2018 Housing Element and Fair Share Plan

Borough of Westwood

Bergen County, New Jersey

PREPARED FOR:

Borough of Westwood and Westwood Planning Board

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Housing Element and Fair Share Plan

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Bergen County, New Jersey

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Prepared for Borough of Westwood Planning Board
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Executive Summary

The following 2018 Housing Plan and Fair Share Element of the Master Plan outlines the manner in which the Borough of Westwood, New Jersey will address its affordable housing obligation. Ultimately, the analysis contained herein establishes that the Borough has an affordable housing obligation of five hundred and four (526) units total. This consists of an Prior Round Obligation of eighty-seven (87) units, a Present Rehabilitation Need of forty-eight (48) units (seeking reduction to twenty-six (26) units modified by a structural condition survey) and a Gap (1999-2015) plus a Prospective Need (2015-2025) Obligation of three hundred and ninety-one (391) units. The Borough was granted a vacant land adjustment in the prior round by COAH and of the Gap and Prospective Need to a realistic development potential (RDP) of one (1) unit. The prior round obligation is fully met by Prior Round credits. The RDP of 1 unit is being addressed by one qualified family unit as realized by the proposed overlay ordinances or the Mandatory Set-Aside Ordinance (MSO), as detailed herein. Unmet need is also being addressed by the excess prior cycle credits and/or the recent creation of special needs and assisted living housing.

Specific details as to how this obligation was calculated, as well as a background of the affordable housing process and an overview of the community, are contained within the body of this report.

Introduction

The following section provides a brief introduction for the 2018 Housing Plan and Fair Share Element for the Borough of Westwood and includes: a historic overview of the courts and COAH; the Borough's historic response to its affordable housing obligations, and; the Third-Round affordable housing obligation and the Borough's response to it.

Historic Overview of the Courts and COAH

In 1975, the New Jersey Supreme Court decided So. Burl. Cty. N.A.A.C.P. v. Tp. Of Mt. Laurel, 67 N.J. 151 (1975)("Mount Laurel I"), in which it held that every developing municipality in the state had an affirmative constitutional obligation to provide for its fair share of affordable housing. After there was little movement by municipalities to produce affordable housing, the Supreme Court issued a second decision known as So. Burlington Ct. N.A.A.C.P. v. Mount Laurel Tp., 92 N.J. 158 (1983)("Mount Laurel II"), in which it created the builder's remedy lawsuit in an effort to get municipalities to comply with their constitutional affordable housing obligations. The Supreme Court also refined the constitutional obligation to focus primarily on those municipalities with portions of their boundaries within the growth area as shown on the State Development and Redevelopment Plan and called for the state legislature to enact legislation that would save municipalities from the burden of having the courts

determine their affordable housing needs. As a result, the state legislature adopted the Fair Housing Act in 1985, and this was followed by the establishment of the New Jersey Council on Affordable Housing (COAH), the State agency responsible for overseeing the manner in which the State's municipalities address their low and moderate-income housing needs.

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

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

In May 2008, COAH proposed revised Third Round regulations, which became effective on June 2, 2008. On the same day, COAH proposed amendments to the rules it just adopted, and said amendments went into effect in October 2008.

The rules and regulations adopted in 2008 were also challenged, and in October 2010, the Appellate Division concluded that COAH's revised 2008 regulations suffered from many of the same deficiencies as the first iteration of COAH's Third Round rules, and it therefore invalidated substantial portions of the 2008 Third Round regulations, including all regulations that dealt with the growth share methodology. See In re Adoption of N.J.A.C. 5:96 & 5:97, 416 N.J. Super. 462 (App. Div. 2010). The Supreme Court affirmed this decision in September 2013, and on March 14, 2014, issued an order which required COAH to adopt new Round 3 regulations by October 22, 2014.

Unfortunately, COAH failed to adopt their newly revised Third Round regulations, deadlocking with a 3-3 vote in October of 2014. Fair Share Housing Center ("FSHC"), who was a party in both the 2010 and 2013 cases, responded by filing a motion in aid of litigants rights with the New Jersey Supreme Court. The Supreme Court heard the motion in January 2015, and on March 10, 2015 issued In the Matter of the adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) ("Mount Laurel IV"). In this decision, the Supreme Court held that COAH was effectively dysfunctional, and consequently, returned jurisdiction of affordable housing issues back to the trial courts, where it had been prior to the creation of COAH in 1986.

The Mount Laurel IV decision also created a process for municipalities, like Westwood, that have addressed their fair share obligations in the past but could not obtain Third Round substantive certification of their Housing Element and Fair Share Plan (HE&FSP) because of COAH's inaction, to instead work towards getting its plan approved via a Third Round Judgment of Compliance and Repose. These municipalities were entitled to file declaratory judgment actions seeking to declare their affordable housing plans constitutionally compliant and were also entitled to apply for temporary immunity from all Mount Laurel lawsuits, including builder's remedy lawsuits, while they prepared a new or revised affordable housing plan.

In response to the Mount Laurel IV decision, the Borough of Westwood filed a Declaratory Judgment Complaint, along with a simultaneous motion for temporary immunity, on or about June 30, 2015. The Court granted temporary immunity to the Borough, which has been subsequently extended via the entry of a series of court orders until the most recent Superior Court Settlement Order.

THE BOROUGH'S HISTORIC REPONSES TO ITS AFFORDABLE HOUSING OBLIGATION

The Borough of Westwood has prepared several Housing Elements and Fair Share Plans over the years to address its affordable housing obligations. As noted above, COAH had originally adopted a 'fair share' methodology to determine housing-need numbers for all municipalities in the state in 1987 and again in 1994.

The Borough's initial effort to address its Mount Laurel obligation was set forth in the 2000 Housing Plan, whereby Westwood Housing and Fair Share Plan addressed its low and moderate-income housing obligation of 87 dwelling units and a rehabilitation component of 17 units. In this plan the Borough requested and subsequently received a vacant land adjustment due to the lack of available land that can support the necessary scale of development to realize the production of affordable units, which resulted in a realistic development potential (RDP), of 8 units. Westwood was obligated at this time to fulfill an unmet need of 79 units and its rehabilitation obligation which was addressed through the Borough's surplus credits from units that were already constructed. This plan was officially certified by COAH on April 7, 2004.

In 2008, COAH adopted revised Third Round rules to address the 2007 court decision. On December 22, 2008, the Borough filed a petition for substantive certification with COAH in accordance with its revised Third Round obligations. As detailed in the Third Round Housing and Fair Share Plan adopted on December 4, 2008, the Borough's third round "growth share" affordable housing growth share obligation was projected to be 89 units, consisting of a 48-unit growth share obligation for the period between 2004 and 2014 and 41 rehabilitation units. It was also determined

during second round certification that the borough qualified for 13 rehabilitation credits therefore the borough had a remaining rehabilitation requirement of 28 units. The Borough estimated that a substantial number of the remaining units identified in need were likely spontaneously rehabilitated during the strong market conditions for home improvement experienced up to 2006. The Borough identified at that time, it would continue participating in the Bergen County Home Improvement Program for the remaining units of rehabilitation.

In 2010, the Appellate Division again invalidated COAH's revised Third Round rules, including the "growth share" methodology that COAH had promulgated in 2007 to determine municipalities' fair share affordable housing obligations. This ruling established that the Housing Element and Fair Share Plan submitted by the Borough of Westwood in 2008, was invalid due to the change in the methodology to formulate a plan so the Borough awaited the production of new rules by which to address affordable housing need. On September 26, 2013, the Court affirmed the Appellate Division's decision striking down COAH's Third Round rules and ordered COAH to promulgate new regulations in accordance with its first and second round regulations.

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

The state of the Third Round affordable housing obligations for municipalities throughout New Jersey at present remains a fluid one, given the fact that neither the Courts, COAH, nor the legislature has come up with a definitive set of housing-need numbers that has been universally accepted. Two sets of numbers have been promulgated. These include numbers prepared by Econsult Solutions on behalf of a consortium of municipalities known as the Municipal Joint Defense Group, of which Westwood is a part, and numbers prepared by Dr. David Kinsey on behalf of FSHC. The statewide affordable housing-need numbers vary dramatically.

On March 8, 2018, an opinion was entered by the Honorable Mary C. Jacobson, A.J.S.C., in the consolidated declaratory judgment proceedings: In the Matter of the Municipality of Princeton, Docket No. MER-L-1550-15 and In the Matter of West Windsor Township, Docket No. MER-L-1561-15, Superior Court of New Jersey, Law Division, Mercer County (collectively, the "Mercer Proceeding"). The opinion rendered in the Mercer Proceeding is titled: Opinion on Fair Share Methodology to Implement the Mount Laurel Affordable Housing Doctrine for the Third Round (the "Jacobson Opinion"). The Jacobson Opinion considered, analyzed and, ultimately, determined the appropriateness of the competing methodologies advocated by Econsult Solutions and Dr. Kinsey to determine New Jersey state-wide, regional and municipal present need rehabilitation and present need Gap + Prospective Need (1999-2015) affordable housing obligations. On March 28, 2018, state-wide and municipal obligations using the methodology found to be most appropriate by Judge Jacobson in the Jacobson Opinion (the "Jacobson Methodology") were released.

The following table compares the latest Econsult report's fair share obligation numbers for Westwood (dated April 2017) against those assigned to Westwood in FSHC's May 2016 report and the affordable housing obligations for Westwood as calculated in the March 2018 report using the Jacobson Methodology:

Table 1: Fair Share Obligation Comparisons
Borough of Westwood, New Jersey

Requirement	Econsult	FSHC	Jacobson
Rehabilitation Obligation:	52	48	52
Prior Round Obligation (1987-1999):	87	87	87
Gap + Prospective Need Obligation (1999-2025):	129	503	330

Since the Town lacks vacant land, it decided to attempt to globally settle with FSHC, rather than engage in a trial with FSHC to determine fair share numbers. Under the supervision of the Court, the Borough and FSHC entered into a Settlement Agreement, which was executed by the Mayor of Westwood on April 24, 2018. Under the terms of the Settlement Agreement, FSHC and the Borough agreed that Westwood would accept, for settlement purposes only, the following affordable housing obligations:

Table 2: Fair Share Obligation per Settlement Agreement
Borough of Westwood, New Jersey

Requirement	Need
Rehabilitation Obligation:	48*
Prior Round Obligation (1987-1999):	87
Gap(1999-2015)+ Prospective Need Obligation (1999-2025):	391

*Subject to a structural conditions survey to verify need.

The Settlement Agreement also affirms, irrespective of the above, that the Borough's combined Prior and Third Round realistic development potential (RDP) is 1, which is based upon the Prior and Third Round Vacant Land Adjustment ("VLA") analyses, and that its remaining Unmet Need is 390. In addition, the Settlement Agreement details the manner in which the Borough will address its affordable housing obligations, which can be summarized as follows.

The Borough will address its affordable housing need through existing affordable housing units and credits, inclusionary housing zones and overlay zones, and the creation of a Borough-wide mandatory set-aside ordinance. To address the Prior Round Obligation of 87 units will be via surplus credits from past affordable housing completions. In addition, the Borough has a number of excess credits/plan components that can be applied to future rounds or address unmet need as determined to be appropriate. While the Borough has a number of such credits, the unit of RDP is restricted to a family unit, therefore the Borough will address its 1-unit obligation by a provision requiring the first qualifying unit to be created from the overlay ordinance or the MSO provisions shall be a qualified family unit in accordance with applicable regulations.

To address its Unmet Need, the Plan provides a realistic opportunity for the development of affordable housing through the adoption of zoning or overlay zoning for inclusionary development. Furthermore, the Plan outlines a proposal for a Borough-wide (non-R-1 zone), mandatory set-aside ordinance, which will facilitate the creation of additional affordable units to be applied to Unmet Need. All of this is described in greater detail below.

In addition, the Borough intends to address its rehabilitation obligation which is proposed to be reduced to 26 units, based upon a structural conditions survey, through participation in the Bergen County Home Improvement Program, with funding from the Borough's affordable housing trust fund, consistent with COAH's Second Round rules. This is also discussed in more detail herein.

This plan is organized into three sections. The first part of this plan, the Housing Element, contains background data on the Borough's physical, demographic, and housing characteristics. The second section describes the Borough's obligation for the provision of affordable housing. The Borough's plan for meeting its affordable housing obligation is contained in the final section, Fair Share Plan. As noted above, the process being followed is fluid, and as the Courts respond to the myriad issues that they need to address, it is recognized that this plan may require adjustment.

Section I: Housing Element

A. Community Overview

The Borough of Westwood is located within the central portion of Bergen County. It is bounded by the Borough of Hillsdale and the Township of River Vale to the north, the Township of Washington to the west, and the Borough of Emerson to the south.

Westwood has a land area of approximately 2.2 square miles, making it the 39th largest municipality is Bergen County. It is a fully developed community with very little vacant land remaining for development. The Borough of Westwood is essentially a fully developed community, with its little remaining vacant land characterized by environmentally sensitive features. The majority of the Borough is primarily characterized by residential developments with the housing stock being characterized by predominantly single family detached dwellings, which as noted below represent nearly 60 percent of all dwelling units. Slightly over 20 percent of the Borough's housing stock contains 10 or more units. The downtown area of the Borough is located along Westwood Avenue, Washington Avenue and Broadway.

Major regional traffic is carried through the Borough on Bergen County Route 502 on Washington and Westwood Avenue in an east to west direction while County Route 503 traverses in a north to south direction along Kinderkamack Road. Westwood has a New Jersey Transit train station along the Pascack Valley Line, which connects to the south at Hoboken Junction to the south and terminates in the north in Spring Valley, New York. The Westwood station is located adjacent to Broadway in the Borough's downtown area.

B. Inventory of Municipal Housing Stock

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

1. Number of Dwelling Units. As illustrated in Table 3 below, there was a 0.56 percent increase in the number of housing units in the Borough, from 4,610 units in 2000 to 4,636 units in 2010. The most recent ACS estimate depicts a housing stock decrease since 2010. As noted in the source information, the ACS is a presentation of averages across a range of five years, 2012 to 2016 in this case, and not an official count.

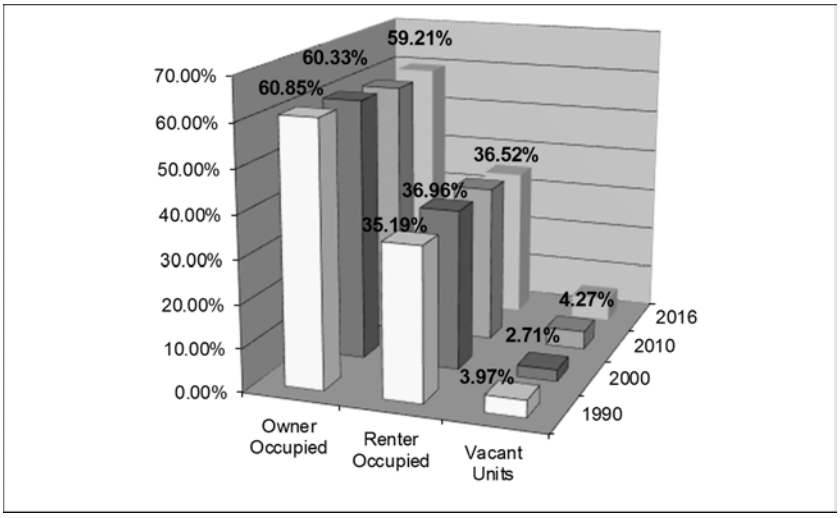
Table 3: Housing Characteristics Dwelling Units (1950-2016*)
Borough of Westwood, New Jersey

Year	Dwellings	Numerical Change	% Change
1950	2,076	--	--
1960	2,814	738	35.5
1970	3,468	654	23.2
1980	3,859	391	11.3
1990	4,260	401	10.4
2000	4,610	350	8.21
2010	4,636	26	0.56
2016*	4,474	162	-3.5

* 2016 data is the average between January 2012 and December 2016.
Sources: U.S. Census; 2016 American Community Survey 5-Year Estimates.

As shown in Table 5 and Chart 2 below, percent in 2000 and then again to 59.2 percent in 2010. The rental occupancy increased from 35.2 in 1990 to 37 percent in 2000 and then back down again to 36.5 percent in 2010. Housing vacancy increased from 2.7 in 2000 to 4.3 percent in 2010 and is on track to continue with this trend as evidenced by the 2016 ACS 5-year estimate of 5.4 percent.

Chart 1: Housing Units by Tenure and Occupancy Status* (1990, 2000, 2010 and 2016*)
Borough of Westwood, New Jersey



* 2016 data is the average between January 2012 and December 2016.
Sources: U.S. Census; 2016 American Community Survey 5-Year Estimates.

Table 4: Housing Ownership by Tenure and Occupancy Status (1990-2010*)
Borough of Westwood, New Jersey

	1990		2000		2010		2016*	
Category	# of Units	%	# of Units	%	# of Units	%	# of Units	%
Owner Occupied	2,592	60.8	2,781	60.3	2,745	59.2	2,669	59.7
Renter Occupied	1,499	35.2	1,704	37.0	1,693	36.5	1,562	34.9
Vacant Units	169	4.0	125	2.7	198	4.3	243	5.4
Total	**4,260**	**100.0**	**4,610**	**100.0**	**4,636**	**100.0**	**4,474**	**100.0**

* 2016 data is the average between January 2012 and December 2016.
Sources: U.S. Census; 2016 American Community Survey 5-Year Estimates.

2. Housing Characteristics. This section provides additional information on the characteristics of the Borough's housing stock, including the number of units in structure and the number of bedrooms per dwelling unit. Single-family detached dwellings are the predominant housing type in the Borough. The 2016 ACS 5-year estimate provided in Table 6 below shows a total of

2,492 single-family detached dwellings which amounts to 55.7 percent of all housing units in Westwood. This percentage is a slight decrease from 2000, when single-family dwellings accounted for 58.6 percent. The data also reveals that there are a substantial number of units within multi-family developments, mostly located in large garden apartment buildings.

Table 5: Units in Structure (1990, 2000, and 2016*)
Borough of Westwood, New Jersey

Units in Structure	1990		2000		2016*	
	No.	%	No.	%	No.	%
Single Family, Detached	2602	61.0	2706	58.6	2,492	55.7
Single Family, Attached	20	0.5	123	2.6	132	3.0
2	464	11.0	505	11.0	494	11.0
3 or 4	258	6.0	351	7.6	314	7.0
5 to 9	136	3.2	212	4.6	172	3.8
10 to 19	228	5.4	155	3.4	220	4.9
20+	484	11.4	558	12.2	650	14.5
Mobile Home	0	0	0	0	0	0.0
Other	68	1.5	0	0	0	0.0

*2016 data is the average between January 2012 and December 2016.
Sources: U.S. Census; 2016 American Community Survey 5-Year Estimates.

3. Housing Age. The table below indicates the relative age of the Borough's housing stock, revealing that more than a third of units were constructed before 1939 and more than half were constructed before 1960. More than two thirds of the housing stock in the Borough are 50 years old or older.

