

R# 47-21

COUNCIL OF THE BOROUGH OF SADDLE RIVER

Resolution Offered by Council President Ruffino

Date: 1/18/21

Seconded by Councilmember Carpenter

RESOLUTION OF THE COUNCIL OF THE BOROUGH OF SADDLE RIVER ENDORSING AND SEEKING COURT APPROVAL OF A HOUSING ELEMENT AND FAIR SHARE PLAN ADOPTED BY THE PLANNING BOARD

WHEREAS, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015)(Mount Laurel IV), the Borough of Saddle River (hereinafter "Saddle River" or the "Borough") filed a Declaratory Judgment Complaint on July 2, 2015 in Superior Court, Law Division seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan, to be amended as necessary, satisfies its "fair share" of the regional need for low and moderate income housing pursuant to the "Mount Laurel doctrine;" and

WHEREAS, the Borough simultaneously sought, and ultimately secured, a protective order providing Saddle River immunity from all Mount Laurel lawsuits while it pursued approval of its Housing Element and Fair Share Plan, which is still in full force and effect; and

WHEREAS, the Court also appointed Francis J. Banisch, III, PP, AICP, as the Special Court Master (hereinafter the "Court Master"), as is customary in Mount Laurel matters adjudicated in the courts; and

WHEREAS, with assistance from the Court Master, the Borough and Fair Share Housing Center (hereinafter "FSHC") engaged in good faith negotiations, which resulted in the entering into of a Settlement Agreement between the Borough and FSHC on February 10, 2020, which Settlement Agreement was subsequently amended on June 9, 2020 (hereinafter "FSHC Settlement Agreements"); and

WHEREAS, such FSHC Settlement Agreements were thereafter approved by the Superior Court at a Fairness Hearing held on November 4, 2020, which was open to the public and all interested parties; and

WHEREAS, as per the terms of the FSHC Settlement Agreements, the Borough's Planner prepared a Housing Element and Fair Share Plan, dated October 5, 2020, which is attached hereto with Appendices as Exhibit A; and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board held a public hearing on the Housing Element and Fair Share Plan on October 26, 2020, and adopted the Housing Element and Fair Share Plan on that same day; and

WHEREAS, a true copy of the resolution of the Planning Board adopting the Housing Element and Fair Share Plan is attached to the Housing Element and Fair Share Plan as Appendix A-14; and

WHEREAS, the Borough of Saddle River wishes to endorse the Housing Element and Fair Share Plan, inclusive of an Errata Sheet which is attached hereto as Exhibit B, and seeks approval of the Housing Element and Fair Share Plan from the Court.

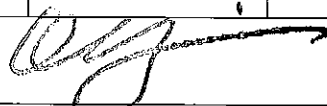
**R# 47-21 HOUSING ELEMENT AND FAIR SHARE PLAN
PAGE 2**

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE BOROUGH OF SADDLE RIVER:

1. That it hereby endorses the Housing Element and Fair Share Plan, which is attached hereto as Exhibit A, as adopted by the Saddle River Borough Planning Board via the Planning Board resolution that is attached thereto as Appendix A-14, and inclusive of an Errata Sheet, which is attached hereto as Exhibit B.
2. That it authorizes and directs its professionals to file with the Court (i) the Housing Element and Fair Share Plan, inclusive of the Errata Sheet, (ii) the resolutions of the Planning Board adopting and the Borough Council endorsing the Housing Element and Fair Share Plan and (iii) any additional documents the representatives deem necessary or desirable.
3. That it authorizes its professionals to seek Court approval of the Housing Element and Fair Share Plan at a properly noticed Compliance Hearing.
4. That it reserves the right to amend the Housing Element and Fair Share Plan, should that be necessary.

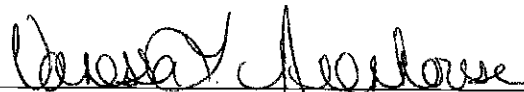
	AYES	NAYS	ABSTAIN	ABSENT
Azzariti, John	X			
Carpenter, Duncan	X			
DiGirolamo, Chris	X			
Hekemian, David	X			
Sachdev, Ravi	X			
Ruffino, Rosario - Council President	X			
Kurpis, Albert J., - Mayor				

Date Passed: 1/18/21



Albert J. Kurpis
Mayor, Borough of Saddle River

I, Vanessa L. Nienhouse Borough Clerk of the Borough of Saddle River, do hereby certify that the above is a true copy of a resolution adopted by the Borough Council at a meeting held on January 18, 2021.



Vanessa Nienhouse, Borough Clerk



COMMUNITY PLANNING
 LAND DEVELOPMENT AND DESIGN
 LANDSCAPE ARCHITECTURE

B U R G I S
 ASSOCIATES, INC.

