired through the Open Space Trust Fund.

2. Gregory Egli owner of 258 and 264 Broadway gave comments on the impact of tall buildings, view from his home. He believes that at a subsequent meeting in September the County denied the ability to take that water north and it is now being taken south where it does have access to go underneath the railroad tracks into the reservoir so that checked the box for him. He expressed that John Rocker and Brian Krawitz took the time to come up to his property and walk it to his concerns. They substantially modified the landscape plan to plant evergreen pine trees to help, not eliminate, but mitigate that view to a certain extent and he acknowledges that Woodcliff Lake is obligated in the future to deliver, approve or provide for inclusionary housing units. He expressed concern of a risk of another developer coming in and putting in a much larger development.

3. Victoria Guez, 25 Clinton Place expressed concern with regard to over development and a precedent.

4. Alex Cuto, 18 Cressfield Court would be happy with the buildings being the same height and putting the parking on the west side of the buildings.

5. Brian Devito, 12 James Street. He opposes the application on the basis of the variances required including height, density, lack of preservation of steep slope and made reference to the Medici case which denied motels knowing the Planning Board did not permit hotels knowing they had three hotels. He noted that the project promotes the general welfare because it provides new housing stock and that's logical.

ADDITIONAL WOODCLIFF LAKE EXHIBITS

There were further comments made to the revised application by the DPW, Shade Tree Committee and also a revised report by Neglia Engineering dated November 11, 2024. The Neglia Engineering revised report dated November 11, 2024 was marked as Exhibit WCL-6. There was also a memo dated December 10, 2024 from the Shade Tree Committee commenting that they

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couldn't decipher the species of trees on the last plan. Th Applicant stipulated they would comply with that requirement. The memo was marked WCL-7. There was an email from the Fire Department dated December 11, 2024 marked WCL-8 requesting that the fire hydrants be relocated. In addition there was an email from the DPW dated December 11, 2024 marked WCL-9

CONCLUSIONS AND DETERMINATIONS

1. All findings of fact set forth above are made a part hereof as if set forth herein at length but not opinions.

2. The proceedings in this matter were voice recorded. The foregoing facts in this Resolution are not intended to be all inclusive but merely a summary and highlight of the complete record made before the Board.

3. N.J.S.A. 40:55D-70 provides that a variance may be granted where the Board finds that the purposes of the Municipal Land Use Law ("MLUL") would be advanced by a deviation from the zoning requirements and that the benefits of the deviation would substantially outweigh any detriment. The Board finds that with all the conditions enumerated above the benefits of the proposed use, include but are not limited to (i) promotion of the –general welfare by providing new housing stock and an inclusionary development; (ii) the use provides a variety of housing; owned townhomes, single family homes and apartments; (iii) the area as it now stands is lacking in terms of aesthetics and past studies have commented on beautifying Broadway; and (iv) the promotion of a desirable visual environment with extensive landscaping, high quality buildings and attractive architecture. The benefits outweigh any detriment only if all of the conditions listed in this resolution and those agreed to during the hearing are imposed to protect the neighboring residential areas.

4. In addition, the Board finds that the purposes of the MLUL are advanced by this Application by (i) providing for the efficient use of land which is not currently contributing anything positive to the community, together with conditions to protect the character of residential neighborhoods.

5. The Board finds that the variances stated below can be granted without any substantial detriment to the public good. The Board carefully considered the comments made by residents and has determined that the positives outweigh any detriment. Any development at the site will require removal of trees and changes to the steep slopes. The impact to neighboring properties is mitigated by extensive landscaping. The impact of the height of the buildings is mitigated by the fact that the buildings are constructed at a much lower elevation than the homes on Clinton Place, Edward Place and Cressfield Court. The approval of this application should not be considered precedent due to the unique characteristics of the site including its size. Traffic is of concern especially the issue of the unique intersection of Highview and its proximity to the train station. The Board cannot require the applicant to correct traffic issues that exist and may arise including increased traffic from neighboring communities. The traffic issues and the intersection

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noted should be addressed by the County of Bergen and the State by regional planning and upgrading of intersections to accommodate existing and new development. The application complies with parking requirements. The Board notes that generally residential development is less of a traffic generator than retail uses. The Board considered the ITE standards and the traffic study and testimony of the experts.

6. The Board further finds that these approvals with all of the conditions will not substantially impair the intent and purpose of the Woodcliff Lake Zone Plan and Code and are in the furtherance of the purposes set forth in N.J.S.A. 40:55D-2. The Board also finds that the 2002 Broadway Corridor Study recommended diversifying uses along Broadway particularly near the train station to incentivize redevelopment provided there is adequate parking

7. The approval of the variances are within the Zoning Board's statutory authority granted pursuant to N.J.S.A. 40:55D-70(c) and (d). The bulk variances and the height variance are justified based upon the exceptional topographic conditions and the restrictions imposed by the 300 foot Riparian Buffer Zone. Being that this is a use variance in a R-15 single family zone, there is no stated density; however, the density is consistent with other multiple dwellings on Broadway. The sign variance is justified for the type of development and a reasonable traffic control for visitors and deliveries to the property. Based upon the testimony of the Applicant's planner, the four elements of the Medici case have been met. The property is particularly suited for the proposed development and has been distinguished from other lots due to its unique characteristics and size. With regard to the reconciliation test, it is noted that the governing body has not yet addressed all of the aspects of the Master Plan and the Broadway corridor is undergoing recent development and changes. Re-zoning on Broadway is difficult due to the variation of lot sizes.

NOW, THEREFORE, BE IT RESOLVED that the within Application for the variances and waivers, preliminary Site Plan approval and Subdivision approval be and the same are hereby approved by this Board only as set forth below subject to the following conditions:

(a) The Applicant shall comply with all of the ordinances of the Borough of Woodcliff Lake including, without limitation, the Borough's Tree Removal Ordinance No. 24-01 and Chapter 332 Subdivision of Land and all applicable County, State, and Federal statutes, ordinances, rules and regulations. Without limiting the foregoing, the Applicant shall comply with any and all applicable requirements of the United States of Americans with Disabilities Act.

(b) The approval of the within Application does not constitute a determination by this Board as to whether the proposed development complies with the United States Americans with Disabilities Act or the applicable regulations thereunder.

(c) The Applicant shall comply with all of the stipulations and representations made during the hearing on this Application as set forth herein and on the record before the Board.

(d) Certification shall be required that all taxes and assessments have been paid up to the present time.

(e) The Applicant shall post all fees and deposits as required by applicable ordinances of the Borough of Woodcliff Lake, which shall also include the posting of a deposit to reimburse the Municipality for monies paid and to be paid to its professionals for the review of the within Application. All sums owed to the Borough professionals shall be paid prior to the issuance of a building permit and prior to the issuance of any Certificate of Occupancy.

(e) The Applicant shall obtain the approval (or waiver thereof) of any and all other governmental agencies having jurisdiction over the proposed development, including but not limited to the final approval of the Bergen County Department of Planning and Economic Development and the Department of Environmental Protection. Pursuant to Borough Ordinance Chapter 292-33.1C(6) Landscaping and Open Space, Applicant shall prepare a plan for a pocket park, courtyard or plaza and submit the plan to the DEP and the County of Bergen for approval and provide a copy of the submission to the Board and the Borough. Applicant shall provide a response from the DEP and the County of Bergen and any amendments to the plan prior to obtaining final Site Plan approval.

(f) Subject to compliance with the plans submitted to the Board as modified during the hearing and as may be revised when Final Site Plan approval is obtained. Buildings 1 and 2 on Lot 15.03 second floor plans shall be revised. The plan shows a den with closets. The closet and door shall be removed leaving a larger opening. Compliance with Borough Ordinance 330-15D5.6, at least one (1) apartment with a garage shall be designated as a barrier free affordable unit. The approval is strictly conditional on abiding by all conditions as set forth in this Resolution. The variances are limited to the extent necessary for construction and development of the site as set forth on the last revised Site Plan Exhibit CP-C04, with a revision date of December 2, 2024 which is the preliminary Site Plan approved, subject to satisfactory agreements and easements by and between the owners of Lots 15.03 and 15.04 for the new private roadway including an allocation of payment of expenses for maintenance, snow and ice removal, repair and replacement of same and maintenance, repair and replacement of all common areas, approved by Board Attorney, Borough Attorney and Borough Engineer.

(g) Additional Conditions:

No. 1: Compliance with the Neglia review letter dated August 22, 2024, revised November 8, 2024.

No. 2: Compliance with the Borough's Streetscape Ordinance and Borough Ordinance No. 24-15 and coordination with the other developments on Broadway, including, but not limited to, sidewalks and lighting.

No. 3: Property metes and bounds descriptions for all lots to be submitted and approved for all lots.

{A1787011.1 }

No. 4: Easements descriptions and agreements for roadway, driveway, utilities and access between new Lots 15.03 and 15.04 to be submitted and approved by the Board Attorney, the Borough Attorney and the Borough Engineer.

No. 5: Subject to execution of a Developer's Agreement as prepared by the Borough Attorney including an agreement with the governing body, including provisions for extending the right-of-way off Clinton Place for the single-family Lots 15.01 and 15.02. Owner/Applicant shall be responsible for all expenses related to pavement, roads, curbing and utility services, including sewer connections and any related fees for the two single-family lots, the development and the new private roadway for the apartments and townhouses..

No. 6: Seven affordable housing units shall be provided. Compliance with all other requirements of the Borough's Affordable Housing Ordinance, including, as determined by and testified to by the Borough's Planner, Mr. Reiner, to be included in the Developer's Agreement. Compliance with the Borough's Affordable Housing Development fees.

No. 7: Each of the apartments including affordable apartments shall have designated parking.

No. 8: Utilities shall be underground.

No. 9: A phasing plan to be approved by the Borough's professionals for protection of the critical slope during construction.

No. 10: Architectural; style and materials and colors shall comply with testimony and exhibits, drawings and renderings submitted to the Board. Any changes shall be required by the Board for approval.

No. 11: Landscaping shall be subject to final approval by the Shade Tree Committee in consultation with the Borough Planner. Shade trees shall be increased to three and a half inch caliper at planting. Ornamental trees shall be increased to two and a half inches caliper at planting. There shall be a provision made for the safe protection of the existing trees as part of that review, as well as the installation of an irrigation system for the plantings.

No. 12: The Developer's Agreement shall contain language guaranteeing the growth and sustainability of the no-mow area shown on the Site Plan Sheet C-09, including responsibility of the homeowners and/or condo association to maintain same.

No. 13: This Resolution and the Developer's Agreement shall require that owners shall be responsible for all expenses for private sanitation and recycling pickup, garbage pickup, for the entire complex except for the single-family homes. Buildings 3 and 4 shall have a building manager to assist with trash removal.

No. 14: Subject to all other governmental approvals, and required subdivision requirements.

{A1787011.1 }

No. 15: Recorded Deed restriction for Lots 15.01 and 15.02, limiting use for single-family homes only.

No. 16: Subject to the Final Site Plan approval by the Board.

No. 17: Fire hydrants shall be located as determined by the Fire Department, as requested in WCL-8. The apartment and townhouse buildings shall have a NFPA13 sprinkler system installed when built.

(h) This Resolution shall be recorded at the Applicant's cost and expense in the Bergen County Clerk's Office Deed Book prior to the issuance of any permit or Certificate of Occupancy, together with a memo for recording prepared by the Applicant's attorney as approved by the Board's attorney.

(i) The Applicant's failure to comply with any of the conditions set forth within this Resolution shall constitute a failure of the conditions and may be the cause for the revocation of this Approval and/or Certificate of Occupancy of the Property, subject to reasonable notice and the opportunity to cure.

(j) This Resolution shall be binding upon all successors, heirs and assigns.

IT IS HEREBY CERTIFIED that this is a true correct copy of a Resolution adopted by the Land Use Board of the Borough of Woodcliff Lake upon a roll call vote at its regular meeting held on January 28, 2025.

A copy of this Resolution shall be given to the Tax Assessor, Borough Clerk, Construction Code Officer, Borough Engineer and the Applicant (through counsel).

ATTEST:

SO APPROVED;

Date of Adoption:

APPENDIX

8

HILTON REDEVELOPMENT SITE

**NOTICE OF HEARING
OF THE
BOROUGH OF WOODCLIFF LAKE LAND USE BOARD
REGARDING THE DETERMINATION WHETHER CERTAIN PROPERTY,
IDENTIFIED AS BLOCK 301, LOT 3.04 (200 TICE BOULEVARD) IN THE BOROUGH
OF WOODCLIFF LAKE, NEW JERSEY OR ANY PORTION THEREOF SHOULD BE
DESIGNATED A NON-CONDEMNATION REDEVELOPMENT AREA**

PLEASE TAKE NOTICE that the Land Use Board of the Borough of Woodcliff lake will hold a public hearing on April 22, 2025 at 7:00 P.M. to investigate and determine whether a certain property, known as BLOCK 301, LOT 3.04 on the Borough of Woodcliff Lake Tax Map commonly known as 200 TICE BOULEVARD, the former Woodcliff Lake Hilton Hotel (the "Study Area") or any portions thereof meet the criteria set forth in the Local Redevelopment and Housing Law for designation as a Non-Condemnation Redevelopment Area in accordance with the criteria and procedures set forth in N.J.S.A. 40A:12A-5 and 40A:12A-6. A Non-Condemnation Redevelopment Area determination shall not authorize the municipality to exercise the power of eminent domain to acquire any property in the delineated area.

THIS NOTICE is given in accordance with the requirements of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-6 and is also published, as required by law.

The meeting will be held in person at the Borough Hall, 188 Pascack Road, Woodcliff Lake, NJ 07677, and the public will be allowed to attend in person.

The public will also be able to access the Land Use Board meeting through Zoom. Detailed guidelines to access Zoom will be noticed within 48 hours of the meeting on the Borough Website.

Be advised this is an in-person meeting but is accessible via Zoom. During the public comment section of the meeting, you will not be able to use Zoom to raise your hand, participation, questions and comments can only be made in person.

Electronic copies of the plans and application materials are posted on the Borough website (www.wclnj.com) under the Borough Departments, Land Use Board applications tabs. Upon request to the Board Secretary hard copies of the plans and application materials can also be sent by mail or picked up at the Borough Hall by appointment via Pick Up Box. A check for payment of these materials must be made prior to pick up.

The public hearing may be continued by the Board to a subsequent date or dates by way of public announcement made at the public hearing, either with or without further published notice, as the Board may determine.

PLEASE TAKE FURTHER NOTICE the Area in Need of Redevelopment Investigation Study ("Area in Need Study") prepared by DMR Architects dated January 2025 and accompanying map showing the boundaries of the Study Area and locations of the parcels of property included

therein, along with a statement setting forth the basis for its investigation in accordance with N.J.S.A. 40A:12A-6(b)(1) as well as any supporting documentation, which is to be considered at the above-referenced public hearing, will be on file and available for public inspection at the Office of the Land Use Board, during normal business as follows: Monday and Thursday 8 a.m. to 4 p.m., Tuesday and Wednesday 8 a.m. to 6 p.m. and Friday 10 a.m. to 1 p.m. The documents will be available for viewing online, free of charge to the public, at least 10 days before the public hearing, at <https://www.wclnj.com> Alternatively, members of the public may contact the Land Use Board Secretary, Claïresse Aquilino, at 201-391-4977 ext. 210 or by email at caquilino@wclnj.com during normal business hours as noted above, in order to request copies of the Area in Need Study and related materials.

BOROUGH OF WOODCLIFF LAKE LAND USE BOARD

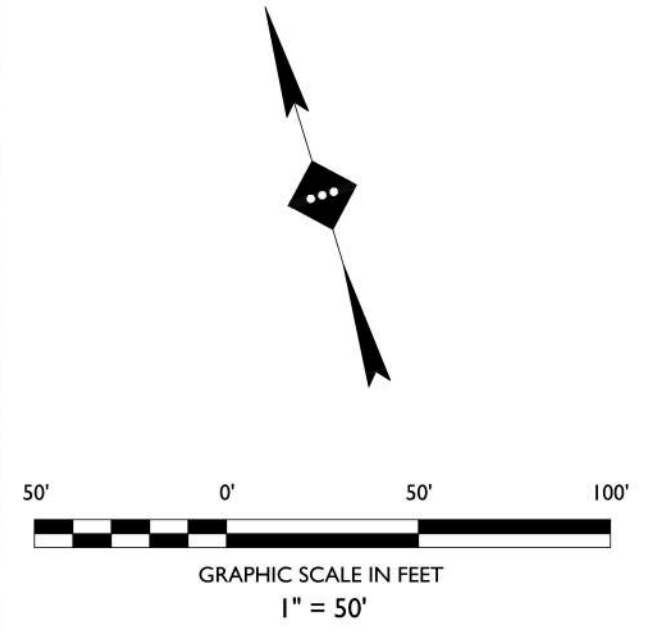
By: S. Robert Princiotta, Esq.

Attorney for the Board

669 River Drive, Suite 110, First Floor

Elmwood Park, NJ 07407

Telephone No. 201-791-8505



91 RENTAL UNITS
(INC. 30 AFFORDABLE UNITS)
56 MARKET UNITS
148 UNITS TOTAL

PARKING & BUFFER REQUIREMENTS		
CODE SECTION	REQUIRED	PROPOSED
PARKING SCHEDULE A	REQUIRED PARKING: 2 SPACES PER RESIDENTIAL UNIT (148 UNITS x 2 SPACES) = 296 SPACES	182 SPACES FOR RENTAL UNITS 234 SPACES FOR MARKET UNITS
380-50.1	REQUIRED PARKING IN ARHO ZONE (FOR REFERENCE): 2 GARAGE SPACES PER UNIT + 50 GUEST SPACES	121 CLUBHOUSE / VISITOR SPACES 1 GARAGE SPACE PER RENTAL UNIT 2 GARAGE SPACES PER MARKET UNIT
380-11.3.C	INTERIOR SETBACKS IN AH-3 ZONE: FROM INTERNAL ROADWAYS: 20 FT FROM GUEST PARKING: 15 FT BETWEEN BUILDINGS: 75 FT MINIMUM PERIMETER BUFFER: 35 FT	20 FT 5 FT 40 FT 35 FT
RESIDENTIAL SITE IMPROVEMENT STANDARDS (RSIS)	REQUIRED VISITOR SPACES: 0.5 SPACES PER RESIDENTIAL UNIT (148 UNITS x 0.5 SPACES) = 74 SPACES	121 SPACES

LAND USE AND ZONING					
BLOCK 301, LOT 3.04					
EXECUTIVE AND ADMINISTRATIVE OFFICE (EAO) DISTRICT					
PROPOSED USE	TOWNHOUSES (148 UNITS)				
	NOT PERMITTED IN EAO (AH-3 AND ARHO SHOWN FOR REFERENCE)				
ZONING REQUIREMENT	EAO ZONE REQUIREMENTS	AH-3 ZONE REQUIREMENTS	AH-3 ZONE REQUIREMENTS	ARHO ZONE REQUIREMENTS	PROPOSED
MINIMUM LOT AREA	20 ACRES	23,000 SF	7.5 ACRES	3 ACRES	20.1 AC. (876,559 SF)
MINIMUM LOT FRONTAGE	600 FT	200 FT	350 FT	N/A	1,064 FT
MAXIMUM DENSITY	N/A	18 UNITS / ACRE	2 UNITS / ACRE	12 UNITS / ACRE	7.4 UNITS / ACRE
MINIMUM FRONT YARD SETBACK	100 FT	20 FT	60 FT	70 FT	41 FT
MINIMUM SIDE YARD SETBACK	100 FT / 200 FT	5 FT	50 FT	50 FT	35 FT
MINIMUM REAR YARD SETBACK	100 FT	5 FT	50 FT	50 FT	40 FT
MAXIMUM LOT COVERAGE	20%	45%	15%	25%	25.1% (219,810 SF)
MAXIMUM SURFACE COVERAGE	50%	85%	35%	35%	49.9% (437,980 SF)
MAXIMUM BUILDING HEIGHT	36 FEET	35 FEET/2.5 STORIES	35 FEET	48 FEET / 3 STORIES	35 FEET ±

NO.	DATE	ISSUE	BY	DESCRIPTION
1	6/14/2024	ISSUE	MU	CONCEPTUAL PLAN 'D' RENDERING

NOT APPROVED FOR CONSTRUCTION

STONEFIELD
engineering & design

Rutherford, NJ • New York, NY • Salem, MA
Princeton, NJ • Tampa, FL • Detroit, MI
www.stonefielddesign.com

Headquarters: 92 Park Avenue, Rutherford, NJ 07070
Phone 201.340.4468 • Fax 201.340.4472

CONCEPTUAL PLAN 'D' RENDERING

GARDEN HOMES DEVELOPMENT

PROPOSED MULTI-USE BUILDING

BLOCK 301, LOT 3.04
200 TICE BOULEVARD
BOROUGH OF WOODCLIFF LAKE
BERGEN COUNTY, NEW JERSEY

JONATHAN R. ISTRANYI, P.E.
NEW JERSEY LICENSE No. 51968
LICENSED PROFESSIONAL ENGINEER

STONEFIELD
engineering & design

SCALE: 1" = 50' PROJECT ID: RUT-240004

TITLE:
CONCEPTUAL PLAN 'D' RENDERING

DRAWING:

24/10/2024 10:23:47 AM - 200 TICE BOULEVARD, GARDEN HOMES DEVELOPMENT - 300 TICE BOULEVARD, WOODCLIFF LAKE, NJ 07070 - 200 TICE BOULEVARD, WOODCLIFF LAKE, NJ 07070 - 200 TICE BOULEVARD, WOODCLIFF LAKE, NJ 07070 - 200 TICE BOULEVARD, WOODCLIFF LAKE, NJ 07070

APPENDIX

9

BMW REDEVELOPMENT SITE



570 Commerce Boulevard, Carlstadt, NJ 07072 | TEL 201.487.5657 ▪ FAX 201.487.6440 | www.russodevelopment.com

VIA ELECTRONIC DELIVERY

May 20, 2025

Mayor Carlos Rendo
Woodcliff Lake Borough Hall
188 Pascack Road
Woodcliff Lake, NJ 07677

Ms. Debbie Dakin
Borough Clerk
Woodcliff Lake Borough Hall
188 Pascack Road
Woodcliff Lake, NJ 07677

Mr. Corrado Belgiovine
Chairman, Woodcliff Lake Land Use Board
Woodcliff Lake Borough Hall
Woodcliff Lake, NJ 07677

**REQUEST FOR PROPERTY TO BE CONSIDERED FOR THE BOROUGH
HOUSING ELEMENT AND FAIR SHARE PLAN**

Dear Mayor Rendo, Mr. Belgiovine and Ms. Dakin:

I am writing to request that the Borough consider including the real property on Chestnut Ridge Road, Woodcliff Lake, New Jersey, identified as Block 602 Lot 1 on the Borough tax map (the "Property"), in its Fourth Round Housing Element and Fair Share Plan (the "HEFSP"). RW Woodcliff Lake LLC and/or our respective affiliates and partners are currently under contract to purchase the Property. As contract purchaser, we are evaluating the redevelopment of the property into a mixed-use project that would include inclusionary multi-family apartments and townhomes if the Property is included in the HEFSP. We are an interested party in the Borough's HEFSP and believe this Property could be an ideal candidate for an inclusionary development that could satisfy a substantial portion of the Borough's affordable housing obligations for the Fourth Round.

In particular, we are currently planning for the property to include 329 multi-family rental apartments and 61 for-sale townhomes, or 390 total units. In total, we are prepared to set aside 20% of all units as affordable units, including 66 units of the multi-family apartment phase and 12 units of the townhome phase, and that all affordable units would comply with UHAC standards.

Should the Borough have any thoughts or questions about our proposal, we would be happy to discuss them in more detail at the Borough's convenience. Thank you for your consideration and we look forward to working with the Borough to create a project of which both parties can be proud.

Very truly yours,
RW Woodcliff Lake, LLC

Chris Erb
Executive Vice President - Development

Cc: Wendy Quiroga, *Borough Redevelopment Counsel, Weiner Law Group*
Ed Russo, *CEO, Russo Development*
Eric Witmond, *CEO, Woodmont Development*
Chris Minks, *General Counsel, Russo Development*
Steve Santola, *General Counsel, Woodmont Development*
Marc Liebman, *Developer Counsel, CSG Law*

APPENDIX

10

126 BROADWAY

PROPOSED MIXED USE BUILDING - BROADWAY CORRIDOR

126 BROADWAY WOODCLIFF LAKE, NJ BLOCK 2703, LOT 1



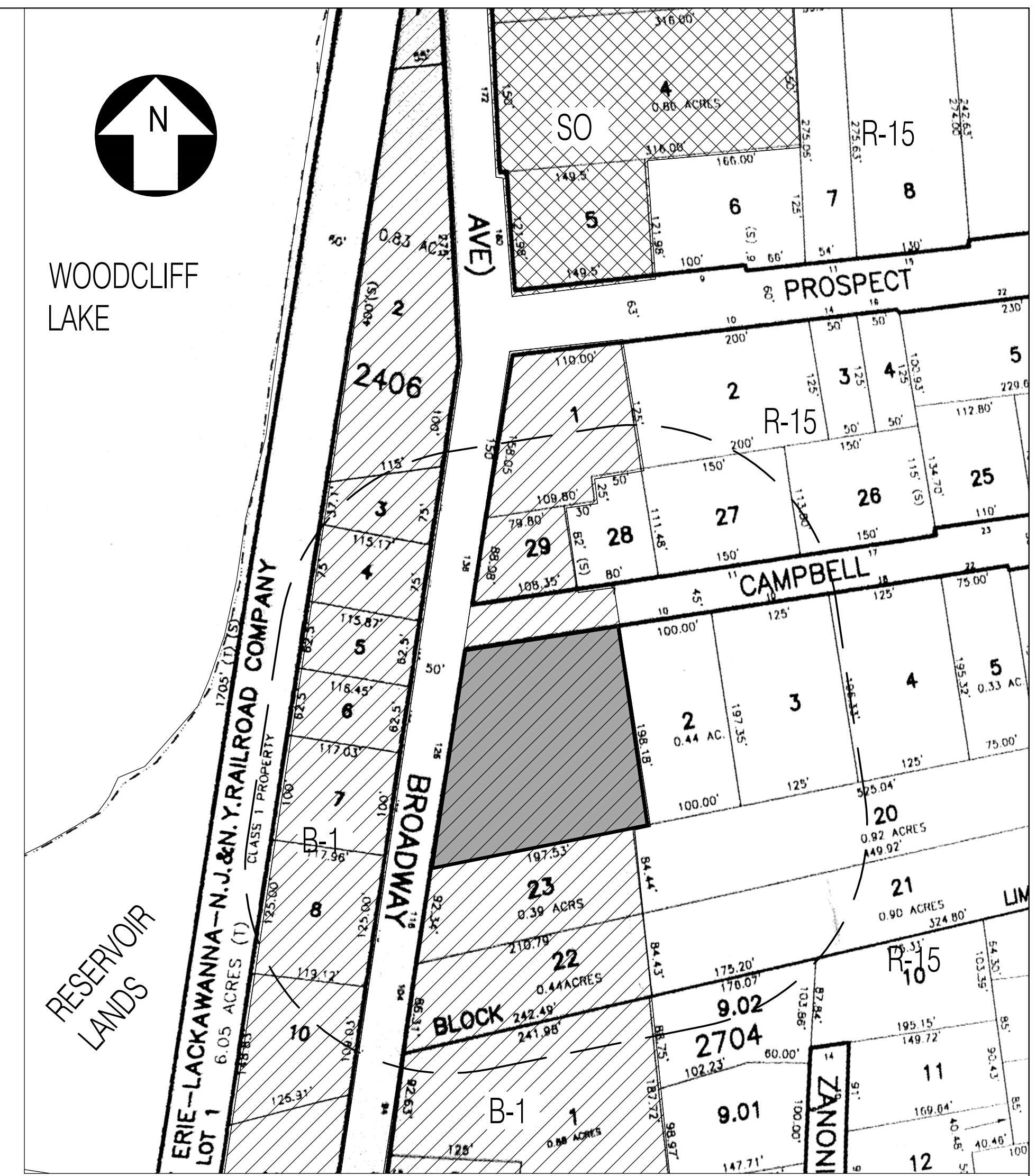
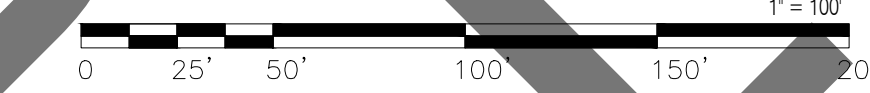
DRAWING LIST