Table 6: Year Structure Built (2016*)
Borough of Westwood, New Jersey

Year Units Built	Number	Percent
2010 or Later	11	0.2
2000 to 2009	241	5.4
1990 to 1999	345	7.7
1980 to 1989	454	10.1
1970 to 1979	383	8.6
1960 to 1969	473	10.6
1950 to 1959	833	18.6
1940 to 1949	465	10.4
1939 or earlier	1,269	28.4
Total	4,474	100.0

Source: 2016 American Community Survey 5-Year Estimates

3. Housing Conditions. An inventory of the Borough's housing conditions is presented in the following tables. The following table presents the number of occupants per room which is the most common measure of overcrowding. The number of units considered overcrowded has decreased since 2000, and most of the Borough's units are 1.00 or less occupants per room. Similarly, the overall number of total occupied units appears to have decreased from 4,485 in 2000 to 4,438 in 2010 and the estimate of 4,231 in 2016 according to the 2016 ACS 5-year estimate indicates a continued decline in total occupied units.

Table 7: Occupants per Room (2000, 2010 and 2016**)
Borough of Westwood, New Jersey

Occupants Per Room	2000		2010		2016*	
	Number	%	Number	%	Number	%
1.00 or less	4,379	97.6			4,162	58.4
1.01 to 1.50	45	1.0			55	1.3
1.51 or more	61	1.4			14	0.3
Total Occupied Units	4,485	100	4,438	100	4,231	100

*2016 data is the average between January 2012 and December 2016.
Sources: U.S. Census; 2016 American Community Survey 5-Year Estimates.

The table below presents additional detail regarding housing conditions, including the presence of complete plumbing and kitchen facilities and the type of heating equipment used. As shown, the 2016 ACS 5-year estimate shows less than one percent of

Westwood's occupied housing units are lacking complete kitchen facilities, plumbing facilities and/or standard heating equipment.

Table 8: Occupied Housing Units - Equipment and Plumbing Facilities (2000 and 2016*)
Borough of Westwood, New Jersey

Facilities	2000		2016*	
	Number	Percent	Number	Percent
Kitchen:				
With Complete Facilities	4,589	99.5	4,205	99.4
Lacking Complete Facilities	21	0.5	26	0.6
Plumbing:				
With Complete Facilities	4,588	99.5	4,219	99.7
Lacking Complete Facilities	22	0.5	12	0.3
Heating Equipment:				
Standard Heating Facilities	4,610	100	4,217	99.7
No Fuel Used	0	0	14	0.3
Total Occupied Units	**4,610**	**100**	**4,231**	**100**

* 2016 data is the average between January 2012 and December 2016.
Sources: 2000 U.S. Census; 2016 American Community Survey 5-Year Estimates.

4. Purchase and Rental Values. The table below shows that the Borough's median monthly rent for its rental housing stock is approximately $1,630 according to the 2016 ACS 5-year estimate. This figure is 15 percent higher than the median monthly rent of Bergen County, which was $1,380 in 2016 according to the 2016 ACS 5-Year Estimates.

Table 9: Gross Rent of Specified Renter-Occupied Housing Units (2016*)
Borough of Westwood, New Jersey

Rent	2016*	
	Number	Percent
Less than $500	192	12.8
$500 to $999	42	2.8
$1,000 to $1,499	376	25.0
$1,500 to $1,999	546	36.3
$2,000 to $2,499	103	6.8
$2,500 to $2,999	111	7.4
$3,000 or more	134	8.9
No cash rent	58	X
Total	**1,504**	**100**
Median Gross Rent	**$1,630**	

* 2016 data is the average between January 2012 and December 2016.
(X) means that the estimate is not applicable or not available.
Source: 2016 American Community Survey 5-Year Estimates.

Table 10: Value of Specified Owner-Occupied Housing Units (2016*)
Westwood, New Jersey

Value	2016*	
	Number	Percent
Less than $50,000	77	2.9
$50,000 to $99,999	0	0.0
$100,000 to $149,999	24	0.9
$150,000 to $199,999	58	2.2
$200,000 to $299,999	104	3.9
$300,000 to $499,999	1,528	57.2
$500,000 to $999,999	860	32.2
$1,000,000 or more	18	0.7
Total	**2,669**	**100**
Median Value	**$437,800**	

* 2016 data is the average between January 2012 and December 2016.
Sources: 2000 U.S. Census; 2016 American Community Survey 5-Year Estimates.

As shown above, the median value of owner-occupied units in Westwood is $437,800. This figure was only slightly below (1.28 percent change) Bergen County's median housing value, which was $443,300 in 2016 according to the 2016 ACS 5-Year Estimates.

5. Number of Units Affordable to Low- and Moderate-Income Households. Based on COAH's 2017 regional income limits, the median household income for a three-person household in COAH Region 1, Westwood's housing region comprised of Bergen, Hudson, Passaic and Sussex Counties, is $77,492. A three-person moderate-income household, established at no more than 80 percent of the median income, would have an income not exceeding $61,993. A three-person low-income household, established at no more than 50 percent of the median income, would have an income not exceeding $38,746.

   An affordable sales price for a three-person moderate-income household earning 80 percent of the median income is estimated at approximately $260,000. An affordable sales price for a three-person low-income household earning 50 percent of the median income is estimated at approximately $150,000. These estimates are based on the UHAC affordability controls outlined in N.J.A.C. 5:80-26.1 et seq.

   According to the 2016 ACS 5-year estimate, approximately 6 percent of Westwood's owner-occupied housing units are valued at less than $200,000, and approximately 4 percent are valued at less than $155,000, according to the 2016 American Community Survey.

For renter-occupied housing, an affordable monthly rent for a three-person moderate-income household is estimated at approximately $1,550. An affordable monthly rent for a three-person low-income household is estimated at approximately $970. According to the 2016 ACS 5-year estimate, approximately 40 percent of Westwood's rental units have a gross rent less than $1,500, and approximately 16 percent of the rental units have a gross rent less than $1,000.

6. Substandard Housing Capable of Being Rehabilitated. As discussed in more detail in the Fair Share Obligation section of this report, the Borough of Westwood has undertaken a Structural Conditions Survey of all housing units in the municipality, pursuant to COAH's Second Round rules, to provide an estimate of the number of units in the Borough that are in need of rehabilitation and are not likely to experience "spontaneous rehabilitation." Per the results of the Structural Conditions Survey, Westwood's rehabilitation share is determined to be 26 units. The Town's rehabilitation share is further explored in the Fair Share Obligation section of this document.

C. Projection of Municipal Housing Stock

The COAH regulations require a projection of the community's housing stock, including the probable future construction of low- and moderate-income housing, for the ten years subsequent to the adoption of the Housing Element. This projection shall be based upon an assessment of data which minimally must include the number of residential construction permits issued, approvals of applications for residential development, and probable residential development of lands. Each of these items are identified and outlined below.

1. Housing Units Constructed During the Last Ten Years. The table below provides data concerning residential building permits issued for new construction during the past ten years. During this period, a total of 57 residential building permits were issued for new construction, 22 of which were issued for one and two-family residences and 22 of which were issued for multi-family development. With the exception of multifamily developments that were developed, on average Westwood has issued approximately 3.5 single family residential building permits per year since 2007.

Table 11: Number of Residential Building Permits Issued for New Construction (2008 to 2017)
Westwood, New Jersey

Year Issued	One & Two Family	Multi-Family	Mixed-Use	Total
2008	3	3	0	6
2009	4	3	0	7
2010	2	0	0	2
2011	1	0	0	1
2012	2	0	0	2
2013	6	0	0	6
2014	3	0	0	3
2015	2	0	0	2
2016	9	16	0	25
2017	3	0	0	3
Total	**35**	**22**	**0**	**57**

Source: New Jersey Construction Reporter.

2. Probable Residential Development of Lands. Considering the rate of residential growth experienced in Westwood over the past decade, the continuing economic stagnation following the Great Recession, and the fact that there are a limited number of developable parcels remaining in the Borough, it is anticipated that Westwood will continue to see only modest growth in one- and two-family residential development over the next decade.

   The Borough anticipates that it will experience a lower rate of multi-family residential development over the next decade due to limited vacant land. Multifamily development will therefore will likely encompass sporadic infill development in the form of redevelopment of currently developed parcels.

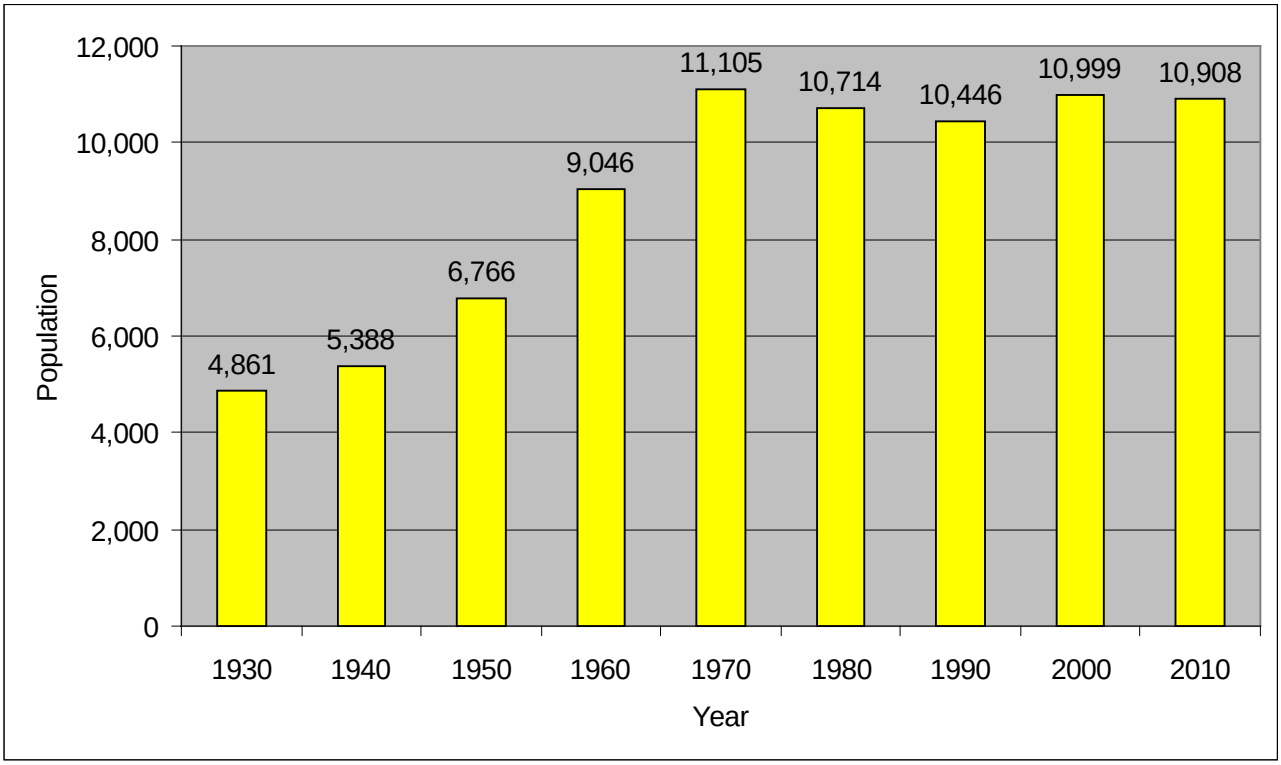
C. Population Analysis

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

1. Population: The 2010 Census determined the Borough has a population of 10,908 residents. Westwood has a population density of approximately 4,743 persons per square mile throughout its 2.3 square miles of land area. The following chart illustrates the population trend since 1930 from various sources available.

Chart 2: Historic Population Trends (1930-2010)

Borough of Westwood



Source: U.S. Census Bureau and Bergen County Data Book 2003

From this data, it is interesting to note that the Borough experienced a slight decline in population from 2000 to 2010. The resulting loss of 91 residents, which represented a 0.8 percent of the year 2000 population, occurred during a time in which the borough experienced significant improvements to its housing stock. This rehabilitation of the housing stock can lead to an increase in the population. This actual reduction in the population may be attributable to the aging population and homes with children aging into adulthood and into new locations.

2. Age Characteristics: Table 12 below provides the age distribution of the Borough's population over the last 20 years as well as mid-decade projections. The Borough's age characteristics indicate an aging community with the median age increasing to 42.7 years of age from 41.8 years of age at the time of the 2000 census and the largest cohort consistently remaining intact (25-34 age group in 1990, 35-44 age group in 2000, and 45-54 age group in 2010). The largest population declines between the 2010 census and the 2016 ACS 5-year estimates appear to be children

under the age of 5 and elderly residents at the age of 85 and older with percent changes of -23.87% and -30.03% respectively.

Table 12: Age Characteristics (1990, 2000 and 2016*)
Borough of Westwood, New Jersey

Age Group	1990		2000		2010		2016*		Change (%) 2010 to 2016
	Pop	%	Pop	%	Pop	%	Pop	%	
under 5	634	6.1	762	6.9	691	6.3	526	4.7	-23.87
5-14	1,078	10.4	1,285	11.6	1,288	11.8	1,574	14.1	22.20
15-24	1,224	11.7	934	8.5	1,061	9.7	1,235	11.1	16.40
25-34	1,869	17.8	1,719	15.6	1,308	12.0	1,235	11.1	-5.58
35-44	1,630	15.6	1,972	17.9	1,693	15.5	1,521	13.6	-10.16
45-54	1,173	11.3	1,528	13.9	1,706	15.6	1,608	14.4	-5.74
55-64	1,089	10.4	1,047	9.5	1,351	12.4	1,543	13.8	14.21
65-74	899	8.6	808	7.5	857	7.9	942	8.4	9.92
75-84	617	5.9	624	5.7	630	5.8	760	6.8	20.63
85+	233	2.2	320	2.9	323	3.0	226	2.0	-30.03
Total	**10,446**	**100**	**10,999**	**100**	**10,908**	**100**	**11,170**	**100**	
Median Age	**37.6**		**38.6**		**41.8**		**42.7**		

* 2016 data is the average between January 2012 and December 2016.
Sources: U.S. Census; 2016 American Community Survey 5-Year Estimates.

3. Average Household Size: Prior census data identified that between the 1990 census and the 2000 census, the Borough's average household size declined from 2.55 to 2.42. This trend was reversed with the 2010 census, albeit slightly (as noted in Table 13 below), as the average household size increased to 2.44. The borough's trend is not atypical when compared to the Bergen County average wherein the household size

saw a slight decrease between 1990 and 2000 as well but has continued to increase since then. 2016 5-year estimates show a continued increase for both geographies.

Table 13: Average Household Size (1990 to 2016*)
Borough of Westwood, New Jersey

Year	Total Population	Number of Households	Average Household Size Westwood	Average Household Size Bergen County
1990	10,446	4,091	2.55	2.67
2000	10,999	4,485	2.42	2.64
2010	10,908	4,438	2.44	2.66
2016*	11,099	4,474	2.62	2.73

* 2016 data is the average between January 2012 and December 2016.
Sources: U.S. Census; 2016 American Community Survey 5-Year Estimates.

4. Household Income: The ACS 2016 5-year estimate indicates that the median income for Westwood's households increased from just below $60,000 in 1999 to more than $75,000 in 2016, representing more than a 25 percent increase over this timeframe. This significant increase parallels the increases in median income within the surrounding region as Westwood's median income is just slightly more than the 2016 ACS 5-year estimate for Bergen County with a median income of $88,487.

Table 14: Household Income (1999 and 2016*)
Borough of Westwood, New Jersey

Income Category	1999		2016*	
	Number	%	Number	%
less than $10,000	261	5.9	120	2.8
$10,000 to $14,999	143	3.1	132	3.1
$15,000 to $24,999	382	8.6	282	6.7
$25,000 to $ 34,999	424	9.5	171	4.0
$35,000 to $ $49,999	673	15.0	419	9.9
$50,000 to $74,999	872	19.4	672	15.9
$75,000 to $99,999	628	14.0	533	12.6
$100,000 to $149,999	733	16.3	753	17.8
$150,000 plus	372	8.2	1,149	27.2
Total	**4,488**	**100**	**4,231**	**100**
Median Income (Household)	***$59,868***		***$89,817***	

* 2016 data is the average between January 2012 and December 2016.
Sources: U.S. Census; 2016 American Community Survey 5-Year Estimates.

5. Housing cost-burden: Households that pay more than 30 percent of their income for housing are considered cost burdened and may have difficulty affording basic necessities such as food, clothing, transportation, and medical care. The 2013 ACS indicates that approximately 41.8 percent of owner-occupied units and 27.5 percent of all renter-occupied units have housing costs greater than 30 percent of their incomes.

Table 15: Housing Cost as Percentage of Income (2016)
Borough of Westwood, New Jersey (B25106)

Percentage of Income	Owner-occupied		Renter	
	Number	Percent	Number	Percent
Less than 20 percent	889	31.7%	285	10.2%
20 to 29 percent	742	26.5%	340	12.1%
30 percent or more	1,170	41.8%	770	27.5%
Occupied Units	2,801	100.0%	1,395	49.8%

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

D. Employment Analysis

The MLUL requires that the housing plan include data on employment levels in the community. As such, the following tables present information on the Borough's employment characteristics.

1. Employment Status. The table below provides information on employment status in Westwood for the segment of the population 16 and over. As shown, Westwood's population age 16 and over has remained relatively stagnant around 67 percent while the unemployment rate for Westwood's civilian labor force more than doubled between 2000 and the 2016 ACS 5-year estimate. This 2016 ACS 5-year estimate for unemployment rate is lower than the that of Bergen County's 2016 estimate unemployment rate of 5.8 percent.

Table 16: Employment Status - Population 16 & Over (2000, 2010* and 2016**)
Borough of Westwood, New Jersey

Employment Status	2000		2010*		2016**	
	Number	%	Number	%	Number	%
In labor force	5,874	66.3	5,990	68.2	6,047	67.5
Civilian labor force	5,874	66.3	5,990	68.2	6,047	67.5
Employed	5,750	64.9	5,675	64.7	5,752	64.2
Unemployed	124	1.4	315	3.6	295	3.3
% of civilian labor force	--	2.1	--	5.3	--	4.9
Armed Forces	0	0	0	0	0	0
Not in labor force	2,982	33.7	2,787	31.8	2,916	32.5
Total Population 16 and Over	8,856	100	8,777	100	8,963	100

* 2010 data is the average between January 2006 and December 2010.
** 2016 data is the average between January 2012 and December 2016.
Sources: 2000 U.S. Census; 2010 and 2016 American Community Survey 5-Year Estimates.

2. Employment Characteristics of Employed Residents. The following two tables detail information on the employment characteristics of Westwood residents. Table 17 details employment by occupation and Table 18 details employment by industry. As shown in Table 17, nearly half of Westwood residents are employed in the management, business, science, arts occupations in the 2016 ACS 5-year estimate data, which increased to 49 percent from 42.5 percent in 2000. The occupation sectors that have experienced the greatest declines among Westwood residents since 2000 are service occupation (-27.3 percent change) as well as production, transportation, and material moving occupations (-28.8 percent change).

   According to Table 18, the industries that have experienced the greatest declines among Westwood residents since 2000 include: agriculture, forestry, fishing and hunting, and mining; public administration; and arts, entertainment, recreation, accommodation and food services. The industries experiencing the most growth since 2000 were construction and professional, scientific, management, administrative, and waste management services at 66.2 percent and 63.4 percent growth respectively.