PRINCIPALS:
Joseph H. Burgis PP, AICP
Edward Snieckus, Jr. PP, ILLA, ASLA
David Novak PP, AICP

ERRATA SHEET

Borough of Saddle River 2020 Housing Element & Fair Share Plan
 January 17, 2021

The following identifies necessary adjustments to the Borough of Saddle River’s 2020 Housing Element & Fair Share Plan, which was adopted by the Saddle River Planning Board on October 26, 2020, in order to correct typographical errors.

1. On Page 2, a footnote is added to the fourth paragraph, which footnote reads as follows:

Although 19 senior rental units were constructed at Saddle River Properties, 1 unit was subsequently determined to be a caretaker’s unit and therefore not eligible for affordable housing credit. The Borough will offset this shortfall by assigning 1 of the 88 units to be developed at Choctau Trail toward the Borough’s Prior Round Obligation.

2. Table 1 on Page 5, and Table 28 on Page 44, are revised to allocate 56 of the 88 units at Choctau Trail to the RDP obligation plus 33 rental bonus credits, for a total of 89 credits toward RDP, and to apply the remaining 31 units from Choctau Trail toward Unmet Need. Same are also revised to apply all 16 units at 78 Woodcliff Lake Road toward Unmet Need. The revised table reads as follows:

Plan Component	Total Dwellings	Affordable Units/Credits
<u>Prospective Round RDP Mechanisms:</u>		
E. Allendale Rd BI 1402 Lots 23, 24 & 25	60 (52 mkt rate 8 Affordable units)	8 units
Algonquin Trail BI 1603 Lots 1 & 2.01	60 (48 mkt rate & 12 affordable units)	12 units
Choctau Trail BI 1601 Lots 10, 10.01 & 11	56 of 88 units (100% affordable project) & 33 rental bonus credits	89 units
20 E. Allendale Rd BI 1605 Lot 1	23 units (100% affordable project)	23 units
<u>Unmet Need Mechanisms</u>		
Surplus Choctau Trail Units	31 units	31 units
78 Woodcliff Lake Rd	16 (100% affordable project)	16 units
Boroline Rd BI 1302 Lots 1.02, 1.03 & 1.04	Overlay Zone atop PUD zoning	--

3. Page 42, Section A.2., is revised to signal allocation of 1 of the 88 units at Choctau Trail to the Prior Round obligation in order to offset the shortfall caused by the loss of 1 of the Saddle River Properties’ senior rental units. Revised Section A.2. reads as follows:

Prior Round Obligation. The Borough’s 162-unit Prior Round Obligation will be addressed by past affordable housing completions, as well as 1 unit from a proposed 100 percent affordable housing development. This is detailed later in this section.

4. Page 44, Section C.2, is revised to allocate 1 of the 88 units at Choctau Trail to the Prior Round obligation in order to offset the shortfall caused by the loss of 1 of the Saddle River Properties’ senior rental units. Revised Section C.2. reads as follows:

Prior Round Obligation. The Borough’s 162-unit Prior Round Obligation, covering the period from 1987 to 1999, is fully addressed by past affordable housing completions (including a combination of new construction family units, senior housing units, and regional contribution agreements (RCAs)), as well as 1 unit from a proposed 100 percent affordable housing development, as shown in the table below.

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

Plan Component	Units/Credits	Status
Villa Marie Claire – Senior/Alternative Living Arrangement	18 units	Completed
Saddle River Properties Block 1302 Lots 1, 3 and 4	57 family sale units 18 senior rental units 6 senior rental bonus credits	Completed
RCA – City of Passaic	18 units	Completed
RCA – Borough of Ridgefield	22 units	Completed
RCA – Borough of Ogdensburg	22 units	Completed
Choctau Trail (100% Affordable)	1 unit (of 88 units)	Proposed
TOTAL UNITS	162 units	--
TOTAL OBLIGATION	162 units	--

5. The first paragraph on Page 57, under “D. Additional Unmet Need Mechanisms”, is revised to be consistent with the changes to the table above. The revised paragraph reads as follows:

The rules make clear that there is no requirement that a municipality “meet” and “satisfy” its entire unmet need; the rules require a municipality to “address” and “respond” to unmet need. In addition to 31 surplus units at the Choctau Trail 100 percent affordable housing site, 16 units to be constructed at the 78 Woodcliff Lake Rd 100 percent affordable housing site and the proposed Overlay Zone along Boroline Road, as described in Section C. above, the Borough proposes to address its 112-unit unmet need through an accessory apartment program, development fees, and a Borough-wide mandatory set-aside program, as discussed below.