- T-01 TITLE SHEET
- TS-1 EXISTING TOPO SURVEY
- S-1 GENERAL SITE PLAN
- S-2 EXISTING AND DEMO SITE PLANS
- S-3 GRADING AND SITE DRAINAGE PLAN
- S-4 UTILITIES PLAN
- S-5 SITE DETAILS
- EL-1 SITE LIGHTING PLAN
- L-1 LANDSCAPE PLAN
- A1 FIRST FLR PLAN
- A2 SECOND FLR PLAN
- A3 ROOF/LOFT PLAN
- A4.1 EXTERIOR ELEVATIONS
- A4.2 EXTERIOR ELEVATIONS
- A5 RENDERED ELEVATIONS

ZONING USES - PRE "BROADWAY CORRIDOR" REDEVELOPMENT

- SO - BROADWAY OFFICE
- B1 - BROADWAY BUSINESS
- R15 - MEDIUM DENSITY RESIDENTIAL

TAX, ZONING AND LOCATION MAP



WOODCLIFF LAKE OWNER & ADDRESS REPORT						
BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
2302	1		5A	NORFOLK SOUTHERN NJ & NY RR CO 188 PASADOCK ROAD WOODCLIFF LAKE, NJ 07677	RAILROAD	
2406	3		4A	EDWARD BRADLY 143 CORP. 143 BROADWAY WOODCLIFF LAKE, NJ 07677	143 BROADWAY	
2406	4		4A	129 BROADWAY LLC 129-135 BROADWAY WOODCLIFF LAKE, NJ 07677	135 BROADWAY	
2406	5		4A	129 BROADWAY LLC 129-135 BROADWAY WOODCLIFF LAKE, NJ 07677	129 BROADWAY	
2406	6		4A	LA SALA BROADWAY LLC 1410 VALLEY RD. WAYNE, NJ 07470	123-125 BROADWAY	L-7
2406	8		4A	CLUB MONTY LLC 42 PROSPECT DR WOODCLIFF LAKE, NJ 07677	115 BROADWAY	
2406	10		4A	CHURCHILL REALTY, LLC 101 BROADWAY WOODCLIFF LAKE, NJ 07677	101 BROADWAY	
2702	1		4A	150 BROADWAY LLC 792 ROUTE 17 N PARAMUS, NJ 07652	150 BROADWAY	
2702	2		2	SKWARNO CHRISTOPHER ANTHONY 10 PROSPECT AVE WOODCLIFF LAKE, NJ 07677	10 PROSPECT AVE	
2702	26		2	YOUNG JOHN E JR & ALICE D 17 CAMPBELL AVE WOODCLIFF LAKE N J 07677	17 CAMPBELL AVE	
2702	27		2	C. FERNANDEZ J JARENO DIAZ 11 CAMPBELL AVE WOODCLIFF LAKE, NJ 07677	11 CAMPBELL AVE	
2702	29		4A	AZRA DEVELOPMENT LLC 501 SILVER BAY RD TOMS RIVER, NJ 08753	136 BROADWAY	
2703	2		2	CROPLEY BRANDON & WALTER 10 CAMPBELL AVE WOODCLIFF LAKE, NJ 07676	10 CAMPBELL AVE	
2703	3		2	GROGAN CYNTHIA 14 CAMPBELL AVE WOODCLIFF LAKE, NJ 07677	14 CAMPBELL AVE	
2703	20		2	LISSAUER MATTHEW ALEXANDER ETAL 21 OAK STREET WOODCLIFF LAKE, NJ 07677	21 OAK STREET	
2703	22		4A	SYDZ PLACE LLC 104 BROADWAY WOODCLIFF LAKE, NJ 07677	104 BROADWAY	
2703	23		4A	C. A. LARSON & ASSOC INC 251 CAMBRIDGE RD HILLSDALE, NJ 07642	116 BROADWAY	
2704	1		4A	CRISTINA REALTY LLP 270 BROADWAY WOODCLIFF LAKE, NJ 07677	98 BROADWAY	
2704	9.02		2	DATTOLI ALBERT & CHRISTINE 11 ZANONI ST WOODCLIFF LAKE, NJ 07675	11 ZANONI ST	

§ 292-24 Legends.
The following legends shall be indicated on the site plan:

A. To be signed before submission:
I CONSENT TO THE FILING OF THIS SITE PLAN.
Owner: Martin Malek Date: 04/04/25
Applicant Date: _____ Date: _____

B. To be completed before submission:
SITE PLAN OF
LOT 2703 BLOCK 1 ZONE B-1
DATE: 04/04/25 SCALE: 1" = 15'
APPLICANT: Martin Malek P.E.
ADDRESS: 26 OAK ROAD, SADDLE RIVER NJ 07458

C. To be signed before submission:
I HEREBY CERTIFY THAT I HAVE PREPARED THIS SITE PLAN AND THAT ALL DIMENSIONS AND OTHER INFORMATION SET FORTH ARE CORRECT.
Name: _____
Title and License Number: _____ Professional Engineer, GE 031846

D. To be signed before issuance of building permit:
APPROVED BY THE BOARD OF THE BOROUGH OF WOODCLIFF LAKE
By: _____ Date: _____
Chairman

E. To be signed before (preliminary or final) approval is given:
I HAVE REVIEWED THIS SITE PLAN AND CERTIFY THAT IT MEETS ALL ORDINANCES AND REGULATIONS UNDER MY JURISDICTION.
Borough Engineer: _____ Date: _____

F. To be signed before issuance of a certificate of occupancy:
I HEREBY CERTIFY THAT ALL REQUIRED IMPROVEMENTS HAVE BEEN INSTALLED OR THAT A PERFORMANCE GUARANTY HAS BEEN POSTED IN ACCORDANCE WITH THE SITE PLAN ORDINANCE.
Construction Code Official: _____
Borough Engineer: _____

G. To be signed prior to issuance of certificates of occupancy:
I HEREBY CERTIFY THAT ALL THE REQUIRED IMPROVEMENTS OF THIS SITE PLAN HAVE BEEN INSTALLED IN COMPLIANCE WITH ALL APPLICABLE ORDINANCES AND REGULATIONS.
Borough Engineer: _____ Date: _____
Construction Code Official: _____ Date: _____

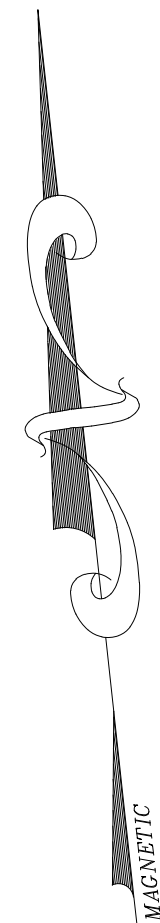
OCCUPANCY PERMIT ISSUED: _____ Date: _____



DISTANCE TO RESERVOIR PLOT PLAN NTS

ZONING REVIEW		04/04/25
No.	REVISION	DATE
	1	04/04/25
RAKSHAN MALEK ASSOC INC CONSULTING ENGINEERS 26 OAK ROAD SADDLE RIVER, NJ 07458		
PROPOSED COMMERCIAL BUILDING 126 BROADWAY WOODCLIFF LAKE, NJ BLOCK 2703, LOT 1		
TITLE SHEET		
SCALE	DATE	PROJECT No.
AS NOTED	02-07-25	
		BY
		MM
		T-01

MARTIN MALEK, PE
LICENSE NO GE 31846



- GENERAL NOTES
- DATUM IS NGVD 1929.
 - LOCATION OF UTILITIES IS APPROXIMATE ONLY. MUST BE VERIFIED PRIOR TO ANY CONSTRUCTION.
 - COMMONLY KNOWN AS No. 126 BROADWAY, WOODCLIFF LAKE, NEW JERSEY 07677.
 - BEING ALSO KNOWN AS LOT 1 IN BLOCK 2703 AS SHOWN ON THE CURRENT TAX ASSESSMENT MAP OF THE BOROUGH OF WOODCLIFF LAKE, BERGEN COUNTY, NJ.
 - LOT AREA = 36,059 sq. ft. = 0.8278 acre.

Property Information:
 Street Address: 126 BROADWAY
 Owner Name: 126 BROADWAY WOODCLIFF LAKE LLC
 Mailing Address: 1 VALLEY ST, HAWTHORNE, NJ 07506
 Block: 2703 Lot: 1

Applicant Information:
 Applicant Name: MALEK, MARTIN, P.E.
 Mailing Address: 20 PINE HILL DRIVE, UPPER SADDLE RIVER, NJ 07458



LEGEND	
	CONCRETE SURFACE
	DWELLING FOOTPRINT
	BITUMINOUS SURFACE
	GASOLINE PUMP
	IRON FOUND
	FIRE HYDRANT
	EXISTING SIGN
	LIGHT POLE
	UTILITY POLE
	GAS MAIN LINE
	WATER MAIN LINE
	CENTER LINE
	EDGE OF PAVEMENT

SHEET 1 OF 1

TOPOGRAPHICAL SURVEY TS-1

OF LOT 1 IN BLOCK 2703 SHEET No. 27
 ON THE TAX MAP OF THE

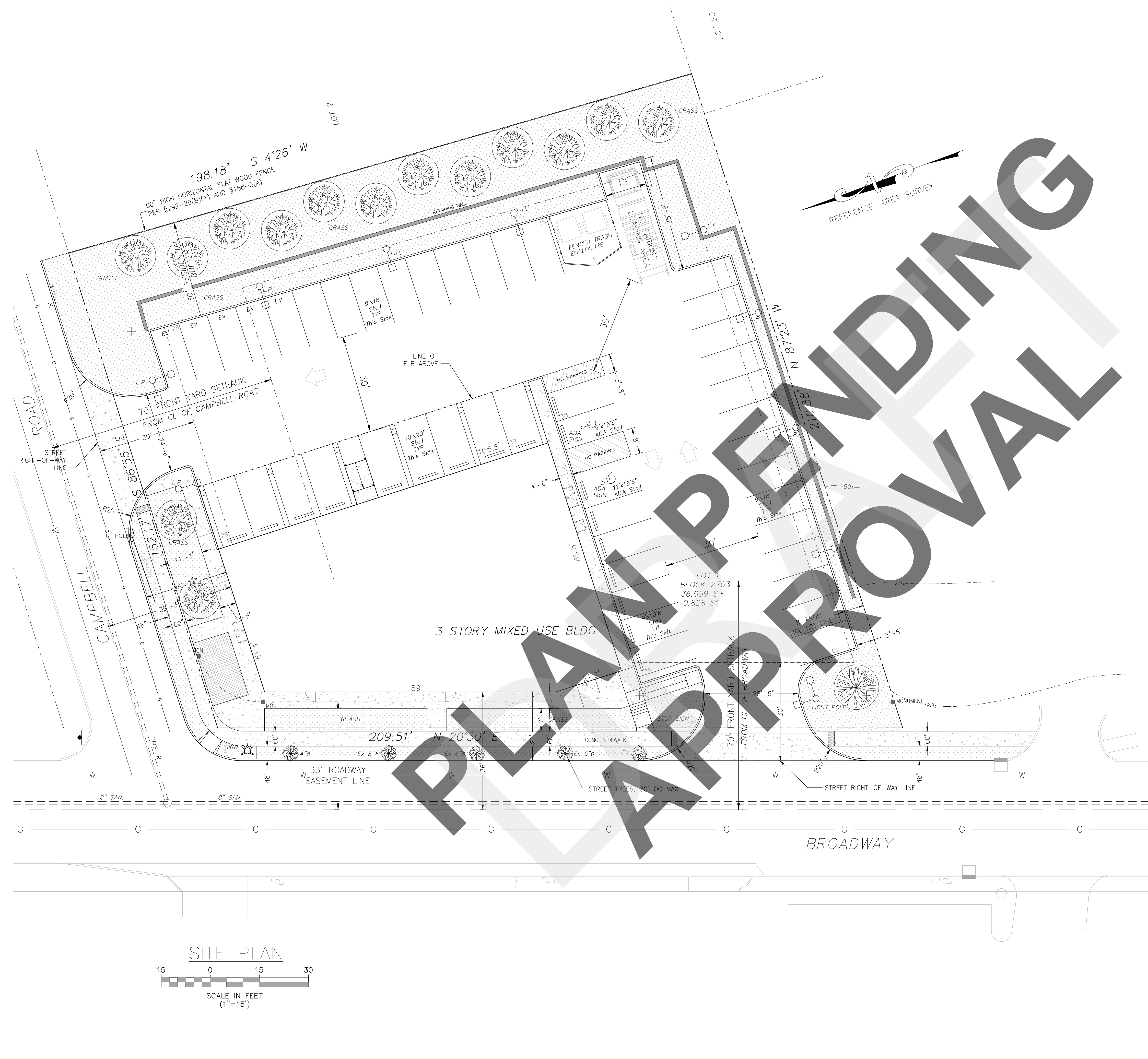
**BOROUGH OF WOODCLIFF LAKE
 BERGEN COUNTY, NEW JERSEY**

SCALE: 1" = 20'	DATE: 10/19/2007
-----------------	------------------

STEVEN L. KOESTNER, P.E. & L.S. LIC. # 27901
 KOESTNER ASSOCIATES

PROFESSIONAL ENGINEERS & LAND SURVEYORS
 61 HUDSON STREET HACKENSACK, N.J. 07601

Phone: 201 342 6264
 Fax: 201 342 4838
 www.koestnerassociates.com



ZONING SUMMARY

REQUIREMENT	B-1	Proposed Mixed Use
MINIMUM LOT AREA	10,000	36,059 sq ft
MINIMUM LOT FRONTAGE (BROADWAY)	100'	209.51
MINIMUM LOT FRONTAGE (CAMPBELL)	100'	152.17
FRONT SET BACK TO CL OF BROADWAY	70'	36'
FRONT SET BACK TO CL OF CAMPBELL	70'	39'
MINIMUM SIDE YARD (FT)	12'	76'
MINIMUM REAR YARD (FT)	25'	79' (to 2nd fl)
BUFFER - TO RESIDENTIAL	30'	30'
DISTANCE FOR PARKING FROM ROAD	30'	17'
BUILDING HEIGHT :	2.5 STORY or 36 Feet	3 STORY/35.5' top of Building elev @ 142.5'
MAXIMUM BUILDING COVERAGE %	40%	24% (8,711 SF)
MAX TOTAL IMPERVIOUS COVERAGE	50%	26,821 SF(a) (74.4%) (EXIST'G 16,652 SF/46.2%)
NO OF PARKING SPACES REQUIRED 1 PER 175 SQ FT RETAIL(4955 SQ FT) 2 X (8) DWELLING UNITS (§292-26, Table VI-1) EV CHARGING STATION CREDIT 5x1.5=7.5 (2 CREDITS)	28 16 -2 42 REQ'D	46

(N/C) : PREVIOUS USE, GAS STATION / MECHANIC SHOP, WAS NON CONFORMING
(N/A) : NOT APPLICABLE

(a) IMPERVIOUS LOT COVERAGE OF 74.4% EXCEEDS ALLOWABLE OF 50%, THEREFORE VARIANCE REQUIRED

1. A DESIGN WAIVER IS REQUESTED TO ALLOW PARKING WITHIN 30' OF STREET OF RIGHT OF WAY LINE AND WITHIN 8 FEET OF SIDE LOT LINE §292-26 (B)(2)
2. A VARIANCE IS REQUESTED TO ALLOW EXIT ONTO CAMPBELL AVENUE TOWARDS BROADWAY.
3. A DESIGN WAIVER IS REQUESTED TO ALLOW PARKING STALL SIZE OF 9'X18' §292-26 (C)(2)(a)

GENERAL NOTES:

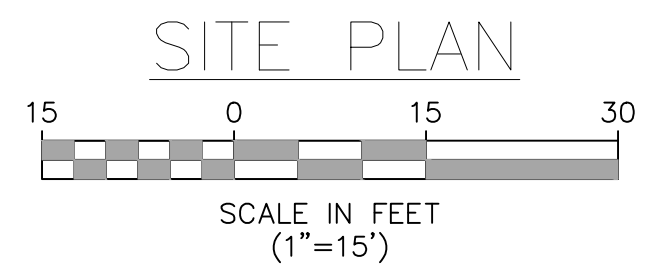
1. The Applicant shall protect any perimeter fencing, curbs, plantings, walls, etc. located within adjacent properties and shall be responsible for any damages to neighboring properties during construction.
2. The Applicant shall be responsible for the expenses related to any reconstruction of pavement, curb, sidewalk, or other public property damaged during construction activities.
3. Site plan conforms to Streetscape design standards set forth by Borough Ordinance No. 24-15 for Street trees, Sidewalks, Street lighting and landscape. See notes this sheet.
4. All ADA accessible routes, points of ingress/egress, parking spaces, etc. conform to the current ADA Standards for Accessible Design provided by the Department of Justice, latest revised.
5. No covenants, deed restrictions, or easements that may affect the use of this property.

ORDINANCE NO. 24-15 STREETScape NOTES:

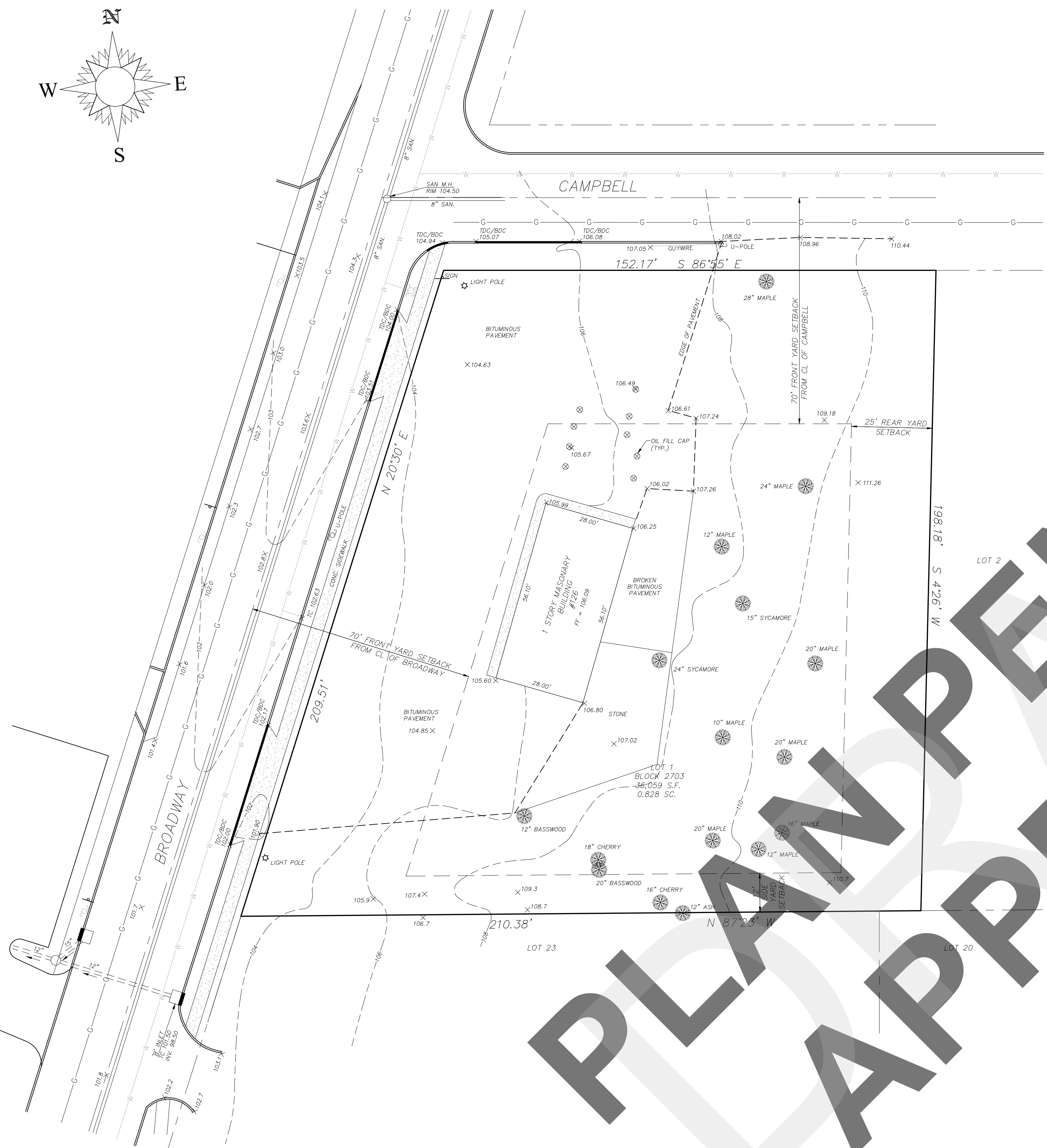
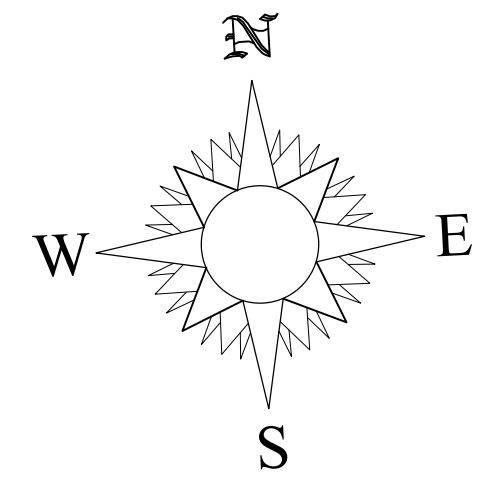
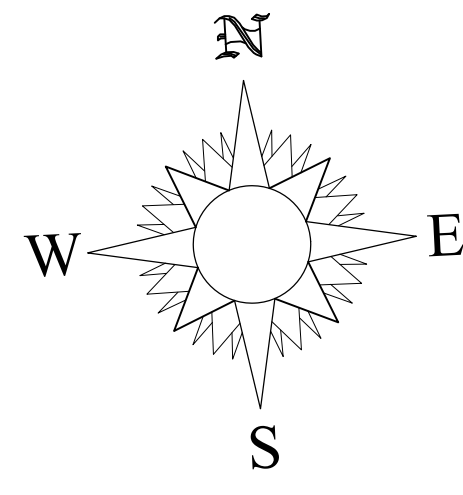
- Streetscape Requirements. The streetscape for all properties with frontage on Broadway shall be designed with the same palette of materials and standards in order to create a cohesive district.
- (a) Streetscape Elements. The streetscape shall be provided by the developer per this section which include:
 - [1] Street trees;
 - [2] Sidewalks;
 - [3] Street lighting; and
 - [4] Landscape.
 - (b) Street Trees.
 - [1] Street trees shall be planted in either grates or open landscape planting areas equivalent to 30'-0" on-center along Broadway frontage and for at least one street trees along a secondary street for any corner lot.
 - [2] Street trees shall be planted with a minimum 3.5" caliper and shall be trimmed to 8'-0" in accordance with the American Society of Nursery Stock published by the American Association of Nurseryman.
 - [3] A minimum 4'-0" dimension between the back of curb and sidewalk.
 - (c) Sidewalks.
 - [1] Sidewalks shall be a minimum 5'-0" in width and shall be scored concrete.
 - (d) Street Lights.
 - [1] All street lights shall be shielded from the second floor uses and shall be a maximum of 16'-0" in height, located on center between street trees, 1'-0" from the back of sidewalk and shall be a maximum of 90'-0" on center.
 - [2] Street lights specifications and locations shall be submitted for review and approval prior to installation.
 - [3] Luminaires shall be translucent or glare free using opaque glare or acrylic lenses.
 - [4] Diffusers and refractors should be installed to eliminate light and glare to adjacent residential properties.
 - (e) Landscape Planting:
 - [1] A minimum 4'-0" either planting area or pavers shall be provided between the back of curb and the sidewalk along Broadway.
 - [a] The type and color of any proposed pavers shall be reviewed and approved by the Planning Board and the Planning Board Engineer prior to installation.
 - [2] For any project with surface parking on Broadway (front or side yard) the following requirements shall be required as part of a site plan application.
 - [a] A minimum 4'-0" planting area shall be located between the back of the sidewalk and the parking area.
 - [b] The planting area shall be planted with evergreen shrubs at least 3'-0" at the time of planting which are a species that will form a year-round dense screen. The maximum height for the planting shall be maintained at no greater than 4'-0" in height.

FILING NOTES:

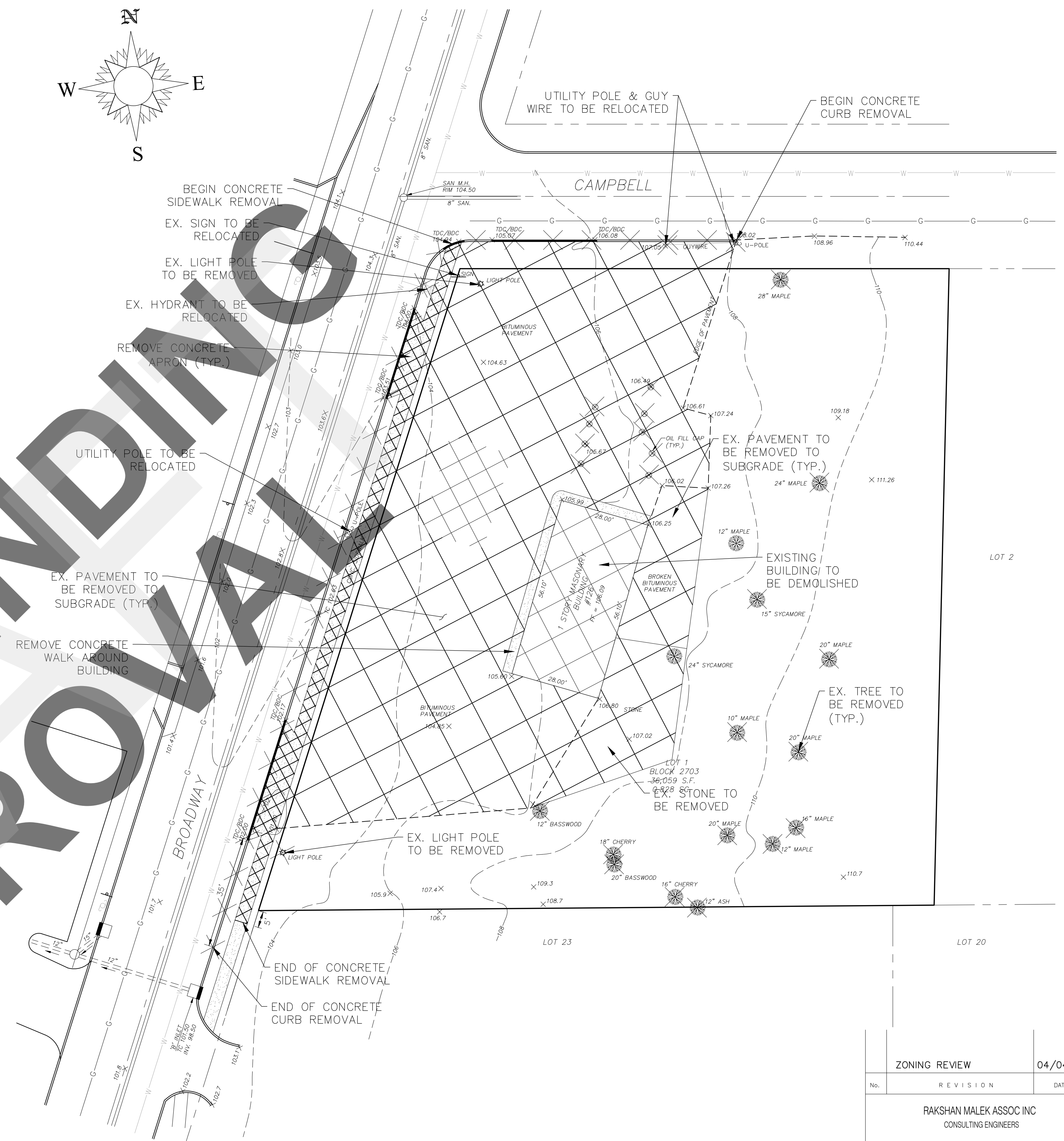
1. FOR SOIL DISTURBANCE IN EXCESS OF 5,000 SQ FT, A BERGEN COUNTY SOIL CONSERVATION DISTRICT PLAN CERTIFICATION SHALL BE OBTAINED.
2. BROADWAY IS DESIGNATED AS BERGEN COUNTY ROUTE 90 AND REQUIRES BERGEN COUNTY REVIEW AND APPROVAL.
3. THE APPLICANT SHALL OBTAIN AND ADDRESS ANY COMMENTS FROM THE BOROUGH OF WOODCLIFF LAKE FIRE AND POLICE DEPARTMENTS REGARDING ON-SITE ACCESS AND CIRCULATION.
4. TREE REMOVAL PERMITS SHALL BE OBTAINED PRIOR TO REMOVAL OF EXIST'G TREES



ZONING REVIEW		04/04/25
No.	REVISION	DATE
RAKSHAN MALEK ASSOC INC CONSULTING ENGINEERS 26 OAK ROAD SADDLE RIVER, NJ 07458		
PROPOSED COMMERCIAL BUILDING 126 BROADWAY WOODCLIFF LAKE, NJ BLOCK 2703, LOT 1		
GENERAL SITE PLAN		
SCALE	DATE	PROJECT No. BY
AS NOTED	02-07-25	MM

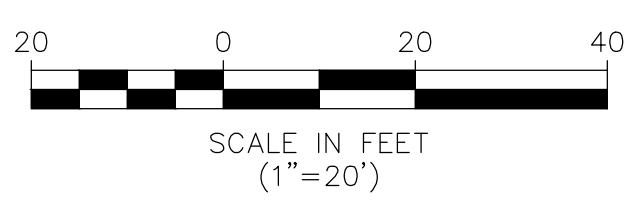


EXISTING CONDITIONS PLAN



DEMOLITION PLAN

PLAN PENDING APPROVAL



SCALE IN FEET
(1" = 20')

**ORDINANCE NO. 24-01
355-13. RESTRICTION ON CUTTING TREES.**
Except as provided for herein, no person, firm, or corporation shall cut or remove trees without first obtaining a permit. Excepted from this shall be:

- (1) All land-clearing operations as authorized in accordance with a site plan approval or subdivision approval and conditions imposed with respect to tree removal and planting, granted by the Planning Board, the Shade Tree Committee or Board of Adjustment of the Borough of Woodcliff Lake in accordance with the provisions of N.J.S.A. 40:550-20 (exclusive authority of Planning Board and board of Adjustment); provided, however, that all applications to the Planning Board or Board of Adjustment shall specifically designate all trees to be removed on submitted plans and in the field. Under no circumstances shall clear-cutting be permitted on any property.
- (2) Trees located on a commercial nursery or orchard.
- (3) The cutting, pruning or trimming of trees in a manner which is not harmful to the health of the tree.
- (4) Trees that represent an immediate danger to property or public safety with the approval of the Shade Tree Inspector or other authorized agent of the Borough. In the event a tree is deemed hazardous, by a duly authorized agent of the Borough, no permit is required.
- (5) The cutting, removal or destruction of any tree pursuant to an order or directive of any municipal, county or state agency or court.
- (6) Activities involving trees within public highways, public rights-of-way, or publicly owned properties. Cutting, pruning or trimming of trees by a utility agency to keep high-tension power lines clear.

