



**BOROUGH OF WOODCLIFF LAKE
MAYOR AND COUNCIL MEETING MINUTES
OCTOBER 16, 2023
6:00 PM CLOSED SESSION
7:00 PM OPEN SESSION**

CALL TO ORDER

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

ROLL CALL

Mayor Rendo asked for roll call. Council members Higgins, Marsh, Margolis, Pollack and Schnoll were present. John Schettino, Borough Attorney was present as well as Tomas Padilla, Borough Administrator and Debbie Dakin, Borough Clerk. Councilwoman Gadaleta arrived at 6:05 PM.

CLOSED SESSION

Resolution No. 23-224 A Resolution Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meeting Act, NJSA 10:4-12

- Litigation Update
- Contraction Negotiations

MOTION to approved Resolution No. 23-224 was made by Councilman Pollack, second by Councilman Schnoll and approved by Councilwoman Higgins, Council President Margolis, Councilwoman Marsh, Councilman Pollack, and Councilman Schnoll. Councilwoman Gadaleta arrived at 6:05 PM.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

MOTION to approve the Minutes of September 18, 2023 (Open) was made by Councilwoman Gadaleta, second by Council President Margolis and approved by Councilwoman Gadaleta, Councilwoman Higgins, Council President Margolis, Councilwoman Marsh, and Councilman

Pollack. Councilman Schnoll abstained.

MOTION to approve the Minutes of September 18, 2023 (Closed) was made by Councilwoman Gadaleta, second by Councilwoman Higgins and approved by Councilwoman Gadaleta, Councilwoman Higgins, Council President Margolis, Councilwoman Marsh, and Councilman Pollack. Councilman Schnoll abstained.

MOMENT OF SILENCE

Mayor Rendo asked for a Moment of Silence for all innocent victims suffering in the Middle East and throughout the world. We need to work together to eliminate hate. At the end of the day, we are brothers and sisters and need to support each other. Woodcliff Lake will not tolerate any hate. We are one Community and will remain one Community.

PUBLIC COMMENT

MOTION to open to the public was made by Councilwoman Higgins, second by Council President Margolis and unanimously approved.

Clay Bosch, Woodcliff Lake, stated that the Mayor and Council are currently reviewing a Shade Tree Ordinance update. If anyone has any questions regarding this, please reach out to him. Mr. Bosch stated that not everyone abides by the rules. People are supposed to plant a certain number of trees when they remove some. There should be some type of penalty if they do not plant new trees.

Eric Melman, Woodcliff Lake, asked if there were any volunteers or an update for the Economic and Revenue Committee. Councilwoman Marsh replied that they are looking at different areas in town to see how we could possibly bring in more revenue. Councilwoman Marsh also stated that no one has stepped up to be on the Committee.

MOTION to close to the public was made by Councilwoman Gadaleta. second by Councilman Pollack and unanimously approved.

PROCLAMATIONS

- National Hispanic Heritage Month
- National Breast Cancer Awareness Month
- Columbus Day
- Indigenous Peoples' Day
- German American Day

Mayor Rendo asked Clerk Dakin to make the Proclamations a part of the record.

MAYOR'S REPORT

Mayor Rendo stated that while walking during his campaigning, a lot of residents asked about the Reservoir Walking Trail. Mayor Rendo stated that he hopes the Council will start working with Veolia next year to get this project done. Council President Margolis stated that Hillsdale and Park Ridge want to start the conversations again.

COUNCIL REPORTS

Councilman Schnoll stated that our police department recently retained the automatic license plate reader which could be moved from place to place across town. The police department is in the process of interviewing two (2) new officers. Councilman Scholl stated that he attended the PBA event yesterday at Tice Mall and he reminded everyone to get out and vote on November 7th.

Councilwoman Gadaleta stated that she attended the Firemens' Ball and it was a great event. They presented Ex-Chief Schuster with a Proclamation to reaching 50 years with the fire department. To date, there have been 238 calls.

Councilwoman Higgins stated that the lantern flies have not been as severe in Woodcliff Lake as some other communities. The Shade Tree Committee is looking for volunteers. Councilwoman Higgins stated that a van service is needed for the seniors. Administrator Padilla replied that we have a van on loan from the County but do not have anyone to drive it as of today. Councilwoman Higgins stated the Self Defense Classes for women will be held at the Tice Senior Center on November 14, 21 and 27. Please sign up online.

Councilwoman Marsh stated that the Breast Cancer Awareness event will be held at Pascack Hills High School on October 18th at 7PM. The Tice Corner Fall Festival will take place on Saturday from 10AM to 2PM (rain or shine). Our Halloween Event will take place at Party City on Saturday at 12:30 PM. Party City will be having a Haunted Hallway, and the costume contest will begin at 1PM. There will be activities for the kids, a DJ, and prizes.

Oktoberfest will take place on Saturday at Rinzier Field from 5PM to 9PM. Please bring your already carved Jack-o-lanterns for the contest at 7PM. We will have a beer truck, food trucks, inflatables, DJ, and crafts for the kids. Our rain date is Sunday, October 22nd at Tice's Mall from 3PM to 6PM.

Councilman Pollack stated that our DPW will start picking up leaves. Please keep all debris away from our storm drains. Our Shredding Event is on Sunday, October 22nd at DPW from 9AM to 1PM. Bulk pick-ups are done for the year. Our longtime DPW employee, Bobby Woods, is retiring at the end of the year.

Councilman Pollack stated that our Fire Department had their Open House this past week and it was well attended. We are in the process of updating our social media accounts, including

Facebook, Instagram, and our Borough website. Volunteers are needed for our fire department and our Tri-Boro Ambulance department. Tomorrow night, the League of Women Voters will be hosting Candidates Night at the Tice Center at 7PM.

Council President Margolis

Councilman Pollack stated that the Borough had hail damage from the recent storm that went through the Borough. DPW did a great job cleaning up. They were cleaning up the streets the next day. Beginning October 1st, you may start to bring your leaves to the curb. Shredding Day is October 22nd from 9AM to 1PM. The County will be spraying mosquitos on September 20th beginning at 3:30 AM. Please keep your windows closed. The Borough is continuing conversations with NJ Transit regarding the train station.

Councilwoman Gadaleta stated that the Fire Department will be having an Open House on October 12th. Two probationary firefighters just completed fire school.

Councilwoman Higgins stated that information is located on the Borough's website regarding the spraying of the mosquitos. There were 45 permits issued for tree removal this year. So far there have been 14 motor vehicle collisions this year. Please be careful driving out there. The police department is doing some upgrades to the department. Please take your key fobs inside and lock your car doors and your front doors. Judge Harry Norton will be retiring at the end of the year. Park Ridge Water sent a letter to all residents that there is still one well out of commission. The Board of Health has been following up with this issue.

Councilwoman Marsh stated that we are working on the fields schedule, and it be on the website. The gaga pits are now located at the tennis courts. Our Labor Day Pool Party was a huge success. Thank you to the police, DPW, and Borough Hall staff for making this happen. We are hoping to have a party at the beginning of summer and end of summer next year. The Hills Valley Coalition will be meeting via zoom on October 2, December 4, February 25, and May 6 from 5:30 PM to 6:30 PM. You can check the high school website for more information.

There will be a Breast Cancer Awareness Seminar at the Pascack Hills High School Media Center on October 18th at 7:00 PM.

Council President Margolis stated that Montvale, Park Ridge, and Woodcliff Lake are working together with Tri-Boro Food Pantry. There are many people and families within our three towns that need help with food. Tri-Boro Food Pantry has created an Amazon Wish List. Additionally, they are also looking for volunteers. Our police department has a box for the food pantry at police headquarters and the Food Pantry also accepts fresh produce.

Parks and Recreation is working with our Police Department for Halloween street closures on the Hill on Halloween. There will be parking on only one side of the road and cars will be limited. We ask that everyone drives very slowly on Halloween as kids and parents will be out and about.

We are having our Christmas and Hanukkah lighting together on December 7th in conjunction with Tice's Corner Marketplace. Our Senior Center will be transformed into a Winter Wonderland where the kids can do crafts while waiting to have their picture taken with Santa.

On December 15, 2023, parking passes for 2024 will start being sold at police headquarters.

Park and Recreation met with our sports teams in town to try and work together on our fields and communications for the children. Our sports organizations are looking for volunteers, especially the girls' teams.

ADMINISTRATOR'S REPORT

Administrator Padilla stated that the last day to put out leaves will be December 5th. There will be no exceptions. The same trucks that are used to pick up leaves are used to plow snow. We must get the trucks ready with the plows.

Candidates' Night can be viewed on zoom tomorrow night. The link is on our website.

Recreation sports teams do not exist without volunteers. You do not need experience or know about the sport to coach. Volunteers are desperately needed.

DPW is looking to purchase a couple of trucks. Little by little we are upgrading the equipment. There is a new hire for DPW on the Agenda this evening. Hopefully, he can begin on November 1st.

We have a late Resolution to be added to the Agenda this evening for a drainpipe on Lincoln Avenue. We will be sharing this cost with Hillsdale. This was an emergency fix.

ENGINEER'S REPORT

(see attached)

ORDINANCES

Introduction Ordinance No. 23-14
North Broadway Affordable Housing Zone

MOTION to introduce Ordinance No. 23-14 was made by Councilman Pollack, second by Councilwoman Higgins and unanimously approved.

Introduction Ordinance No. 23-16
An Ordinance to Amend Chapter 246 Entitled "Peace and Good Order" of the Borough Code of the Borough of Woodcliff Lake, State of New Jersey

MOTION to introduce Ordinance No. 23-16 was made by Councilman Pollack, second by Councilwoman Marsh and unanimously approved.

Public Hearing Ordinance No. 23-13

Chapter 380 – Zoning – Article X Affordable Housing Development Fees

MOTION to adopt Ordinance No. 23-13 was made by Councilman Pollack, second by Councilman Schnoll.

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

No comments.

MOTION to close to the public was made by Councilman Pollack, second by Councilman Schnoll and unanimously approved.

MOTION to adopt Ordinance No. 23-13 was made by Councilman Pollack, second by Councilman Schnoll and unanimously approved.

Public Hearing Ordinance No. 23-15

Article V- Development and Management of Low- and Moderate- Income Housing

MOTION to adopt Ordinance No. 23-15 was made by Councilman Pollack, second by Councilman Schnoll.

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

No comments.

MOTION to close to the public was made by Councilman Pollack, second by Councilman Schnoll and unanimously approved.

MOTION to adopt Ordinance No. 23-15 was made by Councilman Pollack, second by Councilman Schnoll and unanimously approved.

CONSENT AGENDA

MOTION to add Resolution No. 23-240 to the Consent Agenda was made by Councilwoman Marsh, second by Council President Margolis and unanimously approved.

MOTION to approve the Consent Agenda as amended was made by Councilwoman Marsh,

second by Council President Margolis and unanimously approved.

ADJOURNMENT

MOTION to adjourn was made by Councilman Pollack, second by Councilman Schnoll and unanimously approved. The meeting was adjourned at 8:15 PM.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Deborah Dakin".

Deborah Dakin, RMC, CMR
Borough Clerk

PROCLAMATION

WHEREAS, since time immemorial, American Indians, Alaska Natives, and Native Hawaiians have built vibrant and diverse cultures – safeguarding land, language, spirit, knowledge, and tradition across the generations. On Indigenous Peoples’ Day, our Nation celebrates the invaluable contributions and resilience of Indigenous peoples, recognizes their inherent sovereignty, and commits to honoring the Federal Government’s trust and treaty obligations to Tribal Nations; and

WHEREAS, the contributions that Indigenous peoples have made throughout history – in public service, entrepreneurship, scholarship, the arts, and countless other fields – are integral to our Nation, our culture, and our society; and

WHEREAS, on Indigenous Peoples’ Day, we honor America’s first inhabitants and the Tribal Nations that continue to thrive today. I encourage everyone to celebrate and recognize the many Indigenous communities and cultures that make up our great country.

NOW, THEREFORE, I, Carlos Rendo, do hereby proclaim October 9, 2023, as

INDIGENOUS PEOPLES’ DAY

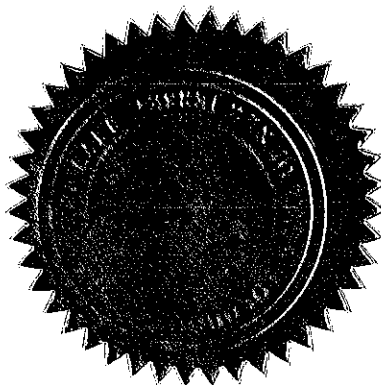
and despite centuries of devastation and turmoil, Tribal Nations continue to thrive and lead in countless ways.



Mayor Carlos Rendo

Councilwoman Jacquelline Gadaleta
Council President Jennifer Margolis
Councilman Benjamin Pollack

Councilwoman Josephine Higgins
Councilwoman Nicole Marsh
Councilman Richard Schnoll



PROCLAMATION

WHEREAS, on German-American Day, we honor the over 40 million Americans who claim German heritage and the countless ways they have strengthened the diverse fabric of our Nation; and

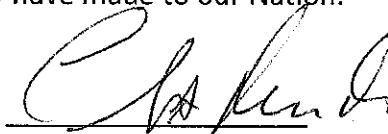
WHEREAS, in 1683, 13 German families fled religious persecution at home and founded the first German settlement just outside of Philadelphia. Ever since, the story of German Americans has been inextricable from the story of America: German Americans fought for our freedom in the Revolutionary War, debates over the deliberations of the Continental Congress happened in German coffeehouses, a local German newspaper was the first to break the news that the Declaration of Independence had been signed, and so much more; and

WHEREAS, today, German Americans continue to enrich our Nation's character and culture as leaders in every sector and community.

NOW, THEREFORE, I, Carlos Rendo, do hereby proclaim October 6, 2023 as

GERMAN-AMERICAN DAY

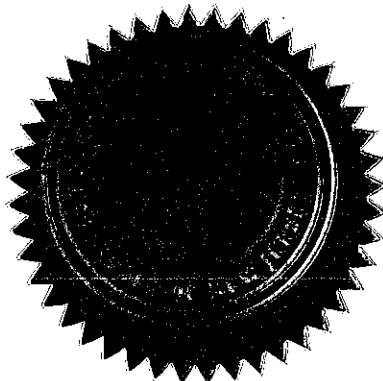
and urge all Americans to celebrate the rich and varied history of German Americans and remember the many contributions they have made to our Nation.



Mayor Carlos Rendo

Councilwoman Jacquelline Gadaleta
Council President Jennifer Margolis
Councilman Benjamin Pollack

Councilwoman Josephine Higgins
Councilwoman Nicole Marsh
Councilman Richard Schnoll



PROCLAMATION

WHEREAS, during National Hispanic Heritage Month, we honor the diverse history of generations of Latinos, whose aspirations and achievements have shaped the soul of our nation; and


WHEREAS, the Hispanic community has always embodied the idea of possibilities. It lives in the dreams of those who have only just arrived here and in the legacy of families who have been here for centuries. Latinos have helped chart America's course since our start – as doctors and engineers, artists and entrepreneurs and leaders in science, business, labor, government, and military and across grassroots movements. Their faith and drive have pushed our country to grow, prosper, and pursue its highest ideals;

WHEREAS, Latino history is American history. It is a story of hard work, family, faith, pride and possibility; and it is proof that there is nothing we cannot do when we do it together.