Table 17: Employed Residents Age 16 and Over, By Occupation (2000 and 2016*)
Borough of Westwood, New Jersey

Occupation	2000		2016*		Change (%)
	Number	Percent	Number	Percent	
Management, business, science, and arts occupations	2,444	42.5	2805	49	14.8
Service occupations	839	14.6	610	11	-27.3
Sales and office occupations	1,678	29.2	1598	28	-4.8
Natural resources, construction, and maintenance occupations	372	6.5	442	8	18.8
Production, transportation, and material moving occupations	417	7.3	297	5	-.28.8
Total	5,750	100	5,752	100	

* 2016 data is the average between January 2012 and December 2016.
Sources: 2000 U.S. Census; 2016 American Community Survey 5-Year Estimates.

Table 18: Employed Residents Age 16 and Over, By Industry (2000 and 2016*)
Borough of Westwood, New Jersey

Industry	2000		2016*		Change (%)
	Number	Percent	Number	Percent	
Agriculture, forestry, fishing and hunting, and mining	8	0.1	0	0.0	-100
Construction	198	3.4	329	5.7	66.2
Manufacturing	665	11.6	403	7.0	-39.4
Wholesale trade	255	4.4	263	4.6	16.9
Retail trade	841	14.6	751	13.1	-10.7
Transportation and warehousing, and utilities	268	4.7	180	3.1	-32.8
Information	317	5.5	349	6.1	10.1
Finance, insurance, real estate, and rental and leasing	577	10.0	484	8.4	-16.1
Professional, scientific, management, administrative, and waste management services	598	10.4	977	17.0	63.4
Educational, health and social services	998	17.4	1379	24.0	38.2
Arts, entertainment, recreation, accommodation and food services	440	7.7	239	4.2	-45.7
Other services (except public administration)	355	6.2	299	5.2	-15.8
Public administration	230	4.0	99	1.7	-57.0
Total	**5,750**	**100**	**5,752**	**100**	

* 2016 data is the average between January 2012 and December 2016.
Sources: 2000 U.S. Census; 2016 American Community Survey 5-Year Estimates.

3. Employment Projections. A projection of the Borough's probable future employment characteristics is based on an assessment of historic employment trends, the number of non-residential construction permits issued, approvals of applications for non-residential development, and probable non-residential development of lands. Each of these items are identified and outlined below.

    a. Historic Employment Trends. The table below provides data on Westwood's average annual employment covered by unemployment insurance over the past ten years. Employment in the Borough has

fluctuated over the past decade between a low of 4,212 jobs in 2010 and 5,695 jobs in 2004. The most noticeable change in employment occurred between 2007 and 2008, when the Borough lost over 900 jobs, representing a 17 percent decrease. The Borough continued to lose jobs through 2010. Since then, the number of jobs has fluctuated with an overall gain 569 jobs since the beginning of 2011. Assuming the current economic climate continues and recognizing the limited availability of vacant land for new non-residential developments, only minor changes in employment are anticipated. Based upon the fully developed character of the community's non-residentially zoned areas – which leaves few sites available for development – few additional jobs are anticipated to be created.

Table 19: Average Covered Employment Trends (2005-2016)
Borough of Westwood, New Jersey

Year	Number of Jobs	Change in Number of Jobs	Percent Change
2005	5,458	--	--
2006	5,610	152	2.8%
2007	5,392	-218	-3.9%
2008	4,470	-922	-17.1%
2009	4,412	-58	-1.3%
2010	4,212	-200	-4.5%
2011	4,309	97	2.3%
2012	4,280	-29	-0.7%
2013	4,706	426	10.0%
2014	5,005	299	6.4%
2015	4,817	-188	-3.8
2016	4,781	-36	-0.7

Sources: NJ Department of Labor and Workforce Development.

Section II: Fair Share Obligation

SUMMARY OF FAIR SHARE OBLIGATION

The state of the Third-Round affordable housing obligations for municipalities throughout New Jersey continues to be in flux, given the fact that neither the Courts, COAH, nor the legislature has come up with a definitive set of housing-need numbers that has been universally accepted. Thus far, two sets of numbers have been promulgated and widely discussed. These include numbers prepared by Econsult Solutions on behalf of a consortium of municipalities known as the Municipal Joint Defense Group, of which Westwood is a part, and numbers prepared by Dr. David Kinsey on behalf of the Fair Share Housing Center (FSHC). In addition, state-wide and municipal obligations for the present need rehabilitation obligation, as well as the Gap + Prospective Need obligation (1999-2015) have been calculated using the previously noted Jacobson decision Methodology. These housing-need numbers for the Borough of Westwood are as follows:

Table 20: Fair Share Obligation Comparisons
Borough of Westwood, New Jersey

Requirement	Econsult	FSHC	Jacobson
Rehabilitation Obligation:	52	48	52
Prior Round Obligation (1987-1999):	87	87	87
Gap + Prospective Need Obligation (1999-2025):	129	503	330

With the supervision of the Court, the Borough and FSHC entered into a Settlement Agreement, which was executed by the Mayor of Westwood on April 24, 2018. Under the terms of the Settlement Agreement, FSHC and the Borough agreed that Westwood would accept, for settlement purposes only, the following affordable housing obligations for the period from 1987 through July 1, 2025:

Table 21: Fair Share Obligation per Settlement Agreement
Borough of Westwood, New Jersey

Requirement	Need
Rehabilitation Obligation:	48*
Prior Round Obligation (1987-1999):	87
Gap (1999-2015) + Prospective Need Obligation (1999-2025):	391

*Subject to a structural conditions survey to verify need.

Rehabilitation Obligation

The rehabilitation component of the affordable housing obligation is based on a municipality's existing housing deficiencies. It is defined as the number of deficient housing units occupied by low- and moderate-income households within a municipality. A deficient housing unit is a unit with health and safety code violations that require the repair or replacement of a major system. A major system includes any of the following: weatherization, roofing, plumbing, heating, electricity, sanitary plumbing, lead paint abatement and/or load bearing structural systems.

The Rehabilitation Obligation of 48 units is requested to be adjusted to 26 based upon the results of a Structural Conditions Survey, which is permitted under COAH's Second Round rules at NJAC 5:93-5.2(a). The Westwood's Structural Conditions Survey (see the attached survey in the Appendix of this document), was prepared in December of 2016 by Armand Marini, Construction Official for the Borough of Westwood. The results of the survey, which covered the entire municipality, revealed that Westwood presently contains 26 dwelling units that are deficient in accordance with applicable rules.

Vacant Land Adjustment

Since the Borough of Westwood is essentially fully developed, it is entitled to adjust its Gap + Prospective Need (1999-2025) Obligation in accordance with the Vacant Land Adjustment (VLA) procedures set forth in COAH's Second Round rules. As such, the FSHC Settlement Agreement establishes the Borough's Realistic Development Potential ("RDP") for the Gap + Prospective Need Obligation (1999-2025) at 1 and its remaining "unmet need" at 390.

A calculation of the Borough's Prior Round RDP was based on a Vacant Land Analysis (VLA). The VLA presented herein first identified all privately-owned and publicly-owned vacant sites in the Borough, which encompass a total of 41.40 acres. Of this total, 28.83 acres are comprised of vacant sites that are minimally 0.83 acres. The analysis then evaluated each site identified including the presence of environmental constraints (wetlands, steep slopes, riparian zones, and flood plains), pursuant to the applicable regulations at NJAC 5:93-4.2. This review of the applicable environmentally sensitive features identified that only one vacant site, containing 0.84 acres, was applicable for the calculation in the VLA. Pursuant to the applicable regulations, a minimum density of six (6) dwelling units was imposed on the 0.84 acres, and then a twenty (20%) percent set-aside was imposed on that calculation. This formula resulted in an affordable housing need of one (1) affordable housing unit. As a result, Westwood has an RDP of one (1) unit which is reduced from their prior round vacant land analysis of 8 units due to development since that time.

The following Vacant Land Adjustment Map and accompanying table provide an overview of the assessment of all parcels identified as vacant in Borough tax records as well as any constraints or other considerations affecting these properties, as deemed necessary and appropriate.

Figure 1: Vacant Land Map

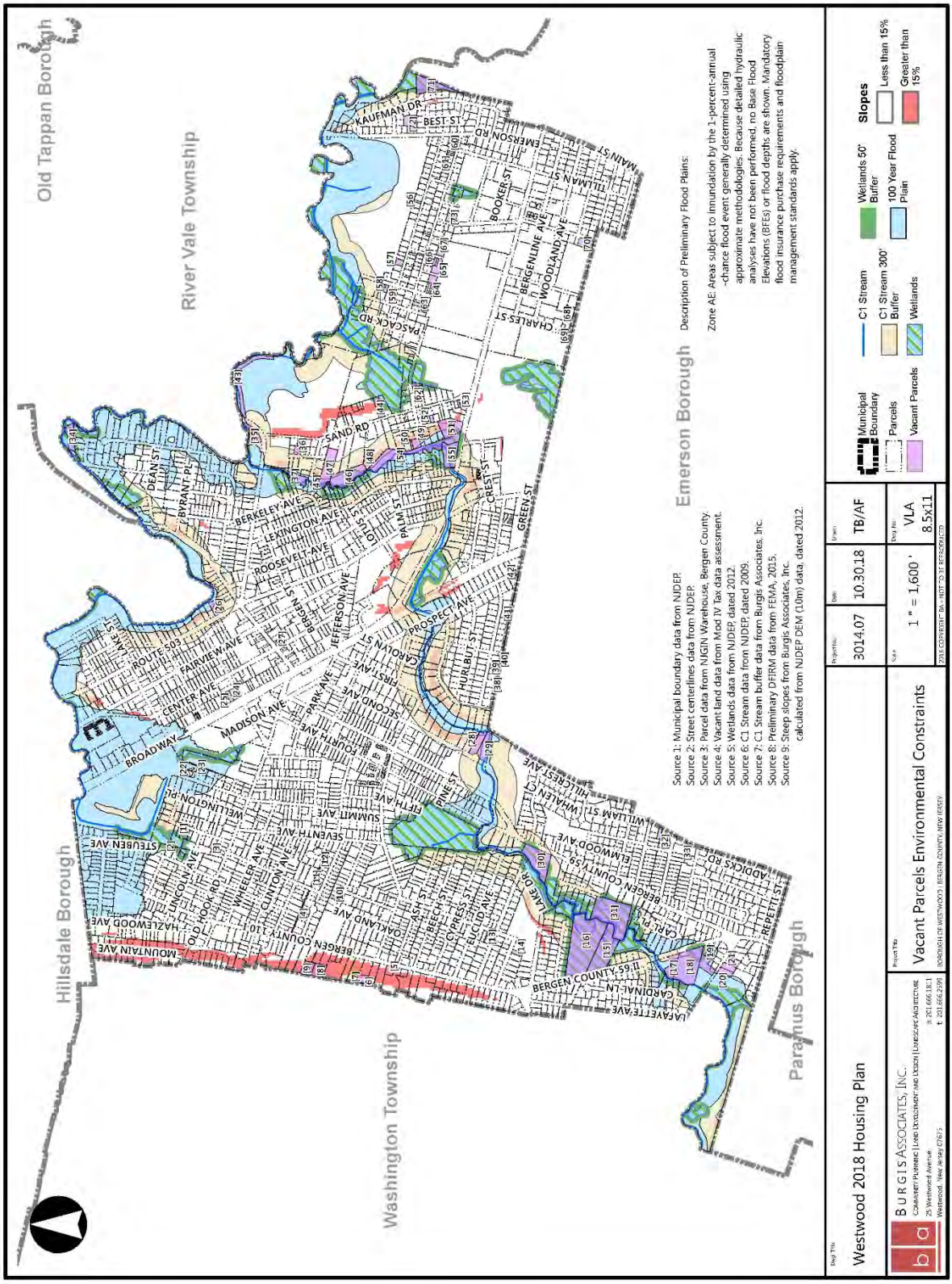


Table 22: Vacant Land Assessment
Borough of Westwood, New Jersey

ID	Block	Lot	Location	Owner	Area (ac)	Comments	Developable Area (ac)	RDP (units)
1	104	12	GARDEN PLACE	HECK, EVA L	0.14	Lot too small to qualify for RDP Analysis. Environmental constraints: Wetlands/Buffer, Steep Slopes. Approximately 3,685 square feet are constrained.	0.06	0
2	104	22	MC KINLEY AV-NO FR	UNKNOWN	0.00	Lot too small to qualify for RDP Analysis. Environmental constraints: 100 Year Floodplain, Wetlands/Buffer. Entirety of parcel is constrained.	0.00	0
3	112	9	GARDEN PL	UNKNOWN	0.01	Lot too small to qualify for RDP Analysis.	0.01	0
4	215	2	LAFAYETTE & NEWARK S	WESTERVELT ESTATE OF MARY L	0.15	Lot too small to qualify for RDP Analysis. Appears to be narrow easement.	0.15	0
5	301	7	410 LAFAYETTE AVE	OBERG, JOHN	0.28	Lot too small to qualify for RDP Analysis. Owned by adjacent property owner of Block 301 Lot 6. Environmental constraints: Steep Slopes. Approximately 7,530 square feet are constrained.	0.11	0
6	301	11	OFF LAFAYETTE AVE	LUTZ, ROBERT & PATRICIA	0.30	Lot too small to qualify for RDP Analysis. Owned by adjacent property owner of Block 301 Lot 9. Environmental constraints: Steep Slopes. Approximately 4,060 square feet are constrained.	0.20	0
7	301	12	OFF LAFAYETTE AVE	OLLENDIKE, KARL	0.03	Lot too small to qualify for RDP Analysis.	0.03	0
8	301	19	OFF LAFAYETTE AVE	FUCHS, GREGORY M & KELLY L	0.59	Lot too small to qualify for RDP Analysis. Environmental constraints: Steep Slopes. Nearly entirety of site is constrained.	0.00	0
9	301	21	OFF LAFAYETTE AVE	RAJI, BUSARI A. & MAMIE L.	0.56	Lot too small to qualify for RDP Analysis. Environmental constraints: Steep Slopes. Nearly entirety of site is constrained.	0.00	0
10	302	42	STRATTON AVE	SUNKENBERG, BRENDA C. & GAIL S. DAY	0.14	Lot too small to qualify for RDP Analysis. Owned by adjacent property owner of Block 302 Lot 41.	0.15	0
11	303	2	NEWARK AVE	WESTERVELT EST OF MARY L	0.05	Lot too small to qualify for RDP Analysis.	0.05	0

ID	Block	Lot	Location	Owner	Area (ac)	Comments	Developable Area (ac)	RDP (units)
12	303	25	DAVID HOOPER PL	UNKNOWN	0.08	Lot too small to qualify for RDP Analysis.	0.08	0
13	409	11	CLAIRMONT AVE	ORTH & COAN	0.05	Lot too small to qualify for RDP Analysis.	0.05	0
14	501	10	COTTAGE PLACE	FISCHER, MICHAEL A & PATRICIA M	0.16	Lot too small to qualify for RDP Analysis.	0.16	0
15	504	9	FOREST AVE	DAVIS L,LOPEZ D,EST OF E PRODIGO	2.80	Lot does not qualify for RDP Analysis. Environmental constraints: Category One Stream/Buffer, 100 Year Floodplain, Wetlands/Buffer. Entirety of parcel is constrained.	0.00	0
16	504	10	215 FOREST AVENUE	AVERSA ASSOCIATES LTD PARTNERSHIP	6.25	Lot does not qualify for RDP Analysis. Environmental constraints: Category One Stream/Buffer, 100 Year Floodplain, Wetlands/Buffer. Entirety of parcel is constrained.	0.00	0
17	601	4	FOREST AVE	MISHA,JOHN & PATRICIA	0.76	Lot too small to qualify for RDP Analysis. Environmental constraints: Category One Stream/Buffer, 100 Year Floodplain, Wetlands/Buffer. Nearly entirety of site is constrained.	0.00	0
18	601	5	FOREST AVE	MISHA, JOHN & PATRICIA	2.96	Lot does not qualify for RDP Analysis. Environmental constraints: Category One Stream/Buffer, 100 Year Floodplain, Wetlands/Buffer. Approximately 123,322 square feet are constrained.	0.13	0
19	601	14	LAFAYETTE AVE	NAJARIAN, PETER PAUL	0.67	Lot too small to qualify for RDP Analysis. Environmental constraints: Category One Stream/Buffer, 100 Year Floodplain, Wetlands/Buffer. Approximately 27,857 square feet are constrained.	0.03	0
20	602	3.01	42 LAFAYETTE AVENUE	HECK & SON, LLC	0.30	Lot too small to qualify for RDP Analysis. Same owner as adjacent Block 602 Lot 3.02. Combined = 0.4635 ac (does not qualify).	0.24	0
21	602	3.02	36 LAFAYETTE AVENUE	HECK & SON, LLC	0.31	Lot too small to qualify for RDP Analysis. Same owner as adjacent Block 602 Lot 3.01. Combined = 0.4635 ac (does not qualify).	0.22	0

ID	Block	Lot	Location	Owner	Area (ac)	Comments	Developable Area (ac)	RDP (units)
22	801	16	FITZGERALD AVE STR	UNKNOWN	0.01	Lot too small to qualify for RDP Analysis. Environmental constraints: Category One Stream/Buffer, 100 Year Floodplain, Wetlands/Buffer. Entirety of parcel is constrained.	0.00	0
23	801	17	HARVARD PLACE STRIP	ST.ANDREWS CHURCH	0.11	Lot too small to qualify for RDP Analysis. Environmental constraints: 100 Year Floodplain, Wetlands/Buffer. Nearly Entirety of site is constrained.	0.00	0
24	802	1	561 BROADWAY	561 BROADWAY LLC	0.21	Lot too small to qualify for RDP Analysis. Owned by adjacent property owner of Block 802 Lot 2.	0.21	0
25	802	2	565 BROADWAY	561 BROADWAY,LLC	0.17	Lot too small to qualify for RDP Analysis. Owned by adjacent property owner of Block 802 Lot 1.	0.17	0
26	810	4	355 KINDERKAMACK R	2010-1 CRE NJ-LAND LLC	0.33	Lot too small to qualify for RDP Analysis. Environmental constraints: Category One Stream/Buffer, 100 Year Floodplain, Steep Slopes. Entirety of site is constrained.	0.00	0
27	908	6	CENTER AVE	UNKNOWN	0.03	Lot too small to qualify for RDP Analysis.	0.03	0
28	1007	1.04	29 SECOND AVE	ERRICO JR, ANTHONY D	0.68	Lot too small to qualify for RDP Analysis. Environmental constraints: Category One Stream/Buffer, 100 Year Floodplain, Steep Slopes. Entirety of site is constrained.	0.00	0
29	1007	1.05	23 SECOND AVE	ERRICO JR, ANTHONY D	0.95	Lot does not qualify for RDP Analysis. Environmental constraints: Category One Stream/Buffer, 100 Year Floodplain. Entirety of parcel is constrained.	0.00	0
30	1101	2	266 FOURTH AVE	MISHA JOHN & PATRICIA	2.18	Lot does not qualify for RDP Analysis. Consists of vacant Lots 2.01 & 2.02 combined equals = 0.3964 sf (need lot lines). Lot 2 (266 Fourth Ave., 1.992 ac) is developed. Environmental constraints: Category One Stream/Buffer, 100 Year Floodplain, Wetlands/Buffer, Steep Slopes. Entirety of parcel is constrained.	0.00	0