B. Protected species cannot be removed.

ZONING REVIEW	04/04/25
No.	REVISION
	DATE

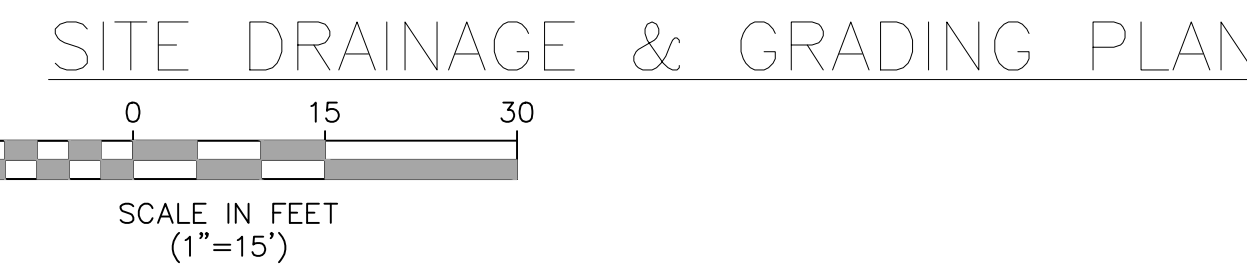
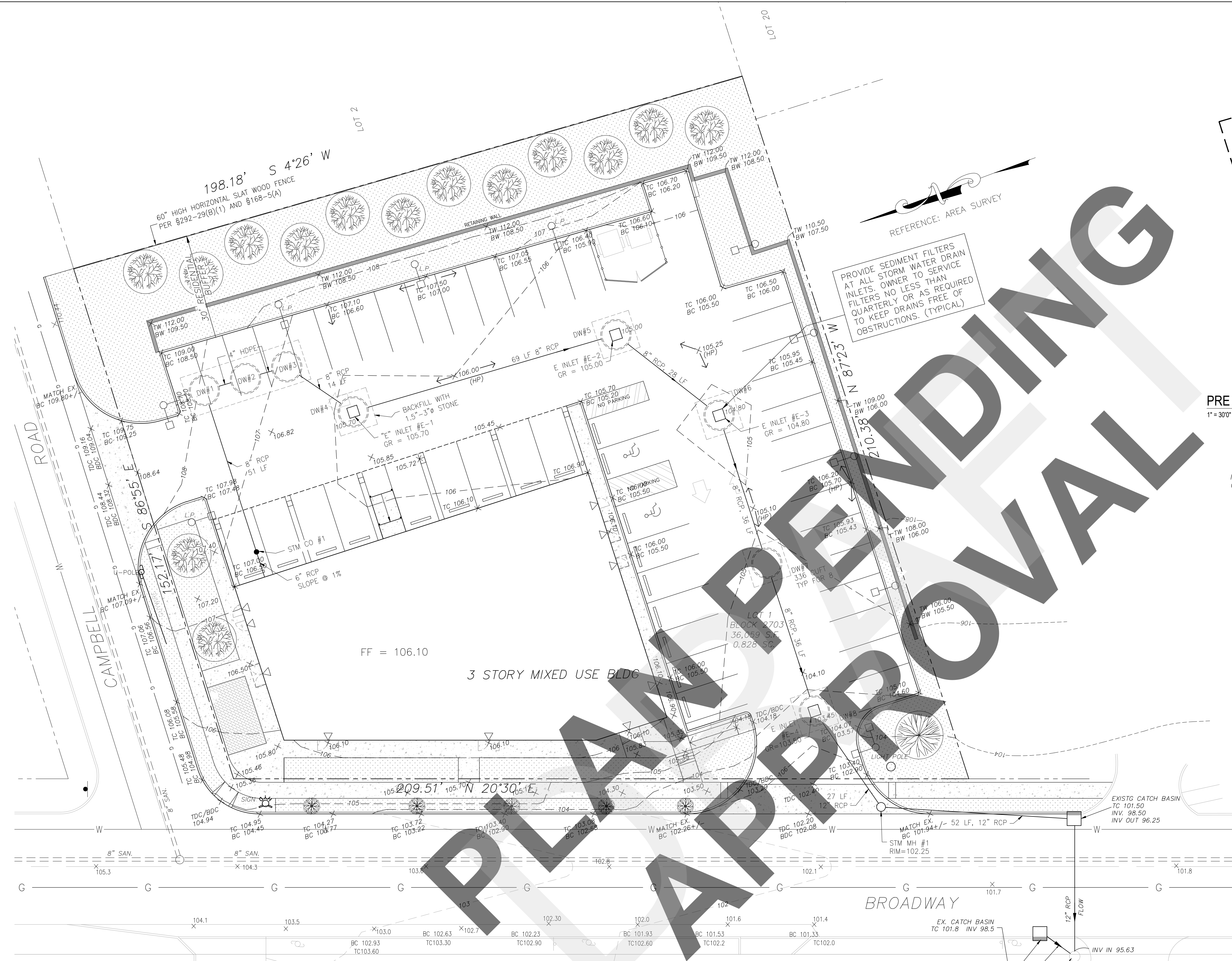
RAKSHAN MALEK ASSOC INC
CONSULTING ENGINEERS
26 OAK ROAD
SADDLE RIVER, NJ 07458

PROPOSED COMMERCIAL BUILDING
126 BROADWAY
WOODCLIFF LAKE, NJ
BLOCK 2703, LOT 1

EXISTING CONDITIONS AND DEMOLITION PLAN			
SCALE	DATE	PROJECT No.	BY
AS NOTED	02-07-25		MM

MARTIN MALEK, PE
LICENSE NO GE 31846

S-02



SOIL MOVEMENT NOTES:

- Estimated soil moving quantity is 355 cu yd. Any fill brought to the site shall be certified clean fill by applicable NJDEP regulations.

GENERAL NOTES:

- The Applicant shall ensure that stormwater runoff does not negatively affect neighboring properties. Any damages caused by an increased runoff or improper drainage shall be repaired by the Applicant.
- The project is not considered a major development per NJAC 7:8.
 - Project does not disturb 1 or more acres of land (including cumulative disturbance over time). LOT SIZE IS 0.83 ACRE
 - Project does not create/Expand Impervious Surface by 0.25+ acres (e.g., paving, rooftops). IMPERVIOUS AREA INCREASE IS 0.23 AC < 0.25 AC

PROVIDE SEDIMENT FILTERS AT ALL STORM WATER DRAIN INLETS. OWNER TO SERVICE FILTERS NO LESS THAN QUARTERLY OR AS REQUIRED TO KEEP DRAINS FREE OF OBSTRUCTIONS. (TYPICAL)

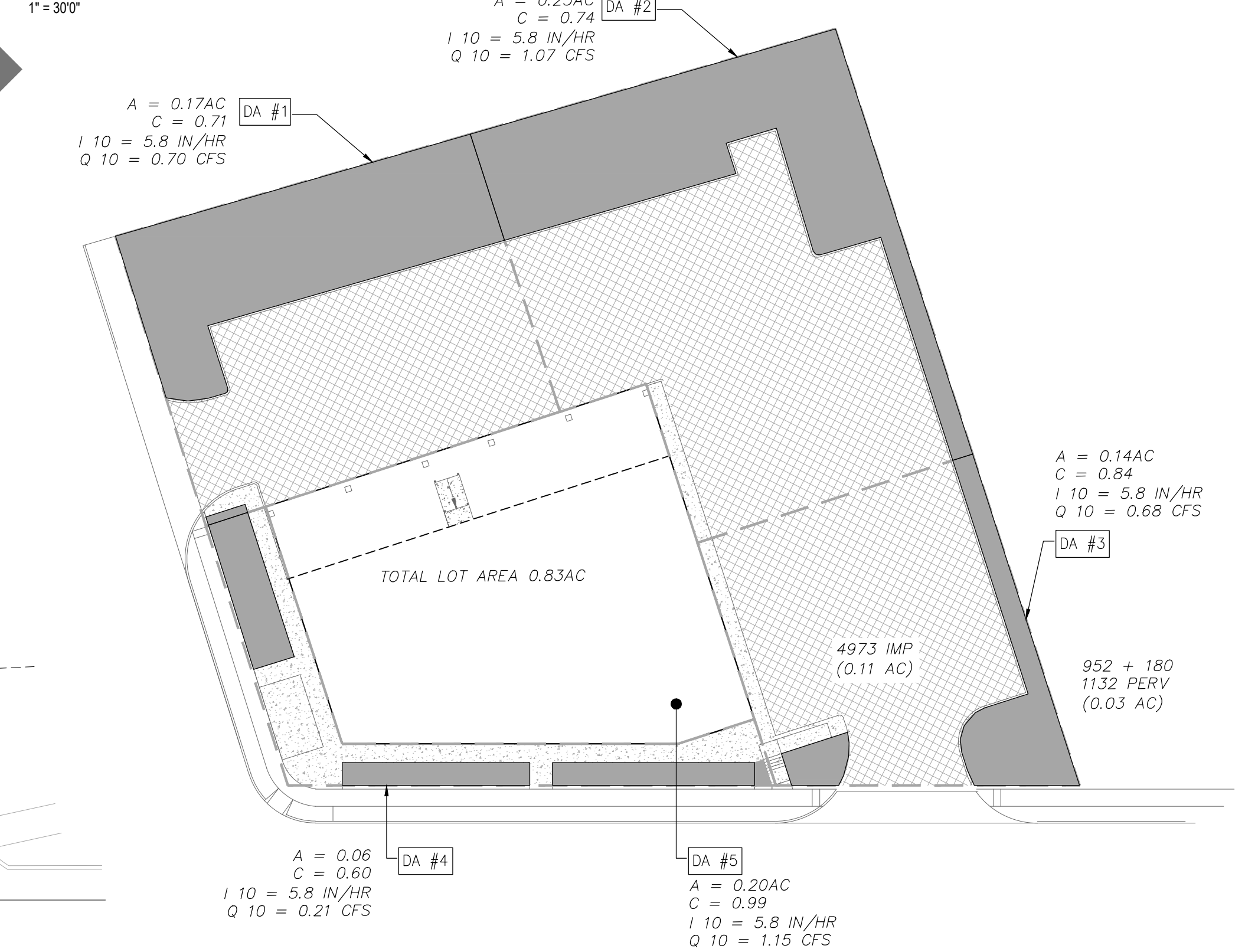
COMPOSITE 'C' CALCULATIONS

TOTAL SITE AREA 0.83 AC
 A Imp = 0.38 AC C= 0.99
 A Perv = 0.45 AC C= 0.30
 COMPOSITE 'C' = $\frac{0.99(0.38) + 0.30(0.45)}{0.83} = 0.62$

DA #1

PRE-DEVELOPMENT DRAINAGE AREA #1
 A = 0.83AC
 C = 0.62
 I 25 = 6.8 IN/HR
 Q 25 = 3.50 CFS

PRE DEVELOPMENT DRAINAGE PLAN
 1"=300"



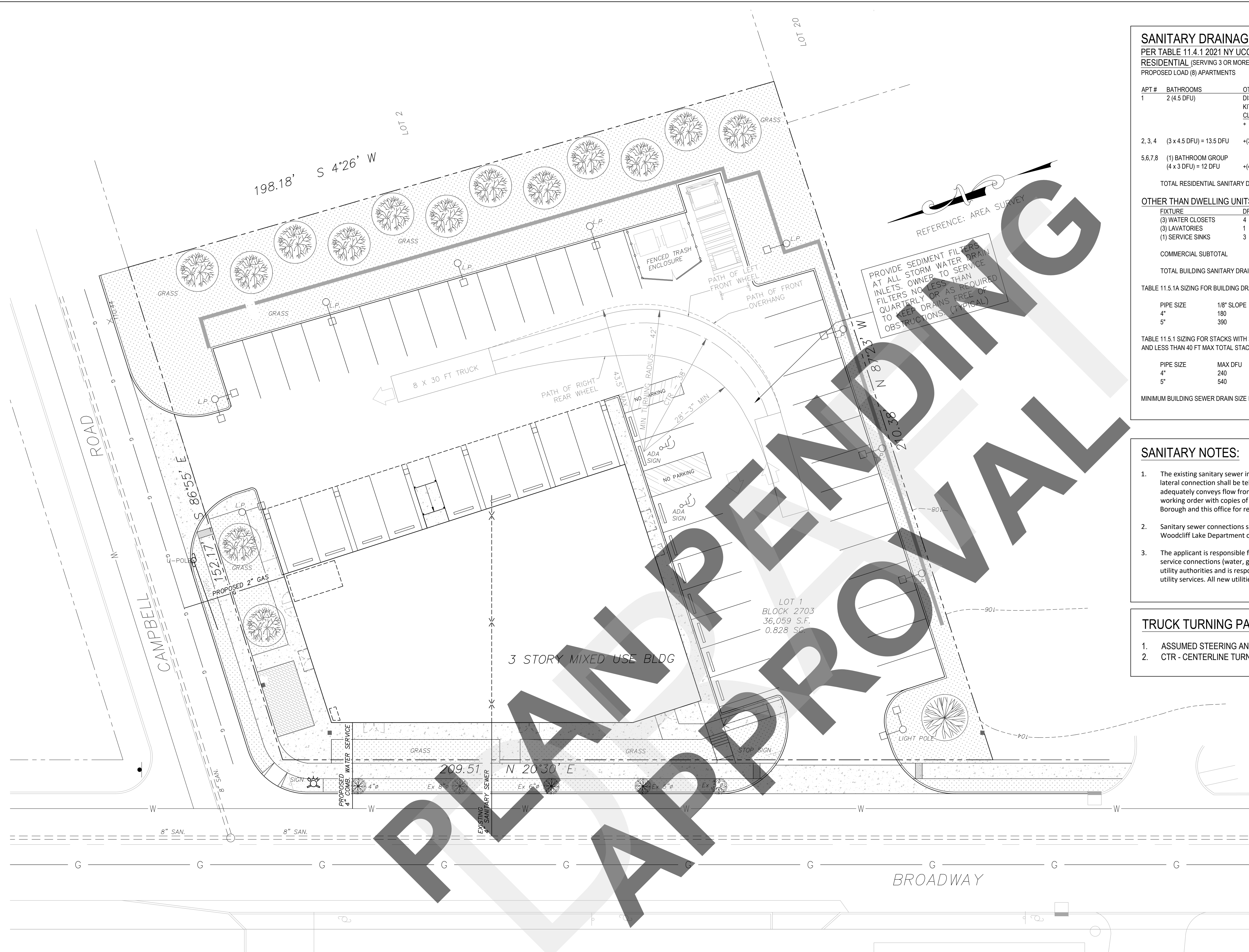
POST DEVELOPMENT DRAINAGE PLAN
 1"=300"

SEE STORM MANAGEMENT REPORT

ZONING REVIEW	04/04/25
No.	REVISION
DATE	
RAKSHAN MALEK ASSOC INC CONSULTING ENGINEERS 26 OAK ROAD SADDLE RIVER, NJ 07458	
PROPOSED COMMERCIAL BUILDING 126 BROADWAY WOODCLIFF LAKE, NJ BLOCK 2703, LOT 1	

GRADING & SITE DRAINAGE

SCALE	DATE	PROJECT No.	BY
AS NOTED	02-07-25		MM



UTILITY & TRUCK ACCESS PLAN
SCALE IN FEET (1"=15')

SANITARY DRAINAGE LOAD CALCULATIONS

PER TABLE 11.4.1 2021 NY UCC PLUMBING SUBCODE
RESIDENTIAL (SERVING 3 OR MORE DWELLING UNITS)
PROPOSED LOAD (8) APARTMENTS

APT #	BATHROOMS	OTHER FIXTURES PER APT	DFU
1	2 (4.5 DFU)	DISHWASHER (2 DFU) KITCHEN SK (2 DFU) CLOTHES WASH (3 DFU)	7 DFU = 11.5 DFU
2, 3, 4	(3 x 4.5 DFU) = 13.5 DFU	+(3 APT X 7 DFU) = 21 DFU	= 34.5 DFU
5, 6, 7, 8	(1) BATHROOM GROUP (4 x 3 DFU) = 12 DFU	+(4 APT X 7 DFU) = 28 DFU	= 40 DFU
TOTAL RESIDENTIAL SANITARY DRAINAGE LOAD			= 86 DFU

OTHER THAN DWELLING UNITS (COMMERCIAL 1ST FLR)

FIXTURE	DFU	SUBTOTAL
(3) WATER CLOSETS	4	12
(3) LAVATORIES	1	3
(1) SERVICE SINKS	3	3
COMMERCIAL SUBTOTAL		= 18 DFU
TOTAL BUILDING SANITARY DRAINAGE LOAD		= 104 DFU

TABLE 11.5.1A SIZING FOR BUILDING DRAINS AND SEWERS - MAX DFU

PIPE SIZE	1/8" SLOPE	1/4" SLOPE
4"	180	216
5"	390	480

TABLE 11.5.1 SIZING FOR STACKS WITH 3 BRANCH INTERVALS OR LESS AND LESS THAN 40 FT MAX TOTAL STACK HEIGHT

PIPE SIZE	MAX DFU
4"	240
5"	540

MINIMUM BUILDING SEWER DRAIN SIZE IS 4", EXISTING TO REMAIN

DOMESTIC WATER SUPPLY CALCULATIONS

PER TABLE 10.14.2A 2021 NY UCC PLUMBING SUBCODE
RESIDENTIAL (SERVING 3 OR MORE DWELLING UNITS)
PROPOSED DEMAND (8) APARTMENTS

APT #	BATHROOMS	OTHER FIXTURES PER APT	WSFU
1	2 (4.5 WSFU)	Kitchen Group with Sink and DW (1.5 WSFU) CLOTHES WASH (2.5 WSFU)	4 WSFU = 8.5 WSFU
2, 3, 4	(3 x 4.5 WSFU) = 13.5 WSFU	+(3 APT @ 4 WSFU) = 12 DFU	= 25.5 WSFU
5, 6, 7, 8	(1) BATHROOM GROUP (4 x 3.5 WSFU) = 14 WSFU	+(4 APT @ 4 WSFU) = 16 WSFU	= 30 WSFU
TOTAL RESIDENTIAL DOMESTIC WATER DEMAND			= 64 WSFU

OTHER THAN DWELLING UNITS (COMMERCIAL 1ST FLR)

FIXTURE	WSFU	SUBTOTAL
(3) WATER CLOSETS	2.5	7.5
(3) LAVATORIES	1	3
(1) SERVICE SINKS	3	3
(1) HOSE BIBB	2.5	2.5
COMMERCIAL SUBTOTAL		= 16 WSFU
TOTAL BUILDING DOMESTIC WATER DEMAND		= 80 WSFU

TABLE 10.14.2B & Table B.5.4 - DEMAND WSFU TO GPM (FLUSHTANKS - applies to portions of piping systems where the water closets are the flush tank type (gravity or pressure) or there are no water closets, and to hot water piping.)

WSFU(TANKS)	GPM
80	39

TABLE B.7.3.B - TYPE K COPPER TUBE @ 4 FPS VELOCITY

SIZE	WSFU (TANKS)	WSFU (VALVES)	GPM
2-1/2"	165	69	58.1

PROPOSED 2-1/2" DOMESTIC WATER TAKE OFF FROM 4" COMBINED SPRINKLER/DOMESTIC WATER SERVICE.

- ### SANITARY NOTES:
- The existing sanitary sewer immediately downstream of the proposed lateral connection shall be televised to ensure that the sewer adequately conveys flow from the project and is in satisfactory working order with copies of the video inspection provided to the Borough and this office for review.
 - Sanitary sewer connections shall be coordinated with the Borough of Woodcliff Lake Department of Public Works, as required.
 - The applicant is responsible for coordination of all new site utility service connections (water, gas, electric, telephone, internet) with utility authorities and is responsible for all associated costs for these utility services. All new utilities shall be located underground.

- ### TRUCK TURNING PATH NOTES:
- ASSUMED STEERING ANGLE IS 31.7°
 - CTR - CENTERLINE TURNING RADIUS AT FRONT AXLE

ZONING REVIEW	04/04/25
No.	REVISION DATE
RAKSHAN MALEK ASSOC INC CONSULTING ENGINEERS 26 OAK ROAD SADDLE RIVER, NJ 07458	
PROPOSED COMMERCIAL BUILDING 126 BROADWAY WOODCLIFF LAKE, NJ BLOCK 2703, LOT 1	
UTILITIES & TRUCK ACCESS SITE PLAN	
SCALE	DATE
AS NOTED	02-07-25
PROJECT No.	BY
	MM

MARTIN MALEK, PE
LICENSE NO GE 31846

APPENDIX

11

WATERFRONT REST HOME

BOROUGH OF WOODCLIFF LAKE
188 PASCAK ROAD
WOODCLIFF LAKE, NJ. 07675

Date Issued 08/07/06
Control #
Permit # 06-233

UCC NEW JERSEY CERTIFICATE

IDENTIFICATION

Block 2701 Lot 2 Qual _____
Work Site Location 210 BROADWAY
Owner in Fee/Occupant WATERFRONT REST HOME
Address SAME
Telephone () -
Contractor _____
Address _____
Telephone () - Fax () -
Lic. No. or Bldrs. Reg. No. _____
Federal Emp. No. _____

Home Warranty No. _____
[] State [] Private _____
Use Group R-2
Maximum Live Load 40
Construction Classification 5B
Maximum Occupancy Load 20
Description of Work/Use:

CO
MAXIMUM OCCUPANCY LOAD 20 BEDS

CERTIFICATE OF OCCUPANCY

This serves notice that said building or structure has been constructed in accordance with the New Jersey Uniform Construction Code and is approved for occupancy.

CERTIFICATE OF APPROVAL

This serves notice that the work completed has been constructed or installed in accordance with the New Jersey Uniform Construction Code and is approved. If the permit was issued for minor work, this certificate was based upon what was visible at the time of inspection.

TEMPORARY CERTIFICATE OF OCCUPANCY/COMPLIANCE

If this is a Temporary Certificate of Occupancy or Compliance, the following conditions must be met no later than _____, ____ or the owner will be subject to fine or order to vacate:

CERTIFICATE OF CLEARANCE - LEAD ABATEMENT 5:17

This serves notice that based on written certification, lead abatement was performed as per NJAC 5:17, to the following extent:

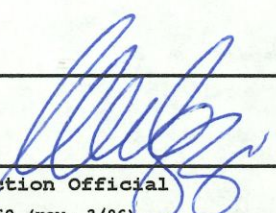
- Total removal of lead-based paint hazards in scope of work
- Partial or limited time period (____ years); see file

CERTIFICATE OF CONTINUED OCCUPANCY

This serves notice that based on a general inspection of the visible parts of the building there are no imminent hazards and the building is approved for continued occupancy.

CERTIFICATE OF COMPLIANCE

This serves notice that said potentially hazardous equipment has been installed and/or maintained in accordance with the New Jersey Uniform Construction Code and is approved for use until _____, ____.


Construction Official

U.C.C. F260 (rev. 3/96)

Fee \$ 100
Paid Check No. 284
Collected by: CB

cc: Fire Prevention

STATE OF NEW JERSEY
 DEPARTMENT OF COMMUNITY AFFAIRS
 DIVISION OF CODES AND STANDARDS
 BUREAU OF ROOMING AND BOARDING
 HOUSE STANDARDS
 (609) 984-1704

PAGE 1 OF 4
 Control No. 0268-C-0002
 No. of Stories 3 Units 13 Bedrooms
 Lic. Capacity 20 No. of Res. 20
 Class C
 DATE: 12/12/24

BRBHS-1
 10/22

EVALUATION REPORT AND ORDERS OF THE COMMISSIONER

Owner's Name, Address, Zip, County <u>The Waterfront Rest Home</u>
Owner's Phone Number
Administrator

Property Address <u>210 Broadway</u>
<u>Woodcliff Lake, NJ</u>
Property Phone Number

TYPE OF EVALUATION
 SOCIAL ADDENDUM
 PHYSICAL CYCLICAL

-PLEASE READ CAREFULLY-

This evaluation performed by the Bureau of Rooming and Boarding House Standards is being conducted pursuant to the ROOMING AND BOARDING HOUSE ACT OF 1979 (N.J.S.A. 55:13B-1 et seq)

You are ORDERED to correct the conditions described in the attached notice of violations by the compliance date indicated for each violation. Failure to comply with these orders will result in penalties and/or a court action in accordance with the Act. Please review the violations with the Bureau representative.

You may contest these orders at an administrative hearing. The request for a hearing must be made within 15 days after receipt of these orders. Each issue intended to be raised at the hearing must be set forth in detail in the letter. Any issue not so raised shall be deemed waived. The hearing shall be held pursuant to The Administrative Procedure Act, (C.52:14B-1 et seq.). Refer to the property address and date of compliance (if applicable) and address the hearing request to:

Division of Codes and Standards, Hearing Coordinator, P.O. Box 804, Trenton, New Jersey 08625 with a copy to the Chief, Bureau of Rooming and Boarding House Standards, at the same address. A corporation may be represented only by a licensed attorney.

You will be notified of the time and place of the hearing.

If you find an extension of time necessary to abate any violation, a letter must be submitted two (2) weeks prior to the date of compliance which states in detail: (1) The violations abated to date; (2) The reason why each unabated violation cannot be corrected prior to the date of penalty; and (3) The date by which all violations can be abated.

By requesting an extension, one expressly waives the right to a hearing and admits that the Notice and Orders are correct and free from procedural and substantive defects.