NOW, THEREFORE, I, Carlos Rendo, do hereby proclaim September 15 through October 15, 2023, as

NATIONAL HISPANIC HERITAGE MONTH

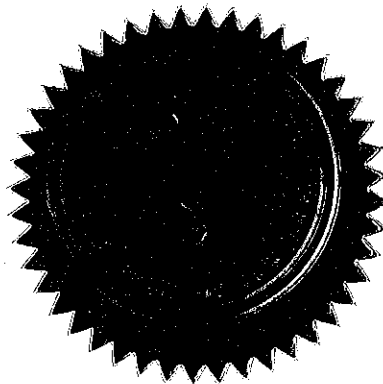
and call upon all Americans to recognize the impact Hispanic people have had on our nation.



Mayor Carlos Rendo

Councilwoman Jacquelline Gadaleta
Council President Jennifer Margolis
Councilman Benjamin Pollack

Councilwoman Josephine Higgins
Councilwoman Nicole Marsh
Councilman Richard Schnoll



PROCLAMATION

WHEREAS, Breast Cancer touches nearly every family in America. That is why finding cures and addressing the needs of patients and their families is a central pillar. This National Breast Cancer Awareness Month, let us all recommit to the work of ending cancer as we know it. May we honor those we have lost, offer strength to those who continue to live with breast cancer, and work to protect the health of future generations; and

WHEREAS, nearly 300,000 women will be diagnosed with breast cancer this year, and one in eight women in America will be diagnosed with the disease in their lifetimes. We have made enormous progress in our decades-long fight against cancer – discovering new prevention and early-detection measures and exploring medicines and therapies to extend and save lives; and

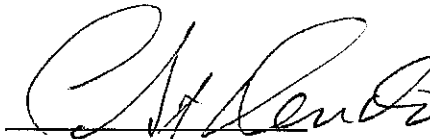
WHEREAS, improving treatment options is only part of the fight. We also need to make those treatments affordable for everyone who needs them; and

WHEREAS, for the lives we can save and those we have lost, let this National Breast Cancer Awareness Month be a moment of unity that rallies the country to end cancer as we know it. Together, we can give patients, survivors, and their families the care, hope, and support they deserve.

NOW, THEREFORE, I, Carlos Rendo, do hereby proclaim October 2023, as

NATIONAL BREAST CANCER AWARENESS MONTH

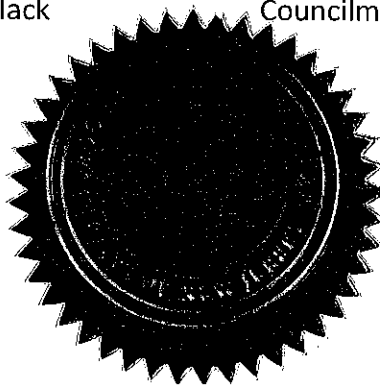
and encourage citizens, government agencies, private businesses, nonprofit organization, and other interested groups to join in activities that will increase awareness of what Americans can do to prevent and control breast cancer and pay tribute to those who have lost their lives to this disease.



Mayor Carlos Rendo

Councilwoman Jacquelline Gadaleta
Council President Jennifer Margolis
Councilman Benjamin Pollack

Councilwoman Josephine Higgins
Councilwoman Nicole Marsh
Councilman Richard Schnoll



PROCLAMATION

WHEREAS, in 1891, 11 Italian Americans were murdered in one of the largest mass lynchings in our Nation's history. In the wake of this horrific attack, President Benjamin Harrison established Columbus Day in 1892. For so many people across our country, that first Columbus Day was a way to honor the lives that had been lost and to celebrate the hope, possibilities, and integrity Italian Americans have contributed to our country since before the birth of our republic; and

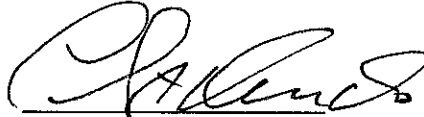
WHEREAS, more than a century later, we mark Columbus Day with that purpose – celebrating the heritage of Italian Americans, whose hands helped build our Nation and whose hearts have always carried faith in the American Dream; and

WHEREAS, Italian Americans are educators, service members, doctors, engineers, artists, Government officials, and leaders and innovators in every field. The Italian American community is also a source of strength for our Nation's enduring relationship with Italy.

NOW, THEREFORE, I, Carlos Rendo, do hereby proclaim October 9, 2023, as

COLUMBUS DAY

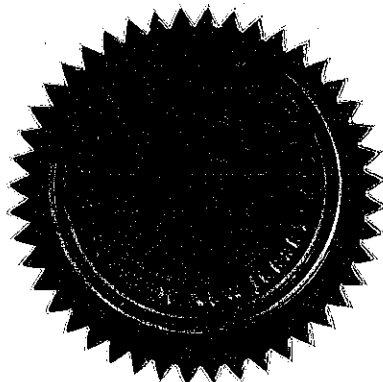
and honor all the Italian Americans who never walked away from our fundamental creed and who, for generations, have helped realize the full promise of our Nation.



Mayor Carlos Rendo

Councilwoman Jacqueline Gadaleta
Council President Jennifer Margolis
Councilman Benjamin Pollack

Councilwoman Josephine Higgins
Councilwoman Nicole Marsh
Councilman Richard Schnoll



ORDINANCE NO. 23-13

Chapter 380. Zoning

Article X. Affordable Housing Development Fees

[Added 11-15-1993 by Ord. No. 93-13; amended 12-2-2002 by Ord. No. 02-15; 4-18-2005 by Ord. No. 05-04; 6-20-2005 by Ord. No. 05-08; 9-6-2005 by Ord. No. 05-10; 5-1-2006 by Ord. No. 06-04; 10-16-2006 by Ord. No. 06-13; 11-4-2009 by Ord. No. 09-16; 4-6-2015 by Ord. No. 15-06; 12-19-2016 by Ord. No. 16-18]

WHEREAS, in *Holmdel Builder's Association v. Holmdel Township*, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq., and the State Constitution, subject to the adoption of Rules by the Council on Affordable Housing (COAH); and

WHEREAS, pursuant to P.L. 2008, c. 46, Section 8. (C. 40:55D-8.1 through 8.7), COAH was authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that were under the jurisdiction of COAH and that are now before a court of competent jurisdiction and have a Court-approved Spending Plan may retain fees collected from non-residential development.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Woodcliff Lake, Bergen County, New Jersey, that the Code of the Borough of Woodcliff Lake is hereby amended to include the following provisions regulating the collection and disposition of mandatory development fees to be used in connection with the Borough's affordable housing programs, as directed by the Superior Court and consistent with 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 of 1985.

§ 380-68. Purpose.

This Ordinance establishes standards for the collection, maintenance, and expenditure of development fees that are consistent with COAH's regulations developed in response to P.L. 2008, c. 46, Sections 8 and 32-38 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7). Fees collected pursuant to this Ordinance shall be used for the sole purpose of providing very low-, low- and moderate-income housing.

Basic Requirements

- A. This Ordinance shall not be effective until approved by the Court.

- B. The Borough of Woodcliff Lake shall not spend development fees until the Court has approved a plan for spending such fees (Spending Plan).

§ 380-69. Definitions.

The following terms, as used in this article, shall have the following meanings:

AFFORDABLE HOUSING DEVELOPMENT

A development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a one-hundred-percent affordable development.

COAH or THE COUNCIL

The New Jersey Council on Affordable Housing established under the Act, which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the state.

DEVELOPER

The legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

DEVELOPMENT FEE

Money paid by a developer for the improvement of property as authorized by Holmdel Builder's Association v. Holmdel Township, 121 N.J. 550 (1990) and the Fair Housing Act of 1985, N.J.S.A. 52:27D-301, et seq., and regulated by applicable COAH Rules.

EQUALIZED ASSESSED VALUE

The assessed value of a property divided by the current average ratio of assessed-to-true value for the municipality in which the property is situated, as determined in accordance with Sections 1, 5 and 6 of P.L. 1973, c. 123 (N.J.S.A. 54:1-35a through 54:1-35c).

§ 380-70. Development fees.

A. Residential development fees.

(1) Imposed fees.

- (a) Within all zone districts, unless invalidated by state statute or court order, developers of residential housing, except for developers of the types of development specifically exempted below, shall pay a fee of 1.5% of the equalized assessed value for all new residential development, provided no increased density is permitted. Development fees shall also be imposed and collected when an additional dwelling unit is added to an existing residential structure; in such cases, the fee shall be calculated based on the increase in the equalized assessed value of the property due to the additional dwelling unit.

- (b) When an increase in residential density has been permitted pursuant to a “d” variance granted under N.J.S.A. 40:55D-70d(5), developers shall be required to pay a “bonus” development fee of a maximum of 6% of the equalized assessed value for each additional unit that may be realized, except that this provision shall not be applicable to a development that will include affordable housing. If zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.
- (2) Eligible exactions, ineligible exactions and exemptions for residential development.
- (a) Affordable housing developments and/or developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made a payment in lieu of on-site construction of affordable units, if permitted by Ordinance or by Agreement with the Borough of Woodcliff Lake, shall be exempt from the payment of development fees.
 - (b) Developments that have received preliminary or final site plan approval prior to the adoption of this Ordinance and any preceding Ordinance permitting the collection of development fees shall be exempt from the payment of development fees, unless the developer seeks a substantial change in the original approval or the developer has accepted responsibility to pay a development fee. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for the purpose of determining the right to an exemption. In all cases, the applicable fee percentage shall be determined based upon the Development Fee Ordinance in effect on the date that the Construction Permit is issued, regardless of the time of collection of the fee.
 - (c) Any repair, reconstruction or improvement of a structure, the cost of which is less than 50% of the market value of the structure before the improvement or repair is started shall be exempt from the payment of development fees. For purposes of this sections, “market value” shall mean the equalized assessed value of the existing improvement as established by the Borough Tax Assessor. The cost of the repair, reconstruction or improvements shall be determined by an itemized construction cost estimate prepared and submitted to the Construction Official. The estimate shall be signed and sealed by an architect or professional engineer licensed by the State of New Jersey, or where no such professionals are retained, signed by the contractor or the homeowner. Where prepared by the homeowner or contractor, the Borough Engineer may review such estimates for accuracy. “Substantial improvement” is considered to commence when the first alteration of any wall, floor or other structural part of the building commences, whether or not the alteration affects the external dimensions of the structure. The term does not, however, include either:
 - i Any project for improvement of a structure to comply with existing state or local building, fire, health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
 - ii Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places but a development fee shall be charged for any new dwelling constructed as a replacement for a previously existing dwelling on the same lot that was or will be demolished, unless the owner resided in the previous dwelling for a period of one year or more prior to obtaining a demolition permit. Where a

development fee is charged for a replacement dwelling, the development fee shall be calculated on the increase in the equalized assessed value of the new structure as compared to the previous structure.

- (d) Structural alterations that do not increase gross floor area of a building or structure or increase the equalized assessed value of a property shall be exempted from paying a development fee.
- (e) Nonprofit organizations constructing residential projects which have received tax-exempt status pursuant to Section 501(c)(3) of the Internal Revenue Code, providing current evidence of that status is submitted to the Municipal Clerk, together with a certification that services of the organization are provided at reduced rates to those who establish an inability to pay existing charges, shall be exempted from paying a development fee.
- (f) Federal, state, county and local governments shall be exempted from paying a development fee.
- (g) Owner-occupied residential structures demolished and replaced as a result of a fire, flood, or natural disaster shall be exempt from paying a development fee. (This exemption applies only for the owner of record at the time of the fire, flood, or natural disaster.)

Nonresidential development fees.

(1) Imposed fees.

- (a) Within all zoning districts, unless invalidated by state statute or court order, nonresidential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements for all new nonresidential construction on an unimproved lot or lots.
- (b) Nonresidential developers, except for developers of the types of development specifically exempted below, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for nonresidential purposes.
- (c) Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the preexisting land and improvement and the equalized assessed value of the newly improved structure, i.e., land and improvements, and such calculation shall be made at the time the final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the nonresidential development fee shall be zero.

(2) Eligible exactions, ineligible exactions and exemptions for nonresidential development.

- (a) The nonresidential portion of a mixed-use inclusionary or market-rate development shall be subject to the 2.5% development fee, unless otherwise exempted below.
- (b) The 2.5% fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
- (c) Nonresidential developments shall be exempt from the payment of nonresidential development fees in accordance with the exemptions required pursuant to P.L. 2008, c. 46, as specified in the Form N-RDF, State of New Jersey Nonresidential Development

Certification/Exemption Form. Any exemption claimed by a developer shall be substantiated by that developer.

- (d) A developer of a nonresidential development exempted from the nonresidential development fee pursuant to P.L. 2008, c. 46, shall be subject to it at such time as the basis for the exemption no longer applies and shall make the payment of the nonresidential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the nonresidential development, whichever is later.
- (e) If a property which was exempted from the collection of a nonresidential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid nonresidential development fees under these circumstances may be enforceable by the Borough of Woodcliff Lake as a lien against the real property of the owner.
- (f) Federal, state, county and local governments of nonresidential development shall be exempted from paying a development fee.

§ 380-71. Collection of fees.

A. Collection procedures.

- (1) Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority or entity shall notify or direct its staff to notify the Construction Official responsible for the issuance of a building permit.
- (2) For nonresidential developments only, the developer shall also be provided with a copy of Form N-RDF, State of New Jersey Nonresidential Development Certification/Exemption, to be completed as per the instructions provided. The developer of a nonresidential development shall complete Form N-RDF as per the instructions provided. The Construction Official shall verify the information submitted by the nonresidential developer as per the instructions provided in the Form N-RDF. The Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- (3) The Construction Official responsible for the issuance of a building permit shall notify the local Tax Assessor of the issuance of the first building permit for a development which is subject to a development fee.
- (4) Within 90 days of receipt of that notice, the Municipal Tax Assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- (5) The Construction Official responsible for the issuance of a final certificate of occupancy shall notify the local Tax Assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- (6) Within 10 business days of a request for the scheduling of a final inspection, the Municipal Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development, calculate the development fee and thereafter notify the developer of the amount of the fee.

- (7) Should the Borough of Woodcliff Lake fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b of Section 37 of P.L. 2008, c. 46 (N.J.S.A. 40:55D-8.6).
- (8) Except as provided in Section B(1)(c) hereinabove, fifty percent of the initially calculated development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at the time of issuance of certificate of occupancy.

B. Appeal of development fees.

- (1) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest-bearing, if possible, escrow account by the Borough of Woodcliff Lake. Appeals from a determination of the Board may be made to the Tax Court in accordance with the provisions of the State Uniform Tax Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Any interest earned on amounts escrowed shall be credited to the prevailing party.
- (2) A developer may challenge nonresidential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing, if possible, escrow account by the Borough of Woodcliff Lake. Appeals from a determination of the Director may be made to the Tax Court in accordance with the provisions of the State Uniform Tax Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Any interest earned on amounts escrowed shall be credited to the prevailing party.

§ 380-72. Affordable Housing Trust Fund.