ID	Block	Lot	Location	Owner	Area (ac)	Comments	Developable Area (ac)	RDP (units)
31	1104	1	100 LANGNER PLACE	VALLIS, DEAN & SHIRLEY	3.92	Lot does not qualify for RDP Analysis. Environmental constraints: Category One Stream/Buffer, 100 Year Floodplain, Wetlands/Buffer. Entirety of parcel is constrained.	0.00	0
32	1204	6	NO FRONTAGE	BERNARD, ROBERT D. & DIANE	0.17	Lot too small to qualify for RDP Analysis.	0.17	0
33	1205	19	STRIP OFF ACKERMAN	UNKNOWN	0.03	Lot too small to qualify for RDP Analysis.	0.03	0
34	1301	5	ALONG BROOK	OTTOMANELLI, JOSEPH V & KRISTINE M	0.71	Lot too small to qualify for RDP Analysis. Environmental constraints: Category One Stream/Buffer, 100 Year Floodplain, Wetlands/Buffer. Entirety of site is constrained.	0.00	0
35	1405	16	HARRINGTON AVE	HACKENSACK WATER CO	0.70	Lot too small to qualify for RDP Analysis. Environmental constraints: Category One Stream/Buffer, 100 Year Floodplain, Wetlands/Buffer, Steep Slopes. Entirety of site is constrained.	0.00	0
36	1409	16	33 HIGH ST	PATHAN,LAL M.G.	0.13	Lot too small to qualify for RDP Analysis. Environmental constraints: Category One Stream/Buffer. Approximately 1,553 square feet are constrained.	0.09	0
37	1409	22	ALONG BROOK	HACKENSACK WATER COMPANY	0.64	Lot too small to qualify for RDP Analysis. Environmental constraints: Category One Stream/Buffer, 100 Year Floodplain, Wetlands/Buffer. Entirety of site is constrained.	0.00	0
38	1606	6	JAMES ST-BORO LINE	UNKNOWN	0.01	Lot too small to qualify for RDP Analysis.	0.01	0
39	1606	9	JAMES ST-BORO LINE	UNKNOWN	0.00	Lot too small to qualify for RDP Analysis.	0.00	0
40	1606	12	JAMES ST-BORO LINE	UNKNOWN	0.00	Lot too small to qualify for RDP Analysis.	0.00	0
41	1606	27	JAMES ST-BORO LINE	STERLING DEVELOPERS	0.03	Lot too small to qualify for RDP Analysis.	0.03	0
42	1606	28	PROSPECT AVE - END	UNKNOWN	0.08	Lot too small to qualify for RDP Analysis.	0.08	0
43	1701	2	HARRINGTON AVE	HACKENSACK WATER CO	1.22	Lot does not qualify for RDP Analysis. Environmental constraints: Category One Stream/Buffer, 100 Year Floodplain. Entirety of parcel is constrained.	0.00	0

ID	Block	Lot	Location	Owner	Area (ac)	Comments	Developable Area (ac)	RDP (units)
44	1701	22	95 SAND RD	TILLMAN, SAMUEL EST. OF & COBIN, R.	0.48	Lot too small to qualify for RDP Analysis. Environmental constraints: 100 Year Floodplain, Wetlands/Buffer, Steep Slopes. Approximately 13,863 square feet are constrained.	0.16	0
45	1702	1	MEYER PL	HACKENSACK WATER CO	0.11	Lot too small to qualify for RDP Analysis. Environmental constraints: Category One Stream/Buffer, 100 Year Floodplain, Wetlands/Buffer. Entirety of site is constrained.	0.00	0
46	1702	13	ALONG BROOK-OLD HOOK	HACKENSACK WATER CO	1.71	Lot does not qualify for RDP Analysis. Environmental constraints: Category One Stream/Buffer, 100 Year Floodplain, Wetlands/Buffer, Steep Slopes. Entirety of parcel is constrained.	0.00	0
47	1702	14	HIGH STREET	AMERICAN RED CRESCENT,INC.	1.47	Lot does not qualify for RDP Analysis. Environmental constraints: Category One Stream/Buffer, 100 Year Floodplain, Wetlands/Buffer. Entirety of parcel is constrained.	0.45	0
48	1801	17	PASCACK RD	SCHUBERT,KARL F.	0.30	Lot too small to qualify for RDP Analysis. Environmental constraints: Category One Stream/Buffer, 100 Year Floodplain, Steep Slopes. Entirety of site is constrained.	0.00	0
49	1801	18	REAR LOT 3	DEMPSEY,GEORGE & GLORIA	0.07	Lot too small to qualify for RDP Analysis. Environmental constraints: Category One Stream/Buffer, 100 Year Floodplain, Steep Slopes. Nearly Entirety of parcel is constrained.	0.00	0
50	1802	6	OLD HOOK RD	WESTWOOD COMMONS LLC	1.35	Lot does not qualify for RDP Analysis. Environmental constraints: Category One Stream/Buffer, 100 Year Floodplain, Wetlands/Buffer, Steep Slopes. Approximately 46,306 square feet are constrained.	0.28	0
51	1802	8	5 LEWIS PLACE	MORRISON, EUCKLYN	0.10	Lot too small to qualify for RDP Analysis.	0.10	0
52	1802	20	SAND RD	KIRK, JAMES T	0.06	Lot too small to qualify for RDP Analysis.	0.06	0

ID	Block	Lot	Location	Owner	Area (ac)	Comments	Developable Area (ac)	RDP (units)
53	1803	9	BROOK & OLD HOOK R	HACKENSACK WATER CO	2.64	Lot does not qualify for RDP Analysis. Environmental constraints: Category One Stream/Buffer, 100 Year Floodplain, Wetlands/Buffer, Steep Slopes. Entirety of parcel is constrained.	0.00	0
54	1803	10	OLD HOOK RD	BONNABEL,ERNA K.	1.32	Lot does not qualify for RDP Analysis. Environmental constraints: Category One Stream/Buffer, 100 Year Floodplain, Wetlands/Buffer. Entirety of parcel is constrained.	0.00	0
55	1901	16	PALISADE AVE	CLARKE, JUNIOR	0.06	Lot too small to qualify for RDP Analysis.	0.06	0
56	1901	25	140 PALISADE AVENUE	JONES GEORGE H	0.18	Lot too small to qualify for RDP Analysis. Owned by adjacent property owner of Block 1901 Lot 26.	0.18	0
57	1903	4	56 PLEASANT AVE	ROBERSON, LELIA	0.04	Lot too small to qualify for RDP Analysis.	0.04	0
58	1903	5	54 PLEASANT AVE	SNORDEN, EST C.C/O LELIA ROBERSON	0.07	Lot too small to qualify for RDP Analysis.	0.07	0
59	1908	16	WESTWOOD BLVD	BROWN,LEON M & JACQUELINE P BARTLEY	0.06	Lot too small to qualify for RDP Analysis. Owned by adjacent property owner of Block 1908 Lot 15	0.06	0
60	1908	17	WESTWOOD BLVD	UNKNOWN	0.06	Lot too small to qualify for RDP Analysis.	0.06	0
61	2001	13	PASCACK RD	WOODLEY JAMES	0.12	Lot too small to qualify for RDP Analysis. Environmental constraints: Category One Stream/Buffer, Wetlands/Buffer. Entirety of parcel is constrained.	0.00	0
62	2001	26	189 WESTWOOD BOULEVARD	FARRALES, DANIEL & MARIA	0.12	Lot too small to qualify for RDP Analysis. Owned by adjacent property owner of Block 2001 Lot 25.	0.12	0
63	2001	33	PLEASANT AVE	FRAZIER ALICK	0.08	Lot too small to qualify for RDP Analysis.	0.08	0
64	2001	38	ALVIN ST	DIAMOND FINANCIAL, LLC	0.23	Lot too small to qualify for RDP Analysis.	0.23	0
65	2001	39	JONES ST	DIAMOND FINANCIAL LLC	0.34	Lot too small to qualify for RDP Analysis.	0.34	0
66	2001	44	JONES ST	DIAMOND FINANCIAL LLC	0.07	Lot too small to qualify for RDP Analysis.	0.07	0
67	2001	46	4 JONES STREET	DIAMOND FINANCIAL LLC	0.22	Lot too small to qualify for RDP Analysis.	0.22	0
68	2109	3	HOPPER AVE	BERENSON, IANNUZI, ERCOLINO	0.13	Lot too small to qualify for RDP Analysis. Appears to be rear of Emerson property on Hopper Ave.	0.13	0

ID	Block	Lot	Location	Owner	Area (ac)	Comments	Developable Area (ac)	RDP (units)
69	2109	4	HOPPER AVE	HUDSON TRADING CO	0.09	Lot too small to qualify for RDP Analysis. Appears to be rear of Emerson property located on Hopper Ave.	0.09	0
70	2110	10.01	CARVER AVENUE	PALMERICK, RONALD	0.50	Lot too small to qualify for RPD Analysis.	0.50	0
71	2201	2	EMERSON BORO LINE	HACKENSACK WATER CO	1.38	Lot does not qualify for RDP Analysis. Environmental constraints: Category One Stream/Buffer, 100 Year Floodplain, Wetlands/Buffer. Nearly entirety of site is constrained.	0.00	0
72	2203	11	135 EMERSON RD	SALLO,E.J.	0.84	Lot qualifies for RDP Analysis.	0.84	1
73	2208	19	CARVER AVE	RINGFEDER CORP.	0.31	Lot too small to qualify for RDP Analysis. Owned by adjacent property owner of Block 2208 Lot 18.01.	0.31	0

Section III: Fair Share Plan

A. Plan Summary

The Fair Share Plan identifies the manner in which the Borough's fair share affordable housing obligations – inclusive of a Rehabilitation obligation of 26, a Prior Round obligation of 87, and a Gap + Prospective Need obligation of 391 – are to be addressed. This is summarized below.

1. Rehabilitation Obligation. The Borough intends to satisfy its Rehabilitation obligation through continued participation in the Bergen County Home Improvement Program, or the Borough will hire a separate entity to rehabilitate the obligation in the Borough. This will be discussed in more detail later in this section.

2. Prior Round Obligation (1987-1999). As noted earlier, a substantial number of affordable units were completed in accordance with the Borough's Prior Round Plan. As such, the Borough has a remaining Prior Round obligation of zero and additional surplus units/credits that can be carried over to address its Gap + Prospective Need obligation. This is detailed later in this section.

3. Gap + Prospective Need Obligation (1999-2025) (Third Round). The Borough proposes to address its RDP of 1 unit and Unmet Need of 390 units for the third round with existing affordable housing units and proposed affordable units. Included in the settlement agreement, the Borough will require, at a minimum the first unit from an overlay or mandatory set-aside ordinance be a qualified family unit to satisfy the one affordable family rental unit requirement of the regulations. In addition, to address remaining Unmet Need, the Borough will adopt new overlay zoning for inclusionary development in specific areas and the creation of a Borough-wide mandatory set-aside ordinance. These mechanisms are detailed later in this section.

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

B. Minimums/Maximums to be Addressed

This plan seeks to address the Borough's affordable housing obligation by application of COAH's Second Round rules. The Supreme Court in its 2015 Mount Laurel IV decision endorsed the use of COAH's Second Round rules. As such, the following minimum requirements and maximum limitations, as set forth in COAH's Second Round rules, will be addressed within the plan:

1. Prior Round Obligation Requirements:

    a. Age-Restricted Units. Pursuant to N.J.A.C. 5:93-5.14.a.1, the Borough is permitted to age-restrict up to 25 percent of its 87-unit Prior Round obligation. This equates to a maximum of 21 age-restricted units. It is noted, however, that Prior Cycle Credits (units constructed between 1980 and 1986) are not subject to this limitation.

    b. Rental Units. Pursuant to N.J.A.C. 5:93-5.15.a, the Borough is required to address at least 25 percent of its 87-unit Prior Round obligation with rental housing. This equates to a minimum of 22 rental units.

    c. Rental Bonus Credits. Pursuant to N.J.A.C. 5:93-5.15.d, the Borough shall receive a 2:1 rental bonus credit for rental units made available to the general public, up to the 22-unit rental bonuses. For age-restricted rental units, a 1.33:1 rental bonus credit shall be granted, but only up to 50 percent of the rental obligation, or 1 unit.

2. RDP Obligation:

    a. Age-Restricted Units. Pursuant to N.J.A.C. 5:93-5.14.a.2, Westwood is permitted to age-restrict up to 25 percent of its 1-unit RDP obligation. This equates to 0.25 or no age-restricted units applicable. The recent "Westwood for all Ages" report identifies the need for the aging senior population to age in place in the Borough and is acknowledged, however no specific recommendations for specific affordable units are made at this time in this plan due to the limits noted above.

    b. Rental Units. Pursuant to N.J.A.C. 5:93-5.15.a, Westwood is required to address at least 25 percent of its 1-unit RDP obligation with rental housing. This equates to a minimum of 1 rental unit.

    c. Rental Bonus Credits. Pursuant to N.J.A.C. 5:93-5.15.d, the Borough shall receive a 2:1 rental bonus credit for rental units made available to the general public, up to the 1-unit rental obligation. For age-restricted rental units, a 1.33:1 rental bonus credit shall be granted, but only up to 50 percent of the rental obligation, or no units are applicable.

The table below summarizes the above parameters for both the Prior Round and RDP obligations.

Table 23: Plan Minimums and Maximums
Westwood, New Jersey

Requirement	Prior Round Obligation	RDP Obligation
Max. Age-Restricted Units	21*	0
Min. Rental Units	22	1
Max. Rental Bonus Credits (Total, Incl. Age-Rest.)	22	1
Max. Rental Bonus Credits (Age-Restricted)	11	0

*: Prior Cycle Credits are exempt from these limitations.

C. PLAN COMPONENTS

This section of the plan details the projects, mechanisms and funding sources which will be used to meet the Borough's affordable housing obligations, as discussed above. The Plan Components Map included at the end of this document illustrates the location of all existing and proposed developments identified herein.

1. Rehabilitation Obligation. **The Borough has a Rehabilitation obligation of 26 units based upon the noted Structural Conditions Survey. The Borough plans to address this 26-unit obligation through continued participation in the Bergen County Home Improvement Program (BCHIP) – or by hiring a separate entity to administer the program– and will utilize funds from the Borough's affordable housing trust fund to help fund these programs. The Borough will commit an average of $10,000 per unit, consistent with COAH's Second Round rules. This will require a total commitment of approximately $260,000.**

   Pursuant to COAH's rules that allow municipalities to utilize money collected from development fees for this purpose, the Borough shall allocate the required $260,000 from its affordable housing trust fund account to be made available to income-qualified households to participate in the program.

2. Prior Round Obligation (1987-1999). Westwood's Prior Round obligation is 87 units. As noted earlier, the Borough was granted credit for 182 prior cycle credits for Westwood House and for 3 bedrooms in one group home and 6 post-1986 credits for 6 bedrooms in one group home, for a total of 191 credits, as part of The Borough of Westwood's Prior Round HE&FSP, which received COAH substantive certification on April 7, 2004. A copy of the 2004 COAH Compliance Report is attached hereto as Appendix A-2. As shown in the table below, in accordance with the settlement agreement, the Borough proposes to apply 87 of these credits, inclusive of 85

prior cycle credits and 2 post-1986 credits, toward the Prior Round obligation, leaving 104 surplus credits available to be applied to the Borough's Unmet Need obligation.

Table 24: Plan Components Addressing Prior Round Obligation
Westwood, New Jersey

Plan Component	Number of Credits	Bonuses	Status
Prior Cycle Credits:			
• Westwood House- Block 801, Lot 18 (Rental)	182	NA	Completed 1981
• Mid Bergen Community Hsg- 34 Kingsberry Avenue (B 1601, L 13)	3	NA*	Completed prior to 12/15/86
Post-1986 Credits:			
• Spectrum for Living- 14 Lester Avenue (B 1607, L 24) (Rental)	6	0	Completed
Total	191	0	
Prior Round Credit Summary and Surplus (191-87=104)			104 Surplus credits

* COAH Second Round certification noted that rental bonuses for this alternative living facility is not eligible since it opened before December 15, 1986.

3. RDP Obligation. As established in Section II of this plan, Westwood has an RDP obligation of 1 for the period extending from 1999 to 2025. The Borough proposes to address this obligation is to be satisfied by one qualified family rental unit as required by the housing criteria established in the settlement agreement. The Borough of Westwood while having 104 surplus prior round credits and 6 built surplus credits, has only surplus one-bedroom unit types (that are non-age restricted or non-special needs units), in Westwood House. Therefore, the Borough require at a minimum the first unit to be created from the overlay ordinance or the Mandatory Set-aside Ordinance (MSO) as contained herein, as a qualified family unit in accordance with the applicable regulations as noted herein. Additionally, the Borough has the following credits available in the third round that shall be applied towards unmet need:

Table 25: Plan Components Addressing Third Round
Westwood, New Jersey

Plan Component	Number of Units	Rental Bonus Credits	Total Credits	Status
Prior Round Surplus:	104	0	**104**	
Built Surplus:				
Alternative Living: National Institute PPL-33 Pascack Road (B 1802, L 11) (Rental)	4	0	**4**	Completed 2015
Assisted Living Facility: Care One at Valley 300 Old Hook Road (B 2001, L51 and 64) 197 beds, 21 assisted w/10% Medicaid	2	0	**2**	Completed 2014
Total	**110**	**0**	**110**	

As demonstrated in the table below, the plan components proposed to address the RDP obligation fully satisfy the minimum/maximum requirements identified in COAH's Second Round rules.