Received By [Signature]
LEIK POISARD
 Printed Name of Person Served
 Date 12/12/24 Time Served

Commissioner
 By Bernard A. Raywood, Chief
 Bureau of Rooming and Boarding House Standards
William Henry [Signature]
 Bureau Representative

White - Owner's Copy

Yellow - File Copy

Pink and Goldenrod - Evaluator Copies

210 Boardman Woodcliff Lake, NJ 07418-C-0002
EVALUATION REPORT AND ORDERS OF THE COMMISSIONER

Administrative Code Reference		Compliance Date	Reinspection Date	Compliance Date
	Fire cert exp. 6/15/25			
	Owner lic. exp. 9/30/25			
	Operator lic. exp. 10/31/25			
	<u>3rd Floor</u>			
	Room #14			
	- no violations			
	Room #13			
	- No violations			
	Room #12 - Occupied by staff			
	<u>Common hallway</u>			
	- No violations			
	<u>Common bathroom (Full)</u>			
	- No violations			
	<u>2nd Floor</u>			
	Room #10			
	- No violations			
	Room #9			
	- No violations			
	Room #8			
	- No violations			
	Room #7 - Occupied by staff			

210 Broadway Woodcliff Lake, NJ 07086-0002
EVALUATION REPORT AND ORDERS OF THE COMMISSIONER

Administrative Code Reference		Compliance Date	Reinspection Date	Compliance Date
	<u>2nd Floor east</u>			
	<u>Room #6</u>			
	- No violations			
	<u>Room #5</u>			
	- No violations			
	<u>Common hallway</u>			
	- No violations			
	<u>Common bathroom #2 (Full)</u>			
	- No violations			
	<u>Common bathroom #2 (Half)</u>			
	- No violations			
	<u>1st Floor</u>			
	<u>Room #11</u>			
	- No violations			
	<u>Room #4</u>			
	- No violations			
	<u>Room #3</u>			
	- No violations			
	<u>Room #2</u>			
	- No violations			
	<u>Room #1B</u>			
	- No violations			
	<u>Room #1A</u>			
	- No violations			
	<u>Common entrance</u>			
	- No violations			

THE WATERFRONT REST HOME
210 BROADWAY
WOODCLIFF LAKE, NJ 07677-0000

STATE OF NEW JERSEY
DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF CODES AND STANDARDS

LICENSE TO OWN

ISSUED TO: THE WATERFRONT REST HOME

LICENSE CAPACITY: 20

LICENSE ISSUED: September 10, 2024



FACILITY TYPE:
Class C Boarding House

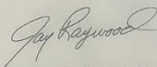
FACILITY ADDRESS:
210 BROADWAY
WOODCLIFF LAKE, NJ

FACILITY #: 0268-0002

EXPIRATION DATE September 30, 2025

This license is issued pursuant and subject to P.L. 1979, c. 496; N.J.S.A. 55:13B-1 et seq. and is valid only for the person or organization it is issued to and only to own and/or operate the facility indicated herein.

This renewal license is also subject to suspension or revocation, after opportunity for a hearing, in the event of non-compliance with applicable licensing requirements. Issuance of this renewal license is for the purpose of allowing continued operation and is not evidence of any determination that the facility is currently in compliance with applicable state regulations.


Bernard Raywood
Bureau of Rooming and Boarding House Standards

APPENDIX

12

THO II ZONE

BOROUGH OF WOODCLIFF LAKE

Bergen County, New Jersey

Ordinance No. 22-05

AN ORDINANCE TO AMEND CHAPTER 380 ENTITLED "ZONING" OF THE BOROUGH CODE OF THE BOROUGH OF WOODCLIFF LAKE, STATE OF NEW JERSEY

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF WOODCLIFF LAKE IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY, AS FOLLOWS:

WHEREAS, Chapter 380, of the Code of the Borough of Woodcliff Lake sets forth all Zoning within the Borough of Woodcliff Lake; and,

BE IT ORDAINED, by the Mayor and Council of the Borough of Woodcliff Lake, County of Bergen, and State of New Jersey that those portions of the aforesaid set forth below are hereby amended as follows and that those portions of the Ordinance not set forth below shall remain unchanged.

SECTION I.

Section 380-7 of the Borough of Woodcliff Lake Code shall be revised to add a new THO-II Townhome Overlay District II, as follows):

§380-7 Classification of districts

For purposes of promoting public health, safety, morals and general welfare of the community, the Borough of Woodcliff Lake is hereby divided into the following zone districts known as:

R-30	Residential One-Family District
THO	Townhome Overlay District
THO-II	Townhome Overlay District II
R-22.5	Residential One-Family District
R-15	Residential One-Family District
B-1	Broadway (East and West) Business District
B-2	Chestnut Ridge Road (West) Business District
B-3	Chestnut Ridge Road (East) Business District
S-O	Special Office District
S-O II	Special Office District II
EAO	Executive, Administrative and Research Office District
R-8.15	Residential One-Family District
R-1511	Residential One-Family District
EAO II	Executive Administrative and Research Office District
AH-1	Affordable Housing 1 District
AH-2	Affordable Housing 2 District

AH-3	Affordable Housing 3 District
AHO	Affordable Housing Overlay Zone
O-R	Office Research District
ARHO	Age-Restricted Housing Overlay District

SECTION II.

The map entitled “Zoning Map, Borough of Woodcliff Lake,” as established and referenced in Section 380-8 of the Borough of Woodcliff Lake, is hereby amended as follows:

- Block 908, Lot 2 shall be newly designated with the THO-II Overlay District. The underlying zoning designation within the R-30 district shall continue to be in effect.

SECTION III.

Section 380-11 of the Borough of Woodcliff Lake Code shall be revised as follows:

§ 380-11 Principal Uses.

Within the R-8.15, R-15, R-15 II, R-22.5, and R-30 districts, no building structure or lot shall be used in whole or in part other than for single-family dwellings designed and used for occupancy exclusively by one family, and for no other principal use or purpose, and any use not set forth below is expressly prohibited.

SECTION IV.

A new Section 380-11.4 shall be added to the Borough of Woodcliff Lake Code as follows:

§ 380-11.5 THO-II Townhome Overlay Districts

In the THO-II Townhome Overlay Districts, the following uses shall be permitted:

- a) Townhomes: A townhome is defined as a one-family dwelling in a row of at least three such attached units, side by side, in which each unit has its own front and rear access to the outside, no unit is located above another unit, and each unit is separated from any other units by one or more vertical common fire-resistant walls.
- b) Accessory uses and structures associated with townhomes, which shall include, but not be limited to, parking, patios, refuse enclosures, retaining structures, amenities, active and passive recreation uses such as swimming pools, clubhouse, fitness facilities and such other accessory uses customarily found in similar townhouse communities developed as an integrated project.

SECTION V.

A new Section 380-14.A.2 shall be added to the Borough of Woodcliff Lake Code as follows:

§ 380-14.A.2 THO-II Townhome Overlay District II

- 1) Bulk Standards
 - a. Minimum lot area: 5 acres

- b. Minimum building setbacks:
 - i. From the Garden State Parkway frontage: 75 feet
 - ii. From the Overlook Drive frontage: 50 feet
 - iii. From adjacent residential zones or uses: 50 feet
 - iv. From all other property lines: 25 feet.
 - v. From internal streets: 15 feet.
 - c. Maximum density: 4 units per acre
 - d. Maximum building coverage: 23.5%, excluding decks
 - e. Maximum improvement coverage: 50%
 - f. Maximum number of units in a row: 4
 - g. Minimum spacing between buildings:
 - i. Front to front: 50 feet
 - ii. Front to rear: 50 feet
 - iii. End (side) to end (side): 20 feet
 - iv. Rear to rear: 20 feet
 - h. Maximum building height: 35 feet and 2.5 stories
 - i. Minimum floor area: 1,400 square feet.
- 2) Parking requirements shall be determined in accordance with the New Jersey Residential Site Improvement Standards.
- 3) Landscaping standards.
- a. A 25-ft wide landscaped buffer shall be provided along all lot lines.
 - b. The buffer shall be composed of 50% evergreens. Said buffer shall include a mixture of shade trees, evergreens, ornamental trees and understory shrubs planted in a staggered fashion. At the time of installation, shade trees shall be a minimum three-inch caliper, evergreens shall be a minimum of eight feet in height, ornamental trees shall be a minimum of 10 feet in height, and understory shrubs shall be a minimum of 36 inches in height.
 - c. Shade trees that exist within the buffer should be preserved and enhanced with evergreens and understory shrubs as noted above.
- 4) Design standards.
- a. Full basements shall be permitted.
 - b. Each townhome shall have a maximum of three bedrooms.
 - c. Townhomes shall have a minimum roof plane pitch of 6/12; no flat roofs shall be permitted on any principal structure.
 - d. The front and rear facade of all buildings shall include building wall offsets (projections or recesses) to provide architectural interest and vary the massing of a building and relieve the negative visual effect of a single, long wall. Building wall offsets shall be provided along any facade measuring greater than 50 feet in width. The maximum spacing between such offsets shall be 35 feet. The minimum projection or depth of any individual vertical offset shall not be less than two feet.
 - e. All buildings within the THO-II District shall be of the same architectural design and treatment, including building materials.

- f. Trash receptacles shall not be visible from Overlook Drive. Receptacles shall be enclosed with a solid masonry enclosure. Such facilities shall be designed so that they fit within an overall project design.
 - g. The proposed site plan for townhouse use shall have an integrated roadway system incorporating every proposed building within the THO-II District, including emergency access, visitor/guest parking and deliveries appropriate for the proposed use.
- 5) Pedestrian accessibility.
- a. Sidewalks shall be provided within the site to provide adequate pedestrian access along interior roads.
 - b. All sidewalks shall be a minimum of four feet wide and shall be concrete and smoothly surfaced and leveled to provide for the free movement of pedestrians.
 - c. All sidewalks must be designed to provide access for the physically disabled. Access ramps shall be conveniently placed and sloped to provide easy connection to streets and sidewalks, in conformance with the Americans with Disabilities Act.
- 6) Prohibited exterior structures.
- a. Sheds shall not be permitted.

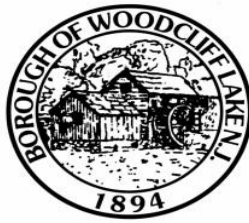
Severability All provisions of this Ordinance are severable. If for any reason, any provision of this Ordinance is held to be invalid, the validity of the remainder of the Ordinance shall not be affected.

Effective Date. This Ordinance shall become effective upon final approval and publication, pursuant to law, and upon completion of all outstanding cases.

APPENDIX

13

ADMINISTRATIVE AGENT AND MUNICIPAL HOUSING LIAISON



**BOROUGH OF WOODCLIFF LAKE
MAYOR AND COUNCIL AGENDA
REORGANIZATION MEETING
Tice Senior Center
411 Chestnut Ridge Road
Woodcliff Lake, New Jersey
January 6, 2025 at 6:00 PM**

Join from PC, Mac, iPad, or Android:

<https://us02web.zoom.us/j/88675701298?pwd=39EkoWihZItUU0uzVWGDz78ctTnRPa.1>

Passcode:07677

CALL TO ORDER

Notice of this meeting in accordance with the "Open Public Meetings Law, 1975, C. "231" was posted at the Borough Hall and two newspapers, The Record and The Ridgewood News, have been notified.

WOODCLIFF LAKE HONOR GUARD

PLEDGE OF ALLEGIANCE

INVOCATION – led by Father Jason

GOD BLESS AMERICA – Sung by Lucia Wehr

OATH OF OFFICE

Tracy Zur, Bergen County Commissioner, to swear in Jennifer Margolis
John Azzariti, District 39 Assemblyman, to swear in Christopher Bonanno

ROLL CALL

Mayor Carlos Rendo
Councilman Christopher Bonanno
Councilwoman Julie Brodsky
Councilwoman Jennifer Margolis
Councilwoman Nicole Marsh
Councilman Benjamin Pollack
Councilman Josh Stern

APPROVAL OF MINUTES

December 16, 2024 (Open)

PUBLIC COMMENT

(limit to 3 minutes per speaker)

MESSAGE FROM MAYOR RENDO

SELECTION OF COUNCIL PRESIDENT FOR 2025

APPOINTMENTS OF STANDING COMMITTEES

Finance and Audits	Pollack/Stern, Alternate Bonanno
Department of Public Works & Sanitation	Margolis/Bonanno, Alternate Stern
Police Department	Stern/Pollack
Fire Department	Marsh/Margolis
Department of Parks and Recreation	Brodsky/Bonanno
Shade Tree Committee	Brodsky
Legal (Personnel & Ordinances)	Marsh/Stern
Board of Health	Pollack
Seniors	Margolis/Bonanno
Schools (K-8)	Pollack/Margolis
Schools (HS – attend Hills Valley Coalition)	Brodsky
Communications/Outreach	Brodsky/Bonanno, Alternate Pollack

APPOINTMENTS OF NON-STANDING COMMITTEES

Economic Development	Marsh/Brodsky
Affordable Housing	Marsh/Stern
Interlocal	Stern/Margolis/Pollack
Traffic Safety	Stern/Margolis/Pollack
New Park Committee	Margolis/Marsh/Brodsky
Chamber of Commerce Committee	Margolis/Bonanno

ANNUAL PROFESSIONAL APPOINTMENTS

Borough Attorney	John Schettino, Esq.
Borough Engineer	Neglia Engineering
Borough Auditor	Lerch Vinci & Bliss, LLP
Labor Attorney	Wiss & Bouregy, PC
Bond Attorney	Rogut McCarthy LLC
Risk Manager	World Insurance Associates
Financial Advisor	Acacia Financial Group, Inc.
Health Benefits Consultant	World Insurance Associates
Borough Planner	Fran Reiner, DMR Architects
Special Counsel for Conflicts	Chasen, Lamparello Mallon & Cappuzzo
Special Counsel	Brent R. Pohlman, Esq., Mandelbaum Barrett
Special Counsel	Henry Klingeman, Esq., Klingeman Cerimele, Att.
Residential/Commercial Tax Appeal Attorney	Chasan Lamparello Mallon & Cappuzzo
Redevelopment Attorney	Wendy R. Quiroga, Esq., Weiner Law Group
Grant Writer	Millennium Strategies, LLC
Landscape Architect	DMR Architects
Administrative Agent for Affordable Housing Compliance	Piazza & Associates, Inc.

MAYOR'S ANNUAL APPOINTMENTS AND DESIGNATIONS TO VARIOUS MUNICIPAL OFFICES

Chief Financial Officer	Jonathan DeJoseph
-------------------------	-------------------

Certified Public Works Manager	David Linko, CPWM
Recycling Program Coordinator	Dave Linko
Zoning Official	Mark Berninger
Building Sub-Code Official	Mark Berninger
Electrical Sub-Code Official	Nicholas Lordo
Electrical Sub-Code Inspector	George Morra
Plumbing Sub-Code Official	Brian Drewes
Fire Sub-Code Official	Edward Barboni
Fire Official	Raphael Maurrasse
Deputy Fire Official	Timothy Ennis
Fire Inspector	Joseph Mauro
Fire Inspector	Kyle Ladewig
OEM Coordinator	Raphael Maurrasse
Deputy OEM Coordinator	Jared Shapiro
Deputy OEM Coordinator	Evan Kutzin
Property Maintenance Official	Lyle Garcia
C-2 Sewer License	Evan Barboni
Safety Fund Commissioner	Deborah Dakin
Bergen County JIF Fund Commissioner Rep.	Tomas Padilla
BMED Fund Commissioner Representatives	Tomas Padilla/Megan Doherty
Certified Tree Expert/Arborist	Liz Stewart

APPOINTMENT OF LAND USE BOARD MEMBERS (Mayor's Direct Appointment)

Class I Mayor Carlos Rendo	
Designee: Peter Briskin	(term ending December 31, 2025)
Class II Jane Ann Whitchurch-Carluccio	(term ending December 31, 2025)
Class III Nicole Marsh	(term ending December 31, 2025)
Class IV Thomas Panso	(term ending December 31, 2028)
Class IV Michael Kaufman	(term ending December 31, 2028)
Alternates: Gerald Barbara	(term ending December 31, 2026)
Ariel Mazor	(term ending December 31, 2025)

BOARD OF HEALTH

Member Steven Sperber	(term ending December 31, 2027)
Member Michelle Micali	(term ending December 31, 2027)

CONSENT AGENDA

Resolution No. 25-01	Adoption of Temporary Budget for the Year 2025
Resolution No. 25-02	Depositories Designated
Resolution No. 25-03	Resolution Designating Tomas Padilla, Borough Administrator, as the Public Compliance Officer
Resolution No. 25-04	Signature Authority
Resolution No. 25-05	Interest on Delinquent Taxes
Resolution No. 25-06	Tax Collector to Charge Fee for Returned Checks
Resolution No. 25-07	Regular Meetings
Resolution No. 25-08	Legal Newspapers Designated
Resolution No. 25-09	Resolution Authorizing Certificate of Insurance for Borough- Sponsored Organizations

- Resolution No. 25-10 Resolution Authorizing Regulating Vehicle Towing and Storage Services
- Resolution No. 25-11 Resolution Authorizing Private Sector Reimbursement and Procedures for
Emergency Expense
- Resolution No. 25-12 Resolution Establishing a New Petty Cash Fund
- Resolution No. 25-13 Resolution Approving a Cash Management Plan for the Borough of Woodcliff Lake
- Resolution No. 25-14 Resolution Establishing Policies and Procedures for the Payment of Claims, Claimant's
Signature for Payment Pursuant to NJSA 40A:5-16, NJAC 5:30-9A.6 and NJAC 5:31-4.1
- Resolution No. 25-15 Resolution Authorizing Chief Municipal Finance Officer the Authority to Pay Certain
Obligations as Needed
- Resolution No. 25-16 Resolution of the Borough of Woodcliff Lake Appointing Emergency Management
Coordinator
- Resolution No. 25-17 Resolution Requesting Appointment of Probationary Patrolman John Kurz to Patrolman,
Thirteenth Class, Effective January 1, 2025
- Resolution No. 25-18 Resolution Requesting Appointment of Probationary Patrolman Matthew Pesco to
Patrolman, Thirteenth Class, Effective January 1, 2025
- Resolution No. 25-19 Resolution Authorizing Payment of Payroll & Payment of Claims
- Resolution No. 25-20 Resolution Approving Proposal for Appraisal of Levent Temiz Property
- Resolution No. 25-21 Resolution Authorizing the Acceptance of a \$6,000.00 Donation to be Used Exclusively
For the Bench Sponsorship Program at the Borough's Newest Park Located at the
Intersection of Woodcliff Avenue and Werimus Road
- Resolution No. 25-22 Resolution Authorizing the Acceptance of a \$3,000.00 Donation to be Used Exclusively
For the Tree Sponsorship Program at the Borough's Newest Park Located at the
Intersection of Woodcliff Avenue and Werimus Road

CLOSING PRAYER – led by Rabbi Monosov

ADJOURNMENT

******Disclaimer******

Subject to Additions and/or Deletions

APPENDIX

14

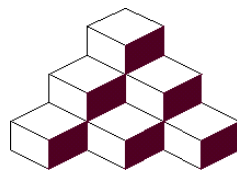
AFFORDABLE HOUSING OPERATING MANUAL

Borough of Woodcliff Lake

Affordable Housing Services

Operating Manual

RENTAL PROGRAM



Piazza & Associates, Inc. ♦ 201 Rockingham Row ♦ Princeton, NJ 08540

T.609.786.1100 ♦ F.609-786-1105 ♦ www.HousingQuest.com

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EXHIBITS

- A.** Equal Housing Opportunity Posters
- B.** Annual Regional Income Limits Chart
- C.** Application for Affordable Housing
- D.** Applicant Questionnaire and Document Checklist

INTRODUCTION

This Operating Manual has been prepared by Piazza & Associates, Inc., the Administrative Agent for the Borough of Woodcliff Lake, to assist in the administration of rental units. General questions regarding its content can be addressed to Piazza & Associates, Inc. 201 Rockingham Row, Princeton, NJ 08540; by telephone to 609-786-1100; or by email at info@HousingQuest.com.

This manual describes the basic content and operation of the program, examines program purposes and provides the guidelines for implementing the program. It has been prepared with a flexible format allowing for periodic updates of its sections, when required, due to revisions in regulations and/or procedures.

This manual explains the steps in the rental process. It describes the eligibility requirements for participation in the program, record keeping and overall program administration.

Implementation of any procedure, even if it is not included in this Operating Manual, shall be in accordance with the Federal Fair Housing Act and Equal Opportunities laws, the Uniform Housing Affordability Controls (UHAC) N.J.A.C. 5:80-26.1 et seq., the substantive rules of the Council on Affordable Housing N.J.A.C. 5:96 and 5:97 and the affordable housing regulations of the Borough of Woodcliff Lake (hereafter referred to as the "Regulations").

All prior references to COAH have been replaced with references to the New Jersey Fair Housing Act ("NJ-FHA"). Also, please note that the Special Adopted Amendments: N.J.A.C. 5:80-26.1, 26.2, 26.4 through 26.27, and Appendices A through Q, together with the Special Adopted New Rules: N.J.A.C. 5:80-26.3 and 26.28 are incorporated herein by reference and supersede expiring rules as applicable.

FAIR HOUSING AND EQUAL HOUSING OPPORTUNITIES



In accordance with the Federal Fair Housing Act, it is unlawful to discriminate against any person making application to buy or rent a home with regard to age, race, religion, national origin, sex, handicapped or familial status. In addition, New Jersey Law prohibits discrimination in housing on the basis of race, creed, color, national origin, ancestry, nationality, marital or domestic partnership or civil union status, familial status, sex, gender identity or expression, affectional or sexual orientation, disability, source of lawful income or source of lawful rent payment (including Section 8) by all persons including real estate agents or brokers, financial institutions, property owners, landlords, or building superintendents, and their agents and employees with respect to the sale, rental or lease of real property, listing or advertising of real property, receipt or transmittal of offers to purchase or rent real property, application and terms of a mortgage or other loan. See Exhibit A.

WHAT IS AFFORDABLE HOUSING?

Affordable housing, unlike market rate housing, has affordability controls limiting the price for at least 30 years. The Regulations considers housing “affordable” if the household pays approximately 30% or less of the household’s gross income on housing costs. Affordable housing is priced to be affordable to households earning up to 80% of the area median income for the region in which the affordable housing is located.

WHO QUALIFIES FOR AFFORDABLE HOUSING?

In order to be eligible for affordable housing in New Jersey, a household’s income will be below the income limit for the region in which the affordable housing is located, for very low-, low-, or moderate-income levels. A moderate-income household is classified as earning more than 50 percent up to 80 percent of the area median income. A low-income household is classified as earning less than 50 percent of area median income. The New Jersey Fair Housing Act (NJFHA) has included a new category for very low-income households, which are classified as earning 30 percent or less of area median income. Municipalities shall decide what projects will be required to help meet this obligation. Existing rental projects have a minimum requirement for very low-income apartments, priced at 35% of the AMI; and new rental projects have an obligation to provide 13% of the affordable units as very low-income units at 30% of the AMI to very low-income households.

The Affordable Housing Regional Income Limits Chart (Exhibit B) provides information about income limits for each of the six housing regions. Each region has different calculated median incomes, which are adjusted periodically. The Borough of Woodcliff Lake is located in Bergen County, which is part of Region 1, together with Hudson, Passaic and Sussex Counties.

LOCAL AFFORDABLE HOUSING PROGRAMS FOR RENT

The following is a list of affordable for-rent housing units in the Borough of Woodcliff Lake that are covered by this manual:

TBA

A copy of the Borough of Woodcliff Lake Housing Element and Fair Share Plan is available at the municipal building, located at 188 Pascack Road, Woodcliff Lake, NJ 07677.

OTHER AFFORDABLE HOUSING PROGRAMS AND OPPORTUNITIES

In addition to future affordable rental opportunities, the Borough of Woodcliff Lake has purchase opportunities. Please contact Piazza & Associates, Inc., for further information:

Affordable housing throughout the State of New Jersey is administered by a wide variety of organizations and agencies. Further information can be found at: <https://nj.gov/njhrc/>

Individuals interested in applying for affordable housing should contact the Municipal Housing Liaison in the municipality in which they are interested in living. Each municipality has a Municipal Housing Liaison who is responsible for administering the municipality's affordable housing program. Some municipalities administer their own affordable housing and have their own application process. If not, the Municipal Housing Liaison can direct applicants to developers, nonprofit agencies, State agencies or consultants that may administer the affordable housing within the municipality. A list of Municipal Housing Liaisons can be found at:

http://www.nj.gov/dca/divisions/lps/hss/admin_files/muniliaisons.pdf

The New Jersey Housing and Mortgage Finance Agency has established New Jersey's Housing Resource Center, an on-line, searchable database of affordable housing in the State. The Housing Resource Center provides a listing posted by developers, landlords, and municipalities of available affordable housing. Available units are listed with contact and application information. Look for the Housing Resource Center at www.njhrc.gov.

Applicants who do not have access to the Internet should call 211 for assistance.

Piazza & Associates, Inc. also provides information on many affordable housing programs throughout the state of New Jersey. Detailed information about these affordable housing opportunities can be found at www.HousingQuest.com.

OVERVIEW OF THE AFFORDABLE HOUSING ADMINISTRATION PROCESS FOR NEW RENTALS AND RE-RENTALS

- The Municipal Housing Liaison serves as an initial point of contact for unsolicited calls to the municipality about affordable housing and where appropriate directs applicants to an Administrative Agent, who may be developers, nonprofit agencies, State agencies or consultants that may administer the affordable housing within the municipality.
- The Administrative Agent implements the municipality's Affirmative Marketing Plan.
- The Administrative Agent serves as the initial point of contact for all inquiries generated by the affirmative marketing efforts and sends out pre-applications to interested callers.
- An initial deadline date, no less than 60 days after the start of the marketing process, will be established. All of the preliminary applications received by the Administrative Agents, on or before the initial deadline date, shall be deemed received on that date.
- Households that apply for very low-income housing will be prescreened by Piazza & Associates for preliminary income eligibility by comparing their total income and household size to the very low-income limits pursuant to the New Jersey Fair Housing Act, N.J.S.A. 52:27-D-304 ("NJFHA"). Households that apply for low- and moderate-income housing will be prescreened by Piazza & Associates for

preliminary income eligibility by comparing their total income and household size to the low- and moderate-income limits pursuant to the Uniform Housing Affordability Controls, 5:80-26.1 et seq. (“UHAC”). All households will be notified as to their preliminary status.

- A drawing will be held under the direction of the Administrative Agent to determine the priority order of the pre-qualified applications received on or before the initial deadline date. All preliminary applications received after the initial deadline will be processed on a "first come, first served" basis after the applicants who were in the initial random selection.
- In order to ensure an adequate supply of qualified applicants, the advertising phase will continue until there are at least ten (10) pre-qualified applicants for each very-low, low- and moderate-income unit available, or until all of the very-low, low- and moderate-income units within the development have been leased.
- When units become available, final applications will be mailed by the Administrative Agent to an adequate number of pre-qualified applicants, in priority order, for each available very low-, low-, and moderate-income unit. The final application will require the applicants to supply documents to verify their identity and household composition as well as their income and assets.
- Completed final applications will be forwarded to the Administrative Agent, who will make a determination as to their eligibility for a very low-, low-, or moderate-income unit. Applicants will receive a letter from the Administrative Agent with respect to the status of their application each time a review is performed.
- When submitting final applications, applicants will also be asked to make an appointment to visit the leasing office.
- Rental applicants will be subject to the Tenant Selection Criteria set forth by the Landlord.
- Certified applicants will be given a pre-determined amount of time to sign a lease with the landlord or developer.
- For rental units, the Administrative Agent will provide certifications that must be signed and notarized by the applicant.
- The certified household moves into the affordable rental unit.
- Subsequent to the initial rent-up period, a list of pre-qualified applicants will be maintained by Piazza & Associates on a rental waiting list.

ROLES AND RESPONSIBILITIES

Responsibilities of the Municipal Housing Liaison or MHL

The Municipal Housing Liaison is responsible for coordinating all the activities of the municipal government as it relates to the creation and administration of affordable housing units, in conjunction with the Municipal Attorney, where appropriate (see **Responsibilities of the Municipal Attorney**). The primary purpose of the MHL is to ensure that all affordable housing projects are established and administered according to the Regulations as outlined in an Operating Manual. The duties of the MHL include the following and may include the responsibilities for providing administrative services as described in the next Section, under **Responsibilities of an Administrative Agent**.

Monitor the status of all restricted units in the municipality's Fair Share Plan. Regardless of any arrangements the municipality may have with one or more Administrative Agents, it is the Municipal Housing Liaison's responsibility to know the status of all restricted units in their community.

Serve as the municipality's primary point of contact for all inquiries from the State, Administrative Agents, developers, affordable housing sponsors, owners, property managers, and interested households. The MHL serves as the municipality's primary point of contact on affordable housing issues. Interested applicants should be provided with information on the types of affordable units within the municipality and, where applicable, the name of the Administrative Agent that manages the units and the contact information for the Administrative Agent.

Compile, verify and submit annual reporting. Administrative Agents are responsible for collecting much of the data that is ultimately included in an annual monitoring report. However, it is the Municipal Housing Liaison's responsibility to collect and verify this data and consolidate it into the annual report. Any requests for additional information or corrections will be directed to the MHL.

Coordinate meetings with Administrative Agents and Developers/Affordable Housing Sponsors/Owners. When a new affordable unit or series of units is in the planning process, the MHL should coordinate a meeting between the Administrative Agent and the developer, affordable housing sponsor or owner. The developer, affordable housing sponsor or owner may serve as their own Administrative Agent, if they meet the applicable requirements and are approved by the municipality. The purpose of this initial meeting is to develop a clear division of labor between the parties and to transmit any components of the Operating Manual – including copies of all affordable housing-related local ordinances -- that have already been adopted by the municipality.

It is the responsibility of the Municipal Housing Liaison, in conjunction with the Municipal Attorney, to have the affordable housing provisions of any Master Deed and Public Offering reviewed for consistency with the UHAC regulations, before they are recorded and submitted to DCA for approval.