- A. There is hereby created a separate interest-bearing affordable housing trust fund to be maintained by the Borough Chief Financial Officer from residential and nonresidential developers and proceeds from the sale of units with extinguished controls.
- B. The following additional funds shall be deposited in the affordable housing trust fund and shall at all times be identifiable by source and amount:
 - (1) Payments in lieu of on-site construction of a fraction of an affordable unit, where permitted by Ordinance or Agreement with the Borough of Woodcliff Lake;
 - (2) Developer-contributed funds to make 10% of the adaptable entrances in a townhouse or other multistory attached development accessible;
 - (3) Rental income from municipally operated units;
 - (4) Repayments from affordable housing program loans;
 - (5) Recapture funds;
 - (6) Proceeds from the sale of affordable units; and

(7) Any other funds collected in connection with the Borough of Woodcliff Lake's affordable housing program.

- C. In the event of a failure by the Borough of Woodcliff Lake to comply with trust fund monitoring and reporting requirements or to submit accurate monitoring reports; or a failure to comply with the conditions of the judgment of compliance or a revocation of the judgment of compliance; or a failure to implement the approved Spending Plan and to expend funds within the applicable required time period as set forth in *In re Tp. of Monroe*, 442 N.J. Super 565 (Law Div. 2015) (aff'd 442 N.J. Super. 563); or for other good cause demonstrating the unapproved use(s) of funds, the Court may authorize the State of New Jersey, Department of Community Affairs, Division of Local Government Services (LGS), to direct the manner in which the funds in the Affordable Housing Trust Fund shall be expended, provided that all such funds shall, to the extent practicable, be utilized for affordable housing programs within the Borough of Woodcliff Lake or, if not practicable, then within the County or the Housing Region.
- D. Any party may bring a motion before the Superior Court presenting evidence of such condition(s), and the Court may, after considering the evidence and providing the municipality a reasonable opportunity to respond and/or to remedy the non-compliant condition(s), and upon a finding of continuing and deliberate non-compliance, determine to authorize LGS to direct the expenditure of funds in the Trust Fund or impose such other remedies as may be reasonable and appropriate to the circumstances.
- E. Interest accrued in the Affordable Housing Trust Fund shall only be used to fund eligible affordable housing activities approved by the Court.

§ 380-73. Use of funds.

- A. The expenditure of funds shall conform to a Spending Plan approved by the Court. Money deposited in the affordable housing trust fund may be used for any activity approved by COAH or in accordance with any directives from the courts for addressing the Borough of Woodcliff Lake's fair share obligation. Such activities may include, but are not necessarily limited to: housing rehabilitation; new construction; the purchase of land for low- and moderate-income housing; preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, including the extension of controls, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing nonresidential buildings to create new affordable units, extensions and/or improvements of roads and infrastructure to low- and moderate-income housing sites; assistance designed to increase affordability; and administrative costs necessary to implement the Borough of Woodcliff Lake's housing element and Fair Share Plan; and/or any other activity permitted by the Court and specified in the Amended Settlement Agreement with Fair Share Housing Center dated December 14, 2022 or in the approved Spending Plan.
- B. Funds shall not be expended to reimburse the Borough of Woodcliff Lake for past housing activities.
- C. At least 30% of all development fees collected and any interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to very low-income households earning 30% or less of regional median household income by household size for Housing Region 1, in which Woodcliff Lake is located.

- (1) Affordability assistance programs may include down payment assistance, security deposit assistance, low-interest loans, rental assistance, assistance with homeowners' association or condominium fees and special assessments, and assistance with emergency repairs. The specific programs to be used for affordability assistance shall be identified and described within the Spending Plan.
 - (2) Affordability assistance to households earning 30% or less of regional median household income by household size may include buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning 30% or less of median income. The specific programs to be used for very low-income affordability assistance shall be identified and described within the Spending Plan.
 - (3) Payments in lieu of constructing affordable units on site, if permitted by Ordinance or by Agreement with the Borough of Woodcliff Lake, and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- D. The Borough of Woodcliff Lake may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including its programs for affordability assistance, in accordance with N.J.A.C. 5:96-18.^[1]
- (1) *Editor's Note: Former Ch. 96 of the New Jersey Administrative Code, Procedural Rules of the New Jersey Council on Affordable Housing for the Period Beginning on June 2, 2008, expired 6-2-2015 in accordance with N.J.S.A. 52:14b-5.1b.*
- E. No more than 20% of all revenues collected from development fees may be expended on administration, including but not limited to salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, prepare a Housing Element and Fair Share Plan, and/or administer an affirmative marketing program or rehabilitation program. In the case of a rehabilitation program, the administrative costs of the rehabilitation program shall be included as part of the 20% of collected development fees that may be expended on administration. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with the Court's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or related to securing or appealing a judgment from the Court are not eligible uses of the affordable housing trust fund.
- F. Monitoring. The Borough of Woodcliff Lake shall provide annual reporting of affordable housing trust fund activity to the State of New Jersey, Department of Community Affairs (DCA), COAH or LGS or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the New Jersey DCA, COAH or LGS. The reporting shall include an accounting of all affordable housing trust fund activity, including the sources and amounts of funds collected and the amounts and purposes for which any funds have been expended. Such reporting shall include an accounting of development fees collected from residential and non-residential developers, payments in lieu of constructing affordable units on site (if permitted by Ordinance or by Agreement with the Borough), funds from the sale of units with extinguished controls, barrier free escrow funds, rental income from the Borough owned affordable housing units, repayments from affordable housing program loans, and any other funds collected in connection with Woodcliff Lake's affordable housing programs, as well as an accounting of the expenditures of revenues and implementation of the Spending Plan approved by the Court.

- G. This section is intended to be interpreted and applied consistent with the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 et seq.). In the event of any inconsistency, this section shall be read so as to comply with the Act.

Ongoing Collections of Fees

- A. The ability of the Borough of Woodcliff Lake to impose, collect and expend development fees shall expire with the expiration of the repose period covered by its Judgment of Compliance unless the Borough of Woodcliff Lake has first filed an adopted Housing Element and Fair Share Plan with the Court or with a designated State administrative agency, has petitioned for a Judgment of Compliance from the Court or for Substantive Certification or its equivalent from a State administrative agency authorized to approve and administer municipal affordable housing compliance and has received approval of its Development Fee Ordinance from the entity that will be reviewing and approving the Housing Element and Fair Share Plan.
- B. If the Borough of Woodcliff Lake fails to renew its ability to impose and collect development fees prior to the expiration of its Judgment of Compliance, it may be subject to forfeiture of any or all funds remaining within its affordable housing trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to Section 20 of P.L. 1985, c. 222 (C. 52:27D-320).
- C. The Borough of Woodcliff Lake shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its Judgment of Compliance, nor shall the Borough of Woodcliff Lake retroactively impose a development fee on such a development. The Borough of Woodcliff Lake also shall not expend any of its collected development fees after the expiration of its Judgment of Compliance.

§ 380-74. through § 380-77. (Reserved)

ORDINANCE NO. 23-14

NORTH BROADWAY AFFORDABLE HOUSING ZONE

SECTION I.

Section 380-7 of the Borough of Woodcliff Lake Code shall be revised to add the Affordable Housing-North Broadway District (AH-NB), to read as follows (insertions are underlined):

§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
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 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
<u>AH-NB</u>	<u>Affordable Housing-North Broadway District</u>
AHO	Affordable Housing Overlay Zone
O-R	Office Research District
ARHO	Age-Restricted Housing Overlay District
AH-VO	Veterans Affordable 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 2602, Lots 1, 2, and 9 shall be rezoned from the R-15 Residential One-Family District zone to the AH-NB Affordable Housing North Broadway District.

SECTION III.

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

§ 380-11.4 AH-NB Affordable Housing North Broadway District.

A. Permitted Principal Uses

- (1) Multifamily residential units
- (2) Supportive and Special Needs housing beds

B. Permitted Accessory Uses

- (1) Active and passive open space and recreational facilities for residents and guests as customarily incidental to the permitted uses.
- (2) Fences in accordance with Chapter 168 of the Woodcliff Lake Code
- (3) Retaining walls in accordance with the requirements in Section 380-11.4(F)(1)(e) and Section 380-111 C.(4), (6), (7) of the Borough Code.
- (4) Structured parking garages and surface parking lots in accordance with RSIS.
- (5) Signs in accordance with Section 380-11.4(E) and all other applicable provisions of Chapter 287 Signs of the Borough Code.
- (6) Electric vehicle charging stations as required by the New Jersey Municipal Land Use Law.
- (7) Permanent standby generators in accordance with Section 380-84(E)(6) of the Borough Code.
- (8) Bicycle parking facilities.

C. Area, yard and bulk requirements.

(1) Minimum Requirements as follows:

- (a) Tract size: 2.25 acres
- (b) Frontage along Broadway: 200 feet
- (c) Building setback for principal buildings:
 - [1] From front lot line: 25 feet
 - [2] From rear lot line: 150 feet
 - [3] From a side lot line: 20 feet
- (d) Minimum distance between buildings on the tract: 35 feet
- (e) Minimum distance of parking or driveways from perimeter property lines (other than the Broadway fronting lot line): 5 feet

(2) Maximum Requirements as follows:

- (a) Number of multifamily housing units on site: 20 units
- (b) Number of supportive housing and special needs units: 4 units
- (c) Building coverage: 25 percent
- (d) Impervious coverage: 35 percent
- (e) Building height: 38 feet

D. Parking requirements as follows:

- (1) Parking shall be provided according to RSIS.
- (2) Parking shall be provided either on surface parking areas or internal to a principal building.
- (3) Off-street parking spaces shall comply with the standards of the Americans with Disabilities Act (ADA).
- (4) Parking spaces shall be at least nine (9) feet in width and 18 feet in length.
- (5) One outdoor bicycle rack shall also be provided with space for at least six (6) bicycles. Outdoor bicycle racks must be securely anchored and designed to allow the bicycle frame and one wheel to be secured.

E. Signage requirements as follows:

- (a) Maximum number and type: one monument sign.
- (b) Maximum height: 4 feet.
- (c) Maximum sign area: 12 square feet.
- (d) Minimum setback from property line: 5 feet.
- (e) Illumination: external only.
- (f) All other applicable provisions of Chapter 287 Signs of the Borough Code shall apply.

F. Site Planning and Building Guidelines

(1) Site Planning.

- (a) Preservation of Open Space. Driveways, garages, and building foundations shall be designed to minimize the amount of site grading and soil disturbance.
- (b) Mature trees shall be conserved where possible, per Sections 355-11 through 26 of the Borough Code.
- (c) Article XV Protection of Critical Slope Areas Sections 380-106-11.1 shall apply.
- (d) Any disturbance within the 300-foot Category 1 ("C-1") riparian buffer around the Woodcliff Lake Reservoir shall receive the proper permitting approval from the New Jersey Department of Environmental Protection in accordance with the New Jersey Stormwater Management and Flood Hazard Area Control Acts.

(e) Retaining Walls.

- [1] The maximum permitted height of each retaining wall is eight (8) feet. The height of each retaining wall, and the height of each tier of a wall system, shall be measured as a vertical distance from its bottommost exposed grade to the top of the wall. The maximum height along a varying-height wall shall be used to define the height of each wall.
- [2] Any retaining wall, or tiered wall, with a height of greater than four (4) feet above grade shall be topped with fencing having a minimum height of three (3) feet or, in the alternative provided safety concerns are adequately addressed, densely planted vegetation at 50 percent of the full growth screening.

- [3] Where more than one retaining wall is arranged in a tiered or terraced fashion, there shall be at least five (5) feet distance separating each wall horizontally.
 - [4] Retaining walls shall be constructed in a manner so as to permit the continued flow of natural drainage and shall not cause surface water to be blocked or dammed to create ponding, either upon the property upon which such wall is located or upon any adjacent lot, street or adjoining lands. The bench shall be properly graded to facilitate drainage. Landscaping that is installed in the vicinity of any structural retaining wall shall be appropriate for the location and shall not have a root system that will impair the integrity of the retaining wall.
 - [5] Structural retaining walls shall be constructed of permanent, uniform, engineered materials such as concrete, pre-cast block, or masonry. Exposed areas of the retaining wall shall be faced in a more naturalistic and/or rusticated material such as cultured stone, brick, or stone.
 - [6] Landscape retaining walls may be constructed in the same fashion as the structural retaining walls described above, or of stone or cultured stone or durable or preservative treated wood, or other durable materials.
- (f) Privacy Walls and Fences.
- [1] Any fences or walls provided for privacy or visual screening shall be of attractive and high-quality wood, simulated wood, black-powder-coated aluminum picket style, or stone, manufactured stone, or similar veneer. Chain link fences are prohibited. In addition fences and walls shall adhere to the requirements of Chapter 168 of the Borough Code.
- (g) Trash and Refuse.
- [1] Building trash and recycling collection areas shall be fully contained within a building's garage or utility rooms.
 - [2] No exterior dumpsters or similar containers are permitted.
- (h) Landscaping and Buffering.
- [1] The base of all buildings, on all sides, should be visually softened through installation of landscaping. Such landscaping should be selected and maintained so as not to block building windows or doors.
 - [2] Landscaping should include a mix of hardy perennials, including woody bushes, ornamental flowering plants, evergreens, and plants that maintain their structure for visual interest through winter.
 - [3] Street trees shall be planted along Broadway, spaced no farther apart than 25 to 35 feet on center, except where interrupted by shared driveways.
 - [4] Landscaping shall also be provided in front of all retaining walls, both single and terraced, to break up the visual expanse of such walls. In addition, landscaping shall adhere to the requirements of Section 292-29 of the Borough Code.
- (i) Lighting.

- [1] Site lighting is permitted along driveways and walkways.
 - [2] Glare, trespass, and light pollution shall be minimized.
 - [3] Site lighting shall use full-cutoff, dark-sky-compliant type fixtures, whenever possible. In addition, site lighting shall adhere to the requirements of § 292-28 and §380-79(A) of the Borough Code.
- (j) Pedestrian Walkways.
 - [1] The project shall provide a public sidewalk along the Broadway frontage.
- (k) Screening of Mechanical Equipment.
 - [1] All mechanical equipment serving the townhome units shall be ground mounted.
 - [2] Ground mounted mechanical equipment shall be screened with opaque fencing or landscaping, or both. Chain-link fencing is prohibited as a screening type.
- (2) Building Design.
 - (a) Orientation. The front elevation is defined as the façade that includes garages entries for the majority of the units in each building. In most cases, the front elevation will face uphill or downhill, west or east.
 - (b) The rear elevation is defined as the façade opposite the front elevation. No garage entries are permitted in the rear elevation.
 - (c) Building Entries.
 - [1] Architectural detailing should be used to focus emphasis on the main pedestrian entry for each building.
 - [2] The main pedestrian entry should be emphasized within the façade through massing variation such as recessions and projections, and by architectural elements such as columns, overhangs, and porticos.
 - [3] Main pedestrian entry doors should be paneled, flanked by sidelites, and/or capped by transom windows above.
 - (d) Windows and Shutters.
 - [1] Windows shall be vertically-proportioned.
 - [2] Windows on upper stories should be vertically aligned with windows on the ground floor, rather than haphazardly placed.
 - (e) Garage Doors.
 - [1] Garage doors should have raised panels and a row of lites in the top portion.
 - [2] Garage doors should be recessed relative to the surrounding facade, so as to create shadow lines and diminish their importance in the façade.
- (3) Massing and Articulation.
 - (a) Massing.
 - [1] All building facades shall be divided vertically into distinct bays, each with a maximum width of 50 feet.
 - [2] Each bay shall include a physical change in depth of the façade plane of at least one foot deep relative to the adjoining bay.