Table 26: RDP Obligation Minimums and Maximums
Westwood, New Jersey

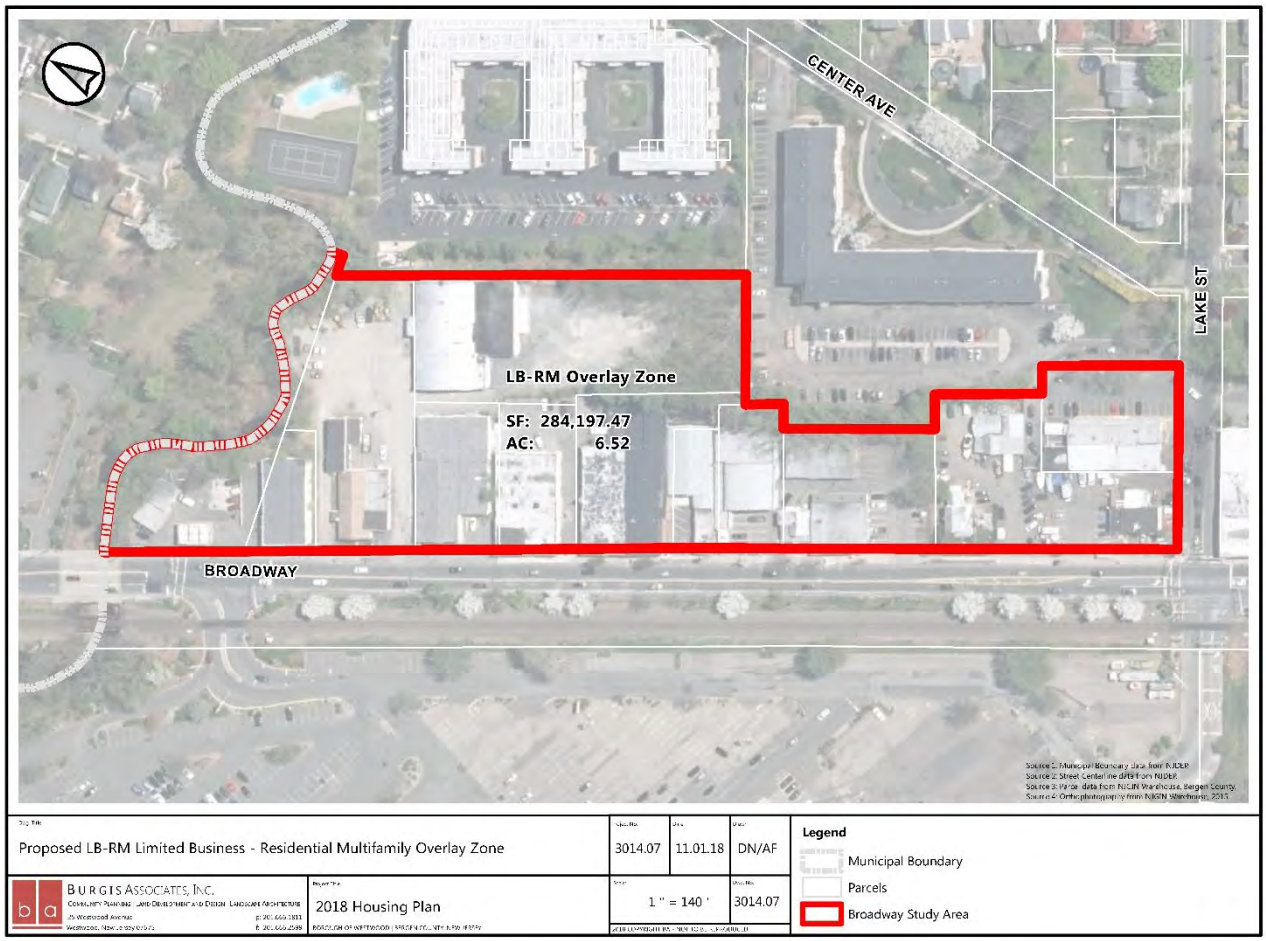
Requirement	Required	Proposed
Max. Age-Restricted Units	0	0
Min. Rental Units	1	1
Max. Rental Bonus Credits (Total, Incl. Age-Rest.)	1	0
Max. Rental Bonus Credits (Age-Restricted)	0	0

4. Unmet Need. The difference between the Borough's Gap + Prospective Need number and its RDP obligation is what is known as Unmet Need. Whereas the RDP obligation must be affirmatively addressed by the Borough (as outlined above), addressing Unmet Need involves a lower standard, as the entire Unmet Need obligation does not have to be fully satisfied by 2025. Pursuant to the Borough's Settlement Agreement with FSHC, Westwood has an Unmet Need of 390 units. The Borough proposes to capture units towards Unmet Need as follows:

    a. Existing and Proposed Units. The Borough proposes to address a portion of its Unmet Need (as noted from table 22 above), with 104 surplus credits carried over from the Prior Round, 6 credits for additional bedrooms in supportive and special needs homes and an assisted living facility. In sum, these existing and proposed units contribute 110 credits toward Unmet Need.

    b. Broadway LB-1-RM Overlay Zone. The Borough will create a new overlay district over a 6.52-acre area along a portion of Broadway in the northerly portion of the Borough, to permit inclusionary residential development. The subject area is comprised of 13 tax parcels, identified as Block 701 Lots 1 thru 8 and 10 thru 13, and 16. They are currently developed with a mix of commercial and warehouse uses, including a gas station, retail stores and a carwash. The area contains environmental constraints and is entirely located within the PA1 – Metropolitan state plan area and the Town's sewer service area. Surrounding land uses include multifamily, retail and other commercial uses. This area is depicted in the aerial photograph below.

Figure 2: Aerial Proposed LB-1-RM Overlay Zone



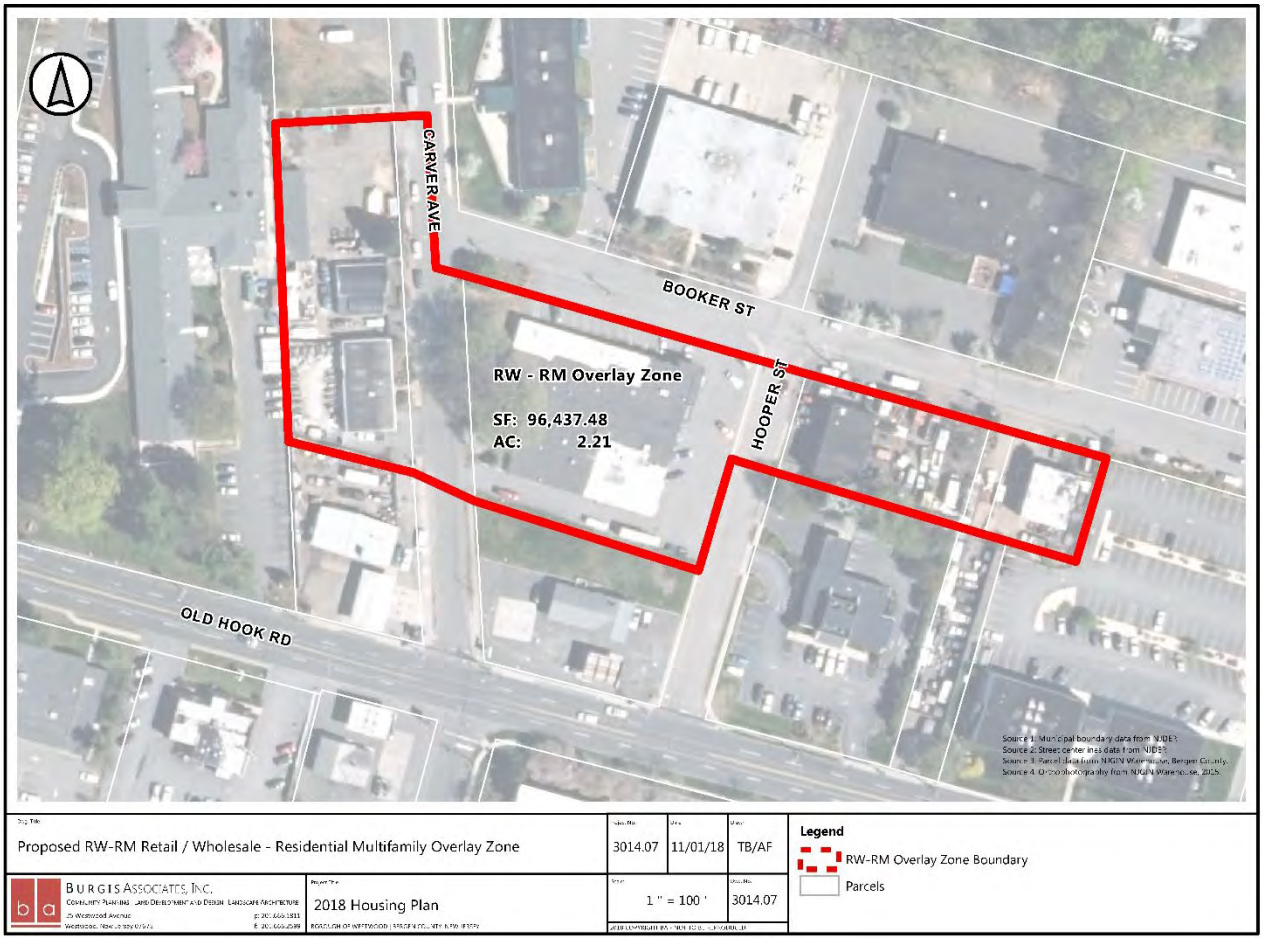
Source: New Jersey NJDEP, NJGIN, 2015.

The new overlay zone will permit uses currently permitted in the underlying LB-1 Zone, as well as inclusionary residential development at a maximum density of 20 dwelling units per acre. The overlay will require a minimum 15 percent set-aside for affordable units, if such units will be for rent, or a minimum 20 percent set-aside for affordable units, if such units will be for sale. The proposed Broadway LB-1-RM Overlay Zone ordinance is attached hereto as Appendix A-3.

c. <u>RW Overlay Zone</u>. In addition to the above, the Borough will create a new overlay district over a 2.2-acre area along a portion of the RW zone in the westerly portion of the Borough, to permit inclusionary residential development. The subject area is comprised of 4 tax parcels, identified as Block 2001 Lot 62, Block 2003 Lot 2, Block 2210, Lots 1 and 3.01 locations for inclusionary housing to address Unmet Need. The

properties are currently developed with a mix of commercial and warehouse uses. The area does not contain environmental constraints and is entirely located within the PA1 – Metropolitan state plan area and the Town's sewer service area. Surrounding land uses include other commercial uses. This area is depicted in the aerial photograph below.

Figure 3: Aerial Proposed RW-RM Overlay Zone



Source: New Jersey NJDEP, NJGIN, 2015.

The new overlay zone will permit uses currently permitted in the underlying RW Zone, as well as inclusionary residential development at a maximum density of 20 dwelling units per acre. The overlay will require a minimum 15 percent set-aside for affordable units, if such units will be for rent, or a minimum 20 percent set-aside for affordable units, if such units will be for sale. The proposed RW-RM Overlay Zone ordinance is attached hereto as Appendix A-4.

d. 100 Percent Affordable Development. The Borough will pursue the donation of a property to a non-profit organization (such as Habitat for Humanity) that is available, approvable, developable and suitable for the development of at a minimum one affordable housing unit. The Borough will identify the property to be donated prior to issuance of the final judgement of compliance. The non-profit organization receiving said property shall be responsible for the construction of the proposed development. If the Borough is unable to construct this unit by the time of the midpoint review it will provide an alternate mechanism for addressing this unit.

e. Mandatory Set-Aside Ordinance. The Borough will also adopt a Mandatory Set-aside Ordinance (MSO), which requires that any site that benefits from a rezoning, use variance or redevelopment plan (except for the Borough's R-1 Zone district), approved by the Borough or the Planning Board which results in multi-family residential development containing five or more new dwelling units shall provide an affordable housing set-aside at a rate of 15 percent, where affordable units will be for rent, or 20 percent, where affordable units will be for sale. This requirement will ensure that new multi-family residential development in Westwood will provide its fair share of affordable units and assist with the Borough's continuous efforts to address its affordable housing obligation. The Borough will not, however, be under any obligation to grant subdivision and site plan approvals, rezoning, use variances, or redevelopment designations for such construction and development applications. They will be required to otherwise conform to the Borough's zoning requirements. The proposed mandatory set-aside ordinance is attached hereto as Appendix A-5.

D. Existing and Proposed Development Sites

The following is a summary of each of the Borough's existing affordable housing sites identified in Section C. above to address Westwood's Prior Round and Gap + Prospective Need obligations. The Plan Components Map included at the end of this section illustrates the location of all existing and proposed developments identified herein.

1. Westwood House – 100 Madison Avenue. Westwood House is a HUD-Section 202 financed affordable housing development operated by the Westwood Senior Housing Corporation. It is located in the R-3 Medium Density Residential Zone. The 5.66-acre site is identified as Block 801 Lot 18 according to Town tax records. The facility was established in 1981 and contains 182 units consisting of 164 age restricted units and 18 non-age restricted units. All residents are very low-income adults and the facility is HUD regulations. Because these 182 units were established between 1980 and 1986, they meet COAH's definition of Prior Cycle Credits as outlined at NJAC 5:93-1.3 and are eligible for one-for-one credit. As detailed in Section C.

above, the Borough assigns these Prior Cycle Credits toward Westwood's Prior Round obligations with surplus credits being carried forward to address Unmet Need.

Figure 4: Aerial Westwood House – 100 Madison Avenue

Source: NJGIN Information Warehouse, 2015.

2. Mid Bergen Community Housing- Mid Bergen Community Mental Health operates a group home at 34 Kingsberry Avenue in the R-1 Single Family Residential zone. The 0.21-acre site is identified as Block 1601 Lot 13 according to Borough tax records. The home was established in 1986 and contains 3 special needs bedrooms. All residents are very low-income adults with mental illness and the facility is licensed by the Division of Mental Health Services. As detailed in Section C. above, the Borough assigns these Prior Cycle Credits toward Westwood's Prior Round obligations with surplus credits being carried forward to address Unmet Need.

Figure 5: Aerial Mid Bergen Community Housing – 34 Kingsberry Avenue

Source: NJGIN Information Warehouse, 2015.

3. Spectrum for Living- Spectrum for Living operates a group home at 14 Lester Avenue in the R-1 Single Family Residential zone. The 0.22-acre site is identified as Block 1607, Lot 24 according to Borough tax records. The home was established in 1998 and contains 6 special needs bedrooms. All residents are very low-income adults with mental illness and the facility is licensed by the Division of Mental Health Services. As detailed in Section C. above, the Borough assigns these Prior Cycle Credits toward Westwood's Prior Round obligations with surplus credits being carried forward to address Unmet Need.

Figure 6: Aerial Spectrum for Living – 14 Lester Avenue

Source: NJGIN Information Warehouse, 2015.

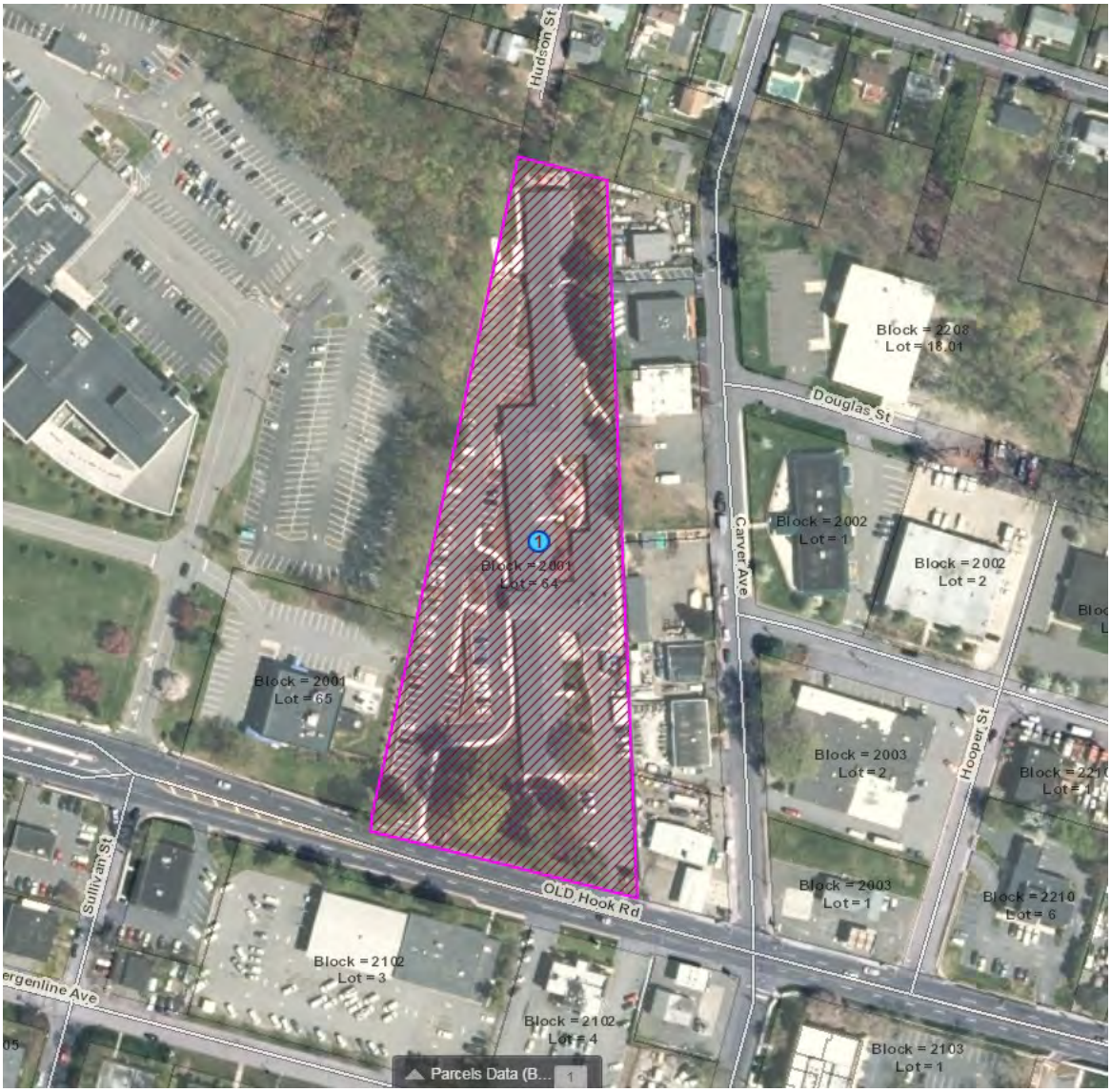
4. National Institute PPL - National Institute PPL operates a group home at 33 Pascack Road in the R-1 Single Family Residential zone. The 0.32-acre site is identified as Block 1802, Lot 11 and 12 according to Borough tax records. The home was established in 2014 and contains 4 special needs bedrooms. All residents are very low-income adults with mental illness and the facility is licensed by the Division of Mental Health Services. As detailed in Section C. above, the Borough assigns these Prior Cycle Credits toward Westwood's Prior Round obligations with surplus credits being carried forward to address Unmet Need.

Figure 7: Aerial National Institute PPL – 33 Pascack Road

Source: NJGIN Information Warehouse, 2015

5. <u>Care One at Valley</u> - Care One at Valley operates an assisted living facility at 300 Old Hook Road 33 Pascack Road in the HSO Hospital Service Office and the R-1 Single Family Residential Zone. The 4.0-acre site is identified as Block 2001, Lots 51 and 64.01 according to Borough tax records. The home contains 158 skilled nursing, 21 Alzheimer's beds and 21 assisted beds w/10% Medicaid qualified units. As detailed in Section C. above, the Borough assigns these Prior Cycle Credits toward Westwood's Prior Round obligations with surplus credits being carried forward to address Unmet Need.