Provide Administrative Services, unless those services are contracted out. The responsibilities for providing administrative services are described in the next Section under, **Responsibilities of an Administrative Agent.**

Responsibilities of an Administrative Agent

The primary responsibility of an Administrative Agent is to establish and enforce affordability controls and ensure that units in the Administrative Agent's portfolio are sold to eligible households. Administrative Agents will:

Secure written acknowledgement from all developers, affordable housing sponsors and owners that no restricted unit can be offered or in any other way committed to any person other than a household duly certified by the Administrative Agent.

Create and adhere to an Operating Manual. All Administrative Agents are required to follow the policies and procedures of an Operating Manual, as applicable to the scope of services they have been contracted to perform.

Implement the municipality's Affirmative Marketing Plan. The Administrative Agent, the developer, affordable housing sponsor or owner could be responsible for implementing the Affirmative Marketing Plan adopted by the municipality. At the first meeting with the Municipal Housing Liaison, Administrative Agent and the developer, affordable housing sponsor or owner, this responsibility should be discussed. Affirmative marketing includes conducting regional outreach and advertising for available affordable units. Advertising costs are the responsibility of the developer or current owner.

Accept applications from interested households. In response to marketing initiatives or by referral from the Municipal Housing Liaison, interested households will contact the Administrative Agent. The Administrative Agent will supply applicants with applications, provide additional information on available units and accept completed applications.

Conduct random selection of applicants for rental of restricted units. The Administrative Agent is responsible for conducting the random selection in accordance with the Affirmative Marketing Plan and any related local ordinances, and as described in the Operating Manual.

Create and maintain a pool of applicant households. This includes reaching out to households in the applicant pool to determine continued interest and/or changes in household size and income.

Determine eligibility of households. The task of collecting application materials and documentation from applicant households and analyzing it for eligibility is the responsibility of an Administrative Agent. A written determination on a household's eligibility will be provided within twenty (20) days of the Administrative Agent's determination of eligibility or non-eligibility. Whether or not the household is determined

to be eligible for a unit, it is an Administrative Agent's responsibility to secure all information provided by the household in individual files and to maintain strict confidentiality of all information regarding that household. An Administrative Agent is required to ensure that all certified applicants execute a Disclosure Statement acknowledging the rights and requirements of renting an affordable unit, in the form of Appendix K of UHAC.

Establish and maintain effective communication with property managers and landlords. Property managers and landlords of restricted units should be instructed and regularly reminded that the Administrative Agent is their primary point of contact. The Administrative Agent must immediately inform all property managers and landlords of any changes to the Administrative Agent's contact information or business hours.

Property managers and landlords should be instructed to immediately contact the Administrative Agent:

- Immediately upon learning that an affordable rental unit will be vacated.
- For review and approval of annual rental increases.

Provide annual notification of maximum rents. Each year when the Affordable Housing Professionals of New Jersey releases its very-low, low-, and moderate-income limits, rental households must be notified of the new maximum rent that may be charged for their unit. The Administrative Agent's contact information must be included on such notification in case the tenant is being overcharged.

Serve as the custodian of all legal documents. An Administrative Agent is responsible for maintaining originals of all legal instruments for the units in their portfolio. Throughout the duration of a control period, an Administrative Agent must maintain a file containing its affordability control documents. This includes, but is not limited to, the recorded Declarations of Covenants, Conditions and Restrictions, Deed Restrictions, Deeds, Recapture Mortgages, Recapture Mortgage Notes and Appendix J and K.

Serve as point of contact on all matters relating to affordability controls. It is recommended that the Administrative Agent develop a system to be notified by lenders when a unit is at risk of foreclosure. In the event of a foreclosure, the Administrative Agent should work with the foreclosing institution to ensure that the affordability controls are maintained. The Administrative Agent should seek the counsel of the municipality's attorney on legal matters that threaten the durability of the affordability controls.

Provide annual activity reports to Municipal Housing Liaison for use in the annual monitoring report. An Administrative Agent is responsible for collecting the reporting data on each unit in the Administrative Agent's portfolio.

Maintain and distribute information on HUD-approved Housing Counseling Programs.

Responsibilities of the Municipal Attorney

The Municipal Attorney assists the municipality with developing, administrating, and enforcing affordability controls, including but not limited to:

- Assisting the Municipal Housing Liaison with the review of the affordable housing provisions of any Master Deed and Public Offering for consistency with DCA/NJHMFA and UHAC regulations, before they are recorded and submitted to DCA for approval.
- Providing all reasonable and necessary assistance in support of the Administrative Agent's efforts to ensure compliance with the housing affordability controls, including reviewing legal documents and legal actions required on foreclosures and violations.

Responsibilities of Developers

When a new affordable unit or series of units is in the planning process, the developer of affordable housing should contact the Municipal Housing Liaison, who shall coordinate a meeting with the Administrative Agent, where applicable, and the developer, affordable housing sponsor or owner.

The purpose of this initial meeting is to develop a clear division of labor between the parties and to transmit any components of the Operating Manual – including copies of all affordable-related local ordinances -- that have already been adopted by the municipality.

As provided for by ordinance, the developer will be responsible for the costs of advertising affordable units.

The Administrative Agent will secure from the developer written acknowledgement that no restricted unit can be offered or in any other way committed to any person other than a household duly certified by the Administrative Agent.

Responsibilities of Owners of Rental Developments

Open and direct communication between the Owners of rental developments, the Municipal Housing Liaison and the Administrative Agent is essential to ongoing administration of affordability controls. Although the Administrative Agent is required to serve as the primary point of contact with households, the Owner must provide the Municipal Housing Liaison and Administrative Agent with information on vacancies. Owners of rental developments are also responsible for working with the Administrative Agent to ensure that the Municipal Housing Liaison has all necessary information to complete the annual reporting.

Responsibilities of Landlords and Property Managers

Landlords and property managers must place a notice in all rental properties annually informing residents of the rent increase for the year and the contact information for the Administrative Agent.

AFFIRMATIVE MARKETING

Overview of the Requirements of an Affirmative Marketing Plan

All affordable units are required to be affirmatively marketed using the Borough of Woodcliff Lake's Affirmative Marketing Plan. An Affirmative Marketing Plan is a regional marketing strategy designed to attract households of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age, or number of children to housing units which are being marketed by an Administrative Agent or a developer, sponsor, owner or property manager of affordable housing. The primary objectives of an Affirmative Marketing Plan are to target households who are least likely to apply for affordable housing, and to target households throughout the entire housing region in which the units are located.

Every Affirmative Marketing Plan will include all of the following:

- Publication of at least one advertisement in a newspaper of general circulation within the housing region; and
- At least one additional regional marketing strategy such as a neighborhood newspaper, religious publication, organizational newsletter, advertisement(s) with major employer(s), or notification through community and regional organizations such as non-profit, religious and civic organizations.
- Listing on the state's Housing Resource Center website, <https://nj.gov/njhrc/>, in accordance with applicable law.

For each affordable housing opportunity within the municipality, the Affirmative Marketing Plan will include the following information:

- The address of the project and development name, if any
- The number of units, including number of affordable rental units
- The rental rates of the rental units
- The name and contact information of the Municipal Housing Liaison, Administrative Agent or property manager

- A description of the Random Selection method that will be used to select applicants for affordable housing.
- Disclosure of required application fees, if any.

Advertisements will contain the following information for each affordable housing opportunity:

- The location of the units
- A range of rents for the housing units
- The bedroom size(s) of the units
- The maximum income permitted to qualify for the housing units
- The locations of applications for the housing units
- The business hours when interested households may obtain an application for a housing unit
- Application fees, if any

Regional Preference

The Borough of Woodcliff Lake has by ordinance provided that households that live or work in Housing Region #1, comprising Bergen, Hudson, Passaic, and Sussex Counties, shall be selected for an affordable housing unit before households from outside this region. Units that remain unoccupied after households who live or work in the region are exhausted, may be offered to the households outside the region.

Regional Preference is screened at the Final Application stage of the process.

Implementation of the Affirmative Marketing Plan

The affirmative marketing process for new affordable units shall begin at least four months prior to expected occupancy. In implementing the marketing program, the Administrative Agent shall undertake all of the strategies outlined in the Borough of Woodcliff Lake Affirmative Marketing Plan. Advertising and outreach shall take place during the first week of the marketing program and each month thereafter until all the units have been rented. Applications for affordable housing shall be available in several locations in accordance with the Affirmative Marketing Plan. The time period when applications will be accepted will be posted with the applications. Applications shall be mailed to prospective applicants upon request.

An applicant pool will be maintained by the Administrative Agent for re-rentals.

When a re-rental affordable unit becomes available, the applicants will be selected from the applicant pool and, if necessary, the unit will be affirmatively marketed as described, above.

The selection of applicants from the applicant pool is described in more detail in this manual under Random Selection & Applicant Pool(s).

Developer, Affordable Housing Sponsor

The developer or affordable housing sponsor is responsible for advertising the affordable housing in accordance with the municipality's adopted Affordable Housing Ordinance and its adopted Affirmative Marketing Plan. Prior to publication or broadcast, draft copies of the marketing material will be submitted to the Administrative Agent for approval. Proof of publication will be submitted, including a copy of the final advertisements with a copy of the paid bill. Public Service Announcements shall be submitted by the Administrative Agent.

RANDOM SELECTION & APPLICANT POOL(S)

Applicants are selected at random before income-eligibility is determined, regardless of household size or desired number of bedrooms. The process is as follows:

After advertising is implemented, applications are accepted for 60 days. The applications are prescreened for eligibility. Applicants that are deemed, at this stage, to be ineligible are sent a notice and given an opportunity to clarify or correct any information. This will be done in writing.

Prescreened applications are entered into a database and sorted by the unit size and affordability type that is appropriate. Applicants are sent letters as to their eligibility during this preliminary application stage.

Prior to the randomized selection, a list of applicants will be sent to the Municipal Housing Liaison (MHL) in the order to which the random numbers will be applied. This list should be maintained in the file so that the MHL can verify the establishment of the order of the list in advance of the random selection.

At the end of the 60-day period, the Administrative Agent arranges a time and date for the random selection process to take place. The MHL and a representative of the developer are invited and encouraged to attend. An announcement of the time and date is made by way of an email blast to those applicants who voluntarily sign up for this service through www.HousingQuest.com.

It is important to note that applicants need not be present at the random selection, and that there is no advantage given those applicants who do attend.

At the random selection, a website is used to generate a random list of numbers. The numbers are applied to the list in the order that was prearranged. A copy of the random numbers and the final list are sent to the MHL for verification and file.

All applicants are assigned a random number. A random number does not guarantee that the applicant will be deemed eligible. Applicants who submit more than one application and receive more than one priority number will forfeit the lower number with the highest priority.

When units become available, final applications are sent in the prioritized order as specified previously. The Administrative Agent can keep the applicant pool open after the initial lottery and add names to the existing list based on time and date of submission. On-going marketing is done primarily through www.HousingQuest.com.

If there are sufficient names remaining in the pool to fill future re-rental, the applicant pool shall be closed.

When the applicant pool is close to being depleted, the Administrative Agent will re-open the pool and conduct a new random selection process after fulfilling the affirmative marketing requirements. The new applicant pool will be added to the remaining list of applicants.

For future re-rentals only, the Administrative Agent can keep the applicant pool open after the initial lottery and add names to the existing list based on time and date of submission. On-going marketing is done primarily through www.HousingQuest.com.

MATCHING HOUSEHOLDS TO AVAILABLE UNITS

In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to implement the following policies:

- Provide an occupant for each unit bedroom;
- Prevent more than two persons from occupying a single bedroom; and
- Require that all the bedrooms be used as bedrooms.

A household is placed only on one unit list for eligibility. A household may choose to change the unit type for which they are eligible within the scope of the program.

APPLICATION FEES

The Administrative Agent does not charge a fee to applicants.

HOUSEHOLD CERTIFICATION

Before any household can lease a restricted unit, the Administrative Agent will certify the household as eligible. Certification of a household involves the verification of two critical pieces of data: 1) Household size and composition, including gender; and 2) The total income and assets for all household members 18 years of age or older. The certification process begins with the applicant completing an application in its entirety and providing the required backup documentation. Once eligibility documents and data have been collected, the Administrative Agent can begin the process of calculating the household's income.

Household Composition and Circumstances

Generally, a Household is defined as everyone who intends to reside in the affordable unit. Temporarily absent members of a household will be counted in very limited circumstances, such as a member of the military in active duty. Unborn children and children in the process of being adopted shall be counted as members of the household.

The following are generally excluded from the household for the purposes of income qualifying but may be considered by the Administrative Agent for the purposes of determining the size of the unit: live-in aid, foster children and children who live in the household with less than 50% joint physical custody.

The following are various records for documenting household information:

- Social Security records or cards. Either individual Social Security card or letter from Social Security Administration
- Adoption papers, or legal documents showing adoption in process
- Income Tax Return
- Driver's License
- Birth Certificate or Passport
- Alien Registration Card
- Divorce Decree and Settlement Agreement
- Adoption Agency / Legal Correspondence and/or Certification
- Correspondence / Certification from Foster Care Services
- Doctor's Authorization for Live-in Aid.

- The Administrative Agent always reserves the right to require any other such documentation that, in its sole discretion, it deems necessary to verify composition.

Procedure for Income-Eligibility Certification

To calculate income, the current gross income of the applicant is used to project that income over the next 12 months. Applicants may NOT change or modify their situation relative to their income once they have submitted a Final Application.

Through the submission of the Final Application, the Administrative Agent shall require each member of an applicant household who is 18 years of age or older to provide documentation to verify their income. The application and a schedule of required documentation can be found in the Appendix. Generally, the documentation required is as follows:

- Four current consecutive pay stubs, including bonuses, overtime or tips, or a signed and dated letter from the employer stating the present annual income figure or if self-employed, a current Certified Profit & Loss Statement and Balance Sheet.
- Copies of Federal and State income tax returns for each of the preceding three tax years - A Form 1040 Tax Summary for the past three tax years can be requested from the local Internal Revenue Service Center or by calling 1-800-829-1040.
- A letter or appropriate reporting form verifying current monthly benefits such as
 - Social Security or SSI – Award letter or computer print out letter
 - Unemployment – verification of Unemployment Benefits
 - Welfare -TANF¹ current award letter
 - Disability - Worker’s compensation letter
 - Pension income – a pension letter.
- A letter or appropriate reporting form verifying any other sources of income claimed by the applicant, such as alimony, child support and education stipends.
- Current reports of savings and checking accounts (bank statements and passbooks) and income reports from banks or other financial institutions holding

¹ TANF – Temporary Assistance for Needy Families

or managing trust funds, money market accounts, certificates of deposit, stocks or bonds.

- Evidence or reports of income from directly held assets, such as real estate or businesses.
- Interest in a corporation or partnership – Federal tax returns for each of the preceding three tax years.
- Current reports of assets – Market Value Appraisal or a contract with a real estate broker which sets forth the price of the property and Bank/Mortgage Co. Statement indicating Current Mortgage Balance. For rental property, attach copies of all leases.
- The Administrative Agent always reserves the right to require any other such documentation that, in its sole discretion, it deems necessary to verify household income.

The following is a list of various types of wages, payments, rebates and credits. Those that are considered as part of the household's income are listed under Income. Those that are not considered as part of the household's income are listed under Not Income.

Income

1. Wages, salaries, tips, commissions
2. Alimony
3. Regularly scheduled overtime
4. Pensions and regular distributions from retirement accounts
5. Social security benefits
6. Unemployment compensation (annualized)
7. TANF
8. Verified regular child support
9. Disability benefits
10. Net income from business or real estate
11. Actual interest income from assets such as savings, certificates of deposit, money market accounts, mutual funds, stocks, bonds

12. Imputed interest (using a current average annual rate of two percent) from non-income producing assets, such as checking accounts, cash on hand, and equity in non-income producing real estate.
13. Non-tuition stipends for living expenses for students
14. Non-Governmental financial support
15. Any other forms of regular income reported to the Internal Revenue Service
16. Regular financial support from any source.

Not Income

1. Rebates or credits received under low-income energy assistance programs
2. Food stamps
3. Payments received for foster care
4. Relocation assistance benefits
5. Income of live-in attendants
6. Scholarships
7. Student loans
8. Personal property such as automobiles
9. Lump-sum additions to assets such as inheritances, lottery winnings, gifts, insurance settlements
10. Part-time income of persons enrolled as full-time students

Deduction from Income

Court ordered payments for alimony or child support paid to another household shall be deducted from gross annual income.

Student Income

Only full-time income of full-time students is included in the income calculation. A full-time student is a member of the household who is enrolled in a qualifying education program for 12 credit hours or more per semester; and part-time income is income earned on less than a 35-hour workweek. Full-time income (35 hours or more) for full-time students is always counted.

The Real Estate Asset Limit

Except for federal programs, if an applicant's primary residence, which is to be sold upon purchase of an affordable unit, has no mortgage debt and is valued at or above the regional asset limit as published annually by the Affordable Housing Professionals of New Jersey as part of the Annual Regional Income Limits Chart, the household will be determined ineligible for certification.

However, if the applicant's existing monthly housing costs including taxes, homeowner insurance, and condominium or homeowner association fees exceed 38 percent of the household's eligible monthly income, the household will be exempt from the asset limit.

An applicant will provide a recent, Market Value Appraisal, on the home they own unless the applicant has mortgage debt on the home or can demonstrate that the existing monthly housing costs exceed 38 percent of the household's eligible monthly income, in which case the applicant is exempt from the asset limit.

Income from Real Estate

If real estate owned by an applicant for affordable housing is a rental property, the net revenue is considered income. Specifically, rent from real estate is considered income, after deduction of any mortgage payments, real estate taxes, property owner's insurance and reasonable property management expenses as reported to the Internal Revenue Service. Other expenses are not deductible. If actual rent is less than fair market rent, the administrative agent shall impute a fair market rent.

If an applicant owns real estate with mortgage debt, which is not to be used as rental housing, the Administrative Agent should determine the imputed interest from the value of the property. The Administrative Agent should deduct outstanding mortgage debt from the documented market value established by a market value appraisal. Based on the current HUD Passbook Savings Rate, interest will be imputed on the determined value of the real estate.

Minimum Income

The annual rent and utility allowance as determined by the Administrative Agent shall not exceed 35% of the applicant's gross annual income unless the applicants' liquid assets exceed 100 times the monthly rent.

Housing Counseling

The Administrative Agent will provide referrals for counseling, as a part of its services. Although housing counseling is recommended, a household is only required to attend counseling if their monthly housing expense exceeds UHAC standards. A HUD-approved housing counseling agency, or a counseling agency approved by the NJ Department of Banking and Insurance, meets UHAC's requirements for an experienced

Housing Counseling Agency. This counseling to low- and moderate-income housing applicants will focus on subjects such as budgeting, credit issues, and mortgage qualification, and is free of charge. A list of non-profit counselors approved by HUD and/or the New Jersey Department of Banking and Insurance is included on DCA's website and is available from the Administrative Agent.

In addition, the Administrative Agent will:

- Confirm and update all information provided on the application.
- Explain program requirements, procedures used to verify information, and penalties for providing false information. Ask the head of household, co-head, spouse and household members 18 years of age or older to sign the Authorization for Release of Information forms and other verification requests.
- Review the applicant's identification and financial information and documentation, ask any questions to clarify information on the application, and obtain any additional information needed to verify the household's income.
- Seek to ensure, to a reasonable degree, that the applicant has reported all sources for earned and benefit income and assets (including assets disposed of for less than fair market value in the past two years). Require the applicant to give a written certification as to whether any household member did or did not dispose of any assets for less than fair market value during the past two years.

Approving or Rejecting a Household

Administrative Agents will notify applicant households of their eligibility within twenty (20) days of the Administrative Agent's determination.

Households with a verified total household income that exceeds 80 percent of the regional income limit for the appropriate family size are ineligible for purchase or rental of restricted units. A letter rejecting the household's application shall be mailed to the household.

Similarly, households with a verified total household income that is within the income limits, but too low to afford any of the units administered by the Administrative Agent shall be sent a letter rejecting the household's application, and/or referring them to housing counseling.

Households with a verified total household income of less than 80 percent shall be issued a letter certifying eligibility. This certification is valid for 180 days. If the applicant does not sign a Lease Agreement within that time frame, an extension may be granted once the household's eligibility is updated and verified.

Once the applicant is certified and matched to an available unit, the Administrative Agent will secure from the applicant a signed and notarized acknowledgement of their

requirements and responsibilities in purchasing a restricted unit. UHAC's Disclosure Statement shall be forwarded to the applicants.

In addition to non-eligibility based on income, the Administrative Agent may deny a certification because of the household's failure or inability to document household composition, income, assets, sufficient funds for down payment, or any other required facts and information. A household may also be denied certification if the Administrative Agent determines that there was a willful or material misstatement of fact made by the applicant.

Dismissal of Applications

Applications can be dismissed for the following reasons:

1. The application is not signed or submitted on time;
2. The applicant's sources of income or household composition changes after the submission of the final application, but before approval;
3. The applicant commits fraud, or the application is not truthful or complete;
4. The applicant cannot or does not provide documentation to verify their income or other required information when due;
5. The household income does not meet the minimum or maximum income requirements for a particular property;
6. The applicant owns an asset that exceeds the Asset Limits for deed restricted units;
7. The applicant fails to respond to any inquiry in a timely manner;
8. The applicant had a greater chance than any other applicant submitted for a random selection;
9. The applicant is non-cooperative or abusive with our staff, property managers or the sellers of affordable units;
10. The applicant changes address or other contact information without informing us in writing;
11. The applicant is unable to obtain suitable and legitimate financing for a sale unit or fails to verify attendance in a home buyer credit counseling program when required to do so by the program rules;
12. The applicant does not respond to a periodic update inquiry in a timely fashion;
13. The applicant fails to sign the Compliance Certification, Certificate for Applicant; Lease Documents, as may be required; or
14. The applicant, once approved, fails to sign a lease in a timely manner.

Applicants will also be withdrawn from all lists held by us in the Borough of Woodcliff Lake once they have been approved for an affordable unit within that same municipality. However, these applicants may re-apply for other opportunities in that municipality once

they have occupied their unit. Applicants withdrawn for fraud may be withdrawn from all programs administered by Piazza & Associates, Inc., and may be subject to prosecution under the law.

Applicants who are withdrawn and who wish to re-apply to that specific program may do so using a new Preliminary Application. The new Preliminary Application will NOT be given preferential treatment but will be processed in the same way that all new Preliminary Applications for that specific program are processed. In the event that an application list is closed when the application is withdrawn, the applicant will be required to wait until the list is re-opened to apply again.

Applicants who are dismissed must re-apply. A minimum time period of six months applies in most situations where the applicant has been withdrawn for fraud, poor credit, uncooperative behavior or other serious matters.

Applications may be held in abeyance for a period not to exceed 90 days if there is an error on the credit report, so that the applicant can correct the error and re-apply. Units will not be held open for that applicant. However, once the credit report is corrected, the applicant will be given priority for the next opportunity at that property.

Appeals

Appeals from all decisions of an Administrative Agent shall be made in writing to the Municipal Housing Liaison, Borough of Woodcliff Lake; or the Executive Director of the New Jersey Housing and Mortgage Finance Agency.

DETERMINING AFFORDABLE RENTS

To determine the affordable rents, the Administrative Agent uses the calculators located at <https://ahpnj.org/resources/updated-NJDCA-calculators>.

Development Considerations and Compliance Issues

There are several regulations that must be considered from the *development perspective* before the rents of individual units can be calculated. These requirements should be discussed at the first meeting between the Municipal Housing Liaison, Administrative Agent and developer or affordable housing sponsor. The following is a summary of the requirements for rental projects.

Bedroom Distribution. The standards on the distribution of unit sizes for family affordable developments require that:

- The combined number of efficiency and one-bedroom units may be no greater than 20 percent of the total low- and moderate-income units;

- At least 30 percent of all low- and moderate-income units must be two-bedroom units;
- At least 20 percent of all low- and moderate-income units are three-bedroom units; and
- The remainder, if any, may be allocated at the discretion of the developer.

Age-restricted Units. Affordable age-restricted units are not held to these bedroom distribution standards. For affordable age-restricted units, the number of age-restricted low- and moderate-income bedrooms must be equal to or greater than the number of affordable age-restricted units within the development. In other words, for affordable units in an age-restricted development, the average bedroom count must be equal to or greater than one bedroom per unit. For example, if the affordable units in an overall age-restricted development is 25 percent efficiencies, and 50 percent one-bedroom units, and 25 percent two-bedroom units, that equals an overall bedroom count of exactly one bedroom per unit. An age-restricted development can meet this standard by creating all one-bedroom affordable units or by creating a two-bedroom affordable unit for each affordable efficiency unit, or any other combination that will equal a minimum of one bedroom per affordable unit.

Pricing by Household Size. Initial rents are based on targeted “model” household sizes for each size home as determined by the number of bedrooms. Initial rents must adhere to the following rules. These maximum rents are based on the Affordable Housing Professionals of New Jersey’s Annual Regional Income Limits Chart at the time of occupancy:

- A studio shall be affordable to a one-person household;
- A one-bedroom unit shall be affordable to a one- and one-half person household;
- A two-bedroom unit shall be affordable to a three-person household;
- A three-bedroom unit shall be affordable to a four- and one-half person household; and
- A four-bedroom unit shall be affordable to a six-person household.

The above rules are only to be used for setting initial rents. They are not guidelines for matching household sizes with unit sizes. The pricing of age-restricted units may not exceed affordability based on a two-person household.

Additional Regulations for a Rental Development

In addition to the regulations covered earlier in the Section **Development Considerations and Compliance Issues**, rental projects must also comply with the following regulations:

Split Between Low- and Moderate-income Rental Units. At least 50 percent (of the affordable units within each bedroom distribution (unit size) must be low-income units and at least 13 percent of all affordable units must be very-low income units affordable to households earning no more than 30 percent of the regional median income. The remainder of the affordable units may be affordable to moderate-income households.

Affordability Average. The average rent for all affordable units cannot exceed 52 percent of the regional median income. At least one rent for each bedroom type must be offered for very low-income, low-income and moderate-income units. Calculation of the affordability average is available on the Affordable Housing Professionals of New Jersey's website.

Maximum Rent. The maximum rent of restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of the regional median income.

Determining Rent Increases

Annual rent increases are permitted in affordable units. Rent increases are permitted at the anniversary of tenancy according to the Affordable Housing Professionals of New Jersey's Annual Regional Income Limits Chart, available on AHPNJ's website or an approved alternative. These increases must be filed with and approved by the Administrative Agent. Property managers or landlords who have charged less than the permissible increase may use the maximum allowable rent with the next tenant with permission of the Administrative Agent. The maximum allowable rent would be calculated by starting with the rent schedule approved as part of initial lease-up of the development and calculating the annual increase from the initial lease-up year to the present. Rents may not be increased more than once a year, may not be increased by more than one approved increment at a time, and may not be increased at the time of new occupancy if this occurs less than one year from the last rental. No additional fees may be added to the approved rent without the express written approval of the Administrative Agent.

VIOLATIONS, DEFAULTS AND REMEDIES

In the event of a threatened breach of any of the regulations governing the affordable unit by an Owner, the Administrative Agent shall have all the remedies provided at law or equity, including the right to seek injunctive relief or specific performance, it being recognized by both parties that it will cause irreparable harm to the municipality, in light of the public policies set forth in the Fair Housing Act and the obligation for the provision of low- and moderate-income housing.

Upon the occurrence of a breach of any of the regulations governing the affordable unit by an Owner, the municipality shall have all remedies provided at law or equity,

including but not limited to foreclosure, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.

MAINTENANCE OF RECORDS AND APPLICANT FILES

Pursuant to N.J.A.C. 5:80-26.14(a)8, N.J.A.C. 5:80-26.15(c) and N.J.A.C. 5:80-26.17 current records will be maintained by the Administrative Agent and outdated records will be given to the municipality for safe-keeping. A file will be created and maintained on each restricted unit for its control period.

The Administrative Agent will maintain detailed records on all marketing initiatives.

Files to Be Maintained on Every Applicant

The Administrative Agent will maintain files on every applicant. All files will contain a preliminary application. If an applicant's preliminary application is approved, and the applicant files a formal application, the file will contain at a minimum:

- Application Form.
- Income Verification
- Letter of Certification of Eligibility or Letter of Determination of Ineligibility.

Individual files will be maintained throughout the process.

Files to Be Maintained on Every Unit

The Administrative Agent will maintain files on every unit for the length of the affordability controls. The unit file will contain at a minimum:

- Base rent
- Identification as very low-, low-, or moderate-income
- Description of number of bedrooms and physical layout
- Floor plan
- Application materials, verifications and certifications of all present owners, pertinent correspondence
- Copy of lease
- Disclosure Statement

Files to Be Maintained on Every Project

The Administrative Agent will maintain files on every project for the length of the affordability controls. The project file will contain at a minimum:

- Condominium Master Deed

- Condominium Public Offering
- Crediting Information
- Original deed restriction
- Affordability control documents, including Declarations of Covenants, Conditions and Restrictions, Deed Restrictions, Deeds, Recapture Mortgages, Recapture Mortgage Notes, Disclosure Statement (Appendix J)

Files to Be Maintained on The Applicant Pool

- Any changes to the applicant pool
- Any action taken with regard to the applicant pool
- Any activity that occurs that affects a particular applicant
- Current applications for all applicants whose status is active in the applicant pool
- The application, the initial rejection notice, the applicant's reply to the notice, a copy of the Administrative Agent's final response to the applicant, and all documentation of the reason the applicant's name was removed from the applicant pool.