- [3] Each bay should be further distinguished from its neighbors through elements such as columns, pilasters, size and rhythm of window spacing, roofline definition , and/or variation in texture, pattern, and color of cladding material.
 - [4] The roofline should vary both in height and in shape by means of pitched roof areas, cross-gables, dormer windows, and areas of flat roof defined by cornices, coping, or parapets.
 - [5] The rooftop massing expression should relate to the placement of vertical bays.
- (b) Articulation.
- [1] The base of the building (containing the garage level) should be emphasized with different and weightier materials (for example, stone cladding).
 - [2] Preferred primary materials for all building facades are Hardie-plank® cement board siding, Azek trim for frieze and corner detailing, stone or manufactured stone veneer at lower garage levels, and brick for chimneys. In addition, cast iron, standing seam metal (for roofing), and other types of metal are permitted.
- (c) Materials.
- [1] Materials should be applied in a logical manner. Heavier-appearance materials, such as stone, should be placed below lighter-appearance materials, such as wood shingles.
 - [2] Cladding and facing materials should be applied in a manner that looks integral to the building design and structure; surface materials should be wrapped around corners of a building to a logical break in plane, so as to avoid a pasted-on appearance.
- (d) Lighting.
- [1] Façade-mounted lighting, in the form of goosenecks or sconces, is encouraged at pedestrian entries and garage doors.
 - [2] Building lighting shall use full-cutoff dark-sky compliant type fixtures.

ORDINANCE NO. 23-15

ARTICLE V

Development and Management of Low- and Moderate-Income Housing

[Added 6-17-2019 by Ord. No. 19-05¹]

§380-15 General program purposes; procedure.

A. Affordable housing obligation.

- (1) This article sets forth regulations regarding the low- and moderate-income housing units in the Borough of Woodcliff Lake consistent with the provisions known as the "Substantive Rules of the New Jersey Council on Affordable Housing," the Uniform Housing Affordability Controls ("UHAC"), N.J.A.C. 5:80-26.1 et seq., and the Borough's constitutional obligation to provide a fair share of affordable housing for low- and moderate-income households. In addition, this article applies requirements for very-low-income housing established in P.L. 2008, c. 46 (the "Roberts Bill").²
- (2) This article is intended to assure that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy these units. This article shall apply except where inconsistent with applicable law.
- (3) The Borough of Woodcliff Lake Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1 et seq. The Fair Share Plan has been endorsed by the governing body. The Fair Share Plan describes the ways Woodcliff Lake Borough shall address its fair share for low- and moderate-income housing as determined by the Superior Court and documented in the Housing Element.
- (4) This article implements and incorporates the Fair Share Plan and addresses the requirements of the Act and regulations thereunder, as may be amended and supplemented.
- (5) The Borough shall file monitoring reports with the Superior Court and place the reports on its municipal website. Any plan evaluation report of the Housing Element and Fair Share Plan and monitoring prepared by the Special Master shall be available to the public at the Borough of Woodcliff Lake Municipal Building, 188 Pascack Road, Woodcliff Lake, New Jersey.

¹. Editor's Note: This ordinance also repealed former Art. V, Development and Management of Low- and Moderate Income Housing, added 5-15-1995 by Ord. No. 95-6, as amended.

² 2.Editor's Note: See N.J.S.A. 52:27D-329.1 et seq.

B. **Monitoring and Reporting Requirements.** The Borough of Woodcliff Lake shall comply with the following monitoring and reporting requirements regarding the status of the implementation of its Court-approved Housing Element and Fair Share Plan:

- (1) Beginning on December 14, 2023, and on every anniversary of that date through July 1, 2025, the Borough agrees to provide annual reporting of its Affordable Housing Trust Fund to the New Jersey Department of Community Affairs (NJDC), Council on Affordable Housing (COAH), or Local Government Services (LGS), or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center (FSHC) and posted on the municipal website, using forms developed for this purpose by NJDC, COAH, or LGS. The reporting shall include an accounting of all Affordable Housing Trust Fund activity, including the source and amounts of funds collected, and the amount and purpose for which any funds have been expended.
- (2) Beginning on December 14, 2023, and on every anniversary of that date through July 27, 2025, the Borough agrees to provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to Fair Share Housing Center, using forms previously developed for this purpose by COAH or any other forms endorsed by the Special Master and FSHC.
- (3) By July 1, 2023, as required pursuant N.J.S.A. 52:27D-313, the Borough will post on its municipal website, with a copy provided to FSHC, a status report as to its implementation of its Plan and an analysis of whether any unbuilt site or unfulfilled mechanisms continue to present a realistic opportunity and whether any mechanisms to meet unmet need should be revised or supplemented. Such posting shall invite any interest party to submit comments to the municipality, with a copy to FSHC, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether any mechanisms to meet unmet need should be revised or supplemented. Any interested party may by motion request a hearing before the Court regarding these issues.
- (4) By December 14, 2025, and every third year thereafter, as required by N.J.S.A. 52:27D-329.1, the Borough will post on its municipal website, with a copy provided to FSHC, a status report as to its satisfaction of its very low-income requirements, including its family very low-income requirements. Such posting shall invite any interested party to submit comments to the municipality and FSHC on the issue of whether the municipality has complied with its very low-income and family very low-income housing obligations.

C. **Definitions.** The following terms, when used in this article, shall have the meanings given in this subsection:

ACCESSORY APARTMENT

A self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters, and a private entrance, which is created within an existing

home, or through the conversion of an existing accessory structure on the same site, or by an addition to an existing home or accessory building, or by the construction of a new accessory structure on the same site.

ACT

The Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.).

ADAPTABLE

Constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.³

ADMINISTRATIVE AGENT

The entity responsible for the administration of affordable units in accordance with this article, N.J.A.C. 5:93 and N.J.A.C. 5:80-26.1 et seq.

AFFIRMATIVE MARKETING

A regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

AFFORDABILITY AVERAGE

The average percentage of median income at which restricted units in an affordable housing development are affordable to low- and moderate-income households.

AFFORDABLE

A sales price or rent level within the means of a low- or moderate income household as defined within N.J.A.C. 5:93-7.4 and, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

AFFORDABLE HOUSING DEVELOPMENT

A development included in and approved pursuant to the Housing Element and Fair Share Plan or otherwise intended to address the Borough's fair share obligation, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100% affordable housing development.

AFFORDABLE HOUSING PROGRAM(S)

Any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality's fair share obligation.

AFFORDABLE UNIT

A housing unit proposed or created pursuant to the Act and approved for crediting by the Court, and/or funded through an affordable housing trust fund.

AGE-RESTRICTED UNIT

A housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development where the unit is situated are 62 years or older; or 2) at least 80% of the units are occupied by one person that is 55 years or older; or 3) the development has been designated by the Secretary of the U.S. Department of

³. Editor's Note: See now N.J.A.C. 5:23-3.14(b).

Housing and Urban Development as "housing for older persons," as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

AGENCY

The New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1 et seq.).

ALTERNATIVE LIVING ARRANGEMENT

A structure in which households live in distinct bedrooms, yet share kitchen and plumbing facilities, central heat and common areas. "Alternate living arrangements" include but is not limited to: transitional facilities for the homeless; Class A, B, C, D, and E boarding homes, as regulated by the New Jersey Department of Community Affairs; residential health care facilities as regulated by the New Jersey Department of Health; group homes for the developmentally disabled and mentally ill as licensed and/or regulated by the New Jersey Department of Human Services; and congregate living arrangements.

ASSISTED LIVING RESIDENCE

A facility licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette, and a lockable door on the unit entrance.

BOROUGH

The Borough of Woodcliff Lake, Bergen County, New Jersey.

CERTIFIED HOUSEHOLD

A household that has been certified by an administrative agent as a low-income household or moderate-income household.

COAH

The Council on Affordable Housing that was established under the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.).

COMMISSIONER

The Commissioner of Community Affairs.

CONSTRUCTION

New construction and additions, but does not include alterations, reconstruction, renovations, and repairs as those terms are defined under the State Uniform Construction Code promulgated pursuant to the State Uniform Construction Code Act, P.L. 1975, c. 217 (N.J.S.A. 52:27D-119 et seq.).

COUNCIL

The Council on Affordable Housing, established pursuant to P.L.1985, c. 222 (N.J.S.A. 52:27D-301 et seq.).

DCA

The State of New Jersey Department of Community Affairs.

DEFICIENT HOUSING UNIT

A housing unit with health and safety code violations that require the repair or replacement of a major system. A major system includes weatherization, roofing,

plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

DEVELOPER

Any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land included in a proposed development, including the holder of an option to contract to purchase, or other person having an enforceable proprietary interest in such land.

DEVELOPMENT

The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to N.J.S.A. 40:55D-1 et seq.

EQUALIZED ASSESSED VALUE

The assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with Sections 1, 5 and 6 of P.L. 1973, c. 123 (N.J.S.A. 54:1-35a through 54:1-35c).

INCLUSIONARY DEVELOPMENT

A development containing both affordable units and market rate units. This term includes, but is not necessarily limited to: new construction, the conversion of a nonresidential structure to residential use and the creation of new affordable units through the gut rehabilitation or reconstruction of a vacant residential structure.

LOW-INCOME HOUSEHOLD

A household with a total gross annual household income equal to 50% or less of the regional median household income by household size.

LOW-INCOME UNIT

A restricted unit that is affordable to a low-income household.

MAJOR SYSTEM

The primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building, which include, but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement or load-bearing structural systems.

MARKET-RATE UNITS

Housing not restricted to low- and moderate-income households that may sell or rent at any price.

MEDIAN INCOME

The median income by household size for the applicable housing region, as adopted annually by COAH or a successor entity approved by the New Jersey Superior Court.

MIXED-USE DEVELOPMENT

Any development which includes both a nonresidential development component and a residential development component, and shall include developments for which: 1) there is a common developer for both the residential development component and the nonresidential development component, provided that for purposes of this definition, multiple persons and entities may be considered a common developer if there is a contractual relationship among them obligating each entity to develop at least a portion of the residential or nonresidential development, or both, or otherwise to contribute resources to the development; and 2) the residential and nonresidential developments are located on the same lot or adjoining lots, including but not limited to lots separated by a street, a river, or another geographical feature.

MODERATE-INCOME HOUSEHOLD

A household with a total gross annual household income in excess of 50% but less than 80% of the regional median household income by household size.

MODERATE-INCOME UNIT

A restricted unit that is affordable to a moderate-income household.

NONEXEMPT SALE

Any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor's deed to a Class A beneficiary; and the transfer of ownership by court order.

NONRESIDENTIAL DEVELOPMENT

- (1) Any building or structure, or portion thereof, including but not limited to any appurtenant improvements, which is designated to a use group other than a residential use group according to the State Uniform Construction Code promulgated to effectuate the State Uniform Construction Code Act, P.L. 1975, c. 217 (N.J.S.A. 52:27D-119 et seq.), including any subsequent amendments or revisions thereto;
- (2) Hotels, motels, vacation timeshares, and child-care facilities; and
- (3) The entirety of all continuing care facilities within a continuing care retirement community which is subject to the Continuing Care Retirement Community Regulation and Financial Disclosure Act, P.L. 1986, c. 103 (N.J.S.A. 52:27D-330 et seq.).

NONRESIDENTIAL DEVELOPMENT FEE

The fee authorized to be imposed pursuant to Sections 32 through 38 of P.L. 2008, c. 46 (N.J.S.A. 40:55D-8.1 through 40:55D-8.7).

RANDOM SELECTION PROCESS

A process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

RECREATIONAL FACILITIES AND COMMUNITY CENTER

Any indoor or outdoor buildings, spaces, structures, or improvements intended for active or passive recreation, including but not limited to ball fields, meeting halls, and classrooms, accommodating either organized or informal activity; and "senior center" means any recreational facility or community center with activities and services oriented towards serving senior citizens.

REGIONAL ASSET LIMIT

The maximum housing value in each housing region affordable to a four-person household with an income at 80% of the regional median as defined by duly adopted Regional Income Limits published annually by COAH or a successor entity.

REHABILITATION

The repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

RENT

The gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

RESTRICTED UNIT

A dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as may be amended and supplemented, but does not include a market-rate unit financed under UHOP or MONI.

SPECIAL MASTER

An expert appointed by a judge to make sure that judicial orders are followed. A master's function is essentially investigative, compiling evidence or documents to inform some future action by the court.

SPENDING PLAN

A method of allocating funds collected and to be collected pursuant to an approved municipal development fee ordinance, or pursuant to P.L. 2008, c. 46 (N.J.S.A. 52:27D-329.1 et seq.) for the purpose of meeting the housing needs of low- and moderate-income individuals.

TREASURER

The Treasurer of the State of New Jersey.

UHAC

The Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26, et seq.

VERY-LOW-INCOME HOUSEHOLD

A household with a total gross annual household income equal to 30% or less of the regional median household income by household size.

VERY-LOW-INCOME UNIT

A restricted unit that is affordable to a very-low income household.

WEATHERIZATION

Building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors,

replacement windows and replacement doors, and is considered a major system for purposes of a rehabilitation program.

D. Borough-wide mandatory set-aside.

- (1) Any future multifamily development of five (5) or more units in the Borough developed through planning board approval, zoning board approval, redevelopment or rehabilitation plan requires an affordable housing set aside of at least 20% of all units, with at least 50% of the units in each development being affordable to low-income households including 13% to very low-income households. All such affordable units including the required bedroom distribution, shall be governed by controls on affordability and affirmatively marketed in conformance with the Uniform Housing Affordability Controls ("UHAC"), N.J.A.C. 5:80-26.1 et seq. or any successor regulation, and all other applicable law.
- (2) Developers shall not subdivide a project for the purpose of avoiding compliance with this requirement.
- (3) This requirement does not give any developer the right to any such rezoning, variance or other relief, or establish any obligation on the part of Woodcliff Lake Borough to grant such rezoning, variance or other relief. No subdivision shall be permitted or approved for the purpose of avoiding compliance with this requirement.

E. Applicability.

- (1) The provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created within the Borough of Woodcliff Lake pursuant to the Borough's most recently adopted Housing Element and Fair Share Plan.
- (2) Moreover, this Ordinance shall apply to all developments that contain very low-, low- and moderate-income housing units, including any currently unanticipated future developments that will provide very low-, low-, and moderate-income housing units and including any developments funded with low-income housing tax credits.

F. Alternative Living Arrangements.

- (1) The administration of an alternative living arrangement shall be in compliance with N.J.A.C. 5:93-5.8 and UHAC, with the following exceptions:
 - (a) Affirmative marketing (N.J.A.C. 5:80-26.15), provided, however, that the units or bedrooms may be affirmatively marketed by the provider in accordance with an alternative plan approved by the Court.
 - (b) Affordability average and bedroom distribution (N.J.A.C. 5:80-26.3).

- (2) With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, alternative living arrangements shall have at least 30-year controls on affordability in accordance with UHAC, unless an alternative commitment is approved COAH, a successor entity, or by the court having jurisdiction over same.
- (3) The service provider for the alternative living arrangement shall act as the Administrative Agent for the purposes of administering the affirmative marketing and affordability requirements for the alternative living arrangement.

G. New construction. The following general guidelines apply to all newly constructed developments that contain very low-, low- and moderate-income housing units, including any currently unanticipated future developments that will provide very low-, low- and moderate-income housing units.