Figure 8: Aerial Care One at Valley – 300 Old Hook Road

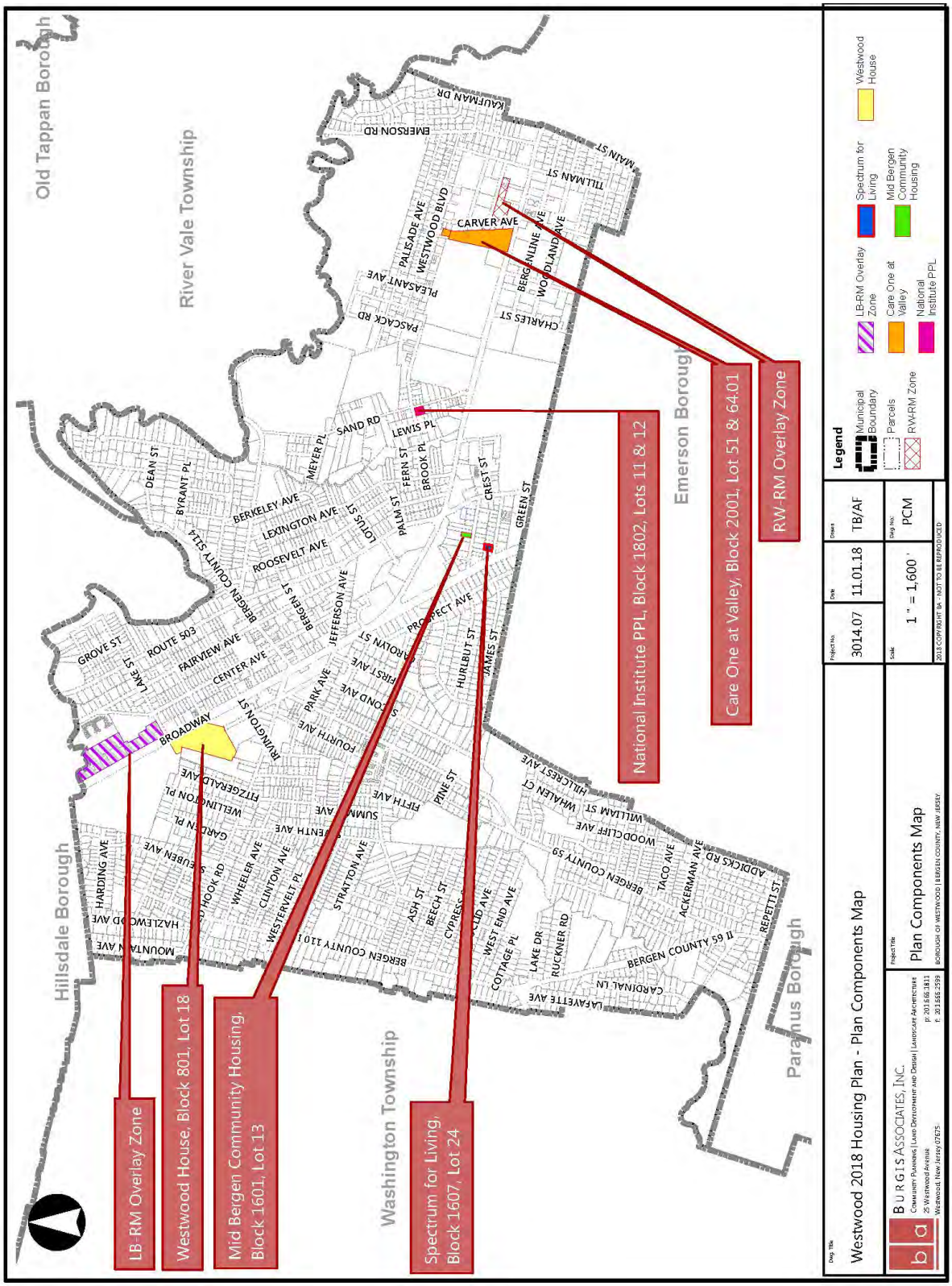


Source: NJGIN Information Warehouse, 2015

E. Development Fees

The Borough proposes to amend its development fee ordinance, which, as provided by COAH's Second Round rules, permits the Borough to impose such fees on new development. The Borough does not need to increase its existing residential development fee currently at 1.5 percent of the equalized assessed value for all residential development wherein new dwelling units will be created. In addition, the Borough will not need to amend its ordinance since it current non-residential development fee is 2.5 percent of the equalized assessed value of all non-residential development, except for those types of developments specifically exempted, as required per the Statewide Non-Residential Development Fee Act. The funds generated by the collection of development fees will be applied directly toward implementation of Westwood's Housing Element and Fair Share Plan.

Figure 9: Plan Components Map



Appendices

A-1 Structural Conditions Survey/BCHIP Rehabilitation Recording

A-2 COAH 2004 Second Round Compliance Report

A-3 LB-1-RM Overlay Zone Ordinance

A-4 RW-RM Overlay Zone Ordinance

A-4A Amendment to LB-1-RM and RW-RM Overlay Zones

A-5 Mandatory Set-aside Ordinance

A-6 Development Fee Ordinance

A-7 Affordable Housing Ordinance

A-8 Affirmative Marketing Plan

A-9 Spending Plan, Resolution Adopting Spending Plan (amended 2/19/19)

A-10 Resolution Appointing Municipal Housing Liaison

A-11 Administrative Agent Appointment

A-12 Borough Resolutions- HEFSP

A-13 Westwood House Documentation

A-14 Care One Resolution

A-15 Habitat for Humanity Resolution

A-16 Bergen County Home Improvement Program Information

A-1 Structural Conditions Survey/BCHIP Rehabilitation Recording

EXTERIOR HOUSING SURVEY

MUNICIPALITY Westwood COUNTY Bergen DATE 12-12-16

Street Address	Block/Lot	Number of Dwelling Units	Tenure of Units i.e. owner occupied/ rental/ mixed occupancy	Year Built	MAJOR SYSTEMS (One major system is required to indicate that the structure is in need of repair) Foundation	Weatherization: Siding and Walls	Weatherization: Windows and Doors	Roof and Chimney	MINOR SYSTEMS (Two minor systems are required to indicate that the structure is in need of repair) Eaves/Soffits/ Gutters/Leader	Rails/Stairs/Steps/Porch	Fire Escape	Structure in Need of Repair (Mark "Yes" or "No")	If Yes, Provide Details
16 Garden Place	112/10	1	owner	1926		✓	✓	✓	✓				
234 Washington	112/16	1	owner	1814		✓		✓					
610 Lafayette	202/28.01	1	owner	1782				✓	✓				
82 Boulevard	304/1	1	owner	1920		✓							
240 Forest	503/15	1	owner	1970		✓	✓	✓	✓			yes	Exterior Rehab
154 Forest	503/31	1	owner	1975				✓	✓				
63 Cardinal	503/35	1	owner	1976				✓	✓				
447 Center	708/1	1	owner	1923				✓	✓				
459 Fairview	709/2	1	Rental	1911		✓	✓	✓	✓			yes	complete Rehab
5 Woodland cross	902/8	1	owner	1948				✓					
524 Fourth	902/43	1	owner	1925		✓	✓	✓					
11 Bergen st	909/5	1	Rental	1918		✓			✓				
491 Fourth	915/3	1	owner	1899		✓		✓					

I verify that I have conducted this exterior housing survey according to the NJ Department of Community Affairs' criteria.

Signature: [signature]

Print Name and Title: Armand Marini
Construction Official

EXTERIOR HOUSING SURVEY

MUNICIPALITY Westwood COUNTY Bergen DATE 12-12-16

Street Address	Block/Lot	Number of Dwelling Units	Tenure of Units i.e. owner occupied/ rental/ mixed occupancy	Year Built	MAJOR SYSTEMS (One major system is required to indicate that the structure is in need of repair) Foundation	Weatherization: Siding and Walls	Weatherization: Windows and Doors	Roof and Chimney	MINOR SYSTEMS (Two minor systems are required to indicate that the structure is in need of repair) Eaves/Soffits/ Gutters/Leader	Rails/Stairs/Steps/Porch	Fire Escape	Structure in Need of Repair (Mark "Yes" or "No")	If Yes, Provide Details
78 Benson	1301/2	1	owner	1970		✓	✓	✓	✓			yes	complete Rehab
71 A Lyons	1304/11	1	owner	1968				✓					
31 Bogert Place	1404/10	1	owner	1918		✓		✓					
77 Berkeley	1405/3	1	owner	1937		✓			✓				
155 Roosevelt	1407/2	1	owner	1920			✓	✓					
13 Kingsberry	1607/2	1	owner	1910		✓		✓	✓				
48 Sand	1802/13	1	owner	1928		✓		✓					
22 Sand	1802/19	1	Rental	1957				✓					
96 Emerson	1908/9	1	Rental	1971					✓	✓		yes	Deck Replacement
61 Pascack Rd	2001/12	1	owner	1923		✓	✓	✓	✓			yes	complete Rehab
1 Maulbeck	2117/1	1	owner	1961				✓					
81 westwood Blvd	2208/3	1	owner	1961		✓	✓	✓	✓			yes	complete Rehab
145 Third	916/2	2	Rental	1914				✓	✓	✓			

I verify that I have conducted this exterior housing survey according to the NJ Department of Community Affairs' criteria.

Signature: [signature]

Print Name and Title: Armand Marini
Construction Official

13

EXTERIOR HOUSING SURVEY

Municipality: Borough of Westwood
County: Bergen

Date of Survey: 12-5-16

Performed By: Armand Marini
Title: Construction official

Areas of municipality surveyed:

All

Areas of municipality not surveyed:

none

Reason(s) for not surveying these areas:

A-2 COAH 2004 Second Round Compliance Report

NEW JERSEY COUNCIL ON AFFORDABLE HOUSING

101 SOUTH BROAD STREET
P.O. BOX 813
TRENTON, NEW JERSEY 08625

PHONE (609) 292-3000
FAX (609) 633-6056

FAX TRANSMISSION

FROM: AYAN ADDOU, COAH PLANNER

TO: THE HON. THOMAS D. WARNER

FAX NUMBER: (201) 664-5340

COMPANY: WESTWOOD BOROUGH

DATE: MARCH 19, 2004

MESSAGE:

RE: COAH COMPLIANCE REPORT FOR WESTWOOD BOROUGH

PLEASE DISTRIBUTE COPIES TO:

1. KENNETH GABBERT - BOROUGH ADMINISTRATOR
2. RICHARD BONSIGNOR - PLANNING BOARD CHAIRMAN
3. EILEEN SARUBBI - BOROUGH CLERK

IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT AYAN ADDOU, COAH PLANNER AT: (609) 633-0597 OR AT: AADDOU@DCA.STATE.NJ.US

IF YOU HAVE NOT RECEIVED ALL 16 PAGES (INCLUDING COVER) PLEASE CALL: (609) 292-3000.

received 3/22/04

State of New Jersey
COUNCIL ON AFFORDABLE HOUSING
101 SOUTH BROAD STREET
PO BOX 813
TRENTON NJ 08625-0813
(609) 292-3000

JAMES E. MCGREEVEY
Governor

SUSAN BASS LEVIN
Commissioner
LUCY VOORHOEVE
Executive Director

March 19, 2004

The Honorable Thomas D. Warner
Westwood Borough
101 Washington Avenue
Westwood, NJ 07675-2294

Dear Mayor Warner:

Enclosed is the COAH Compliance Report outlining the Council on Affordable Housing's (COAH) review of your municipality's petition for substantive certification.

Please be advised that there is a 14-day comment period on the COAH Compliance Report, during which time comments will be accepted at the COAH office. Comments must be received by 5:00 p.m. on April 2, 2004.

If you have any questions or need further information, please call Ayan Addou, COAH Planner, at (609) 633-0597.

Sincerely,

Lucy Voorhoeve

Lucy Voorhoeve
Executive Director

Enclosure

c: Service List
Keith Henderson, Supervising Planner
Ayan Addou, COAH Planner

Westwood Borough **Bergen**

The Honorable Thomas D. Wanner
Westwood Borough
101 Washington Avenue
Westwood, NJ 07675-2294

Joseph Burgis, P.P., AICP
Burgis Associates, Inc.
25 Westwood Avenue
Westwood, NJ 07675

Kenneth Gabbert, Adm
Westwood Borough
101 Washington Avenue
Westwood, NJ 07675-2294

Planning Board Chairman
Westwood Borough
101 Washington Avenue
Westwood, NJ 07675

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Westwood, NJ 07675

Eileen Sarubbi, Clerk
Westwood Borough
101 Washington Avenue
Westwood, NJ 07675-2294

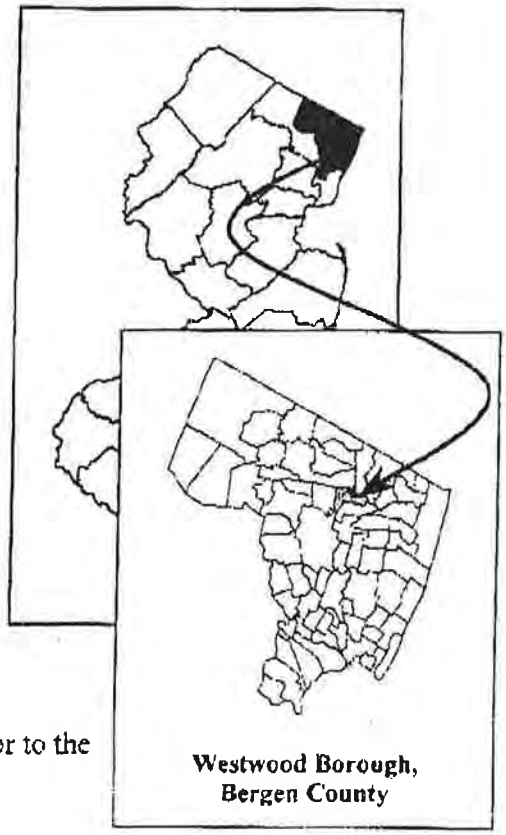
Stephen T. Boswell
Boswell McClave Engineers
330 Phillips Avenue
South Hackensack, NJ 07606

COAH COMPLIANCE REPORT
WESTWOOD BOROUGH / BERGEN COUNTY
REGION # 1
Prepared by Ayan Addou, Assistant Planner
March 18, 2004

I. INTRODUCTION

Westwood Borough is located in the north central section of Bergen County and contains approximately 2.29 square miles. Westwood is bound by the Borough of Hillsdale and the Township of River Vale on the north, the Borough of Emerson on the east and south and the Township of Washington on the west.

The Planning Board of the Borough of Westwood adopted a housing element and fair share plan on May 11, 2000, which addresses its 12-year cumulative fair share obligation. Westwood's 1987-1999 cumulative precredited need is 104 units, which includes a rehabilitation obligation of 17 units and a new construction obligation of 87 units. The borough petitioned the Council on Affordable Housing (COAH) for substantive certification on May 30, 2000 and published in the Bergen Record on June 1, 2000. No objections to the plan were received by COAH.


Westwood Borough, Bergen County

On December 3, 2002 COAH issued a report requesting additional information from the borough. Westwood submitted all of the requested materials.

II. BACKGROUND

Westwood had not participated in the COAH process prior to the submission of its May 30, 2000 petition.

III. HOUSING ELEMENT/FAIR SHARE PLAN

Westwood Borough's plan includes a request for a vacant land adjustment pursuant to N.J.A.C. 5:93-4.2, 185 prior-cycle credits for 182 units in an age-restricted development and a three-unit group home, ten credits and two bonus credits for group homes and credit for 13 units that have been rehabilitated through the Bergen County Home Improvement Program (BCHIP).

A. Demographic Analysis

Westwood has indicated that, according to the 1990 census, the borough was comprised of 10,779 people living in 4,091 occupied housing units and forming 4,073 households. Median household income was $46,866. Almost 37 percent of the housing stock consisted of rental units with a median contract rent of $721. Approximately 60 percent of the borough's 1990 housing stock was built subsequent to 1950. The median value of owner-occupied homes in the 1990 census was $217,600.

A COAH staff analysis of data from the Bureau of the Census indicates that Westwood had a 1999 population of 10,999 representing a 220-person population increase from a decade earlier. Median family income rose to $77,105 in the past decade and building permits issued during the same period show that the borough has added 307 units to its housing stock. In its plan, the borough indicated that the bulk of this growth was in a 215-unit multi-family development constructed mostly in 1998. This development did not include any affordable units.

A review of Westwood's housing element indicates that sufficient information was submitted regarding housing stock, demographic characteristics, employment characteristics and population trends to satisfy the requirements of N.J.A.C. 5:93-5.1(b)(1) through (4).

B. Credits/Reductions/Adjustments

Credits represent units that have been built, created or rehabilitated. Reductions represent units that have been included in a previously certified affordable housing plan by zoning for low and moderate-income housing. Adjustments reflect the application of COAH regulations that reduce a municipality's affordable housing obligation based on other limitations and/or methodological corrections.

1. Credits

a. Prior-Cycle Credits

Westwood has requested credit for a 182-unit senior-housing rental development called Westwood House, located at 100 Madison Avenue. According to Westwood's construction code official, the entire facility was completed in 1981 and is owned by the US Department of Housing and Urban Development (HUD) and managed by the Westwood Senior Housing Corporation. Pursuant to N.J.A.C. 5:93-3.2(a), a housing unit created and occupied between April 1, 1980 and December 15, 1986, is eligible for a one for one credit when it has been developed for households whose income does not exceed 80 percent of the median income, and so long as the unit is governed by controls on affordability. The borough is therefore entitled to 182-prior-cycle credits towards its fair share housing obligation. **[182 prior-cycle credits]**

Westwood is eligible to receive credit for a three-unit group home located at 34 Kingsberry Avenue and operated by Mid Bergen Community Health Services and established under the US Department of Health and Human Services' Community Mental Health Centers Act. According to the facility's certificate of occupancy, the property was purchased on July 15, 1983 and subsequently acquired a certificate of occupancy on July 18, 1983. The facility also claimed tax-exempt status in 1985. Pursuant to N.J.A.C. 5:93-3.2(a), a housing unit created and occupied between April 1, 1980 and December 15, 1986, is eligible for a one for one credit when it has been developed for households whose income does not exceed 80 percent of the median income, and so long as the unit is governed by controls on affordability. The borough is therefore

entitled to three prior-cycle credits towards its fair share housing obligation. **[3 prior-cycle credits]**

b. Post 1986 credits

Westwood is eligible to receive credit for a four-unit group home located at 16 Fourth Avenue and operated by New Concepts for Living. The facility's tax documents cite an approximate occupancy date of October 31, 1990. Pursuant to N.J.A.C. 5:93-5.8(d) and 5:93-5.15, this facility is eligible to receive bonus credits if controls on affordability are in effect for at least 30 years. Westwood provided sufficient documentation demonstrating that these units comply with COAH requirements, which therefore warrants the borough's receipt of four rental credits and four rental bonus credits. However, pursuant to N.J.A.C. 5:93-5.15(d)(3), no municipality shall receive rental bonus credits in excess of its rental obligation. Westwood has requested a vacant land adjustment pursuant to N.J.A.C. 5:93-4.2 and COAH staff established a Realistic Development Potential (RDP) of eight units. The borough's rental obligation and consequent limitation on rental bonuses is two, which reduces the borough's request of four bonus credits for this group home to two bonus credits. The borough is ineligible for additional rental bonuses. **[4 rental credits and 2 rental bonuses]**

Westwood is eligible to receive credit for a six-unit group home located at 14 Lester Avenue and operated by Spectrum for Living Group Homes, Inc. According to the facility's certificate of occupancy, the property was purchased on April 17, 1998 and claimed tax-exempt status on October 1, 1999. Pursuant to N.J.A.C. 5:93-5.8(d) the units meet COAH standards. **[6 rental credits]**

Westwood requested credits for two four-unit group homes located at 7 and 9 Valley Avenue, sponsored, leased, and owned by Care Plus NJ, Inc. These units do not meet COAH criteria set forth in N.J.A.C. 5:93-5.8, because they do not have affordability controls or a deed restriction, but instead include a 36 month lease agreement between the owner of the property and Care Plus NJ, Inc. COAH cannot grant credits for these units. **[0 credits]**

c. ***Rehabilitation Credits***

Westwood participates in the Bergen County Home Improvement Program (BCHIP) and has indicated that a total of 13 low and moderate-income units have undergone rehabilitation. N.J.A.C. 5:93-4.2(b) states that units shall be eligible for crediting if they were rehabilitated up to the applicable code standard and that the average capital cost was at least $8,000. The average cost of rehabilitating the 13 units identified by the borough was $12,418, which is consistent with the crediting requirements of N.J.A.C. 5:93-3.4. The borough has provided sufficient documentation demonstrating that major systems were rehabilitated and that the units were brought up to code. **[13 rehabilitation credits]**

2. Reductions

Westwood Borough's housing element and fair share plan does not include any reductions.