Monitoring

A sample Deed will be submitted for each project. Additionally, the current annual monitoring information required to be maintained and reported annually to the Municipal Housing Liaison can be found in the Borough's adopted Affordable Housing Ordinance. The information required for each unit includes but is not limited to:

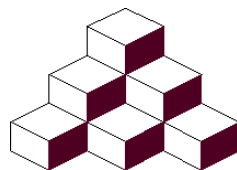
- A sample Deed for each project.
- Street Address
- Block/Lot/Qualifier/Unit Number
- Housing Type
- Income: Very Low/Low/Moderate
- Initial Rental Price
- % of affordability
- Bedroom Type
- Age-restricted
- Handicap accessible/adaptable
- Co #, date
- Effective date of affordability controls
- Length of affordability controls (yrs)
- Date Affordability controls removed

Borough of Woodcliff Lake

Affordable Housing Services

Operating Manual

SALES & RESALES



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INTRODUCTION

This Operating Manual has been prepared by Piazza & Associates, Inc., the Administrative Agent for the Borough of Woodcliff Lake, to assist in the administration of for-sale units. General questions regarding its content can be addressed to Piazza & Associates, Inc. 201 Rockingham Row, Princeton, NJ 08540; by telephone to 609-786-1100; or by email at info@HousingQuest.com.

This manual describes the basic content and operation of the program, examines program purposes and provides the guidelines for implementing the program. It has been prepared with a flexible format allowing for periodic updates of its sections, when required, due to revisions in regulations and/or procedures.

This manual explains the steps in the initial sale process and in the resale process. It describes the eligibility requirements for participation in the program, record keeping and overall program administration.

Implementation of any procedure, even if it is not included in this Operating Manual, shall be in accordance with the Federal Fair Housing Act and Equal Opportunities laws, the Uniform Housing Affordability Controls (UHAC) N.J.A.C. 5:80-26.1 et seq., the substantive rules of the Council on Affordable Housing N.J.A.C. 5:96 and 5:97 and the affordable housing regulations of the Borough of Woodcliff Lake (hereafter referred to as the "Regulations").

All prior references to COAH have been replaced with references to the New Jersey Fair Housing Act ("NJ-FHA"). Also, please note that the Special Adopted Amendments: N.J.A.C. 5:80-26.1, 26.2, 26.4 through 26.27, and Appendices A through Q, together with the Special Adopted New Rules: N.J.A.C. 5:80-26.3 and 26.28 are incorporated herein by reference and supersede expiring rules as applicable.

FAIR HOUSING AND EQUAL HOUSING OPPORTUNITIES



In accordance with the Federal Fair Housing Act, it is unlawful to discriminate against any person making application to buy or rent a home with regard to age, race, religion, national origin, sex, handicapped or familial status. In addition, New Jersey Law prohibits discrimination in housing on the basis of race, creed, color, national origin, ancestry, nationality, marital or domestic partnership or civil union status, familial status, sex, gender identity or expression, affectional or sexual orientation, disability, source of lawful income or source of lawful rent payment (including Section 8) by all persons including real estate agents or brokers, financial institutions, property owners, landlords, or building superintendents, and their agents and employees with respect to the sale, rental or lease of real property, listing or advertising of real property, receipt or transmittal of offers to purchase or rent real property, application and terms of a mortgage or other loan. See Exhibit A.

WHAT IS AFFORDABLE HOUSING?

Affordable housing, unlike market rate housing, has affordability controls limiting the price for at least 30 years. The Regulations considers housing “affordable” if the household pays approximately 28% or less of the household’s gross income on housing costs. Affordable housing is priced to be affordable to households earning up to 80% of the area median income for the region in which the affordable housing is located.

WHO QUALIFIES FOR AFFORDABLE HOUSING?

In order to be eligible for affordable housing in New Jersey, a household’s income will be below the income limit for the region in which the affordable housing is located, for very low-, low-, or moderate levels. A moderate-income household is classified as earning more than 50 percent up to 80 percent of the area median income. A low-income household is classified as earning less than 50 percent of area median income. The New Jersey Fair Housing Act (NJFHA) has included a new category for very low-income households, which are classified as earning 30 percent or less of area median income. Municipalities are not required to provide affordable sale housing to very low-income households.

DCA/NJHMFA (DCA/NJHMFA shall mean DCA/NJHMFA or its successors) Regional Income Limits Chart (Exhibit B) provides information about income limits for each of DCA/NJHMFA’s six housing regions. Each region has different calculated median incomes, which are adjusted periodically. The Borough of Woodcliff Lake is located in Bergen County, which is part of Region 1, together with Hudson, Passaic and Sussex Counties.

LOCAL AFFORDABLE HOUSING PROGRAMS FOR PURCHASE

The following affordable housing program is currently being administered for the Borough of Woodcliff Lake:

- 1. Centennial Way:** Included in this development are 22, two- and three-bedroom, affordable townhome units.

A copy of the Borough of Woodcliff Lake Housing Element and Fair Share Plan is available at the municipal building, located at 188 Pascack Road, Woodcliff Lake, NJ 07660.

OTHER AFFORDABLE HOUSING PROGRAMS AND OPPORTUNITIES

In addition to the purchase opportunities, the Borough of Woodcliff Lake has rental opportunities. Please contact Piazza & Associates, Inc., for further information.

Affordable housing throughout the State of New Jersey is administered by a wide variety of organizations and agencies. Further information can be found at: <https://nj.gov/njhrc/>.

Individuals interested in applying for affordable housing should contact the Municipal Housing Liaison in the municipality in which they are interested in living. Each municipality has a Municipal Housing Liaison who is responsible for administering the municipality's affordable housing program. Some municipalities administer their own affordable housing and have their own application process. If not, the Municipal Housing Liaison can direct applicants to developers, nonprofit agencies, State agencies or consultants that may administer the affordable housing within the municipality.

The New Jersey Housing and Mortgage Finance Agency has established New Jersey's Housing Resource Center, an on-line, searchable database of affordable housing in the State. The Housing Resource Center provides a listing posted by developers, landlords, and municipalities of available affordable housing. Available units are listed with contact and application information. Look for the Housing Resource Center at www.njhrc.gov.

The New Jersey Guide to Affordable Housing, which can be found at <https://www.nj.gov/dca/codes/publications/guide.shtml> is a listing compiled by the New Jersey Department of Community Affairs Division of Codes and Standards. It lists all types of affordable housing by county. The housing units on the list have a variety of qualification requirements, including age-restricted housing and housing for the developmentally disabled. **Applicants who do not have access to the Internet should call 211 for assistance.**

Piazza & Associates, Inc. also provides information on many affordable housing programs throughout the state of New Jersey. Detailed information about these affordable housing opportunities can be found at www.HousingQuest.com.

OVERVIEW OF THE AFFORDABLE HOUSING ADMINISTRATION PROCESS

- The Municipal Housing Liaison serves as an initial point of contact for unsolicited calls to the municipality about affordable housing and where appropriate directs applicants to an Administrative Agent, who may be developers, nonprofit agencies, State agencies or consultants that may administer the affordable housing within the municipality.
- The Administrative Agent implements the municipality's Affirmative Marketing Plan.
- The Administrative Agent serves as the initial point of contact for all inquiries generated by the affirmative marketing efforts and sends out pre-applications to interested callers.

OVERVIEW OF THE NEW SALE PROCESS

- An initial deadline date, no less than 60 days after the start of the marketing process, will be established. All of the preliminary applications received by Piazza & Associates, on or before the initial deadline date, shall be deemed received on that date.

- Households that apply for low- and moderate-income housing will be prescreened by Piazza & Associates for preliminary income eligibility by comparing their total income and household size to the low- and moderate-income limits adopted by DCA/NJHMFA or its successors and other program restrictions that may apply. All households will be notified as to their preliminary status.
- A drawing will be held under the direction of Piazza & Associates to determine the priority order of the pre-qualified applications received on or before the initial deadline date. All preliminary applications received after the initial deadline will be processed on a "first come, first served" basis after the applicants who were in the initial random selection.
- In order to ensure an adequate supply of qualified applicants, the advertising phase will continue until there are at least ten (10) pre-qualified applicants for each low- and moderate-income unit available, or until all of the low- and moderate-income units within the development have been sold.
- Final applications will be mailed by Piazza & Associates to an adequate number of pre-qualified applicants, in priority order, for each available low- and moderate- income unit. The final application will require the applicants to supply documents to verify their identity and household composition as well as their income and assets.
- Completed final applications will be forwarded to Piazza & Associates. Piazza & Associates will make a determination as to their eligibility for a low- or moderate-income unit. Applicants will receive a letter from Piazza & Associates with respect to the status of their application each time a review is performed.
- When submitting final applications, applicants will also be asked to provide a pre-qualification letter from a qualified lending institution.
- Certified applicants will be given 15 days to sign a sales agreement with the developer. Mortgage contingencies may not be an acceptable term of the agreement.
- The sales agreement may also limit closing to a reasonable time to be approved by Piazza & Associates in advance of the process.
- Subsequent to the initial sale closings, a list of pre-qualified applicants will be maintained by Piazza & Associates on a re-sale waiting list.

OVERVIEW OF THE RESALE PROCESS

When an Owner of a restricted unit wishes to sell, the sale will be processed through the Administrative Agent. Prior to the initial date of purchase, the Owner makes a certification regarding his or her understanding of this requirement.

The Administrative Agent coordinates certain aspects of the sales process for affordable homes on behalf of designated municipalities. The Administrative Agent is not a real estate agent, however, and recommends that the Seller use a qualified real estate professional. The process is outlined below.

- The Seller submits a Preliminary Notice and Request for Maximum Sale Price (MSP).
- The Administrative Agent will respond to the Seller in writing, explaining some of the details of the process and informing the Seller of the MSP. The MSP is calculated by using the Affordable Housing Professionals of New Jersey's Annual Regional Income Limits Chart or approved alternative and can be estimated on the Resale Calculator at HousingQuest.com or on the AHPNJ website.
- The Seller then submits a Final Notice of Intention to Sell to the Administrative Agent.
- The Administrative Agent will respond by sending 20 copies of QR code linking applicants to the online application for the specific address of the affordable home to the Seller, specially marked with the address of the affordable home at the top.
- The Administrative Agent will send a "Notice of Availability" to households on the waiting list for an affordable home of the same bedroom size and income category. The Notice will ask interested households to contact the Seller or their agent, directly, to make an appointment to see the affordable home within a two-week time frame. The Seller may want to prepare a flyer for us to distribute with the notice of availability. The Administrative Agent reserves the right to limit the number of notices that are mailed, based on the chronological order in which the prequalified applications were received. If the notices are limited in this way, applicants receiving notices will have a priority over those who do not.
- The Administrative Agent will affirmatively market the unit if there is no current applicant pool.
- The Seller or their agent may also want to advertise. Ads should include the "Equal Housing Opportunity" logo and should be sent to our office for review prior to distribution.
- The Seller or their agent, upon showing the home, provides potential buyers with a copy of the QR code for the online application (which may be duplicated if necessary).
- Interested households complete the application together with a mortgage pre-approval letter from a qualified lending institution.
- At the end of the two-week time period, the Administrative Agent collects all of the Preliminary Applications submitted for a particular home. These forms are prioritized on the basis of a blind selection process or lottery. Preference may be given to households that can utilize all of the bedrooms, as well as handicap accommodations, when applicable.
- The first applicant or two on the prioritized list is sent a letter which requires them to complete a final application within fourteen days. When an applicant is

approved as a buyer, a copy of the approval letter is sent to the Seller and their agent.

- The Seller and the certified interested household (now Buyer) execute a “Contract of Sale.” The Administrative Agent ensures that the Deed, Recapture Mortgage, Recapture Mortgage Note and Disclosure Statement (Appendix J of UHAC) form are submitted as part of the closing package to the attorney responsible for the closing or other closing agent.
- The remaining applicants are maintained on the waiting list for this home or other homes in the same size and income categories. In the event that the potential buyer is not able and/or willing to purchase the affordable home, the next applicant on the prioritized list is notified pursuant to the process described above.
- When an applicant is in second priority position to purchase an affordable home (the *original* home), and another home of the same size and type in the same municipality (the *next* home) becomes available within 90 days of the lottery date of the *original* home, the applicant will have the option to transfer priority from the *original* home to the *next* home. The following conditions will apply: This opportunity only applies to the *next* home of the same bedroom number and income category as the *original* home that becomes available within the 90-day period. This offer will be made only one time and only for the *next* home. It does not apply to other similar homes that become available. The applicant must have completed a final application and be pre-qualified for the *original* home in order to be considered. The applicant will be notified by phone that an alternate home is available. The applicant will then have 3 business days in which to view the *next* home and make the determination if he/she would like to pursue that purchase. If so, the applicant would relinquish the secondary priority position for the *original* home. Once the decision to transfer to the *next* home is made, the applicant cannot be reinstated to the secondary position for the *original* home if he/she is unwilling to purchase the *next* home. Conversely, once the decision is made to remain in the secondary position for the *original* home, the applicant cannot then transfer to the *next* home if he/she is unable or unwilling to purchase the *original* home.
- A copy of the Sales Contract will be submitted to the Administrative Agent prior to closing. The terms of the contract (e.g., closing dates and mortgage contingencies) should be reasonable to both buyer and seller.
- During the final stages of the process, the Seller should provide a “Notice of Intent to Transfer Title” form. It will be necessary to make arrangements for the Mortgage and Note to be satisfied with respect to the Seller and new documents filed with respect to the Buyer.
- A copy of the TILA-RESPA or HUD Closing Statement (as applicable) will be submitted to the Administrative Agent. A certified copy of the recorded deed, the original recorded repayment mortgage and note, and the certificate of ownership should also be sent to the Administrative Agent after closing.

- The filing and recording of documents is the responsibility of the seller's or buyer's attorney, but the Administrative Agent may also elect to file the documents. Once all documents are filed and recorded and returned to the Administrative Agent for inclusion in the file, the Administrative Agent will process a release of the original documents.
- Annually, the Administrative Agent shall send a mailing to the Owner of the affordable unit reminding them of the rights and requirements of owning an affordable unit.

This outline is meant to describe the process utilized prior to the expiration of the deed restrictions. It is not meant to be a legal representation of the rights or responsibilities of any party, nor is it meant to modify the Affordable Housing Agreement, Mortgage Note or other Deed Restrictions. Buyers and Sellers are encouraged to seek legal counsel for specific questions in this regard. The Administrative Agent is available to both the Seller and the Buyer throughout the process to answer any questions that they may have.

ROLES AND RESPONSIBILITIES

Responsibilities of the Municipal Housing Liaison or MHL

The Municipal Housing Liaison is responsible for coordinating all the activities of the municipal government as it relates to the creation and administration of affordable housing units, in conjunction with the Municipal Attorney, where appropriate (see **Responsibilities of the Municipal Attorney**). The primary purpose of the MHL is to ensure that all affordable housing projects are established and administered according to the Regulations as outlined in an Operating Manual. The duties of the MHL include the following duties and may include the responsibilities for providing administrative services as described in the next Section, under **Responsibilities of an Administrative Agent**.

Monitor the status of all restricted units in the municipality's Fair Share Plan. Regardless of any arrangements the municipality may have with one or more Administrative Agents, it is the Municipal Housing Liaison's responsibility to know the status of all restricted units in their community.

Serve as the municipality's primary point of contact for all inquiries from the State, Administrative Agents, developers, affordable housing sponsors, owners, property managers, and interested households. The MHL serves as the municipality's primary point of contact on affordable housing issues. Interested applicants should be provided with information on the types of affordable units within the municipality and, where applicable, the name of the Administrative Agent that manages the units and the contact information for the Administrative Agent.

Compile, verify and submit annual reporting. Administrative Agents are responsible for collecting much of the data that is ultimately included in an annual monitoring report.

However, it is the Municipal Housing Liaison's responsibility to collect and verify this data and consolidate it into the annual report. Any requests for additional information or corrections will be directed to the MHL.

Coordinate meetings with Administrative Agents and Developers/Affordable Housing Sponsors/Owners. When a new affordable unit or series of units is in the planning process, the MHL should coordinate a meeting between the Administrative Agent and the developer, affordable housing sponsor or owner. The developer, affordable housing sponsor or owner may serve as their own Administrative Agent, if they meet the applicable requirements and are approved by the municipality. The purpose of this initial meeting is to develop a clear division of labor between the parties and to transmit any components of the Operating Manual – including copies of all affordable housing-related local ordinances -- that have already been adopted by the municipality.

It is the responsibility of the Municipal Housing Liaison, in conjunction with the Municipal Attorney, to have the affordable housing provisions of any Master Deed and Public Offering reviewed for consistency with DCA/NJHMFA and UHAC regulations, before they are recorded and submitted to DCA for approval.

Provide Administrative Services, unless those services are contracted out. The responsibilities for providing administrative services are described in the next Section, under **Responsibilities of an Administrative Agent**.

Responsibilities of an Administrative Agent

The primary responsibility of an Administrative Agent is to establish and enforce affordability controls and ensure that units in the Administrative Agent's portfolio are sold to eligible households. Administrative Agents will:

Secure written acknowledgement from all developers, affordable housing sponsors and owners that no restricted unit can be offered or in any other way committed to any person other than a household duly certified by the Administrative Agent.

Create and adhere to an Operating Manual. All Administrative Agents are required to follow the policies and procedures of an Operating Manual, as applicable to the scope of services they have been contracted to perform.

Implement the municipality's Affirmative Marketing Plan. The Administrative Agent, the developer, affordable housing sponsor or owner could be responsible for implementing the Affirmative Marketing Plan adopted by the municipality. At the first meeting with the Municipal Housing Liaison, Administrative Agent and the developer, affordable housing sponsor or owner, this responsibility should be discussed. Affirmative marketing includes conducting regional outreach and advertising for available affordable units. Advertising costs are the responsibility of the developer or current owner.

Accept applications from interested households. In response to marketing initiatives or by referral from the Municipal Housing Liaison, interested households will contact the Administrative Agent. The Administrative Agent will supply applicants with applications, provide additional information on available units and accept completed applications.

Conduct random selection of applicants for sale and resale of restricted units. The Administrative Agent is responsible for conducting the random selection in accordance with the Affirmative Marketing Plan and any related local ordinances, and as described in the Operating Manual.

Create and maintain a pool of applicant households. This includes reaching out to households in the applicant pool to determine continued interest and/or changes in household size and income.

Determine eligibility of households. The task of collecting application materials and documentation from applicant households and analyzing it for eligibility is the responsibility of an Administrative Agent. A written determination on a household's eligibility will be provided within twenty (20) days of the Administrative Agent's determination of eligibility or non-eligibility. Whether or not the household is determined to be eligible for a unit, it is an Administrative Agent's responsibility to secure all information provided by the household in individual files and to maintain strict confidentiality of all information regarding that household. An Administrative Agent is required to ensure that all certified applicants execute a Disclosure Statement acknowledging the rights and requirements of owning an affordable unit, in the form of Appendix J of UHAC, as applicable.

Establish and maintain effective communication with owners and property managers. Owners and property managers of restricted units should be instructed and regularly reminded that the Administrative Agent is their primary point of contact. The Administrative Agent will immediately inform all owners and property managers of any changes to the Administrative Agent's contact information or business hours. The Administrative Agent will create and distribute annual mailings to all Owners of affordable units reminding them of the rights and requirements of owning an affordable unit.

Owners should be instructed to immediately contact the Administrative Agent in the following circumstances:

- If they are considering or have decided to sell their home.
- In the event they wish to refinance their mortgage or take out a home equity loan and, consequently, will be seeking a subordination of their mortgage.
- If they are seeking an increase in the sales price of their unit due to capital improvements.

- If they are seeking a Hardship Waiver to allow them to rent their unit.

Preserve affordability controls during the sale of restricted units. Immediately upon being notified of an Owner's intent to sell their property, an Administrative Agent should inform the Owner of the Owner's role in the marketing and sale of the home. An Administrative Agent is responsible for extinguishing the affordability controls with the Seller and re-establishing them with the Buyer. An Administrative Agent is responsible for providing closing attorneys/agents with the appropriate legal instruments.

Ensure cancellations of Recapture Mortgages are effectuated. It is the Administrative Agent's responsibility to ensure that Recapture Mortgages are cancelled at the conclusion of the control period when the Recapture Mortgage is satisfied. If the Recapture Mortgage is being cancelled due to a sale of the property during the control period, then the Administrative Agent may wish to cancel the original Recapture Mortgage only after the Recapture Mortgage with the new Owner has been recorded.

Send out annual mailings about restrictions. Administrative Agents will annually mail to all Owners of affordable housing units a reminder of their rights and responsibilities as Owners of an affordable unit.

Ensure unit has Continuing Certificate of Occupancy at final transfer. To help ensure a healthy and safe living environment for all families, an Administrative Agent is responsible for obtaining an inspection or a certified statement from the local Building Inspector at the first sale after the expiration of the minimum affordability control period.

Serve as the custodian of all legal documents. An Administrative Agent is responsible for maintaining originals of all legal instruments for the units in their portfolio. Throughout the duration of a control period, an Administrative Agent will maintain a file containing its affordability control documents. This includes, but is not limited to, the recorded Declarations of Covenants, Conditions and Restrictions, Deed Restrictions, Deeds, Recapture Mortgages, Recapture Mortgage Notes and Disclosure Statement.

Serve as point of contact on all matters relating to affordability controls. It is recommended that the Administrative Agent develop a system to be notified by lenders when a unit is at risk of foreclosure. In the event of a foreclosure, the Administrative Agent should work with the foreclosing institution to ensure that the affordability controls are maintained. The Administrative Agent should seek the counsel of the municipality's attorney on legal matters that threaten the durability of the affordability controls.

Provide annual activity reports to Municipal Housing Liaison for use in the annual monitoring report. An Administrative Agent is responsible for collecting the reporting data on each unit in the Administrative Agent's portfolio.

Maintain and distribute information on HUD-approved Housing Counseling Programs.

Responsibilities of the Municipal Attorney

The Municipal Attorney assists the municipality with developing, administrating, and enforcing affordability controls, including but not limited to:

- Assisting the Municipal Housing Liaison with the review of the affordable housing provisions of any Master Deed and Public Offering for consistency with DCA/NJHMFA and UHAC regulations, before they are recorded and submitted to DCA for approval.
- Providing all reasonable and necessary assistance in support of the Administrative Agent's efforts to ensure compliance with the housing affordability controls, including reviewing legal documents and legal actions required on foreclosures and violations.

Responsibilities of Developers

When a new affordable unit or series of units is in the planning process, the developer of affordable housing should contact the Municipal Housing Liaison, who shall coordinate a meeting with the Administrative Agent, where applicable, and the developer, affordable housing sponsor or owner.

The purpose of this initial meeting is to develop a clear division of labor between the parties and to transmit any components of the Operating Manual – including copies of all affordable-related local ordinances -- that have already been adopted by the municipality.

As provided for by ordinance, the developer will be responsible for the costs of advertising affordable units.

The Administrative Agent will secure from the developer written acknowledgement that no restricted unit can be offered or in any other way committed to any person other than a household duly certified by the Administrative Agent.

Responsibilities of an Owner

Owners should read annual mailings from the Administrative Agent and cooperate with any and all requests for information from either the Municipal Housing Liaison or the Administrative Agent.

The Owner may sell the unit only to a household that has been approved in advance and in writing by the Administrative Agent. No sale of the unit shall be lawful unless approved in advance and in writing by the Administrative Agent. No sale shall be for a consideration greater than the maximum resale price, as determined by the Administrative Agent.

When an Owner wishes to sell an affordable unit, it is the Owner's responsibility to notify the Administrative Agent and to execute a "Notice of Intent to Sell". If a potential, certified Buyer makes an offer of the maximum resale price of an affordable unit, then the Owner is obligated to enter into a sales contract with that Buyer for the sale of that unit or withdraw the "Notice of Intent to Sell".

An Owner may not rent out the Owner's unit to any other person, not even to members of the Owner's family.

The Owner shall at all times maintain the unit as his or her principal place of residence, defined as residing at the unit at least 260 days out of each calendar year.

An Owner shall make no improvements to the unit that would affect its bedroom configuration or to increase the maximum permitted resale price, except for improvements approved in advance and in writing by the Administrative Agent.

The Owner shall pay all taxes and public assessments and assessments by the condominium association levied upon or assessed against the unit, or any part thereof, when they become due and before penalties accrue.

The Owner shall pay all charges of any utility authority when they become due and before penalties accrue.

The Owner shall not permit any lien, except those approved by the Administrative Agent, to attach and remain on the property for more than 60 days.

The Owner will have approval of the Administrative Agent if they wish to refinance their mortgage or take out a home equity loan and, consequently, will be seeking a subordination of their mortgage.

In the event that any first mortgagee or other creditor of an Owner of a low- and moderate-income unit exercises its contractual or legal remedies available in the event of default or nonpayment by the Owner of a low- and moderate-income unit, the Owner shall notify the Administrative Agent in writing within 10 days of such exercise by the first mortgagee or creditor and no later than 10 days after service of any summons and complaint.

An Owner shall notify the Administrative Agent within 10 days, in writing, of any default in the performance by the Owner of any obligation under either the master deed of the condominium association, including the failure to pay any lawful and proper assessment by the condominium association, or any mortgage or other lien against the low- and moderate-income unit, which default is not cured within 60 days of the date upon which the default first occurs.

AFFIRMATIVE MARKETING

Overview of the Requirements of an Affirmative Marketing Plan

All affordable units are required to be affirmatively marketed using the Borough of Woodcliff Lake's Affirmative Marketing Plan. An Affirmative Marketing Plan is a regional marketing strategy designed to attract households of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age, or number of children to housing units which are being marketed by an Administrative Agent or a developer, sponsor, owner or property manager of affordable housing. The primary objectives of an Affirmative Marketing Plan are to target households who are least likely to apply for affordable housing, and to target households throughout the entire housing region in which the units are located.

Every Affirmative Marketing Plan will include all of the following:

- Publication of at least one advertisement in a newspaper of general circulation within the housing region; and
- At least one additional regional marketing strategy such as a neighborhood newspaper, religious publication, organizational newsletter, advertisement(s) with major employer(s), or notification through community and regional organizations such as non-profit, religious and civic organizations.
- Listing on the state Housing Resource Center website, <https://nj.gov/njhrc/>, in accordance with applicable law.

For each affordable housing opportunity within the municipality, the Affirmative Marketing Plan will include the following information:

- The address of the project and development name, if any
- The number of units, including number of sale units
- The price ranges of the sale units
- The name and contact information of the Municipal Housing Liaison, Administrative Agent or property manager
- A description of the Random Selection method that will be used to select applicants for affordable housing.
- Disclosure of required application fees, if any.

Advertisements will contain the following information for each affordable housing opportunity:

- The location of the units
- A range of prices for the housing units
- The bedroom size(s) of the units
- The maximum income permitted to qualify for the housing units
- The locations of applications for the housing units
- The business hours when interested households may obtain an application for a housing unit
- Application fees, if any

Regional Preference

The Borough of Woodcliff Lake has by ordinance provided that households that live or work in Housing Region #1, comprising Bergen, Hudson, Passaic and Sussex Counties, shall be selected for an affordable housing unit before households from outside this region. Units that remain unoccupied after households who live or work in the region are exhausted, may be offered to the households outside the region.

Regional Preference is screened at the Final Application stage of the process.

Implementation of the Affirmative Marketing Plan

The affirmative marketing process for new affordable units shall begin at least four months prior to expected occupancy. In implementing the marketing program, the Administrative Agent shall undertake all of the strategies outlined in the Borough of Woodcliff Lake Affirmative Marketing Plan. Advertising and outreach shall take place during the first week of the marketing program and each month thereafter until all the units have been sold. Applications for affordable housing shall be available in several locations in accordance with the Affirmative Marketing Plan. The time period when applications will be accepted will be posted with the applications. Applications shall be mailed to prospective applicants upon request.

An applicant pool will be maintained by the Administrative Agent for re-sales. For new sales projects with less than 10 units, a general sales waiting list will be maintained, in priority order, to fill units in new sales projects.

When a resale affordable unit becomes available, the applicants will be selected from the applicant pool and the unit will be affirmatively marketed as described in the Resale process, above.

The selection of applicants from the applicant pool is described in more detail in this manual under Random Selection & Applicant Pool(s).