- (1) Phasing. Final site plan or subdivision approval shall be contingent upon the inclusionary development meeting the following phasing schedule for low- and moderate-income units.

Maximum Percentage of Market-Rate Units Completed	Minimum Percentage of Low- and Moderate-Income Units Completed
25%	0%
25% + 1	10%
50%	50%
75%	75%
90%	100%

- (2) Design. In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units. In inclusionary developments, low- and moderate-income units shall have access to all of the same common elements and facilities as the market units.
- (3) Utilities. Affordable units shall utilize the same type of heating source as market units within an inclusionary development. Tenant-paid utilities included in the utility allowance shall be set forth in the lease and shall be consistent with the utility allowance approved by HUD for the Section 8 program.
- (4) Low/moderate split and bedroom distribution of affordable housing units.
 - (a) The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be deemed a low-income unit. At least 13% of all restricted rental units within each bedroom distribution shall be very low-income units (affordable to a household earning 30% or less of regional median income by household size). The

very low-income units shall be counted as part of the required number of low-income units within the development.

- (b) In each affordable development, at least 50% of the restricted units within each bedroom distribution shall be very low- or low-income units.
- (c) Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:

- [1] The combined number of efficiency and one-bedroom units shall be no greater than 20% of the total low- and moderate-income units;
- [2] At least 30% of all low- and moderate-income units shall be two-bedroom units;
- [3] At least 20% of all low- and moderate-income units shall be three-bedroom units; and
- [4] The remaining units may be allocated among two- and Three-bedroom units at the discretion of the developer.

- (d) Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. This standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

(5) Accessibility requirements.

- (a) The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7⁴ and the following:
- (b) All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:

- [1] An adaptable toilet and bathing facility on the first floor;
- [2] An adaptable kitchen on the first floor;
- [3] An interior accessible route of travel on the first floor;
- [4] An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
- [5] If not all of the foregoing requirements in b(1) through b(4) can be satisfied, then an interior accessible route of travel must be provided between stories within an individual unit, but if all of the terms of paragraphs b(1) through b(4) above have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit; and

⁴. Editor's Note: See now N.J.A.C. 5:23-3.14(b).

- [6] An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a, et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7,⁵ or evidence that the Borough has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:
- [a] Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
 - [b] To this end, the builder of restricted units shall deposit funds within the Borough's affordable housing trust fund sufficient to install accessible entrances in 10% of the affordable units that have been constructed with adaptable entrances.
 - [c] The funds deposited under Subsection D(5)(b)[6][b] above shall be used by the Borough for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
 - [d] The developer of the restricted units shall submit a design plan and cost estimate for the conversion from adaptable to accessible entrances to the Construction Official of Woodcliff Lake Borough.
 - [e] Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7,⁶ and that the cost estimate of such conversion is reasonable, payment shall be made to Woodcliff Lake's affordable housing trust fund in care of the Municipal Treasurer, who shall ensure that the funds are deposited into the affordable housing trust fund and appropriately earmarked for use in accordance with the provisions of this subsection.
 - [f] Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is "site impracticable" to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, N.J.A.C. 5:23-7.⁷

⁵ . Editor's Note: See now N.J.A.C. 5:23-3.14(b).

⁶ 6.Editor's Note: See now N.J.A.C. 5:23-3.14(b).

⁷ 7.Editor's Note: See now N.J.A.C. 5:23-3.14(b).

(6) Maximum rents and sales prices.

- (a) In establishing rents and sales prices of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC, utilizing the most recently published regional weighted average of the uncapped Section 8 income limits published by HUD and the calculation procedures as approved by COAH, a successor entity, or by the court having jurisdiction over same.
- (b) The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60% of median income, and the average rent for restricted low- and moderate-income units shall be affordable to households earning no more than 52% of median income.
- (c) The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 13% of all low- and moderate-income rental units shall be affordable to very low-income households earning no more than 30% of median income, which very low-income units shall be part of the low-income requirement.
- (d) The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70% of median income, and each affordable development must achieve an affordability average of 55% for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type.
- (e) In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units other than assisted living facilities age-restricted developments, the following standards shall be used:
 - [1] A studio shall be affordable to a one-person household;
 - [2] A one-bedroom unit shall be affordable to a one-and-one-half person household;
 - [3] A two-bedroom unit shall be affordable to a three-person household;
 - [4] A three-bedroom unit shall be affordable to a four-and-one-half person household; and
 - [5] A four-bedroom unit shall be affordable to a six-person household.
- (f) In determining the initial rents for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted developments, the following standards shall be used:
 - [1] A studio shall be affordable to a one-person household;
 - [2] A one-bedroom unit shall be affordable to a one-and-one-half person household; and

[3] A two-bedroom unit shall be affordable to a two-person household or to two one-person households.

- (g) The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95% of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowners' association fees do not exceed 28% of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
- (h) The initial rent for a restricted rental unit shall be calculated so as not to exceed 30% of the eligible monthly income of the appropriate household size, including an allowance for tenant paid utilities, as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
- (i) The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.
- (j) The rents of very low-, low- and moderate-income units may be increased annually based on the permitted percentage increase in the Housing Consumer Price Index for the Northeast Urban Area. This increase shall not exceed 9% in any one year. Rent increases for units constructed pursuant to low-income housing tax credit regulations shall be indexed pursuant to the regulations governing low-income housing tax credits.
- (k) Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

§ 380-16. Administration.

A. Municipal housing liaison.

- (1) The position of Municipal Housing Liaison (MHL) for Woodcliff Lake Borough is established by this section. The Borough shall appoint a specific municipal employee to serve as a MHL responsible for overseeing the Borough's affordable housing program, including overseeing the administration of affordability controls on the affordable units and the affirmative marketing of available affordable units in accordance with the Borough's Affirmative Marketing Plan; fulfilling monitoring and reporting requirements; and supervising Administrative Agent(s). The MHL shall be appointed by the governing body and may be a full or part time municipal employee. The MHL shall be approved by COAH, a successor entity, or by the court having jurisdiction over same and shall be duly qualified

through a training program sponsored by Affordable Housing Professionals of New Jersey before assuming the duties of MHL.

- (2) The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for Woodcliff Lake Borough, including the following responsibilities, which may not be contracted out to the administrative agent.
 - (a) Serving as the municipality's primary point of contact for all inquiries from the State, affordable housing providers, administrative agents and interested households;
 - (b) The implementation of the affirmative marketing plan and affordability controls;
 - (c) When applicable, supervising any contracting administrative agent;
 - (d) Monitoring the status of all restricted units in the Woodcliff Lake's Fair Share Plan;
 - (f) Compiling, verifying, submitting and posting all monitoring reports as required by the Superior Court and by this Ordinance;
 - (g) Coordinating meetings with affordable housing providers and administrative agents, as applicable; and
 - (h) Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing annually and more often as needed.
- B. Administrative agent. An Administrative Agent shall be an independent entity serving under contract to and reporting to the municipality. The fees of the Administrative Agent shall be paid by the owners of the affordable units for which the services of the Administrative Agent are required. The Administrative Agent shall perform the duties and responsibilities of an Administrative Agent set forth in UHAC, including those set forth in Sections 5:80-26.14, 16 and 18 thereof, which includes:
 - (1) Affirmative Marketing:
 - (a) Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the Borough of Woodcliff Lake and the provisions of N.J.A.C. 5:80-26.15; and
 - (b) Providing counseling or contracting to provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
 - (2) Household certification:
 - (a) Soliciting, scheduling, conducting and following up on interviews with interested households;
 - (b) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;

- (c) Providing written notification to each applicant as to the determination of eligibility or non-eligibility;
 - (d) Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendixes J and K of N.J.A.C. 5:80-26.1 et seq.;
 - (e) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located;
 - (f) Employing the random selection process as provided in the affirmative marketing plan of the Borough when referring households for certification to affordable units; and
 - (g) Notifying the following entities of the availability of affordable housing units in the Borough of Woodcliff Lake: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, NORWESCAP, the New Jersey Housing Resource Center, and the Supportive Housing Association.
- (3) Affordability controls.
- (a) Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
 - (b) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
 - (c) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the appropriate county's Registrar of Deeds or County Clerk's office after the termination of the affordability controls for each restricted unit;
 - (d) Communicating with lenders regarding foreclosure; and
 - (e) Ensuring the issuance of continuing certificates of occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.
- (4) Resale and re-rental:
- (a) Instituting and maintaining an effective means of communicating information between owners and the administrative agent regarding the availability of restricted units for resale or rental; and
 - (b) Instituting and maintaining an effective means of communicating information to low- and moderate-income households regarding the availability of restricted units for resale or re-rental.
- (5) Processing requests from unit owners:
- (a) Reviewing and approving requests from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this Ordinance;

- (b) Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air-conditioning systems;
 - (c) Notifying the municipality of an owner's intent to sell a restricted unit; and
 - (d) Making determinations on requests by owners of restricted units for hardship waivers.
- (6) Enforcement:
 - (a) Securing annually from the municipality a list of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
 - (b) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgment of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the administrative agent;
 - (c) Posting annually, in all rental properties, including two-family homes, a notice as to the maximum permitted rent together with the telephone number of the administrative agent where complaints of excess rent or other charges can be made;
 - (d) Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
 - (e) Establishing a program for diverting unlawful rent payments to the municipality's affordable housing trust fund; and
 - (f) Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent, to be approved by the Borough Council and COAH, a successor entity, or by the court having jurisdiction over same, setting forth procedures for administering the affordability controls.
- (7) Additional Responsibilities:
 - (a) The administrative agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.
 - (b) The administrative agent shall prepare monitoring reports for submission to the MHL in time to meet the Court-approved monitoring and reporting requirements in accordance with the deadlines set forth in this Ordinance.
 - (c) The administrative agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

C. Enforcement of Affordable Housing Regulations

- (1) Upon the occurrence of a breach of any of the regulations governing the affordable unit by an owner, developer or tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, 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.
- (2) After providing written notice of a violation to an owner, developer or tenant of a low- or moderate-income unit and advising the owner, developer or tenant of the penalties for such violations, the municipality may take the following action(s) against the owner, developer or tenant for any violation that remains uncured for a period of 60 days after service of the written notice.
 - (a) The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the owner, developer or tenant is found by the court to have violated any provision of the regulations governing affordable housing units, the owner, developer or tenant shall be subject to one or more of the following penalties, at the discretion of the court:
 - [1] A fine of not more than \$500 per day or imprisonment for a period not to exceed 90 days, or both, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense;
 - [2] In the case of an owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Woodcliff Lake Borough Affordable Housing Trust Fund of the gross amount of rent illegally collected;
 - [3] In the case of an owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the court.
 - (b) The municipality may file a court action in the Superior Court seeking a judgment which would result in the termination of the owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the first purchase money mortgage and shall constitute a lien against the low- and moderate-income unit.
- (3) Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any first purchase money mortgage and prior liens and the costs of the enforcement proceedings incurred by the

- municipality, including attorney's fees. The violating owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.
- (4) The proceeds of the Sheriff's sale shall first be applied to satisfy the first purchase money mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating owner shall be personally responsible for and to the extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the owner shall make a claim with the municipality for such. Failure of the owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the owner or forfeited to the municipality.
 - (5) Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
 - (6) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the first purchase money mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the first purchase money mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the first purchase money mortgage and any prior liens and costs of the enforcement proceedings, including legal fees, and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.
 - (7) Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the owner to accept an offer to purchase from any qualified purchaser which may be referred to the owner by the municipality, with such offer to purchase being equal to the maximum resale

price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.

- (8) The owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the owner.

§ 380-18. Affordable housing development fees.

See Article X, Affordable Housing Development Fees, of Chapter 380, Zoning.

§ 380-19. Option to buy sales units.

- A. The restrictive covenant governing the deeds of affordable housing units shall include an option permitting the purchase of the affordable housing unit at the maximum allowable restricted sales price at the time of the first nonexempt sale after controls on affordability have been in effect on the unit for the minimum required period as set forth in this article. The option to buy shall be available to the Borough, the Department of Community Affairs ("DCA"), the New Jersey Housing and Home Finance Agency (the "NJHMFA") or a qualified nonprofit organization or entity as determined by COAH, a successor entity, or by the court having jurisdiction over same.
- B. All deed restrictions governing affordable housing units shall require the owner to notify the Administrative Agent, the Borough, and COAH, a successor entity, or by the court having jurisdiction over same by certified mail of any intent to sell the unit 90 days prior to entering into an agreement for the first nonexempt sale after controls have been in effect on the housing unit for the minimum required period as set forth in this article.
- C. Upon receipt of such notice, the option to buy the unit at the maximum allowable restricted sales price or any mutually agreeable sales price that does not exceed the maximum allowable restricted sales price shall be available for 90 days. The Borough shall notify DCA, NJHMFA and the Court that the unit is for sale. If the Borough exercises this option, it may enter into a contract of sale. If the municipality fails to exercise this option within 90 days, the first of the other entities giving notice to the seller of its intent to purchase during the ninety-day period shall be entitled to purchase the unit. If the option to purchase the unit at the maximum allowable restricted sales price is not exercised by a written offer to purchase the housing unit within 90 days of receipt of the intent to sell, the owner may proceed to sell the housing unit pursuant to this article. If the owner does not sell the unit within one year of the date of delivery of notice of intent to sell, the option to buy the unit shall be restored, and the owner shall be required to submit a new notice of intent to sell 90 days prior to any future proposed date of sale.
- D. Any option to buy an affordable housing unit at the maximum allowable restricted sales price shall be exercised by certified mail and shall be deemed exercised upon mailing.

§ 380-20. Option of Borough to buy units.

- A. If the Borough elects to purchase an affordable housing unit pursuant to this article, it may:

- (1) Convey or rent the housing unit to a low- or moderate-income purchaser or tenant at a price or rent not to exceed the maximum allowable restricted sales price or rent, provided that the unit is controlled by a deed restriction in accordance with UJAC regulations or an alternative approved by COAH, a successor entity, or by the court having jurisdiction over same; or
 - (2) Convey the unit at a fair market value subject to the provisions of § 380-20C below.
- B. If the Borough purchases low-income housing units, it shall maintain them as low-income housing units.
- C. If the Borough elects to purchase low- or moderate-income housing units and convey them at a fair market value, it shall:
- (1) Notify COAH, a successor entity, or by the court having jurisdiction over same of any proposed sale and sales price 90 days before closing.
 - (2) Notify COAH, a successor entity, or by the court having jurisdiction over same of the price differential as defined in N.J.A.C. 5:93-1.3.8
 - (3) Deposit the price differential in an interest-bearing housing trust fund devoted solely to the creation, rehabilitation or maintenance of low- and moderate-income housing.
- D. Money deposited in housing trust funds may not be expended until the Borough submits, and COAH, a successor entity, or the court having jurisdiction over same approves a spending plan in accordance with N.J.A.C. 5:93-5.1(c).⁹ Money deposited in housing trust funds shall be subject to the restrictions, monitoring requirements and penalties outlined in N.J.A.C. 5:93-8.15 through 17.10

§ 380-21. State and nonprofit purchase of units.

If the DCA or a qualified nonprofit agency or organization purchases a low- or moderate-income unit, they shall meet all requirements set forth in N.J.A.C. 5:93-9.6 and N.J.A.C. 5:93-9.7, respectively.¹¹

§ 380-22. Seller option.