3. Adjustments

Due to Westwood's surplus of prior-cycle credits, which fulfill the borough's entire fair-share housing obligation, Westwood is able to address its obligation without a vacant land adjustment. However, since the borough requested a vacant land adjustment, COAH staff analyzed the vacant land in Westwood pursuant to N.J.A.C. 5:93-4.2 to determine the borough's RDP.

Westwood's request for a vacant land adjustment cited a total of 17.67 unconstrained vacant acres in the borough spread out over 71 individual lots. Westwood has requested a 59-unit vacant land adjustment that would set the borough's RDP at 28 units, employing a minimum density of six units per acre. However, as a result of Westwood's development character and the borough's designation in the State Development and Redevelopment Plan (SDRP) as Planning Area 1 (PA1) which calls for compact forms of development, COAH staff applied a density of eight units per acre to all vacant developable land in the borough to determine a RDP.

Pursuant to N.J.A.C. 5:93-4.2, municipalities that request an adjustment due to available land capacity must submit an existing land use map at an appropriate scale to display the land uses of each parcel within the municipality. Such a map must display the following land uses: single family, two-to-four family, other multi-family, commercial, industrial, agricultural, parkland, other public uses, semipublic uses and vacant land. Westwood has submitted this information in addition to a complete set of municipal tax maps.

Westwood submitted an inventory of vacant parcels by block and lot, referred to in the borough's fair share plan as Table 23, which includes the acreage of each lot with a list of property owners as required in N.J.A.C. 5:93-4.2(b). In response to a COAH Report Requesting Additional Information dated December 3, 2002, Westwood also submitted a corrected version of Table 23 featuring information pertaining to available vacant land. COAH staff determined that 42 of the 71 parcels listed by the borough were smaller than 0.62 acres in size and could not accommodate development projects due to insufficient lot area and/or various environmental constraints. The remaining 29 sites were analyzed by COAH staff using the best available data on Freshwater Wetlands (FWW) taken from Geographic Information System (GIS) layers generated under the New Jersey Freshwater Wetlands Mapping Program. COAH staff also employed digitally prepared GIS data layers presenting land use/land cover (LULC) information and flood prone areas developed by the New Jersey Department of Environmental Protection (DEP) Bureau of Geographic Information and Analysis. This information was superimposed on digital aerial photographs and used in conjunction with the policy guidelines of the SDRP and GIS mappings prepared by the Office of Smart Growth (OSG) as they relate to growth and development in Planning Area 1. Site numbers are taken from Table 23 as prepared by Westwood. COAH staff conducted site visits on July 17, 2003 and undertook a comprehensive analysis of the borough's requested vacant land adjustment.

Westwood's vacant land inventory included a total of 71 vacant parcels. The borough's analysis of this inventory posits the availability of 17.67 unconstrained acres to accommodate development. COAH staff observed Westwood's vacant land inventory and excluded 42 sites because they ranged in size from 0.04 acres to 0.62 acres, and did not represent a realistic

opportunity to produce a minimum of five units to accommodate one affordable unit after a 20 percent setaside has been considered. COAH staff examined the remaining 29 sites that presented opportunities for development in addition to sites that COAH staff identified during site visits. This examination of Westwood's vacant land inventory employed GIS data to determine the existence of various topographical and environmental constraints and found that Westwood had a total of 7.21 unconstrained acres. Each site was evaluated on a presumption that a development density of eight units per acre was appropriate. With a 20 percent setaside and a development density of eight units per acre, the 7.21 acres included in the COAH analysis yields a RDP of 8 units and hence a 79-unit vacant land adjustment. In certain cases where individual but contiguous parcels could not independently accommodate a minimum of five total units, due to insufficient acreage, lot mergers were assumed to achieve a minimum of five total units that would produce a one unit RDP. The RDP and available unconstrained acreage computed by COAH included previous site information from the borough's revised vacant land inventory (Table 23). The following table features a list of sites that COAH staff reexamined to determine Westwood's RDP, pursuant to N.J.A.C. 5:93-4.2(d):

Table 1: Developable Land Inventory

Parcel No.	Block/Lot No.	Lot Area (acres)	Developable Area (acres)	Reason for exclusion	Presumptive Density (units/acre)	RDP
1	104:10	1.66	0.85		8	1
6	402:1	10.69	0	Predominately wetland area; remaining parcel too small for development	--	0
7	504:9	2.64	0	Environmental constraints, no buildable land	--	0
8	504:10	6.69	0	Environmental constraints, no buildable land	--	0
9-10	601:4, 5	3.57	1.15		8	2
11	601:14	0.68	0.68		8	1
17-19	1007:1.02-1.04	1.8	1		8	1
20	1007:1.05	1.27	0	No buildable land, flood-prone area	--	0
21	1104:1	3.89	0	Wetlands,/flood hazard ,no buildable land	--	0
23	1301:5	0.70	0	No buildable land, SDRP Critical Environmental Site	--	0
24	1405:16	0.66	0	Flood prone area	--	0
31	1701:2	1.26	0	No buildable land, SDRP Critical Environmental Site	--	0
32	1701:20	10.86	0	Site composed of flood prone brushland and wetlands; remaining buildable parcels too small for development	--	0
35	1702:13	1.70	0	Environmental constraints	--	0
36	1702:14	1.42	.45	Environmental constraints; lot too small for development	--	0
42	1802:6	1.37	.78	Environmental Constraints; no buildable land	--	0
46	1803:9	2.36	0	Environmental Constraints	--	0
47	1803:10	1.25	0	Environmental Constraints	--	0
56-63	2001:31-34; 2001:38,39,45,46	1.34	1.34		8	2
69	2201:2	1.48	0	No buildable land; SDRP Critical Environmental Site	--	0
70	2203:11	.96	.96		8	1
Total		57.58	7.21			8

There are 7.21 unconstrained acres on six sites in Westwood that result in an eight-unit RDP. An eight-unit RDP results in a 79-unit vacant land adjustment and a 79-unit unmet need.

4. Summary of Credits, Reductions, and Adjustments

The following table summarizes Westwood Borough's existing credits, reductions, and adjustments:

	Rehabilitation Component		New Construction Component		Total	
Obligation	17		87		104	
Credits/Reductions/Adjustments	**Plan**	**Eligible**	**Plan**	**Eligible**	**Plan**	**Eligible**
Bergen County Home Improvement Program (BCHIP)	13	13			13	13
100 Madison Avenue Westwood House (Prior-Cycle Credits)			7	182	7	182
34 Kingsberry Street (Mid-Bergen County Community Mental Health Services (Prior-Cycle Credits)			3	3	3	3
16 Fourth Avenue New Concepts for Living, Inc.			4	4	4	4
14 Lester Avenue Spectrum for Living Group Homes, Inc.			6	6	6	6
7 Valley Ave. Care NJ, Inc.			4	0	4	0
9 Valley Avenue Care NJ, Inc.			4	0	4	0
Rental Bonuses for Group Homes			10	2	10	2
Vacant Land Adjustment			59	79	59	79
Total Credits/Reductions/Adjustments	13	13	97	**276**	110	**289**
Remaining Obligation		4		**0**		**0**

C. Remaining Fair Share Obligation

Westwood is eligible to receive a vacant land adjustment reducing its obligation to an eight unit RDP and a 17-unit rehab obligation. The borough is also eligible to receive 14 credits for group homes, two rental bonuses, 185 prior-cycle credits, and 13 rehabilitation credits. N.J.A.C. 5:93-4.2(h) requires municipalities that are granted a vacant land adjustment to capture affordable housing opportunities beyond the RDP. Examples of mechanisms designed to capture affordable housing opportunities beyond RDP include zoning for accessory apartments, overlay

zoning requiring inclusionary development and zoning amendments that impose a development fee consistent with N.J.A.C. 5:93-8.

Westwood has proposed the collection of development fees and COAH approved a development fee ordinance for Westwood on March 21, 2001. COAH approval of the borough's request for a vacant land adjustment will result in 185 surplus credits, which will also be included as an additional mechanism for addressing unmet need.

1. **Rehabilitation**

Westwood has a rehabilitation obligation of 17 units and rehabilitation credits for 13 units. The borough proposed to address its remaining four-unit rehabilitation obligation through continued participation in the BCHIP rehabilitation program. Westwood has executed an interlocal service agreement that includes participation in the program and, if necessary, has committed to provide funding for the program from its affordable housing trust fund. The borough has provided an acknowledgement from BCHIP that sufficient funding is available to rehabilitate a minimum of four units over the course of a six-year certification period. Additionally, with its prior-cycle surplus credits, Westwood, may apply surplus new construction credits towards its remaining rehabilitation obligation.

D. Rental Component

Pursuant to N.J.A.C. 5:93-5.15(a), every municipality has an obligation to provide a realistic opportunity to construct rental units. For municipalities receiving a vacant land adjustment pursuant to N.J.A.C. 5:93-4.2, the rental obligation is 25 percent of the RDP. As established in section III B3 of this report, Westwood's RDP has been set at 8 units. Therefore the borough's rental obligation is two units based on the following formula:

$$.25\ (RDP) = .25\ (8) = 2$$

The 10 group home rentals described in Section III B1 of this report address the borough's rental obligation.

E. Age-Restricted Units

Pursuant to N.J.A.C. 5:93-5.14, Westwood may age-restrict 25 percent of its obligation pursuant to the following formula:

Age-Restricted Maximum = .25 (RDP + rehabilitation component - rehabilitation credits)

.25 (8 + 17 - 13) = 3

Since Westwood is eligible for a vacant land adjustment, the maximum creditable number of age-restricted units would be 25 percent of the RDP plus any remaining rehabilitation obligation or three units.

Westwood's prior-cycle credits include 182 units that originate from age-restricted housing. However, prior-cycle credits are excluded from age-restricted cap calculations. The borough has not proposed any additional age-restricted units.

F. Regional Contribution Agreement

Pursuant to N.J.A.C. 5:93-6.1, Westwood may transfer up to 50 percent of its affordable housing obligation via a regional contribution agreement (RCA). The borough has not included an RCA in its plan.

G. Development Fee Ordinance

COAH approved Westwood's development fee ordinance on March 21, 2001.

H. Spending Plan

Westwood has submitted a spending plan that complies with N.J.A.C. 5:93-8.10. This spending plan is reviewed in a separate report.

K. Summary

The following table summarizes Westwood's fair share plan including additional rehabilitation that the borough intends to complete through its participation in the Bergen County Home Improvement Program (BCHIP):

	Rehabilitation Component		New Construction Component		Total	
Obligation	17		87		104	
Credits/Reductions/Adjustments	**Plan**	**Eligible**	**Plan**	**Eligible**	**Plan**	**Eligible**
Bergen County Home Improvement Program (BCHIP)	13	13			13	13
100 Madison Avenue Westwood House (Prior-Cycle Credits)			7	182	7	182
34 Kingsberry Street Mid-Bergen County Community Mental Health Services (Prior-Cycle Credits)			3	3	3	3
16 Fourth Avenue New Concepts for Living, Inc.			4	4	4	4
14 Lester Avenue Spectrum for Living Group Homes, Inc.			6	6	6	6
7 Valley Ave. Care NJ, Inc.			4	0	4	0
9 Valley Avenue Care NJ, Inc.			4	0	4	0
Rental Bonuses for Group Homes			10	2	10	2
Vacant Land Adjustment			59	79	59	79
Total Credits/Reductions/Adjustments	13	13	97	276	110	289
Remaining Obligation		4		0		0
Bergen County Home Improvement Program (BCHIP)	4	4			4	4
Total Plan	17	17	97	276	114	293
New Construction Surplus						+189

IV. RECOMMENDATION

Westwood Borough has a fair share obligation of 104 units, including a rehabilitation component of 17 units and a new construction component of 87 units due to the lack of available

land that can support this scale of development, COAH staff recommends approval of the borough's request for a vacant land adjustment and recommends that Westwood be given an RDP of eight units which results in a 79-unit vacant land adjustment. Pursuant to N.J.A.C. 5:93-4.1(b), Westwood is obligated to fulfill its unmet need as well as its rehabilitation obligation, both of which have been addressed through surplus credits.

The housing element and fair share plan submitted by Westwood Borough addresses the borough's 12-year cumulative obligation with 185 prior-cycle credits, 12 rental and rental bonus credits for group homes, 13 rehabilitation credits, a four-unit ongoing rehabilitation program and a 79-unit vacant land adjustment yielding an RDP of eight units. COAH staff recommends that Westwood be granted substantive certification. The borough must adopt its implementing ordinances, governing development fees, affirmative marketing, and affordability controls within 45 days of receiving substantive certification.

** TOTAL PAGE.15 **

A-3 LB-1-RM Overlay Zone Ordinance

BOROUGH OF WESTWOOD
NOTICE OF ADOPTION
ORDINANCE #18-40

PUBLIC NOTICE IS HEREBY GIVEN that Ordinance #18-40 entitled: "**An Ordinance To Amend Chapter 195 Article XVI Of The Westwood Borough Code, Entitled "Land Use And Development – Zone Districts And Permitted Uses" And The Westwood Borough Zoning Map To Create The "Limited Business-Residential Multifamily Affordable Housing Overlay Zone" And The Standards Associated With The Zone In The Borough Of Westwood**" was introduced at first reading at a meeting of the Mayor and Council on the 4th day of December, 2018 and that said Ordinance was finally passed on second and final reading at a meeting of the Mayor and Council on the 18th day of December, 2018.

BY ORDER OF THE MAYOR AND COUNCIL OF THE BOROUGH OF WESTWOOD.

John Birkner, Jr., Mayor

Karen Hughes, Borough Clerk

"I hereby certify this to be a true copy as approved by the Mayor and Council of the Borough of Westwood at a duly convened public meeting held on the 18th day of December 2018

Karen Hughes
Borough Clerk

BOROUGH OF WESTWOOD
NOTICE

NOTICE IS HEREBY GIVEN that the following Ordinance was introduced and passed on first reading on regular meeting of the Mayor and Council on the 4th day of December, 2018, and that said Ordinance will be taken up for further consideration for final passage at a regular meeting of the Mayor and Council to be held on the 18th day of December, 2018 at 8:00 p.m. or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning same.

Karen Hughes, Borough Clerk
Borough of Westwood

ORDINANCE # 18-40

AN ORDINANCE TO AMEND CHAPTER 195 ARTICLE XVI OF THE WESTWOOD BOROUGH CODE, ENTITLED "LAND USE AND DEVELOPMENT – ZONE DISTRICTS AND PERMITTED USES" AND THE WESTWOOD BOROUGH ZONING MAP TO CREATE THE "LIMITED BUSINESS-RESIDENTIAL MULTIFAMILY AFFORDABLE HOUSING OVERLAY ZONE" AND THE STANDARDS ASSOCIATED WITH THE ZONE IN THE BOROUGH OF WESTWOOD

WHEREAS, the Governing Body of the Borough of Westwood seeks to create a realistic opportunity for the development of affordable housing along a portion of Broadway Avenue;

WHEREAS, in furtherance of this goal, the Borough proposes to create a new Limited Business – Residential Multifamily Affordable Housing Overlay Zone to encourage inclusionary development in the LB-1 Zone.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Westwood, County of Bergen, State of New Jersey, that Chapter 195, "Land Use and Development" of the Borough Code of the Borough of Westwood is hereby amended or supplemented as follows:

Section 1. Chapter 195, Article XVI, Section 195-106 of the Code of the Borough of Westwood entitled "Zoning Districts" is hereby amended to add the following new zone district to the list of zone districts:

LB-RM Limited Business – Residential Multifamily Affordable Housing Overlay Zone

Section 2. Chapter 195, Article XII, Section 195-107. of the Code of the Borough of Westwood "Zoning Map" shall be amended to identify the LB-RM Limited Business – Residential Multifamily Affordable Housing Overlay Zone to encompass Block 701 Lots 1 through 8, **10 through 13 and 16** while retaining the underlying LB-1 Limited Business District 1 Zone designation for these lots, as shown on the accompanying map.

Section 3. Chapter 195, Article XIV, of the Code of the Borough of Westwood entitled "Zone Districts and Permitted Uses" is hereby amended to include a new subsection 195-122.1 as follows:

§195-122.1 LB-RM Limited Business – Residential Multifamily Affordable Housing Overlay Zone

A. The purpose of the LB-RM Limited Business – Residential Multifamily Affordable Housing Overlay Zone is to create an opportunity for the construction of low- and moderate-income housing in a suitable portion of the Borough of Westwood and thereby to address the fair share housing obligation of the Borough of Westwood under the New Jersey Fair Housing Act ("FHA"), applicable Council on Affordable Housing ("COAH") regulations, the settlement agreement entered into between the Borough and Fair Share Housing Center ("FSHC") on April 24, 2018, and the Borough's Housing Element and Fair Share Plan. The LB-RM Overlay Zone encourages the development of low- and moderate-income housing by allowing for inclusionary development; however, developers shall also have the option of developing in accordance with the underlying LB-1 Zone standards.

B. The principal permitted uses in the Limited Business – Residential Multifamily Affordable Housing Overlay Zone shall be identical to those uses permitted in the LB-1 Zone as set forth at §195-122; provided, however, that any developer that elects to develop in accordance with the Limited Business – Residential Multifamily Affordable Housing Overlay Zone standards as set forth herein below shall be required to provide multi-family dwellings.

C. Permitted accessory uses allowed in the LB-RM Zone include the following:

(a) Off-street parking in accordance with Chapter 195, Article XII, Section 195-111.D and Section 195-130.A(1)c. as well as Chapter 195, Article XX
(b) Decks, balconies and porches.
(c) Fences and walls, in accordance with the Fence Ordinance, Chapter 195, Article XV, Section 195-130.G.
(d) Ancillary recreation elements, such as a swimming pool, tennis courts and other similar uses to only serve the residents of a complex and in accordance with the Westwood Supplementary Regulations Governing Certain Uses, Chapter 195, Article XV, Section 195-130.F.
(e) Trash enclosures.
(f) Signs, in accordance with the Westwood Sign Regulations Ordinance, Chapter 195, Article XIX.
(g) Outdoor lighting, in accordance with the Westwood Design Standards for Site Plans Ordinance, Chapter 195, Article XI, Section 195-95.