Developer, Affordable Housing Sponsor

The developer or affordable housing sponsor is responsible for advertising the affordable housing in accordance with the municipality's adopted Affordable Housing Ordinance and its adopted Affirmative Marketing Plan. Prior to publication or broadcast, draft copies of the marketing material will be submitted to the Administrative Agent for approval. Proof of publication will be submitted, including a copy of the final advertisements with a copy of the paid bill. Public Service Announcements shall be submitted by the Administrative Agent.

RANDOM SELECTION & APPLICANT POOL(S)

Applicants are selected at random before income-eligibility is determined, regardless of household size or desired number of bedrooms. The process is as follows:

After advertising is implemented, applications are accepted for 60 days. The applications are prescreened for eligibility. Applicants that are deemed, at this stage, to be ineligible are sent a notice and given an opportunity to clarify or correct any information. This will be done in writing.

Prescreened applications are entered into a database and sorted by the unit size and affordability type that is appropriate. Applicants are sent letters as to their eligibility during this preliminary application stage.

Prior to the randomized selection, a list of applicants will be sent to the Municipal Housing Liaison (MHL) in the order to which the random numbers will be applied. This list should be maintained in the file so that the MHL can verify the establishment of the order of the list in advance of the random selection.

At the end of the 60-day period, the Administrative Agent arranges a time and date for the random selection process to take place. The MHL and a representative of the developer are invited and encouraged to attend. An announcement of the time and date is made by way of an email blast to those applicants who voluntarily sign up for this service through www.HousingQuest.com.

It is important to note that applicants need not be present at the random selection, and that there is no advantage given those applicants who do attend.

At the random selection, a website is used to generate a random list of numbers. The numbers are applied to the list in the order that was prearranged. A copy of the random numbers and the final list are sent to the MHL for verification and file.

All applicants are assigned a random number. A random number does not guarantee that the applicant will be deemed eligible. Applicants who submit more than one application and receive more than one priority number will forfeit the lower number with the highest priority.

When units become available, final applications are sent in the prioritized order as specified previously. The Administrative Agent can keep the applicant pool open after the initial lottery and add names to the existing list based on time and date of submission. On-going marketing is done primarily through www.HousingQuest.com.

For re-sales, applications received subsequent to the initial random selection may be subject to a random selection on a per-unit basis.

MATCHING HOUSEHOLDS TO AVAILABLE UNITS

In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to implement the following policies:

- Provide an occupant for each unit bedroom;
- Prevent more than two persons from occupying a single bedroom; and
- Require that all the bedrooms be used as bedrooms.

A household is placed only on one unit list for eligibility. A household may choose to change the unit type for which they are eligible within the scope of the program.

APPLICATION FEES

The Administrative Agent does not charge a fee to applicants.

HOUSEHOLD CERTIFICATION

Before any household can purchase a restricted unit, the Administrative Agent will certify the household as eligible. Certification of a household involves the verification of two critical pieces of data: 1) Household size and composition, including gender; and 2) The total income and assets for all household members 18 years of age or older. The certification process begins with the applicant completing an application in its entirety and providing the required backup documentation. Once eligibility documents and data have been collected, the Administrative Agent can begin the process of calculating the household's income.

Household Composition and Circumstances

Generally, a Household is defined as everyone who intends to reside in the affordable unit. Temporarily absent members of a household will be counted in very limited circumstances, such as a member of the military in active duty. Unborn children and children in the process of being adopted shall be counted as members of the household.

The following are generally excluded from the household for the purposes of income qualifying but may be considered by the Administrative Agent for the purposes of determining the size of the unit: live-in aid, foster children and children who live in the household with less than 50% joint physical custody.

The following are various records for documenting household information:

- Social Security records or cards. Either individual Social Security card or letter from Social Security Administration
- Adoption papers, or legal documents showing adoption in process
- Income Tax Return
- Driver's License
- Birth Certificate or Passport
- Alien Registration Card
- Divorce Decree and Settlement Agreement
- Adoption Agency / Legal Correspondence and/or Certification
- Correspondence / Certification from Foster Care Services
- Doctor's Authorization for Live-in Aid.
- The Administrative Agent always reserves the right to require any other such documentation that, in its sole discretion, it deems necessary to verify composition.

Procedure for Income-Eligibility Certification

To calculate income, the current gross income of the applicant is used to project that income over the next 12 months. Applicants may NOT change or modify their situation relative to their income once they have submitted a Final Application.

Through the submission of the Final Application, the Administrative Agent shall require each member of an applicant household who is 18 years of age or older to provide

documentation to verify their income. The application and a schedule of required documentation can be found in Exhibits C and D. Generally, the documentation required is as follows:

- Four current consecutive pay stubs, including bonuses, overtime or tips, or a signed and dated letter from the employer stating the present annual income figure or if self-employed, a current Certified Profit & Loss Statement and Balance Sheet.
- Copies of Federal and State income tax returns for each of the preceding three tax years - A Form 1040 Tax Summary for the past three tax years can be requested from the local Internal Revenue Service Center or by calling 1-800-829-1040.
- A letter or appropriate reporting form verifying current monthly benefits such as
 - Social Security or SSI – Award letter or computer print out letter
 - Unemployment – verification of Unemployment Benefits
 - Welfare -TANF¹ current award letter
 - Disability - Worker’s compensation letter
 - Pension income – a pension letter.
- A letter or appropriate reporting form verifying any other sources of income claimed by the applicant, such as alimony, child support and education stipends.
- Current reports of savings and checking accounts (bank statements and passbooks) and income reports from banks or other financial institutions holding or managing trust funds, money market accounts, certificates of deposit, stocks or bonds.
- Evidence or reports of income from directly held assets, such as real estate or businesses.
- Interest in a corporation or partnership – Federal tax returns for each of the preceding three tax years.
- Current reports of assets – Market Value Appraisal or a contract with a real estate broker which sets forth the price of the property and Bank/Mortgage Co. Statement indicating Current Mortgage Balance. For rental property, attach copies of all leases.

¹ TANF – Temporary Assistance for Needy Families

- The Administrative Agent always reserves the right to require any other such documentation that, in its sole discretion, it deems necessary to verify household income.

The following is a list of various types of wages, payments, rebates and credits. Those that are considered as part of the household's income are listed under Income. Those that are not considered as part of the household's income are listed under Not Income.

Income

1. Wages, salaries, tips, commissions
2. Alimony
3. Regularly scheduled overtime
4. Pensions and regular distributions from retirement accounts
5. Social security benefits
6. Unemployment compensation (annualized)
7. TANF
8. Verified regular child support
9. Disability benefits
10. Net income from business or real estate
11. Actual interest income from assets such as savings, certificates of deposit, money market accounts, mutual funds, stocks, bonds
12. Imputed interest (using the current HUD Passbook Rate) from non-income producing assets, such as checking accounts, cash on hand, and equity in non-income producing real estate.
13. Net rental income from real estate
14. Non-tuition stipends for living expenses for students
15. Non-Governmental financial support
16. Any other forms of regular income reported to the Internal Revenue Service
17. Regular financial support from any source.

Not Income

1. Rebates or credits received under low-income energy assistance programs

2. Food stamps
3. Payments received for foster care
4. Relocation assistance benefits
5. Income of live-in attendants
6. Scholarships
7. Student loans
8. Personal property such as automobiles
9. Lump-sum additions to assets such as inheritances, lottery winnings, gifts, insurance settlements
10. Part-time income of persons enrolled as full-time students

Deduction from Income

Court ordered payments for alimony or child support paid to another household shall be deducted from gross annual income.

Student Income

Only full-time income of full-time students is included in the income calculation. A full-time student is a member of the household who is enrolled in a qualifying education program for 12 credit hours or more per semester; and part-time income is income earned on less than a 35-hour workweek. Full-time income (35 hours or more) for full-time students is always counted.

The Real Estate Asset Limit

Except for federal programs, if an applicant's primary residence, which is to be sold upon purchase of an affordable unit, has no mortgage debt and is valued at or above the regional asset limit as published annually by the Affordable Housing Professionals of New Jersey as part of the Annual Regional Income Limits Chart, the household will be determined ineligible for certification.

However, if the applicant's existing monthly housing costs including taxes, homeowner insurance, and condominium or homeowner association fees exceed 38 percent of the household's eligible monthly income, the household will be exempt from the asset limit.

An applicant will provide a recent, Market Value Appraisal, on the home they own unless the applicant has mortgage debt on the home or can demonstrate that the existing monthly housing costs exceed 38 percent of the household's eligible monthly income, in which case the applicant is exempt from the asset limit.

Income from Real Estate

If real estate owned by an applicant for affordable housing is a rental property, the net revenue is considered income. Specifically, rent from real estate is considered income, after deduction of any mortgage payments, real estate taxes, property owner's insurance and reasonable property management expenses as reported to the Internal Revenue Service. Other expenses are not deductible. If actual rent is less than fair market rent, the administrative agent shall impute a fair market rent.

If an applicant owns real estate with mortgage debt, which is not to be used as rental housing, the Administrative Agent should determine the imputed interest from the value of the property. The Administrative Agent should deduct outstanding mortgage debt from the documented market value established by a market value appraisal. Based on current HUD Passbook Savings Rate, interest will be imputed on the determined value of the real estate.

Maximum Monthly Payments

The percentage of funds that a household can contribute toward housing expenses is limited. However, an applicant may qualify for an exception based on the household's current housing cost (see below). The Administrative Agent will strive to place an applicant in a unit with a monthly housing cost equal to or less than the applicant's current housing cost.

A certified household is not permitted to purchase a unit that would require more than 33 percent of the verified household income to pay principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable. However, at the discretion of the Administrative Agent, this limit can be exceeded if the applicant:

- Obtains a firm mortgage loan commitment at the higher level from a licensed financial institution, under terms consistent with the requirements of the New Jersey Home Ownership Security Act of 2002, N.J.S.A. 46:10B-22 et seq.; and
- Submits a certification from a non-profit counselor approved by HUD or the New Jersey Department of Banking and Insurance that the household has received counseling on the advisability of the loan transaction.

Housing Counseling

The Administrative Agent will provide referrals for counseling, as a part of its services. Although housing counseling is recommended, a household is only required to attend counseling if their monthly housing expense exceeds UHAC standards. A HUD-approved housing counseling agency, or a counseling agency approved by the NJ Department of Banking and Insurance, meets UHAC's requirements for an experienced Housing Counseling Agency. This counseling to low- and moderate-income housing applicants will focus on subjects such as budgeting, credit issues, and mortgage

qualification, and is free of charge. A list of non-profit counselors approved by HUD and/or the New Jersey Department of Banking and Insurance is included on DCA's website and is available from the Administrative Agent.

In addition, the Administrative Agent will:

- Confirm and update all information provided on the application.
- Explain program requirements, procedures used to verify information, and penalties for providing false information. Ask the head of household, co-head, spouse and household members 18 years of age or older to sign the Authorization for Release of Information forms and other verification requests.
- Review the applicant's identification and financial information and documentation, ask any questions to clarify information on the application, and obtain any additional information needed to verify the household's income.
- Seek to ensure, to a reasonable degree, that the applicant has reported all sources for earned and benefit income and assets (including assets disposed of for less than fair market value in the past two years). Require the applicant to give a written certification as to whether any household member did or did not dispose of any assets for less than fair market value during the past two years.

Approving or Rejecting a Household

Administrative Agents will notify applicant households of their eligibility within twenty (20) days of the Administrative Agent's determination.

Households with a verified total household income that exceeds 80 percent of the regional income limit for the appropriate family size are ineligible for purchase or rental of restricted units. A letter rejecting the household's application shall be mailed to the household.

Similarly, households with a verified total household income that is within the income limits, but too low to afford any of the units administered by the Administrative Agent shall be sent a letter rejecting the household's application, and/or referring them to housing counseling.

Households with a verified total household income of less than 80 percent shall be issued a letter certifying eligibility. This certification is valid for 180 days. If the applicant does not sign a Sales Agreement within that time frame, an extension may be granted once the household's eligibility is updated and verified.

Once the applicant is certified and matched to an available unit, the Administrative Agent will secure from the applicant a signed and notarized acknowledgement of their requirements and responsibilities in purchasing a restricted unit. UHAC's Disclosure Statement shall be forwarded to the applicants.

In addition to non-eligibility based on income, the Administrative Agent may deny a certification because of the household's failure or inability to document household composition, income, assets, sufficient funds for down payment, or any other required facts and information. A household may also be denied certification if the Administrative Agent determines that there was a willful or material misstatement of fact made by the applicant.

Dismissal of Applications

Applications can be dismissed for the following reasons:

1. The application is not signed or submitted on time;
2. The applicant's sources of income or household composition changes after the submission of the final application, but before approval;
3. The applicant commits fraud, or the application is not truthful or complete;
4. The applicant cannot or does not provide documentation to verify their income or other required information when due;
5. The household income does not meet the minimum or maximum income requirements for a particular property;
6. The applicant owns an asset that exceeds the Asset Limits for deed restricted units;
7. The applicant fails to respond to any inquiry in a timely manner;
8. The applicant had a greater chance than any other applicant submitted for a random selection;
9. The applicant is non-cooperative or abusive with the our staff, property managers or the sellers of affordable units;
10. The applicant changes address or other contact information without informing us in writing;
11. The applicant is unable to obtain suitable and legitimate financing for a sale unit or fails to verify attendance in a home buyer credit counseling program when required to do so by the program rules;
12. The applicant does not respond to a periodic update inquiry in a timely fashion;
13. The applicant fails to sign the Compliance Certification, Certificate for Applicant; Lease Documents, Contract for Sale, Affordable Housing Agreement and/or Deed Restrictions as may be required; or
14. The applicant, once approved, fails to close on a sale in a timely manner.

Applicants will also be withdrawn from all lists held by us in the Borough of Woodcliff Lake once they have been approved for an affordable unit within that same municipality. However, these applicants may re-apply for other opportunities in that municipality once they have occupied their unit. Applicants withdrawn for fraud may be withdrawn from all

programs administered by Piazza & Associates, Inc., and may be subject to prosecution under the law.

Applicants who are withdrawn and who wish to re-apply to that specific program may do so using a new Preliminary Application. The new Preliminary Application will NOT be given preferential treatment, but will be processed in the same way that all new Preliminary Applications for that specific program are processed. In the event that an application list is closed when the application is withdrawn, the applicant will be required to wait until the list is re-opened to apply again.

Applicants who are dismissed must re-apply. A minimum time period of six months applies in most situations where the applicant has been withdrawn for fraud, uncooperative behavior or other serious matters.

Appeals

Appeals from all decisions of an Administrative Agent shall be made in writing to the Municipal Housing Liaison, Borough of Woodcliff Lake; or the Executive Director of the New Jersey Housing and Mortgage Finance Agency.

DETERMINING AFFORDABLE SALES PRICES

Development Considerations and Compliance Issues

There are several regulations that will be considered from the development perspective before the sales prices of individual units can be calculated. These requirements should be discussed at the first meeting between the Municipal Housing Liaison, Administrative Agent and developer or affordable housing sponsor. The following is a summary of the requirements for ownership projects.

Bedroom Distribution. The standards on the distribution of unit sizes for affordable developments require that:

- The combined number of efficiency and one-bedroom units may be no greater than 20 percent of the total low- and moderate-income units;
- At least 30 percent of all low- and moderate-income units will be two-bedroom units;
- At least 20 percent of all low- and moderate-income units are three-bedroom units; and
- The remainder, if any, may be allocated at the discretion of the developer.

Age-restricted Units. Affordable age-restricted units are not held to these bedroom distribution standards. For affordable age-restricted units, the number of affordable age-restricted low- and moderate-income bedrooms will be equal to or greater than the number of affordable age-restricted units within the development. In other words, the average affordable bedroom count in an age-restricted development will be equal to or greater than one bedroom per affordable unit. For example, if the affordable units in the overall age-restricted development is 25 percent efficiencies, and 50 percent one-bedroom units, and 25 percent two-bedroom units, that equals an overall affordable bedroom count of exactly one bedroom per unit. An age-restricted development can meet this standard by creating all one-bedroom affordable units or by creating a two-bedroom affordable unit for each affordable efficiency unit, or any other combination that will equal a minimum of one bedroom per affordable unit.

Pricing by Household Size. Initial sales prices and rents are based on targeted “model” household sizes for each size home as determined by the number of bedrooms. Initial sales prices and rents will adhere to the following rules. These maximum sales prices and rents are based on AHPNJ’s Annual Regional Income Limits Chart at the time of occupancy:

- A studio shall be affordable to a one-person household;
- A one-bedroom unit shall be affordable to a one- and one-half person household;
- A two-bedroom unit shall be affordable to a three-person household;
- A three-bedroom unit shall be affordable to a four- and one-half person household; and
- A four-bedroom unit shall be affordable to a six-person household.

The above rules are only to be used for setting initial sales prices. They are not guidelines for matching household sizes with unit sizes.

Determining Maximum Initial Sales Price

To determine the affordable sale prices the Administrative Agent uses the regulations set forth in UHAC.

The maximum sales price for an ownership unit is determined by first calculating the amount that an appropriately sized household can afford for housing expenses at various income ranges. Several related expenses (homeowner insurance, private mortgage insurance (PMI), association fees and taxes) will then be subtracted from the household’s maximum monthly contribution toward housing expenses to arrive at the maximum monthly mortgage payment. The calculated mortgage amount, a five percent down payment, and the current lending rate will be used to arrive at the maximum sales price.

Additional Regulations for an Ownership Development

In addition to the regulations in the previous Section entitled **Development Considerations and Compliance Issues**, ownership developments will also comply with the following regulations:

Division of Units: Low- and Moderate-income. In each affordable ownership development, at least 50 percent of each unit type will be affordable to low-income households. The remaining affordable units may be affordable to moderate-income households.

Affordability Average. Each affordable development will achieve an affordability average of no more than 55 percent of the regional median income for restricted ownership units. In achieving this affordability average, moderate-income ownership units will be available for at least three different prices for each bedroom type, and low-income ownership units will be available for at least two different prices for each bedroom type.

Maximum Initial Sales Price. The maximum initial sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of the regional median income.

Condominium/Homeowner Association Fees. The master deeds of affordable developments shall provide no distinction between the condominium or homeowner association fees and special assessments paid by low- and moderate-income purchasers and those paid by market purchasers.

Determining Resale Prices

Calculating the maximum resale price (MRP) for an ownership unit involves applying to the Seller's purchase price the annual percentage increase corresponding with each calendar year since the Seller bought the house. No increase is permitted during the balance of the calendar year immediately after the sale. A Resale Price Calculator has been created by the Administrative Agent to provide an estimate of the MRP to owners of affordable homes. It can be accessed at www.HousingQuest.com, by clicking on "Resale Calculator" on the menu bar and choosing the municipality in which your affordable home is located. In the alternative, homeowners can also call Piazza & Associates, Inc., at 609-786-1100, and request a verbal estimate by phone. The official MRP can only be given in writing in response to a written request, together with a copy of the recorded deed.

Requests for Increases in Maximum Sales Price

The Seller of an ownership unit may ask the Administrative Agent to increase the sales price of their home beyond the maximum sales price under limited circumstances. Only those improvements "that render the unit suitable for a larger household or that add an additional bathroom" can increase the calculated maximum sales price. In no event shall

the maximum sales price of an improved housing unit exceed the limits of affordability for the larger households.

WAIVERS AND EXEMPTIONS²

Hardship and Income Waivers

An Owner may not rent out the Owner's unit to any other person, not even to members of the Owner's family. The Administrative Agent may grant a Hardship Waiver for the following extenuating circumstances:

- The Owner's employer is temporarily sending the Owner to a work place a great distance from the Owner's home, and the employer expects the Owner to resume work for the employer back at home within the next 12 months.
- The Owner is called up for military service

An Owner of a low-income unit may request that the unit be sold to a household whose income exceeds the established income eligibility criteria for a low-income household, but does not exceed the income criteria for a moderate-income household, by submitting a written request for an Income Waiver to the Administrative Agent. The Owner will demonstrate that this request is consistent with the following reasons for an Income Waiver:

- The unit is in marketable condition as determined by the Administrative Agent.
- The Owner has made a good faith effort to sell the unit to a certified household for no less than six (6) months, in accordance with procedures required by the Administrative Agent and no certified household has made a "reasonable" offer during the that six-month period.
- The Owner has demonstrated a willingness to consider price offers lower than the maximum allowable resale price, taking into account current market conditions and the marketability of the unit.
- The Owner has advertised the unit's availability in newspapers and other locations likely to be noticed by potential purchasers, or has engaged the services of a qualified real estate agent to sell the home.

The Administrative Agent may grant an Income Waiver upon demonstration that the Owner has made a good faith effort to sell the unit and subject to determination that there is an insufficient number of low-income purchasers in the market to permit prompt occupancy of the unit.

² Revised 4.24.08

Upon receipt of a request for an Income Waiver,³ the municipality shall have first option to purchase the unit at the approved resale price and holding, renting or conveying it to a certified household. The municipality shall have 30 days in which to exercise this option.

The Administrative Agent shall approve or deny an Income Waiver in writing within 30 days of receipt of all requested verification from the Owner and a determination that there are an insufficient number of low-income purchasers in the market to permit prompt occupancy of the units. The Income Waiver shall be provided to the Owner with a copy to the Buyer at the time of closing. The original shall be filed with the Deed. The Income Waiver is only valid for the designated resale transaction. All future resales will be in accordance with the Deed restrictions and sold to income eligible households for no more than the approved indexed resale price.

The approval of an Income Waiver for a particular resale does not guarantee receipt of the maximum resale price to the Owner.

If the Administrative Agent denies a Hardship Waiver or Income Waiver, the Owner may appeal the decision of the Administrative Agent within 30 days from the date of notification of the decision of the Administrative Agent (see **Appeals**). If a written request has not been received within 30 days following the household's receipt of notification, the denial will be final. Owners shall be required to produce documentation to support their claim.

Exempt Transactions

The following title transactions shall be deemed exempt transactions and, when requested, the Administrative Agent shall provide the Owner receiving title with written confirmation of the exemption to those restrictions that determine occupancy of the unit.

- Transfer of ownership between former spouses ordered as a result of a judicial decrees of divorce or judicial decree of separation (but not including sales to third parties);
- Transfer of ownership between family members by will or intestate succession;
- Transfer of ownership through an Executor's Deed to a Class A beneficiary; and
- Transfer of ownership by Court Order.

An exempt transfer of ownership does not terminate the resale restrictions or existing liens on the property. All liens will be satisfied in full prior to subsequent resale and all subsequent resale prices will be calculated using the resale price index in compliance with the term of the affordable housing regulations.

³ Rev 5.16.08

The exempt transaction shall not be considered as a recorded transaction in calculating subsequent resale prices.

The Owner shall notify the Administrative Agent in writing of any proposed transaction that requires approval as an exempt transaction. The Owner shall supply the Administrative Agent with all necessary documentation to demonstrate that the transaction qualifies as an exemption as defined above. The Administrative Agent shall approve or deny in writing a request for a Certificate of Exemption within 15 days of receipt of the request.

If the Administrative Agent denies the exemption, the Owner may appeal the decision of the Administrative Agent within 30 days from the date of notification of the decision of the Administrative Agent (see Appeals). If a written request has not been received within 30 days following the household's receipt of notification, the denial will be final. Owners shall be required to produce documentation to support their claim.

VIOLATIONS, DEFAULTS AND REMEDIES

In the event of a threatened breach of any of the regulations governing the affordable unit by an Owner, the Administrative Agent shall have all the remedies provided at law or equity, including the right to seek injunctive relief or specific performance, it being recognized by both parties that it will cause irreparable harm to the municipality, in light of the public policies set forth in the Fair Housing Act and the obligation for the provision of low- and moderate-income housing.

Upon the occurrence of a breach of any of the regulations governing the affordable unit by an Owner, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.

MAINTENANCE OF RECORDS AND APPLICANT FILES

Pursuant to N.J.A.C. 5:80-26.14(a)8, N.J.A.C. 5:80-26.15(c) and N.J.A.C. 5:80-26.17 current records will be maintained by the Administrative Agent and outdated records will be given to the municipality for safe-keeping. A file will be created and maintained on each restricted unit for its control period.

The Administrative Agent will maintain detailed records on all marketing initiatives.

Files To Be Maintained on Every Applicant

The Administrative Agent will maintain files on every applicant. All files will contain a preliminary application. If an applicant's preliminary application is approved, and the applicant files a formal application, the file will contain at a minimum:

- Application Form.
- Income Verification
- Letter of Certification of Eligibility or Letter of Determination of Ineligibility.

Individual files will be maintained throughout the process and submitted to the municipality upon termination of the program.

Files To Be Maintained on Every Unit

The Administrative Agent will maintain files on every unit for the length of the affordability controls. The unit file will contain at a minimum:

- Base sales prices
- Identification as low- or moderate-income
- Description of number of bedrooms and physical layout
- Floor plan
- Original deed restriction
- Affordability control documents, including Declarations of Covenants, Conditions and Restrictions, Deed Restrictions, Deeds, Recapture Mortgages, Recapture Mortgage Notes, Disclosure Statement
- Application materials, verifications and certifications of all present owners, pertinent correspondence, any documentation of home improvement, hardship or income waivers or other approvals granted by an AA, certificate of exemption

Files To Be Maintained on Every Project

The Administrative Agent will maintain files on every project for the length of the affordability controls. The project file will contain at a minimum:

- Condominium Master Deed
- Condominium Public Offering

Files To Be Maintained on The Applicant Pool

- Any changes to the applicant pool
- Any action taken with regard to the applicant pool
- Any activity that occurs that affects a particular applicant
- Current applications for all applicants whose status is active in the applicant pool
- The application, the initial rejection notice, the applicant's reply to the notice, a copy of the Administrative Agent's final response to the applicant, and all documentation of the reason the applicant's name was removed from the applicant pool.

Monitoring

A sample Deed will be submitted for each project. Additionally, the current annual monitoring information required to be maintained and reported annually to the Municipal Housing Liaison can be found in the Borough's adopted Affordable Housing Ordinance. The information required for each unit includes but is not limited to:

- Street Address
- Block/Lot/Qualifier/Unit Number
- Housing Type
- Income: Very Low/Low/Moderate
- Initial Sale Price
- % of affordability
- Bedroom Type
- Age-restricted
- Handicap accessible/adaptable
- Co #, date
- Effective date of affordability controls
- Length of affordability controls (yrs)
- Date Affordability controls removed
- 95/5

APPENDIX

15

AFFIRMATIVE MARKETING PLAN

BOROUGH OF WOODCLIFF LAKE
AFFIRMATIVE FAIR HOUSING MARKETING PLAN
For Affordable Housing in REGION 1

I. APPLICANT AND PROJECT INFORMATION

(Complete Section I individually for all developments or programs within the municipality.)

1a. Administrative Agent Name, Address, Phone Number Contact Name: Frank Piazza Piazza & Associates, Inc. 201 Rockingham Row Princeton, NJ 08540 609-786-1100, ext. 301		1b. Development or Program Name, Address N/A	
1c. Number of Affordable Units: N/A Number of Rental Units: N/A Number of For-Sale Units: N/A	1d. Price or Rental Range From N/A To	1e. State and Federal Funding Sources (if any)	
1f. <input type="checkbox"/> Age Restricted <input type="checkbox"/> Non-Age Restricted	1g. Approximate Starting Dates Advertising: _____ Occupancy: _____		
1h. County Bergen, Hudson, Passaic, Sussex		1i. Census Tract(s): N/A	
1j. Managing/Sales Agent's Name, Address, Phone Number N/A			
1k. Application Fees (if any):			

(Sections II through IV should be consistent for all affordable housing developments and programs within the municipality. Sections that differ must be described in the approved contract between the municipality and the administrative agent and in the approved Operating Manual.)

II. RANDOM SELECTION

2. Describe the random selection process that will be used once applications are received. REGIONAL PREFERENCE: There will be a preference for applicants who live and/or work in Housing Region 1 (Bergen, Hudson, Passaic and Sussex Counties). RENTAL PROCESS: A. An initial deadline date, no less than 60 days after the start of the marketing process, will be established. All of the preliminary applications received by Piazza & Associates, on or before the initial deadline date, shall be deemed received on that date. B. Households that apply for very low-income housing will be prescreened by Piazza & Associates for preliminary income eligibility by comparing their total income and household size to the very low-income limits pursuant to the New Jersey Fair Housing Act, N.J.S.A. 52:27-D-304 ("NJFHA"). Households that apply for low and moderate-income housing will be prescreened by Piazza & Associates for preliminary income eligibility by comparing their total income and household size to the low- and moderate-income limits pursuant to the Uniform Housing Affordability Controls, 5:80-26.1 et seq. ("UHAC"). All households will be notified as to their preliminary status. C. A drawing will be held under the direction of Piazza & Associates to determine the priority order of the pre-qualified applications received on or before the initial deadline date. All preliminary applications received after the initial deadline will be processed on a "first come, first served" basis.