- A. An eligible seller of a low- or moderate-income unit which has been controlled for the minimum required period specified in this article and who has provided notice of an intent to sell may proceed with the sale if no eligible entity exercises its option to purchase within 90 days.

⁸. Editor's Note: In accordance with N.J.S.A. 52:14B-5.1b, Chapter 93, Substantive Rules of the New Jersey Council on Affordable Housing for the Period Beginning June 6, 1994, expired on 10-16-2016.

⁹. Editor's Note: In accordance with N.J.S.A. 52:14B-5.1b, Chapter 93, Substantive Rules of the New Jersey Council on Affordable Housing for the Period Beginning June 6, 1994, expired on 10-16-2016.

¹⁰. Editor's Note: In accordance with N.J.S.A. 52:14B-5.1b, Chapter 93, Substantive Rules of the New Jersey Council on Affordable Housing for the Period Beginning June 6, 1994, expired on 10-16-2016.

¹¹. Editor's Note: In accordance with N.J.S.A. 52:14B-5.1b, Chapter 93, Substantive Rules of the New Jersey Council on Affordable Housing for the Period Beginning June 6, 1994, expired on 10-16-2016.

- B. Subject to § 380-22A above, the seller may elect to:
- (1) Sell to a qualified low- and moderate-income household at a price not to exceed the maximum permitted sales price, provided that the unit is regulated by the deed restriction; or
 - (2) Exercise the repayment option and sell to any purchaser at market price, provided that 95% of the price differential is paid to the Borough, as an instrument of the Borough at closing.
 - (3) If the sale will be to a qualified low- and moderate-income household, the Administrative Agent shall certify the income qualifications of the purchaser and shall ensure the housing unit is regulated by the restrictive covenants and repayment lien.
- C. The Administrative Agent shall examine any contract or sale containing a repayment option to determine if the proposed sales price bears a reasonable relationship to the housing unit's fair market value. In making this determination, the Administrative Agent may rely on comparable sales data or an appraisal. The Administrative Agent shall not approve any contract of sale where there is a determination that the sales price does not bear a reasonable relationship to fair market value. The Administrative Agent shall make a determination within 20 days of receipt of the contract of sale and shall calculate the repayment option payment.
- D. The Administrative Agent shall provide for an appeal procedure by which a seller may submit written documentation requesting the Administrative Agent to recompute the repayment obligation if the seller believes an error has been made or to reconsider a determination that a sale price does not bear a reasonable relationship to fair market value. A repayment obligation determination made as a result of an owner's appeal shall be a final administrative determination of the Administrative Agent.
- E. The repayment shall occur at the date of closing and transfer of title for the first nonexempt transaction after the expiration of controls on affordability.
- F. Repayment proceeds shall be deposited in a housing trust fund and may be used as per N.J.A.C. 5:93-8.15.12 Money deposited in a housing trust fund may not be expended until the Borough submits, and COAH, a successor entity, or the court having jurisdiction approves a spending plan.

§ 380-23. Affirmative marketing within inclusionary development.

- A. Adoption of an affirmative marketing plan.
- (1) Woodcliff Lake Borough shall adopt by resolution an affirmative marketing plan, subject to approval by COAH, a successor entity, or the court having jurisdiction over same, that is in compliance with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
 - (2) The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of

¹². Editor's Note: In accordance with N.J.S.A. 52:14B-5.1b, Chapter 93, Substantive Rules of the New Jersey Council on Affordable Housing for the Period Beginning June 6, 1994, expired on 10-16-2016.

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 a developer, sponsor or owner of affordable housing. The affirmative marketing plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward Housing Region 1 and is required to be followed throughout the period of restriction.

- B. The affirmative marketing plan shall provide a regional preference for all households that live and/or work in Housing Region 1, comprised of Bergen, Hudson, Passaic, and Sussex Counties.
- C. The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Program, including initial sales and rentals and resales and re-rentals. The Administrative Agent designated by the Borough of Woodcliff Lake shall implement the Affirmative Marketing Plan to assure the affirmative marketing of all affordable units.
- D. The administrative agent designated by Woodcliff Lake Borough shall assure the affirmative marketing of all affordable units consistent with the affirmative marketing plan for the municipality.
 - (1) All newspaper articles, announcements and requests for applications for low- and moderate-income units will appear in the following newspapers/ publications: the Star Ledger, the Bergen Record and the Ridgewood News.
 - (2) The primary marketing will take the form of at least one press release sent to the above publications and a paid display advertisement in each of the above newspapers. Additional advertising and publicity will be on an as-needed basis.
 - (3) The advertisement will include:
 - (a) The street address and location of units;
 - (b) Directions to the housing units;
 - (c) The size, as measured in the number of bedrooms, of the housing units;
 - (d) A range of prices/rents for the housing units;
 - (e) The maximum income permitted to qualify for the housing units;
 - (f) The location of applications for the housing units;
 - (g) The business hours when interested households may obtain an application for a housing unit;
 - (h) The name of the rental manager and/or sales agent for the housing units.
 - (4) All newspaper articles, announcements and requests for applications for low- and moderate-income housing will appear in publications circulated within the housing region that are likely to be read by low- and moderate-income households, such as neighborhood-oriented weekly newspapers, religious publications and organizational newsletters.
 - (5) Regional radio and/or cable television stations will also be used.
 - (6) Applications, brochures, signs and/or posters used as part of the affirmative marketing program will be provided to specific employment centers within the region and to the Municipal Clerks of all municipalities in the region.

- (7) Applications for low- and moderate-income housing shall be available in several convenient locations within the Borough of Woodcliff Lake, including, at a minimum, Borough Hall, the Woodcliff Lake Public Library and the developer's sales/rental office. The following is a listing of community contact persons and/or organizations in Woodcliff Lake that will administer the program and will aid in the affirmative marketing program, with particular emphasis on contacts that will reach out to groups that are least likely to apply for housing within the region: land use administrator, Bergen County Housing Office and houses of worship.
- (8) Quarterly flyers and applications will be sent to each of the following agencies for publication in their journals and for circulation among their members: Board of Realtors in Bergen, Hudson, Passaic and Sussex Counties.
- (9) Applications will be mailed to prospective applicants upon request. Additionally, quarterly informational circulars and applications will be sent to the chief administrative employees of each of the following agencies in the counties in the Borough of Woodcliff Lake's region: Welfare or Social Service Board, Rental Assistance Office (local office of DCA), Office on Aging, libraries and housing agency or authority.
- (10) The affirmative marketing program will meet the following requirements:
 - (a) The affirmative marketing process for available affordable units shall begin at least four months prior to the expected date of occupancy.
 - (b) A random selection method will be used to select occupants of low- and moderate-income housing.
 - (c) Low- and moderate-income households who live or work in the housing region in which the Borough of Woodcliff Lake is located shall be given preference for sales and rental units constructed within the Borough of Woodcliff Lake. Applicants living outside the housing region will have an equal opportunity for units after regional applicants have been initially serviced.
 - (d) Low- and moderate-income households residing or working within the Borough of Woodcliff Lake shall be provided a preference for low- and moderate-income units created within the Borough of Woodcliff Lake that respond to Woodcliff Lake's rehabilitation component.
 - (e) All developers of low- and moderate-income housing units will be required to assist in the marketing of the affordable units in their respective developments.
 - (f) The cost of advertising and administering low- and moderate-income units shall be the responsibility of the developer and/or owner of low- and moderate-income housing units within the Borough of Woodcliff Lake.
 - (g) The marketing program will commence at least 120 days before the issuance of either temporary or permanent certificates of occupancy. The marketing program will continue until all low- and moderate-income housing units are initially occupied and for as long as affordable units are deed-restricted and occupancy or reoccupancy of units continues to be necessary.
 - (h) Households that apply for low- and moderate-income housing shall be screened for preliminary income eligibility by comparing their total income to

the low- and moderate-income limits pursuant to state law and regulations. Applicants shall be notified as to their eligibility status.

- (i) Having screened applicants for preliminary income eligibility, the Borough may analyze the income and household sizes of applicants to determine which applicants have the assets and/or income necessary to purchase or rent each available low- or moderate-income unit.
- (j) The Borough shall conduct a process and interview each applicant to verify the applicant's income and household size; determine the applicant's asset availability; and review the applicant's credit history. Applicants shall be required to submit income verification for each household member 18 years or older. This process shall be utilized in establishing the final certified applicant group.
- (k) The process described in Subsection C(10)(h) through (j) above may begin no sooner than one month after the advertising program begins. Households shall be selected to proceed through the process described Subsection C(10)(h) through (j) above through a method of random selection. Households shall be certified for low- and moderate-income units. The process described in Subsection C(10)(h) through (j) shall be continued until all the low- and moderate-income units are occupied.
- (l) Continuing marketing activities shall be undertaken after the completion of initial occupancy of sales and rental units in order to fill vacancies resulting from normal turnover, which shall include:
 - [1] Ensuring a sufficient supply of income-eligible applicants by continuing to implement the marketing plan throughout the housing region. At a minimum, the Borough shall maintain a current pool of at least five income-eligible applicants for each low- and moderate income unit.
 - [2] Contacting each income-eligible applicant annually to request updated information regarding income and family size.
 - [3] As units become available, the municipal entity shall select eligible applicants for the units until the units are occupied by low- and moderate-income households.

E. In implementing the affirmative marketing plan, the administrative agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

F. The Affirmative Marketing Plan shall describe the media to be use in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Plan, the Administrative Agent shall consider the use of language translations where appropriate.

- G. The affirmative marketing process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.
- H. Applications for affordable housing shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administration building and the municipal library in the municipality in which the units are located; and the developer's rental office. Applications shall be mailed to prospective applicants upon request.
- I. In addition to other affirmative marketing strategies, the Administrative Agent shall provide specific notice of the availability of affordable housing units in Woodcliff Lake, and copies of the application forms, to the following entities: Fair Share Housing Center, the New Hersey State Conference of the NAACP, the Latino Action Network, STEPS, NORWESCAP, the Supportive Housing Association, and the New Jersey Housing Resource Center.
- J. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner.

§ 380-24. Affordable unit controls and requirements.

The following general guidelines apply to all developments that contain low- and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

- A. Occupancy standards. 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:
 - (1) Provide an occupant for each bedroom;
 - (2) Provide children of different sexes with separate bedrooms;
 - (3) Provide separate bedrooms for parents and children; and
 - (4) Prevent more than two persons from occupying a single bedroom.
- B. Control periods for restricted ownership units and enforcement mechanisms.
 - (1) Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this section for a period of at least thirty (30) years, until Woodcliff Lake Borough takes action to release the unit from such requirements; prior to such action, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.
 - (2) The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
 - (3) Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the administrative agent shall determine the restricted price for the unit and shall also determine the nonrestricted, fair market value of the unit

based on either an appraisal or the unit's equalized assessed value without restrictions in place.

- (4) At the time of the first sale of the unit, the purchaser shall execute and deliver to the administrative agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first nonexempt sale after the unit's release from the requirements of this section, an amount equal to the difference between the unit's nonrestricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
- (5) The affordability controls set forth in this section shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
- (6) A restricted ownership unit shall be required to obtain a continuing certificate of occupancy or a certified statement from the Construction Official stating that the unit meets all code standards upon the first transfer of title that follows the removal of the restrictions provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.
- (7) Deeds of all real property that include restricted ownership units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Bergen. A copy of the filed document shall be provided to the administrative agent within 30 days of the receipt of a certificate of occupancy. The deed restriction shall be subject to the approval of the administrative agent and shall be substantially in the form set forth in Schedule B, annexed hereto and made part of this article.¹³
- (8) Price restrictions for restricted ownership units, homeowners' association fees and resale prices. Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:
 - (a) The initial purchase price for a restricted ownership unit shall be approved by the administrative agent.
 - (b) The administrative agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
 - (c) The master deeds of inclusionary 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.
 - (d) The owners of restricted ownership units may apply to the administrative agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital

¹³ . Editor's Note: Said schedule is included as an attachment to this chapter.

improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.

C. Buyer income eligibility.

- (1) Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50% of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80% of median income.
- (2) Notwithstanding the foregoing, the Administrative Agent may, upon approval by the Borough Council, and subject to the approval of COAH, a successor entity, or by the court having jurisdiction over same, permit a moderate-income purchaser to buy a low-income unit if and only if the Administrative Agent can demonstrate that there is an insufficient number of eligible low-income purchasers in the housing region to permit prompt occupancy of the unit and all other reasonable efforts to attract a low-income purchaser, including pricing and financing incentives, have failed. Any such low-income unit that is sold to a moderate-income household shall retain the required pricing and pricing restrictions for a low-income unit.
- (3) A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.
- (4) The administrative agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowners' association fees, as applicable) does not exceed 33% of the household's certified monthly income.

D. Limitations on indebtedness secured by ownership unit; subordination.

- (1) Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Administrative Agent for a determination in writing that the proposed indebtedness complies with the provisions of this section, and the Administrative Agent shall issue such determination prior to the owner incurring such indebtedness.
- (2) With the exception of original purchase money mortgages, neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95% of the maximum allowable resale price

of that unit, as such price is determined by the administrative agent in accordance with N.J.A.C. 5:80-26.6(b).

E. Capital Improvements to Ownership Units

- (1) The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements made since the purchase of the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household or that add an additional bathroom. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger household.
- (2) Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of signing of the agreement to purchase. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price, which shall be subject to 10-year, straight-line depreciation, has been approved by the Administrative Agent. Unless otherwise approved by the Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The owner and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

F. Control periods for restricted rental units.

- (1) Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this section for a period of at least 30 years, until the Borough of Woodcliff Lake takes action to release the unit from such requirements. Prior to such action, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.
- (2) Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the land records office of the Clerk of the County of Bergen. A copy of the filed document shall be provided to the administrative agent within 30 days of the receipt of a certificate of occupancy. The deed restriction shall be subject to

the approval of the administrative agent and shall be substantially in the form set forth in Schedule B, annexed hereto and made part of this article.¹⁴

- (3) A restricted rental unit shall remain subject to the affordability controls of this section, despite the occurrence of any of the following events:
 - (a) Sublease or assignment of the lease of the unit;
 - (b) Sale or other voluntary transfer of the ownership of the unit; or
 - (c) The entry and enforcement of any judgment of foreclosure on the property containing the unit.

G. Price restrictions for rental units; leases.

- (1) A written lease shall be required for all restricted rental units and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the administrative agent.
- (2) No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the administrative agent.
- (3) Application fees (including the charge for any credit check) shall not exceed 5% of the monthly rent of the applicable restricted unit and shall be payable to the administrative agent to be applied to the costs of administering the controls applicable to the unit as set forth in this section.
- (4) No rent control ordinance or other pricing restriction shall be applicable to either the market units or the affordable units in any development in which at least 15% of the total number of dwelling units are restricted rental units in compliance with this Ordinance.