- D. In order to ensure an adequate supply of qualified applicants, the advertising phase will continue until there are at least ten (10) pre-qualified applicants for each very low-, low- and moderate-income unit available, or until all of the very low-, low- and moderate-income units within the development have been rented.
- E. Final applications will be emailed by Piazza & Associates to an adequate number of pre-qualified applicants, in priority order, for each available very low-, low- and moderate-income unit. The final application will require the applicants to supply documents to verify their identity and household composition as well as their income and assets.
- F. Completed final applications will be forwarded to Piazza & Associates. Piazza & Associates will make a determination as to their eligibility for a very low-, low- or moderate-income unit. Applicants will receive a letter from Piazza & Associates with respect to the status of their application each time a review is performed.
- G. At the same time, applicants will also be subject to any criteria set forth by the Owner, pursuant to the Tenant Selection Criteria, attached. The criteria shall comply with all fair housing standards and be set forth in a policy statement made available to all applicants in the leasing office. The Owner will be responsible for the assessment of all criteria beyond the income and household size criteria set forth above.
- H. Subsequent to the initial rent-up period, a list of pre-qualified applicants will be maintained by Piazza & Associates for each type of very low-, low- and moderate-income unit.

SALE PROCESS:

- I. An initial deadline date, no less than 60 days after the start of the marketing process, will be established. All of the preliminary applications received by Piazza & Associates, on or before the initial deadline date, shall be deemed received on that date.
- J. Households that apply for low- and moderate-income housing will be prescreened by Piazza & Associates for preliminary income eligibility by comparing their total income and household size to the low- and moderate-income limits adopted by DCA/NJHMFA or its successors and other program restrictions that may apply. All households will be notified as to their preliminary status.
- K. A drawing will be held under the direction of Piazza & Associates to determine the priority order of the pre-qualified applications received on or before the initial deadline date. All preliminary applications received after the initial deadline will be processed on a "first come, first served" basis after the applicants who were in the initial random selection.
- L. In order to ensure an adequate supply of qualified applicants, the advertising phase will continue until there are at least ten (10) pre-qualified applicants for each low- and moderate-income unit available, or until all of the low- and moderate-income units within the development have been sold.
- M. Final applications will be emailed by Piazza & Associates to an adequate number of pre-qualified applicants, in priority order, for each available low- and moderate-income unit. The final application will require the applicants to supply documents to verify their identity and household composition as well as their income and assets.
- N. Completed final applications will be forwarded to Piazza & Associates. Piazza & Associates will make a determination as to their eligibility for a low- or moderate-income unit. Applicants will receive a letter from Piazza & Associates with respect to the status of their application each time a review is performed.
- O. When submitting final applications, applicants will also be asked to provide a pre-qualification letter from a qualified lending institution.
- P. Certified applicants will be given 15 days to sign a sales agreement with the developer. Mortgage contingencies may not be an acceptable term of the agreement.
- Q. The sales agreement may also limit closing to a reasonable time to be approved by Piazza & Associates in advance of the process.

RESALE PROCESS:

- A. The Seller submits a Preliminary Notice with a copy of their recorded deed in order to determine the maximum resale price.
- B. We will respond to the Seller in writing, explaining some of the details of the process and informing the

Seller of the Maximum Sales Price (based on the change in median income as set forth by the New Jersey Dept. of Community Affairs) as well as the Maximum Income allowed for potential purchasers, as adjusted for family size. A form, entitled, "Notice of Intent to Sell", is submitted in order to initiate the sale process.

- C. We will email a "Notice of Availability" to households on our waiting list for an affordable home of the same size and income category. We will send the seller about 20 copies of a QR code, which directs applicants to an address specific online application. The Notice will ask interested households to contact the Seller or their agent, directly, to make an appointment to see the affordable home within a two-week time frame. The Seller may want to prepare a flyer for us to distribute with our notice of availability. We reserve the right to limit the number of notices that are mailed, based on the chronological order in which the prequalified applications were received. If the notices are limited in this way, applicants receiving notices will have a priority over those who do not. Once the home is marketed, the price may not be increased unless a new marketing period is initiated.
- D. We automatically place a notification of the availability on NJHRC.gov. The Seller or their agent may also want to advertise. Ads should include the "Equal Housing Opportunity" logo and should be sent to our office for review prior to distribution.
- E. The Seller or their agent, upon showing the home, provides potential buyers with a copy of the QR code (which may be duplicated if necessary). All interested parties must submit the online Preliminary Application, whether or not they have already submitted an application to our office or are on our waiting list. Also, the Seller or their agent must keep a record of the name, address and telephone number of everyone who viewed the home.
- F. At the end of the two-week time period, our office collects all of the Preliminary Applications submitted for a particular home. They are prioritized on the basis of a blind selection process or lottery. Preference may be given to households that can utilize all of the bedrooms, as well as handicap accommodations, when applicable.
- G. The first two applicants on the prioritized list are emailed a letter which requires them to complete a final application within fourteen days.
- H. When an applicant is approved, the Seller may begin to negotiate a contract with the potential Buyer at this time, but there must be a contingency clause in the contract which voids the contract, without penalty to the buyer, if the potential buyer is not able to obtain financing within 30 days.
- I. The remaining applicants are maintained on the waiting list for this home or other homes in the same size and income categories. In the event that the potential buyer is not able and/or willing to purchase the affordable home, the next applicant on the prioritized list is notified pursuant to the process described above.
- J. When an applicant is in second priority position to purchase an affordable home (the *original* home), and another home of the same size and type in the same municipality (the *next* home) becomes available within 90 days of the lottery date of the *original* home, the applicant will have the option to transfer priority from the *original* home to the *next* home. The following conditions will apply: This opportunity only applies to the *next* home of the same bedroom number and income category as the *original* home that becomes available within the 90-day period. This offer will be made only one time and only for the *next* home. It does not apply to other similar homes that become available. The applicant must have completed a final application and be pre-qualified for the *original* home in order to be considered. The applicant will be notified by phone that an alternate home is available. The applicant will then have 3 business days in which to view the *next* home and make the determination if he/she would like to pursue that purchase. If so, the applicant would relinquish the secondary priority position for the *original* home. Once the decision to transfer to the *next* home is made, the applicant cannot be reinstated to the secondary position for the *original* home if he/she is unable or unwilling to purchase the *next* home. Conversely, once the decision is made to remain in the secondary position for the *original* home, the applicant cannot then transfer to the *next* home if he/she is unable or unwilling to purchase the *original* home.
- K. The Seller must sell the affordable home with the same or comparable appliances and amenities that were in the home when it was first sold as an affordable home.
- L. The Seller may NOT charge more than the Maximum Selling Price for any reason, except the addition of a room, the installation of central air conditioning (where there was none before) or comparable upgrade, but ONLY with prior written approval from us. For the most part, condominiums in this program are NOT eligible for such upgrades and/or adjustments to the selling price. The cost of broker fees; municipal inspections and required repairs that may be necessary to receive a Certificate of Occupancy; new appliances, carpeting or other flooring upgrades; and decorating and remodeling projects are NOT eligible costs for an increase in the Maximum Sales Price.

- M. A copy of the Sales Contract must be submitted to our office prior to closing.
- N. During the final stages of the process, it will be necessary for the Buyer to make arrangement for the Affordable Housing Agreement and Mortgage Note to be satisfied with respect to the Seller and new documents filed with respect to the Buyer.
- O. A copy of the HUD Closing Statement or Closing Disclosure form required by the TILA-RESPA Integrated Disclosure Rule, as appropriate, must be submitted to our office after the sale of the home.
- P. Note: We do not guarantee that the Buyer can sell an affordable home for the Maximum Sales Price. An affordable home is also susceptible to market conditions, and the Fair Market Value of an affordable home may be lower than the Maximum Selling Price. In this case, the Seller may not be able to sell the home for more than its Fair Market Value
- Q. This outline is meant to describe the process utilized prior to the expiration of the deed restrictions. It is not meant to be a legal representation of the rights or responsibilities of any party, nor is it meant to modify the Affordable Housing Agreement, Mortgage Note or other Deed Restrictions. Buyers and Sellers are encouraged to seek legal counsel for specific questions in this regard.
- A. Our office is available to both the Seller and the Buyer throughout the process to answer any questions that they may have.

III. MARKETING

3a. Direction of Marketing Activity: Based on demographic data from the 2020 census, this table provides a comparison of race and ethnic origin differences point to the greatest need for affirmative marketing. In this case, African Americans (-7.5%) and Hispanic (-24.8%) represent the clearest differences in the region.

The U. S. Census Data 2020:

Subject	RACE					
	Total population	Race alone or in combination with one or more other races: [4]				
		White	Black or African American	American Indian and Alaska Native	Asian	Native Hawaiian
Bergen	955,732	543,849	54,831	4,535	158,630	217
Sussex	144,221	121,879	3,088	336	3,002	20
Hudson	724,854	248,561	79,498	7,388	124,555	417
Passaic	524,118	229,573	57,809	6,383	30,852	195
Region 1	2,346,925	1,143,862	195,226	18,642	317,039	849
% Region 1	100%	48.7%	8.3%	0.8%	13.5%	
Woodcliff Lake Boro	6,128	5,050	47	10	540	1
%Woodcliff Lake	100%	82.4%	0.8%	0.2%	8.8%	

Difference	33.7%	-7.5%	-0.6%	-4.7%	
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[4] In combination with one or more of the other races listed. The six numbers may add to more than the total population, and the six percentages may add to more than 100%. Source: U.S. Census of Population and Housing, Demographic Profile Summary File.

- White (non-Hispanic)
- Black (non-Hispanic)
- Hispanic
- Asian or Pacific Islander
- Other

3b. Commercial Media (required) (Check all that applies)

DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL NEWSPAPER(S)	CIRCULATION AREA
TARGETS ENTIRE HOUSING REGION 1		

Web Listings			
X	To be listed on the Housing Resource Center (HRC) site within one day of accepting or soliciting applications and at least 60 days prior to the lottery.	www.NJHRC.gov	Entire State
X	On-going	www.HousingQuest.com	Entire State
X	On-going	www.wclnj.com	Referral to HousingQuest.com
TARGETS PARTIAL HOUSING REGION 1			
Daily Newspaper			
X	Once at start of Affirmative Marketing Process with additional monthly advertising if necessary.	Star-Ledger	Northern and Central New Jersey
X	Once at start of Affirmative Marketing Process with additional monthly advertising if necessary.	Record, The	Bergen
<input type="checkbox"/>		Jersey Journal	Hudson
X	Once at start of Affirmative Marketing Process with additional monthly advertising if necessary.	Ridgewood News	Ridgewood
<input type="checkbox"/>		New Jersey Herald	Sussex
TARGETS PARTIAL HOUSING REGION 1			
	DURATION & FREQUENCY OF OUTREACH	NAMES OF CABLE PROVIDER(S)	BROADCAST AREA
TARGETS PARTIAL HOUSING REGION 1			
X	Once at the start of the affirmative marketing process.	Optimum - Cablevision	Partial Bergen
<input type="checkbox"/>		Comcast of the Meadowlands	Partial Bergen
<input type="checkbox"/>		Cablevision of New Jersey, Oakland, Ramapo, and Rockland	Partial Bergen
<input type="checkbox"/>		US Cable of Paramus-Hillsdale	Partial Bergen
<input type="checkbox"/>		Cablevision of NJ (Bayonne System), Hudson	Partial Hudson
<input type="checkbox"/>		Comcast of Jersey City, Meadowlands, NJ (Union System)	Partial Hudson
<input type="checkbox"/>		Time Warner Cable of Bergen & Hudson Counties	Partial Hudson
<input type="checkbox"/>		Cablevision of Oakland, Paterson	Partial Passaic
<input type="checkbox"/>		Hometown Online	Partial Passaic
<input type="checkbox"/>		Cable Vision of Morris, Warwick	Partial Sussex

<input type="checkbox"/>		Hometown Online	Partial Sussex
<input type="checkbox"/>		Service Electric Broadband Cable	Partial Sussex
<input type="checkbox"/>		Time Warner Cable of Bergen & Hudson Counties	Partial Bergen
<input type="checkbox"/>		Comcast of the Meadowlands	Partial Bergen
<input type="checkbox"/>		Cablevision of New Jersey, Oakland, Ramapo, and Rockland	Partial Bergen
<input type="checkbox"/>		US Cable of Paramus-Hillsdale	Partial Bergen
<input type="checkbox"/>		Cablevision of NJ (Bayonne System), Hudson	Partial Hudson
<input type="checkbox"/>		Comcast of Jersey City, Meadowlands, NJ (Union System)	Partial Hudson
<input type="checkbox"/>		Time Warner Cable of Bergen & Hudson Counties	Partial Hudson
<input type="checkbox"/>		Cablevision of Oakland, Paterson	Partial Passaic
<input type="checkbox"/>		Hometown Online	Partial Passaic
<input type="checkbox"/>		Cable Vision of Morris, Warwick	Partial Sussex
<input type="checkbox"/>		Hometown Online	Partial Sussex
<input type="checkbox"/>		Service Electric Broadband Cable	Partial Sussex
<input type="checkbox"/>		Time Warner Cable of Bergen & Hudson Counties	Partial Bergen
<input type="checkbox"/>		Comcast of the Meadowlands	Partial Bergen
<input type="checkbox"/>		Cablevision of New Jersey, Oakland, Ramapo, and Rockland	Partial Bergen
<input type="checkbox"/>		US Cable of Paramus-Hillsdale	Partial Bergen
<input type="checkbox"/>		Cablevision of NJ (Bayonne System), Hudson	Partial Hudson
<input type="checkbox"/>		Comcast of Jersey City, Meadowlands, NJ (Union System)	Partial Hudson
<input type="checkbox"/>		Time Warner Cable of Bergen & Hudson Counties	Partial Hudson
<input type="checkbox"/>		Cablevision of Oakland, Paterson	Partial Passaic
<input type="checkbox"/>		Hometown Online	Partial Passaic
<input type="checkbox"/>		Cable Vision of Morris, Warwick	Partial Sussex
<input type="checkbox"/>		Service Electric Broadband Cable	Partial Sussex

	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL RADIO STATION(S)	BROADCAST AREA AND/OR RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
TARGETS ENTIRE HOUSING REGION 1			
AM			
<input type="checkbox"/>		WFAN 660	
<input type="checkbox"/>		WOR 710	
<input type="checkbox"/>		WABC 770	
<input type="checkbox"/>		WCBS 880	
<input type="checkbox"/>		WBBR 1130	
FM			
<input type="checkbox"/>		WFNY-FM 92.3	
<input type="checkbox"/>		WPAT-FM 93.1	Multi Cultural
<input type="checkbox"/>		WNYC-FM 93.9	
<input type="checkbox"/>		WFME 94.7	Christian
<input type="checkbox"/>		WPLJ 95.5	
<input type="checkbox"/>		WQXR-FM 96.3	
<input type="checkbox"/>		WQHT 97.1	
<input type="checkbox"/>		WSKQ-FM 97.9	Spanish
<input type="checkbox"/>		WAWZ 99.1	Christian
<input type="checkbox"/>		WBAI 99.5	
<input type="checkbox"/>		WHTZ 100.3	
<input type="checkbox"/>		WHUD 100.7	
<input type="checkbox"/>		WCBS-FM 101.1	
<input type="checkbox"/>		WQCD 101.9	
<input type="checkbox"/>		WNEW 102.7	
<input type="checkbox"/>		WKTU 103.5	
<input type="checkbox"/>		WAXQ 104.3	
<input type="checkbox"/>		WWPR-FM 105.1	
<input type="checkbox"/>		WLTW 106.7	
<input type="checkbox"/>		WBLS 107.5	
TARGETS PARTIAL HOUSING REGION 1			
AM			

<input type="checkbox"/>		WEEX 1230	Bergen
<input type="checkbox"/>		WKDM 1380	Bergen, Hudson (Chinese/ Mandarin)
<input type="checkbox"/>		WMCA 570	Bergen, Hudson, Passaic (Christian)
<input type="checkbox"/>		WNYC 820	Bergen, Hudson, Passaic
<input type="checkbox"/>		WRKL 910	Bergen, Hudson, Passaic (Polish)
<input type="checkbox"/>		WPAT 930	Bergen, Hudson, Passaic (Caribbean, Mexican, Mandarin)
<input type="checkbox"/>		WWDJ 970	Bergen, Hudson, Passaic (Christian)
<input type="checkbox"/>		WINS 1010	Bergen, Hudson, Passaic
<input type="checkbox"/>		WEPN 1050	Bergen, Hudson, Passaic
<input type="checkbox"/>		WVNJ 1160	Bergen, Hudson, Passaic
<input type="checkbox"/>		WLIB 1190	Bergen, Hudson, Passaic (Christian)
<input type="checkbox"/>		WADO 1280	Bergen, Hudson, Passaic (Spanish)
<input type="checkbox"/>		WWRV 1330	Bergen, Hudson, Passaic (Spanish)
<input type="checkbox"/>		WNSW 1430	Bergen, Hudson, Passaic (Portuguese)
<input type="checkbox"/>		WZRC 1480	Bergen, Hudson, Passaic (Chinese/Cantonese)
<input type="checkbox"/>		WQEW 1560	Bergen, Hudson, Passaic
<input type="checkbox"/>		WWRL 1600	Bergen, Hudson, Passaic
<input type="checkbox"/>		WWRU 1660	Bergen, Hudson, Passaic (Korean)
<input type="checkbox"/>		WMTR 1250	Passaic
<input type="checkbox"/>		WGHT 1500	Passaic
<input type="checkbox"/>		WNNJ 1360	Sussex
FM			
<input type="checkbox"/>		WSOU 89.5	Bergen, Hudson
<input type="checkbox"/>		WCAA 105.9	Bergen, Hudson (Latino)
<input checked="" type="checkbox"/>	Once at the start of the affirmative marketing.	WBGO 88.3	Bergen, Hudson, Passaic
<input type="checkbox"/>		WFDU 89.1	Bergen, Hudson, Passaic
<input type="checkbox"/>		WKCR-FM 89.9	Bergen, Hudson, Passaic
<input type="checkbox"/>		WNYU-FM 89.1	Bergen, Hudson, Passaic
<input type="checkbox"/>		WFUV 90.7	Bergen, Hudson, Passaic
<input type="checkbox"/>		WFMU 91.1	Bergen, Hudson, Passaic

<input type="checkbox"/>		WNYE 91.5	Bergen, Hudson, Passaic
<input type="checkbox"/>		WRKS 98.7	Bergen, Hudson, Sussex
<input type="checkbox"/>		WRTN 93.5	Bergen, Hudson, Sussex
<input type="checkbox"/>		WHCR-FM 90.3	Bergen, Passaic
<input type="checkbox"/>		WPSC-FM 88.7	Passaic
<input type="checkbox"/>		WRHV 88.7	Passaic
<input type="checkbox"/>		WNJP 88.5	Sussex
<input type="checkbox"/>		WNTI 91.9	Sussex
<input type="checkbox"/>		WCTO 96.1	Sussex
<input type="checkbox"/>		WSUS 102.3	Sussex
<input type="checkbox"/>		WNNJ-FM 103.7	Sussex
<input type="checkbox"/>		WDHA -FM 105.5	Sussex
<input type="checkbox"/>		WHCY 106.3	Sussex
<input type="checkbox"/>		WWYY 107.1	Sussex

3c. Other Publications (such as neighborhood newspapers, religious publications, and organizational newsletters) (Check all that applies)

	NAME OF PUBLICATIONS	OUTREACH AREA	RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
TARGETS ENTIRE HOUSING REGION 1			
Bi-weekly			
<input type="checkbox"/>	Al Manassah		Arab-American
Monthly			
<input type="checkbox"/>	Sino Monthly	North Jersey/NYC area	Chinese-American
TARGETS PARTIAL HOUSING REGION 1			
Daily			
<input type="checkbox"/>	24 Horas	Bergen, Essex, Hudson, Middlesex, Passaic, Union Counties	Portuguese-Language
Weekly			
<input type="checkbox"/>	Arab Voice Newspaper	North Jersey/NYC area	Arab-American
<input type="checkbox"/>	La Voz	Hudson, Union, Middlesex Counties	Cuban community
<input type="checkbox"/>	Italian Tribune	North Jersey/NYC area	Italian community
<input type="checkbox"/>	Jewish Standard	Bergen, Passaic, Hudson Counties	Jewish community

<input type="checkbox"/>		Jewish Link	Bergen, Passaic Counties	Jewish community
<input type="checkbox"/>		El Nuevo	Hudson County	Spanish-Language
<input checked="" type="checkbox"/>	Once at start of Affirmative Marketing Process with additional monthly advertising if necessary.	El Especialito	Regional	Spanish-Language
<input type="checkbox"/>		Su Guia	Bergen and Passaic	Spanish-Language
<input type="checkbox"/>		Banda Oriental Latinoamérica	North Jersey/NYC area	South American community
<input type="checkbox"/>		Sun Bulletin	Bergen County	All
<input type="checkbox"/>		Suburbanite	North Jersey	All

3d. Employer Outreach (names of employers throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing) (Check all that applies)

DURATION & FREQUENCY OF OUTREACH	NAME OF EMPLOYER/COMPANY	LOCATION
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Hudson County

<input checked="" type="checkbox"/>	A flyer will be mailed to all of the employers, below, once at the start of the affirmative marketing process.	United Parcel Service Inc. NY Corp	492 County Ave, Secaucus
<input checked="" type="checkbox"/>		USPS	80 County Road, Jersey City
<input checked="" type="checkbox"/>		Liz Claiborne Inc	1 Claiborne Ave, North Bergen
<input checked="" type="checkbox"/>		Maxim Staffing Solutions	26 Journal Square, Jersey City
<input checked="" type="checkbox"/>		Ritter Sysco Food Service	20 Theodore Conrad Dr. Jersey City
<input checked="" type="checkbox"/>		Jersey City Medical Center Inc.	55 Meadowlands Pkwy. , Secaucus
<input checked="" type="checkbox"/>		Marsh USA Inc.	121 River St, Hoboken
<input checked="" type="checkbox"/>		National Retail Systems Inc.	2820 16th St North Bergen
<input checked="" type="checkbox"/>		Community Corrections Corp	Lincoln Hwy Kearny
<input checked="" type="checkbox"/>		Marine Personnel & Provisioning Inc.	1200 Harbor Blvd Weehawken
<input checked="" type="checkbox"/>		Port Authority of NY and NJ	241 Erie St. Jersey City and 120 Academy St. Jersey City
<input checked="" type="checkbox"/>		Christ Hospital Health Service	176 Palisade Ave, Jersey City
<input checked="" type="checkbox"/>		Bayonne Hospital	29th Street and Ave E, Bayonne
<input checked="" type="checkbox"/>		Salson Logistics Inc.	2100 88th St. North Bergen, NJ
<input checked="" type="checkbox"/>		National Financial Service	499 Washington Blvd. Fl 5, Jersey City
<input checked="" type="checkbox"/>		Fleet NJ Company Development Corp.	10 Exchange Place, Jersey City

X		Maidenform Inc	154 Ave E, Bayonne
X		Lord Abbett & Company	90 Hudson City, Jersey City
X		Liberty Health Plan Inc.	115 Christopher Columbus Dr. Jersey City
X		Port Imperial Ferry Corp.	4800 Ave. at Port Imperial Blvd. Weehawken, NJ
X		Hudson News	1305 Paterson Plank Rd, North Bergen
X		Palisades General Hospital	7600 River Rd North Bergen, NJ
X		Equiserve Inc.	525 Washington Blvd Jersey city
X		Meadowlands Hospital Medical Center	Meadowlands Pkwy Secaucus
X		Retailers & Manufacturers Dist Marking Serv.	50 Metro Way Secaucus
X		Dynamic Delivery Corp	20 Central Ave Kearny, NJ
X		Bowne Business Communications Inc.	215 County Ave Secaucus
X		North Hudson Community Action Corp.	5301 Broadway West New York 07093
X		Goya Foods Inc.	100 Seaview Dr. Secaucus

Bergen County			
X		Hackensack University Medical Center	30 Prospect Ave, Hackensack, NJ 07601
X		Professional Employer Group Service	2050 Center Ave Ste 336 Fort Lee
X		Cristi Cleaning Service	77 Trinity Pl. Hackensack, NJ
X		Society of the Valley Hospital	223 N Van Dien Ave Ridgewood
X		NJ Sports & Expo Authority	50 State Highway 120 East Rutherford
X		Merck-Medco Managed Care LLC	100 Parsons Pond Dr. Franklin Lakes 07417
X		Quest Diagnostics Incorporated	1 Malcolm Ave Teterboro ,NJ 07608
X		AT&T	15 E Midland Ave Paramus
X		Englewood Hospital and Medical Center	350 Engle St. Englewood
X		Aramark Svcs Management of NJ Inc	50 Route 120 East Rutherford
X		Holy Name Hospital	718 Teaneck Road Teaneck
X		Doherty Enterprises Inc	7 Pearl Ct Allendale
X		Bergen Regional Medical Center	230 East Ridgewood Ave Paramus
X		Inserra supermarkets, Inc.	20 Ridge Rd Mahwah
X		Howmedica Osteonics Corp	325 Corporate Dr. Mahwah, NJ & 59 Route 17 Allendale

X		Becton Dickinson & Company Corp	1 Becton Dr. Franklin Lakes
X		Pearson Education, Inc.	1 Lake St. Upper Saddle River
Passaic County			
X		D&E Pharmaceutical Co.	206 Macoprin Rd Bloomingdale, NJ 07403
X		Acme Markets	467 AllWood Rd Clifton, NJ 07012
X		St. Mary's Hospital	350 Boulevard Passaic, NJ 07055
X		Merry Maids	14 Riverside Square Mall, Bloomingdale, NJ 07403
X		Health Center at Bloomingdale	255 Union Ave Bloomingdale, NJ 07403
X		Sommers Plastic Product Co. Inc.	825 Bloomfield Ave. Clifton, NJ 07012
X		St. Joseph's Hospital	703 Main St. Paterson, NJ 07503
X		BAE Systems	150 Parish Dr. Wayne, NJ 07470
X		Drake Bakeries Inc	75 Demarest Dr, Wayne, NJ 07470
X		Toys R Us National Headquarters	1 Geoffrey Way, Wayne, NJ 07470
X		GAF Materials Corporation	1361 Alps Rd, Wayne, NJ 07470
X		Valley National Bank Headquarters	1455 Valley Road Wayne, New Jersey 07470
Sussex County			
X		Selective Insurance	40 Wantage Ave, Branchville, NJ
X		Andover Subacute and Rehab Center	99 Mulford Rd Bldg 2, Andover, NJ
X		Mountain Creek Resorts	200 State Rt 94, Vernon, NJ
X		Newton Memorial Hospital Inc.	175 High St, Newton, NJ
X		Vernon Township Board of Education	539 State Rt 515, Vernon, NJ
X		F.O. Phoenix (Econo-Pak)	1 Wiebel Plz, Sussex, NJ
X		Hopatcong Board of Education	2 Windsor Ave, Hopatcong, NJ
X		Saint Clare's Hospital	20 Walnut St, Sussex, NJ
X		Ames Rubber Corp	19 Ames Blvd, Hamburg, NJ
3e. Community Contacts (names of community groups/organizations throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing)			
Name of Group/Organization	Outreach Area	Racial/Ethnic Identification of Readers/Audience	Duration & Frequency of Outreach
See attached	Region	All	A flyer will be mailed to everyone on the attached list, once at the start of the


IV. APPLICATIONS

Applications for affordable housing for the above units will be available at the following locations:		
4a. County Administration Buildings and/or Libraries for all counties in the housing region (list county building, address, contact person) (Check all that applies)		
	BUILDING	LOCATION
X	Sussex County Main Library	125 Morris Turnpike, Newton, NJ 07860
X	Bergen County Cooperative Library System	810 Main St. Hackensack, NJ 07601
X	Hudson County Library	25 Journal Sq. Jersey City, NJ 07306
X	Danforth Memorial Library	250 Broadway Paterson, NJ 07501
X	County of Sussex	One Spring Street, Newton, NJ 07860
X	Hudson County Administration Building	595 Newark Avenue, Jersey City, NJ 07306
X	Passaic County Administration Building	401 Grand Street, Paterson, NJ 07505 (973) 225-3632
X	Bergen County Administration Building	One Bergen County Plaza, Hackensack, NJ 07601 (201)336-6000
4b. Municipality in which the units are located (list municipal building and municipal library, address, contact person)		
Woodcliff Lake Municipal Building 188 Pascaack Road Woodcliff Lake, NJ 07677 Telephone: (201) 391-4977		
4c. Sales/Rental Office for units (if applicable) N/A		

V. CERTIFICATIONS AND ENDORSEMENTS

I hereby certify that the above information is true and correct to the best of my knowledge. I understand that knowingly falsifying the information contained herein may affect the Municipality's substantive certification.	
Frank Piazza, President, Piazza & Associates, Inc.	

Name (Type or Print)	
Administrative Agent, Borough of Woodcliff Lake	

Title/Municipality	
	
_____	_____
Signature	Date