H. Tenant income eligibility.

- (1) Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:
 - (a) Very-low-income rental units shall be reserved for households with a gross household income less than or equal to 30% of the regional median household income by household size.
 - (b) Low-income rental units shall be reserved for households with a gross household income less than or equal to 50% of the regional median household income by household size.
 - (c) Moderate-income rental units shall be reserved for households with a gross household income less than 80% of the regional median household income by household size.
- (2) The administrative agent shall certify a household as eligible for a restricted rental unit when the household is a very-low-income household, a low-income

¹⁴ . Editor's Note: Said schedule is included as an attachment to this chapter.

household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35% (40% for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:

- (a) The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
 - (b) The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
 - (c) The household is currently in substandard or overcrowded living conditions;
 - (d) The household documents the existence of assets with which the household proposes to supplement the rent payments; or
 - (e) The household documents reliable anticipated third-party assistance from an outside source, such as a family member, in a form acceptable to the administrative agent and the owner of the unit.
- (3) The applicant shall file documentation sufficient to establish the existence of the circumstances in Subsection 1(2)(a) through (e) above with the administrative agent, who shall counsel the household on budgeting.

I. Appeals. Appeals from all decisions of an Administrative Agent appointed pursuant to this Ordinance shall be filed in writing with COAH, a successor entity, or by the court having jurisdiction over same.

§ 380-25. through § 380-40. (Reserved)

BOROUGH OF WOODCLIFF LAKE

Bergen County, New Jersey

Ordinance No. 23-16

**AN ORDINANCE TO AMEND CHAPTER 246 ENTITLED "PEACE AND GOOD ORDER" 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 246, of the Code of the Borough of Woodcliff Lake sets forth all regulations regarding Peace and Good Order 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.

Chapter 246. Peace and Good Order.

Sec. 246-3. Disorderly houses. – deleted in its entirety.

Sec. 246-3. Houses of ill fame – deleted in its entirety.

Sec. 246-4. Lewd or immoral acts. – deleted in its entirety.

Sec. 246-5. Loud or profane language. – deleted in its entirety.

Sec. 246-6. Endangering public peace. – deleted in its entirety.

Sec. 246-8. Interrupting religious services. – deleted in its entirety.

Sec. 246-10. Disorderly assemblages. – deleted in its entirety.

Sec. 246-11. Soliciting or begging. – deleted in its entirety.

Sec. 246-14. Indecent or lewd items. – deleted in its entirety.

Sec. 246-20. – Loitering, lounging or sleeping in public places. – deleted in its entirety.

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.

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Gadaleta						X
Higgins			X			
Marsh			X			
Pollack	X		X			
Schnoll		X	X			
Margolis			X			
Mayor Rendo						

**A RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH
THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12**

**RESOLUTION NO. 23-224
OCTOBER 16, 2023**

WHEREAS, the Borough of Woodcliff Lake is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq., and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

WHEREAS, it is necessary for the Borough of Woodcliff Lake to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

_____ 1. Matters Required by Law to be Confidential. Any matter which, by express provision of Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.

_____ 2. Matters Where the Release of Information Would Impair the Right to Receive Funds. Any matter in which the release of information would impair a right to receive funds from the Government of the United States.

_____ 3. Matters Involving Individual Privacy. Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing,

relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.

____4. Matters Relating to Collective Bargaining Agreements. Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.

____5. Matters Relating to the Purchase, Lease or Acquisition of Real Property or the Investment of Public Funds. Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed specifically with respect to _____. The minutes will be released on or before _____, 20__ when the issues pertaining to the property located at _____ have been approved and finalized.

____6. Matters Relating to Public Safety and Property. Any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigations of violations of possible violations of the law.

X 7. Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege, any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer, specifically with respect to: Litigation, Contract Negotiations and Personnel

The minutes will be released in approximately ninety (90) days or upon the resolution through settlement or court decision and the time period for any and all appeals.

____8. Matters Relating to the Employment Relationship. Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting, specifically: personnel discussion.

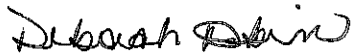
The minutes will be released within ninety (90) days or earlier upon the resolution of the matter through settlement or court decision and the time period for any and all appeals.

_____9. Matters Relating to the Potential Imposition of a Penalty. Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party bears responsibility.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Woodcliff Lake, assembled in public session on October 16, 2023 that an Executive Session closed to the public shall be held on October 16, 2023 at 6:00 P.M. at the Borough of Woodcliff Lake Tice Senior Center regarding the discussion of matters relating to the specific items designated above.

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 October 16, 2023.



DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Gadaleta			X			
Higgins			X			
Marsh	X		X			
Pollack			X			
Schnoll			X			
Margolis		X	X			
Mayor Rendo						

RESOLUTION AUTHORIZING PAYMENT OF PAYROLL & PAYMENT OF CLAIMS

RESOLUTION NO. 23-225

OCTOBER 16, 2023

BE IT RESOLVED, that the following Payroll Disbursements made by the Treasurer since the last meeting are proper and hereby ratified and approved:

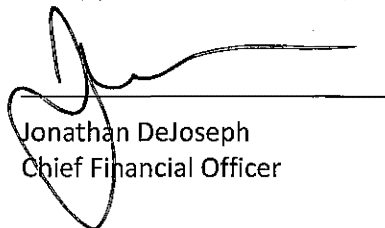
Payroll Released 9/30/2023	\$266,448.75
Payroll Released 10/15/2023	\$235,145.94

BE IT FURTHER RESOLVED that the following current claims against the Borough for materials and services have been considered and are proper and hereby are approved for payment:

Current Fund:	\$ 1,756,044.81
Open Space:	\$ 14,133.00
Animal Control:	\$ 1.20
General Capital:	\$ 106,775.36
Affordable Housing:	\$ 12,260.00
Escrow:	\$ 3,280.50

CERTIFICATION OF FUNDS


I, Jonathan DeJoseph, Chief Financial Officer of the Borough of Woodcliff Lake, hereby duly certify that fund(s) are available for Payroll Disbursements and Payment of Claims.



Jonathan DeJoseph
Chief Financial Officer

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 Mayor and Council at the meeting of October 16, 2023.



Deborah A. Dakin, RMC, CMR
Borough Clerk

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Gadaleta			X			
Higgins			X			
Marsh	X		X			
Pollack			X			
Schnoll			X			
Margolis		X	X			
Mayor Rendo						

RESOLUTION AUTHORIZING RAFFLE LICENSE TO TEMPLE EMANUEL OF THE PASCACK VALLEY

**RESOLUTION NO. 23-226
OCTOBER 16, 2023**

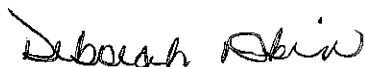
WHEREAS, raffle applications have been made by Temple Emanuel of the Pascack Valley for a Tricky Tray and Pocketbook Bingo to be held on November 16, 2023; and

WHEREAS, said applications have been submitted to the Woodcliff Lake Police Department for investigation and have been found to be in good order.

NOW, THEREFORE, BE IT RESOLVED that the raffle license applications of Temple Emanuel of the Pascack Valley are hereby approved, and the Borough Clerk is authorized to issue Raffle License RA23-06 and 07.

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 October 16, 2023.



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

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Gadaleta			X			
Higgins			X			
Marsh	X		X			
Pollack			X			
Schnoll			X			
Margolis		X	X			
Mayor Rendo						

RESOLUTION APPROVING SOLICITORS LICENSE TO THE EXTERIOR COMPANY

RESOLUTION NO. 23-227

OCTOBER 16, 2023

WHEREAS, Alexis Amaro, Tyler Vallery and Mason Wells of The Exterior Company has applied to the Borough Clerk's Office for a solicitor's license to sell roofing, siding and gutters; and

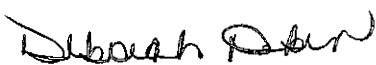
WHEREAS, the Police Department has stated that there is no reason to deny these applications; and

WHEREAS, the applicants have been advised of the rules and guidelines established in the Borough of Woodcliff Lake and strict adherence to this policy must be followed.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Woodcliff Lake authorize the Borough Clerk to issue a solicitor's license to Alexis Amaro, Tyler Vallery and Mason Wells.

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 Mayor and Council at the meeting of October 16, 2023.



DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Gadaleta			X			
Higgins			X			
Marsh	X		X			
Pollack			X			
Schnoll			X			
Margolis		X	X			
Mayor Rendo						

RESOLUTION APPROVING HIRING OF SANITATION LABORER/DRIVER

RESOLUTION NO. 23-228

OCTOBER 16, 2023

WHEREAS, the Borough of Woodcliff Lake is in need of hiring a Sanitation Laborer/Driver for the Department of Public Works; and

WHEREAS, John D'Amico has submitted a resume for said position; and

WHEREAS, John D'Amico's appointment, subject to his passing all required testing for said position with a starting annual salary of \$ 50,000.00; and

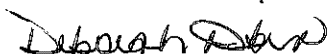
WHEREAS, the Borough Administrator and Superintendent of Department of Public Works have reviewed this matter and recommend that John D'Amico be hired as a Sanitation Laborer/Driver subject to his passing of all required testing at an annual salary of \$50,000.00.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Woodcliff Lake that John D'Amico, subject to his passing of all required testing, be and he is hereby hired as a Sanitation Laborer/Driver for the Department of Public Works at an annual salary of \$50,000.00; and

BE IT FURTHER RESOLVED, that the Borough Clerk be and she is hereby authorized and directed to forward a copy of this resolution to the Department of Public Works and John D'Amico upon its passage.

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 October 16, 2023.

A handwritten signature in black ink, appearing to read "Deborah Dakin", is written over a horizontal line.

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

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Gadaleta			X			
Higgins			X			
Marsh	X		X			
Pollack			X			
Schnoll			X			
Margolis		X	X			
Mayor Rendo						

A RESOLUTION APPROVING A SETTLEMENT OF THE TAX APPEALS FILED BY SIG 100 TICE LLC FOR THE TAX YEARS 2021, 2022 AND 2023 AND AUTHORIZING THE SPECIAL TAX APPEAL ATTORNEY'S OFFICE TO EXECUTE AND FILE A STIPULATION OF SETTLEMENT THEREON

**RESOLUTION NO. 23-229
OCTOBER 16, 2023**

WHEREAS, SIG 100 Tice LLC, is the owner of properties, known and designated as Block 301, Lot 3.05 as shown on the Tax Map of the Borough of Woodcliff Lake and commonly known as 100 Tice Boulevard; and

WHEREAS, SIG 100 Tice LLC had filed tax appeals in the Tax Court of New Jersey for the years 2021 through 2023 under the following Docket Numbers: 005111-2021; 002899-2022 and 003396-2023; and

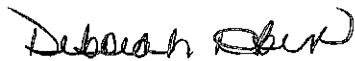
WHEREAS, the parties have negotiated a settlement of said tax appeals as more particularly set forth on the Stipulation of Settlement, annexed hereto and made part hereof, a copy of which is on file in the Office of the Borough Clerk and is available for public inspection;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Woodcliff Lake, Bergen County, New Jersey that the settlement of the SIG 100 Tice LLC tax appeals for the tax years of 2021 through 2023, pending before the Tax Court of New is hereby approved; and

BE IT FURTHER RESOLVED that Special Tax Appeal Attorney's Office is hereby authorized and directed to execute and file a Stipulation of Settlement with the Tax Court of New Jersey to effectuate the foregoing settlement.

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 October 16, 2023.

A handwritten signature in dark ink, appearing to read "Deborah Dakin", is written over a horizontal line.

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

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Gadaleta			X			
Higgins			X			
Marsh	X		X			
Pollack			X			
Schnoll			X			
Margolis		X	X			
Mayor Rendo						

**RESOLUTION AUTHORIZING SURVEYING, ENGINEERING, BIDDING AND CONSTRUCTION
MANAGEMENT SERVICES FOR 2023 MUNICIPAL ROAD PROGRAM**

**RESOLUTION NO. 23-230
OCTOBER 16, 2023**

WHEREAS, the Borough of Woodcliff Lake is in need of Surveying, Engineering, Bidding and Construction Management Services with regard to the 2023 Municipal Road Program; and

WHEREAS, Neglia Engineering has submitted a Proposal with regard to same, a copy of which is attached hereto and incorporated herein by reference; and

WHEREAS, the proposal submitted by Neglia Engineering reflects a lump sum basis in the amount of \$46,900.00 for Phase I-Surveying, Engineering Design and Bidding Services; a time and materials basis for a cost not to exceed \$44,900.00 for Phase II-Construction Management Services; and a material basis for a cost not to exceed \$1,500.00 for Phase III-Reimbursable Expenses; and

WHEREAS, the Borough Administrator has reviewed the proposal submitted by Neglia Engineering for Surveying, Engineering, Bidding and Construction Management Services for the 2021 Municipal Road Program, a copy of which is attached hereto and incorporated herein by reference and recommends the approval of same.

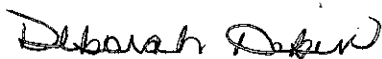
NOW THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Woodcliff Lake, County of Bergen and State of New Jersey, that the proposal submitted by Neglia Engineering for Surveying, Engineering, Bidding and Construction Management Services with regard to the 2021 Municipal Road Program be and is hereby approved; and

BE IT FURTHER RESOLVED, that the Borough Administrator be and is hereby authorized and directed to execute the proposal submitted by Neglia Engineering, a copy of which is attached hereto and incorporated herein by reference; and

BE IT FURTHER RESOLVED that the Borough Clerk be and she is hereby authorized and directed to forward a copy of this resolution together with the signed proposal to Neglia Engineering upon its passage.

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 October 16, 2023.

A handwritten signature in cursive script, appearing to read "Deborah Dakin", is written over a horizontal line.

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

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Gadaleta			X			
Higgins			X			
Marsh	X		X			
Pollack			X			
Schnoll			X			
Margolis		X	X			
Mayor Rendo						

A RESOLUTION APPROVING STANDBY EMERGENCY RESPONSE AGREEMENT WITH CLEAN HARBORS ENVIRONMENTAL SERVICES

RESOLUTION NO: 23-231

OCTOBER 16, 2023

WHEREAS, the Borough of Woodcliff Lake (hereinafter the "Borough") is in receipt of a Standby Emergency Response Agreement from Clean Harbors Environmental Services for the purpose of responding to discharges of oil or other hazardous substances; and

WHEREAS, the Agreement, a copy of which is attached hereto and incorporated herein by reference, shall allow the Borough to list Clean Harbors as its provider of services in emergency response plans and regulatory reporting; and

WHEREAS, the Agreement does not obligate the Borough to purchase services from Clean Harbor but governs all orders for services issued by the Borough and accepted by Clean Harbors; and

WHEREAS, the Borough Administrator and Department of Public Works have reviewed the Standby Emergency Response Agreement and recommend the approval of same.

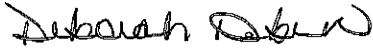
NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Woodcliff Lake, County of Bergen, and State of New Jersey that the Standby Emergency Response Agreement with Clean Harbors Environmental Services in order to respond to discharges of oil or other hazardous substances, a copy of which is attached hereto and incorporated herein by reference, be and is hereby approved and

BE IT FURTHER RESOLVED that the Mayor be and is hereby authorized and directed to execute the Standby Emergency Response Agreement attached hereto on behalf of the Borough; and

BE IT FURTHER RESOLVED that the Borough Clerk be and is hereby authorized and directed to forward a copy of this resolution to the County of Bergen upon its passage.

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 October 16, 2023.



DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Gadaleta			X			
Higgins			X			
Marsh	X		X			
Pollack			X			
Schnoll			X			
Margolis		X	X			
Mayor Rendo						

**RESOLUTION AUTHORIZING AWARD TO NIELSEN FORD OF MORRISTOWN FOR
2024 FORD F450 CAB AND CHASSIS**

**RESOLUTION NO. 23-232
OCTOBER 16, 2023**

WHEREAS, the Borough of Woodcliff Lake Department of Public Works is in receipt of a quote from Nielsen Ford of Morristown for a 2024 Ford F450 Cab and Chassis; and

WHEREAS, the quote, a copy of which is attached hereto and incorporated herein by reference, in the amount of \$85,000.00 is being submitted thru NJ State Contract #A88215; and

WHEREAS, the Borough Administrator and the Superintendent of the Department of Public Works have reviewed the quote attached hereto and incorporated herein by reference for the 2024 Ford F450 Cab and Chassis and recommend the approval of same; and

WHEREAS, the Chief Financial Officer of the Borough has certified that funds are available for the purchase of same, said certification being attached hereto; and

WHEREAS, the Borough Attorney has prepared a contract agreement between the Borough and Nielsen Ford of Morristown, a copy of which is attached hereto and incorporated herein by reference.

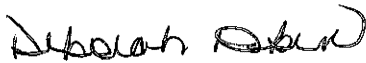
NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Woodcliff Lake that the quote submitted by Nielsen Ford of Morristown for a 2024 Ford F450 Cab and Chassis in the amount of \$85,000.00, a copy of which is attached hereto and incorporated herein by reference, be and is hereby approved; and

BE IT FURTHER RESOLVED, that the Borough Administrator and/or Superintendent of the Department of Public Works, take all steps necessary to effectuate the purchase with Nielsen Ford of Morristown for the 2024 Ford F450 Cab and Chassis; and

BE IT FURTHER RESOLVED, that the Borough Clerk be and is hereby authorized and directed to forward a copy of this resolution together with the signed proposal and contract agreement to Nielsen Ford of Morristown upon its passage.

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 October 16, 2023.



DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Gadaleta			X			
Higgins			X			
Marsh	X		X			
Pollack			X			
Schnoll			X			
Margolis		X	X			
Mayor Rendo						

RESOLUTION APPROVING PURCHASE OF CAB AND CHASSIS FROM NORTH JERSEY TRUCK CENTER FOR DEPARTMENT OF PUBLIC WORKS

**RESOLUTION NO. 23-233
OCTOBER 16, 2023**

WHEREAS, the Borough of Woodcliff Lake is in receipt of a quote from North Jersey Truck Center, Inc. through ESCNJ Bid No. 23/24-04 for a cab and chassis for the Woodcliff Lake Department of Public Works in an amount not to exceed \$160,000.00; and

WHEREAS, the Borough Administrator and the Superintendent of the Department of Public Works have reviewed the quote attached hereto and incorporated herein by reference for the purchase of a cab and chassis in an amount not to exceed \$160,000.00 and recommend the approval of same; and

WHEREAS, the Borough Attorney has prepared a contract agreement between the Borough and North Jersey Truck Center Inc. for the Woodcliff Lake Department of Public Works, a copy of which is attached hereto and incorporated herein by reference, and recommends the approval of same; and

WHEREAS, the Chief Financial Officer has certified that the funds are available through the ESCNJ Coop, said certification being attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Woodcliff Lake, County of Bergen and State of New Jersey that the quote submitted by North Jersey Truck Center through ESCNJ Bid No. 23/24-04 for a cab and chassis for the Woodcliff Lake Department of Public Works in an amount not to exceed \$160,000.00, a copy of which is attached hereto and incorporated herein by reference, be and is hereby approved; and

BE IT FURTHER RESOLVED, that the Borough Administrator and/or Superintendent of the Department of Public Works take all steps necessary to effectuate the purchase of the cab and chassis from North Jersey Truck Center Inc.; and

BE IT FURTHER RESOLVED, that the Borough Clerk be and is hereby authorized and directed to forward a copy of this resolution together with the contract agreement to North Jersey Truck Center Inc. upon its passage.

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 October 16, 2023.



DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Gadaleta			X			
Higgins			X			
Marsh	X		X			
Pollack			X			
Schnoll			X			
Margolis		X	X			
Mayor Rendo						

RESOLUTION APPROVING ROLL OFF EQUIPMENT FOR FREIGHTLINER 108SD

RESOLUTION NO. 23-234

OCTOBER 16, 2023

WHEREAS, the Borough of Woodcliff Lake is in receipt of Quote No. EG101123A from Cliffside Body Corporation submitted through the New Jersey State approved Co-Op#65MCESCCPS for roll off equipment for a Freightliner 108SD vehicle for the Department of Public Works in an amount not to exceed \$80,000.00, a copy of which is attached hereto and incorporated herein by reference; and

WHEREAS, the Borough Administrator and the Superintendent of Department of Public Works have reviewed the quote attached hereto and incorporated herein by reference for roll off equipment for a Freightliner 108SD vehicle and recommend the approval and purchase of same; and

WHEREAS, the Borough Attorney has prepared a contract agreement between the Borough and Cliffside Body Corporation for same, a copy of which is attached hereto and incorporated herein by reference, and recommends the approval of same; and

WHEREAS, the Chief Financial Officer has certified that the funds are available for said purchase, said certification being attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Woodcliff Lake, County of Bergen and State of New Jersey that Quote No. EG101123A from Cliffside Body Corporation submitted through New Jersey State approved Co-Op#65MCESCCPS for roll off equipment for a Freightliner 108SD vehicle for the Department of Public Works in an amount not to exceed \$80,000.00, a copy of which is attached hereto and incorporated herein

by reference, be and is hereby approved; and

BE IT FURTHER RESOLVED, that the Borough Administrator and/or Superintendent of the Department of Public Works take all steps necessary to effectuate the purchase of the roll off equipment for the Woodcliff Lake Department of Public Works; and

BE IT FURTHER RESOLVED, that the Borough Clerk be and is hereby authorized and directed to forward a copy of this resolution together with the contract agreement to Cliffside Body Corporation upon its passage.

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 October 16, 2023.



DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Gadaleta			X			
Higgins			X			
Marsh	X		X			
Pollack			X			
Schnoll			X			
Margolis		X	X			
Mayor Rendo						

**AUTHORIZING THE INSERTION IN BUDGET OF SPECIAL ITEM OF REVENUE AND
APPROPRIATION – CHAPTER 159
2023 NEW JERSEY CLEAN COMMUNITIES PROGRAM**

**RESOLUTION NO. 23-235
OCTOBER 16, 2023**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of Local Government Services may approve insertion of any Special Item of Revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Borough of Woodcliff Lake has been awarded \$17,733.77 from the 2023 New Jersey Clean Communities Program Grant and wishes to include this amount as a revenue item.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Woodcliff Lake, hereby requests the Director of the Division of Local Government Services to approve insertion of an item of revenue in the budget of the year 2023 in the sum of \$17,733.77 which is now available as a revenue from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services: Public and Private Revenues Offset with Appropriations:

2023 Clean Communities Program Grant OE

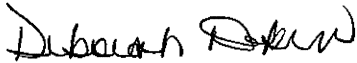
BE IT FURTHER RESOLVED that a like sum of \$17,733.77 be and is hereby appropriated under the caption of:

General Appropriations
(a) Operations Excluded from "CAPS"
Public and Private Offset by Revenues:
2023 Clean Communities Program Grant OE

BE IT FURTHER RESOLVED, that the Borough Certified Municipal Finance Officer shall provide an electronic certified copy of this resolution to the Director of Local Government Services for approval.

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 October 16, 2023.



DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Gadaleta			X			
Higgins			X			
Marsh	X		X			
Pollack			X			
Schnoll			X			
Margolis		X	X			
Mayor Rendo						

**RESOLUTION APPROVING REVISIONS TO RULES AND REGULATIONS FOR THE
WOODCLIFF LAKE POLICE DEPARTMENT**

**RESOLUTION NO. 23-236
OCTOBER 16, 2023**

WHEREAS, on October 5, 2020, the Borough of Woodcliff Lake adopted Resolution No 20-203 approving Rules and Regulations for the Woodcliff Lake Police Department; and

WHEREAS, upon further review of same, the Woodcliff Lake Police Department desires to revise the Rules and Regulations previously approved as reflected in the Rules and Regulations attached hereto and incorporated herein by reference; and

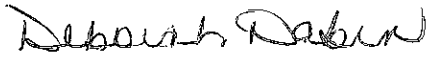
WHEREAS, the Borough Administrator and the Police Committee have reviewed the revisions to the Rules and Regulations attached hereto and incorporated herein by reference and recommend the approval of same.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Woodcliff Lake, County of Bergen, and State of New Jersey that the revised Rules and Regulations for the Woodcliff Lake Police Department, a copy of which is attached hereto and incorporated herein by reference, be and is hereby approved; and

BE IT FURTHER RESOLVED, that the Borough Clerk be and is hereby authorized and directed to forward a copy of this resolution to the Chief of Police of the Woodcliff Lake Police Department upon its passage.

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 October 16, 2023.

A handwritten signature in cursive script, reading "Deborah Dakin", written in black ink.

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

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Gadaleta			X			
Higgins			X			
Marsh	X		X			
Pollack			X			
Schnoll			X			
Margolis		X	X			
Mayor Rendo						

RESOLUTION AUTHORIZING RELEASE OF ESCROW BALANCE

**RESOLUTION NO. 23-237
OCTOBER 16, 2023**

WHEREAS, a request has been made for the release of the escrow balances with respect to the Building Permit application for 20 Hunter Ridge Road in Woodcliff Lake:

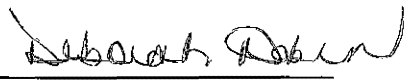
**Scenic Landscaping
947 Huron Road
Franklin Lakes, NJ 07417
Escrow Refund: \$90.25**

WHEREAS, the work has been completed and all finals bills have been paid to professionals.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council does hereby authorize the release of escrow balances in the amount of \$90.25 in connection with the aforementioned.

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 Mayor and Council at the meeting of October 16, 2023.


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

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Gadaleta			X			
Higgins			X			
Marsh	X		X			
Pollack			X			
Schnoll			X			
Margolis		X	X			
Mayor Rendo						

A RESOLUTION APPROVING TREE REMOVAL APPLICATION FOR 23 WOODCLIFF AVENUE

**RESOLUTION NO: 23-238
OCTOBER 16, 2023**

WHEREAS, on September 18, 2023, the Borough of Woodcliff Lake (hereinafter the "Borough") adopted Resolution No. 23-222 approving a Temporary Shared Services Agreement with the County of Bergen regarding tree removal along County roads; and

WHEREAS, the Temporary Shared Services Agreement requires that same be entered into in each instance that an application for tree removal has been approved and the County has evaluated the area and determined that they have the resources to assist with said removal; and

WHEREAS, an application for a tree removal has been submitted by Steve Adams, the owner of the property located at 23 Woodcliff Avenue and same has been approved for removal; and

WHEREAS, the Borough Administrator and Shade Tree Commission has reviewed this matter and recommends the removal of the tree at the subject premises; and

WHEREAS, the Borough Attorney has prepared a Temporary Shared Services Agreement between the Borough and the County of Bergen for the removal of the tree at the premises located at 23 Woodcliff Avenue and recommends the approval of same.

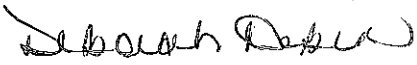
NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Woodcliff Lake, County of Bergen and State of New Jersey that the Temporary Shared Services Agreement between the Borough and the County of Bergen for the tree removal at 23 Woodcliff Avenue, a

copy of which is attached hereto and incorporated herein by reference, be and is hereby approved; and

BE IT FURTHER RESOLVED that the Borough Clerk be and is hereby authorized and directed to forward a copy of this resolution to the County of Bergen upon its passage.

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 October 16, 2023.

A handwritten signature in cursive script, appearing to read "Deborah Dakin", is written over a horizontal line.

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

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Gadaleta			X			
Higgins			X			
Marsh	X		X			
Pollack			X			
Schnoll			X			
Margolis		X	X			
Mayor Rendo						

**RESOLUTION AUTHORIZING THE MAYOR AND/OR BOROUGH ADMINISTRATOR TO EXECUTE
THE TWA APPLICATION DEP WQM-003 CONSENT FORM ON BEHALF OF THE BOROUGH OF
WOODCLIFF LAKE, STATE OF NEW JERSEY**

**RESOLUTION NO. 23-239
OCTOBER 16, 2023**

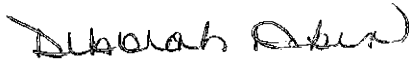
WHEREAS, the Borough of Woodcliff Lake intends to construct improvements to the existing municipal sanitary sewage pumping station Along Werimus Lane. This project will require a Treatment Works Approval ("TWA") permit from the New Jersey Department of Environmental Protection ("NJDEP"). The Borough is required to provide a completed Statements of Consent form (Form WQM-003T) with this application, which requires the signature of a municipal official, authorized by resolution, as required by the NJDEP; and

WHEREAS, the Borough Engineer for the Borough of Woodcliff Lake has prepared the required plans, TWA Application (Form TWA-1), Statements of Consent (Form WQM-003), Engineer's Report (Form WQM-006), as well as a supporting Design Report and Technical Specifications in accordance with NJDEP requirements.

NOW THEREFOR, BE IT RESOLVED, that the Mayor and Council of the Borough of Woodcliff Lake authorizes the Mayor and/or Administrator of the Borough of Woodcliff Lake to hereby sign both said TWA Application NJDEP WQM-003 Statements of Consent Forms, on behalf of the Borough of Woodcliff Lake, for submission to the NJDEP.

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 October 16, 2023.

A handwritten signature in black ink, appearing to read "Deborah Dakin", is written over a horizontal line.

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

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Gadaleta			X			
Higgins			X			
Marsh	X		X			
Pollack			X			
Schnoll			X			
Margolis		X	X			
Mayor Rendo						

**RESOLUTION AUTHORIZING THE PAYMENT OF 11,110.40 FOR THE PROJECT ENTERED WITH
THE BOROUGH OF HILLSDALE FOR LINCOLN AVENUE AND OAK STREET**

**RESOLUTION NO. 23-240
OCTOBER 16, 2023**

WHEREAS, the Borough of Woodcliff Lake (hereinafter "Woodcliff Lake") and the Borough of Hillsdale (hereinafter "Hillsdale") was sent a proposal for road work to be completed by Joseph M. Sanzari Inc. (hereinafter "Sanzari") located on Lincoln Avenue and Oak Street within both Boroughs; and

WHEREAS, said proposal was made in accordance with Bergen County Co-Op #23-13; and

WHEREAS, after a site meeting with representative of Sanzari and representatives from the Boroughs on September 15, 2023, the Boroughs determined to engage Sanzari for the road work on Lincoln Avenue and Oak Street; and

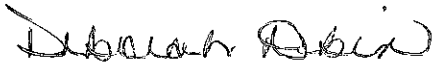
WHEREAS, Woodcliff Lake received an invoice dated September 29, 2023, for a total of \$33,264.66 which was the successful bid price for the project; and

WHEREAS, pursuant to an agreement between the Boroughs, Woodcliff Lake is only responsible for their portion of the project, which amounts to \$11,110.40.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Woodcliff Lake, County of Bergen, State of New Jersey hereby authorize the payment of \$11,110.40 for Woodcliff Lake's portion of the project.

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 October 16, 2023.

A handwritten signature in cursive script, appearing to read "Deborah Dakin", is written above a horizontal line.

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