D. Affordable Housing.

(a) All multifamily residential developments constructed in the LB-RM Limited Business – Residential Multifamily Affordable Housing Overlay Zone shall be

required to set aside a minimum percentage of units for affordable housing. Where units will be for sale, the minimum set aside shall be twenty percent (20%). Where units will be for rent, the minimum set aside shall be fifteen percent (15%). When calculating the required number of affordable units, any computation resulting in a fraction of a unit shall be rounded upwards to the next whole number.

(b) All affordable units to be produced pursuant to this section shall comply with the Borough's Affordable Housing Ordinance at Article XXV of the Borough Code, as may be amended and supplemented, the Uniform Housing Affordability Controls ("UHAC")(N.J.A.C. 5:80-26.1 et seq.), or any successor regulation, and the Borough's Housing Element and Fair Share Plan, as may be amended from time to time. This includes, but is not limited to, the following requirements for all affordable units:

[1] Low/Moderate Income Split: A maximum of 50% of the affordable units shall be moderate-income units and a minimum of 50% of the affordable units shall be low-income units. At least 13% of all restricted units shall be very low-income units, which shall be counted as part of the required number of low-income units within the development.

[2] Bedroom Mix: In the development under this zoning, the following bedroom mix shall apply:

[a] The combined number of one-bedroom units shall be no greater than 20% of the total low- and moderate-income units;

[b] At least 30% of all low- and moderate-income units shall be two bedroom units;

[c] At least 20% of all low- and moderate-income units shall be three bedroom units; and

[d] The remaining units may be allocated among two and three bedroom units at the discretion of the developer.

[3] Deed Restriction Period: All affordable units shall be deed restricted for a period of 30 years from the date of the initial occupancy of each affordable unit (the "Deed-Restriction Period"). The affordability controls shall expire at the end of 30 years after the date of the initial occupancy of the respective individual affordable unit, except, as to rental units, the affordability controls shall remain in effect until the date on which a rental unit shall become vacant, provided that the occupant household continues to earn a gross annual income of less than 80% of the applicable median income. See N.J.A.C. 5:80-26.11(b). If, at any time after the end of 30 years after the date of initial occupancy, a rental household's income is found to exceed 80% of the regional median income, the rental rate restriction shall expire at the later of either the next scheduled lease renewal or 60 days. Ibid. For for-sale units, the deed restriction shall expire only after it is properly released by the Borough and/or the Borough's Administrative Agent.

[4] Administrative Agent: All affordable units shall be administered by a qualified Administrative Agent, **approved by the Borough** and paid for by the developer.

[5] Other Affordable Housing Unit Requirements: Developers shall also comply with all the other requirements of the Borough's Affordable Housing Ordinance, including, but not limited to, (1) affirmative marketing

requirements, (2) candidate qualification and screening requirements, (3) integrating the affordable units amongst the market rate units, and (4) unit phasing requirements. Developers shall ensure that the affordable units are dispersed between all of the buildings on its site and shall identify the exact location of each affordable unit at the time of site plan application.

E. Area and Bulk Requirements. The area and bulk requirements for the uses allowed in the LB-RM Limited Business – Residential Multifamily Affordable Housing Overlay Zone are set forth below.

(a) Lot Area. There shall be a minimum lot area of 2 acres.
(b) Lot Width. There shall be a minimum lot width of **100** feet.
(c) Lot Depth. There shall be a minimum lot depth of 100 feet
(d) Density. There shall be a maximum gross density of 20 dwelling units per acre.
(e) Yards.
[1] Front Yard. There shall be a front yard of not less than 25 feet.
[2] Side Yard. No side yard shall be less than **10** feet.
[3] Rear Yard. There shall be a rear yard of at least 30 feet.
~~(f) Maximum Floor Area Ratio (FAR) 50%.~~
(g) Height. No building shall exceed a height of 38 feet or three stories.
(h) Building Coverage. There shall be a maximum building coverage of 50%.
(i) Lot Coverage. There shall be a maximum lot coverage of **75**%.

F. Development Standards.

(a) Building Requirements.
[1] Building Design. In order to provide attractiveness, identity and individuality to dwelling units, buildings and complexes of buildings within the entire zone and to avoid the monotonous repetition of design elements and its undesirable visual effects, the following design standards shall be utilized:
[a] Consistency among building materials and colors with the Borough's existing residential, historical and architectural characteristics.
[b] Harmonious relationship with other onsite features and buildings.
[c] Varying dwelling unit widths, staggering dwelling unit setbacks and altering building heights and rooflines;
[d] No more than 30 feet of front or rear building wall permitted without providing a break in the façade of 2 feet of articulation.
[e] Buildings with expansive blank walls on any facade are discouraged. Side and rear elevations should receive architectural treatments comparable to front facades.
[f] Varying architectural embellishments to roofs between dwelling units, buildings or complexes of buildings including roof elements such as dormers, belvederes, masonry chimneys and similar elements, provided that such are architecturally compatible with the style, materials, colors and details of the building;
[g] Varying decorative and architectural features at entrances, cornices, windows and articulation between dwelling units, buildings or

complexes of buildings, provided that such are architecturally compatible with the style, materials, colors and details of the building.

[h] Complimentary building colors and materials to be consistent with the general theme of the development.

[i] Strategically placed windows, doors, porches and columns with consideration of "human scale".

[j] Exterior-mounted mechanical and electrical equipment exposed to the public view shall be architecturally screened. Roof-mounted equipment and projections should be painted the same color as the roof and, where possible, located to the rear of the building, away from the public view.

[k] Building construction shall utilize green building or sustainable building methods to the extent practicable to reduce the operating and maintenance costs of low- and moderate-income households.

[2] Construction. **The multifamily buildings shall conform with the applicable NJUCC requirements including the fire resistance of building materials.**

(b) Dwelling Unit Requirements.

[1] Minimum floor area. Each dwelling unit shall have a minimum floor area of 600 square feet.

[2] Floors and ceilings and partitions between dwelling units shall be constructed so as to have a minimum airborne sound transmission loss classification of 50 decibels. The Planning Board shall ascertain that reasonable measures are taken in floor and ceiling construction to avoid disturbing levels of sound impact.

(c) Accessory structures. All accessory structures shall be designed in accordance with Section 195-130 of the Borough of Westwood Code.

G. Off-street parking.

(a) The minimum number of off-street parking spaces for multifamily residential housing shall be as set forth in the Residential Site Improvement Standards (N.J.A.C. 5:21).

(b) All parking areas shall be designed in accordance with the applicable provisions of Article VI of this Chapter.

(c) Adequate fire and emergency access must be provided subject to the Borough of Westwood Fire Department.

(d) On-site parking shall not be provided for any use or to any party other than a resident or visitor of the site, nor shall parking areas be used for any purpose other than parking.

(e) Signage shall be provided where parking spaces are to be reserved for residents. Visitor parking shall be signed and painted for each space designated for such a purpose.

(f) Adequate parking facilities for accessibility to people with mobility impairments shall be provided as required by the Americans with Disabilities Act (ADA).

H. Landscaping and open space.

(a) At least 20% of the gross site area shall be devoted to open space for passive or active recreation, or conservation.
(b) There shall be a comprehensive landscape plan prepared by a New Jersey licensed Landscape Architect which shall detail the location, type, size and any planting note for the proposed landscape materials. This plan shall be subject to the approval of the Planning Board.
(c) A landscape buffer shall be provided where a multifamily development abuts a single-family residential zone. The buffer shall be a minimum of 20 feet in width, as measured from the property line. The buffer shall provide a year-round visual screen and minimize adverse impacts from the site on adjacent properties. Buffers shall consist of natural vegetation to the greatest extent practical, and may consist of fences, planting, berms, mounds, or combinations thereof to achieve the stated
(d) No use or structure, including parking or loading areas, shall be permitted within the required buffer area, but the Planning Board may, upon a finding of reasons thereof, permit a portion of a buffer area to be used for walkways, underground linear utilities and site access drives, and the Board may also permit a portion of a buffer area to be used for stormwater detention or retention basins, provided that the basin is designed as a landscaping feature, and further provided that the landscaping plan for the buffer area is determined by the Planning Board to meet the objective of the buffer area.

I. Lighting.

(a) Adequate lighting shall be provided for all common areas and pedestrian walkways.
(b) All outdoor lighting, including street lamps and accent lighting, should comply with "dark sky" standards intended to reduce light pollution. Dark sky standards require that lighting is downcast, illuminates only the intended areas, and does not cause disabling glare that affects driver safety and reduces the visibility of starry night skies.
(c) Lighting for the development must be contained on the property on which the development is located **with a maximum foot-candle of 0.30 at all side and rear property lines**.
(d) LED lighting shall be permitted in addition to all of the conditions of the land use ordinance standards for lighting.

J. Miscellaneous.

(a) **Secure** television connections shall be provided for each unit. Television antennas shall be limited to one master antenna per building.
(b) Through-wall air-conditioning units that project beyond the building wall are not permitted.
(c) All trash and garbage shall be stored at all times in airtight covered containers which shall be kept in a centrally located, concealed area. They may be stored in private garages or outside of buildings. If the materials are stored outside, they

must be kept in a permanent enclosure with a latching gate in a centrally located, concealed area approved by the Planning Board.

(d) Amenities restricted to the use of the residents and their guests are permitted subject to all applicable local and state requirements.

(e) Swimming pools, restricted to the use of tenants, are permitted subject to all applicable local and state requirements.

(f) Internal walkways shall be provided to provide a pedestrian connection to any site development amenities, such as a clubhouse, recreational facilities, pools, etc.

(g) Internal walkways shall be a minimum of four (4) feet wide and shall be designed to comply with the requirements of the Americans with Disabilities Act (ADA).

(h) Fences shall be situated and designed in accordance with Chapter 195, Article XV, Section 195-130.G.

Section 4. Chapter 195, Attachment 14, "Schedule A, Area and Bulk Regulations" of the Code of the Borough of Westwood shall be amended to include a new LB-RM Overlay Zone category, which shall state 'See § 195-122.1' for area and bulk regulations.

Section 5. Chapter 195, Attachment 15, "Schedule B, Schedule of Principal, Accessory and Conditional Uses" of the Code of the Borough of Westwood shall be amended to include a new LB-RM Overlay Zone category, which shall state 'See § 195-122.1' for permitted principal, accessory and conditional uses.

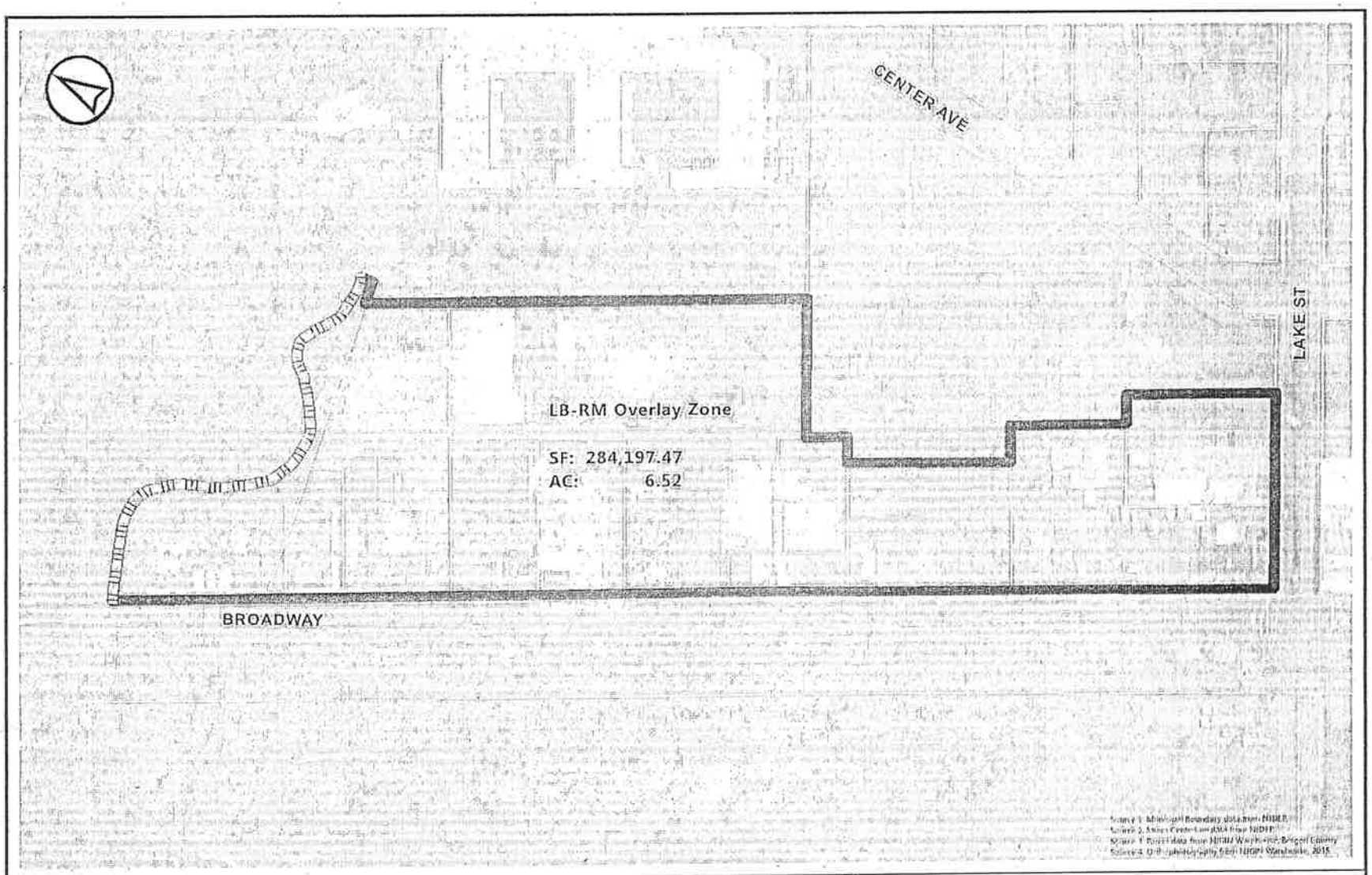
Section 6. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

Section 7. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Westwood, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Borough of Westwood are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section 8. The Borough Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this ordinance to the Bergen County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63 (if required).

Section 9. After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Westwood for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Borough Mayor and Council, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

Section 10. This Ordinance shall be presented to the Mayor for his approval and signature, which approval shall be granted or denied within ten (10) days of receipt of same, pursuant to N.J.S.A. 40:69A-149.7. If the Mayor fails to return this Ordinance with either his



Proposed LB-RM Limited Business - Residential Multifamily Overlay Zone

3014.07	11.01.18	DN/AF
1 " = 140 '		3014.07

BURGIS ASSOCIATES, INC.

2018 Housing Plan

Legend

- Municipal Boundary
- Parcels
- Broadway Study Area

approval or objection to same within ten (10) days after it has been presented to him, then this Ordinance shall be deemed approved.

Section 11. This Ordinance shall take effect immediately upon (1) adoption; (2) approval by the Mayor pursuant to N.J.S.A. 40:69A-149.7; (3) publication in accordance with the laws of the State of New Jersey; and (4) filing of the final form of adopted ordinance by the Clerk with (a) the Bergen County Planning Board pursuant to N.J.S.A. 40:55D-16, and (b) the Borough Tax Assessor as required by N.J.S.A. 40:49-2.1.

INTRODUCED the 4 day of December, 2018.
ADOPTED the 15 day of December, 2018.

John Birkner Jr., Mayor

ATTEST:

Karen Hughes, RMC, Borough Clerk

A-4 RW-RM Overlay Zone Ordinance

BOROUGH OF WESTWOOD
NOTICE OF ADOPTION
ORDINANCE #18-41

PUBLIC NOTICE IS HEREBY GIVEN that Ordinance #18-41 entitled: "**An Ordinance To Amend Chapter 195 Article XVI Of The Westwood Borough Code, Entitled "Land Use And Development – Zone Districts And Permitted Uses" And The Westwood Borough Zoning Map To Create The "Retail / Wholesale-Residential Multifamily Affordable Housing Overlay Zone" And The Standards Associated With The Zone In The Borough Of Westwood**" was introduced at first reading at a meeting of the Mayor and Council on the 4th day of December, 2018 and that said Ordinance was finally passed on second and final reading at a meeting of the Mayor and Council on the 18th day of December, 2018.

BY ORDER OF THE MAYOR AND COUNCIL OF THE BOROUGH OF WESTWOOD.

John Birkner, Jr., Mayor

Karen Hughes, Borough Clerk

I hereby certify this to be a true copy as approved by the Mayor and Council of the Borough of Westwood at a duly convened public meeting held on the 18th day of December, 2018

Karen Hughes
Borough Clerk

BOROUGH OF WESTWOOD
NOTICE

NOTICE IS HEREBY GIVEN that the following Ordinance was introduced and passed on first reading on regular meeting of the Mayor and Council on the 4th day of December, 2018, and that said Ordinance will be taken up for further consideration for final passage at a regular meeting of the Mayor and Council to be held on the 18th day of December, 2018 at 8:00 p.m. or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning same.

Karen Hughes, Borough Clerk
Borough of Westwood

ORDINANCE # 18-41

AN ORDINANCE TO AMEND CHAPTER 195 ARTICLE XVI OF THE WESTWOOD BOROUGH CODE, ENTITLED "LAND USE AND DEVELOPMENT – ZONE DISTRICTS AND PERMITTED USES" AND THE WESTWOOD BOROUGH ZONING MAP TO CREATE THE "RETAIL / WHOLESALE-RESIDENTIAL MULTIFAMILY AFFORDABLE HOUSING OVERLAY ZONE" AND THE STANDARDS ASSOCIATED WITH THE ZONE IN THE BOROUGH OF WESTWOOD

WHEREAS, the Governing Body of the Borough of Westwood seeks to create a realistic opportunity for the development of affordable housing **on selected properties on Booker Street and Carver Avenue**;

WHEREAS, in furtherance of this goal, the Borough proposes to create a new Retail / Wholesale – Residential Multifamily Affordable Housing Overlay Zone to encourage inclusionary development in **a portion of** the RW Zone.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Westwood, County of Bergen, State of New Jersey, that Chapter 195, "Land Use and Development" of the Borough Code of the Borough of Westwood is hereby amended or supplemented as follows:

Section 1. Chapter 195, Article XVI, Section 195-106 of the Code of the Borough of Westwood entitled "Zoning Districts" is hereby amended to add the following new zone district to the list of zone districts:

RW-RM Retail / Wholesale – Residential Multifamily Affordable Housing Overlay Zone

Section 2. Chapter 195, Article XII, Section 195-107. of the Code of the Borough of Westwood "Zoning Map" shall be amended to identify the RW-RM Retail / Wholesale – Residential Multifamily Affordable Housing Overlay Zone to encompass Block 2001, Lot 62; Block 2003, Lot 2; Block 2210, Lot 1 and 3.01 while retaining the underlying RW Retail / Wholesale District Zone designation for these lots, as shown on the accompanying map.

Section 3. Chapter 195, Article XIV, of the Code of the Borough of Westwood entitled "Zone Districts and Permitted Uses" is hereby amended to include a new subsection 195-122.1 as follows:

§195-121.1 RW-RM Retail / Wholesale – Residential Multifamily Affordable Housing Overlay Zone

A. The purpose of the RW-RM Retail / Wholesale – Residential Multifamily Affordable Housing Overlay Zone is to create an opportunity for the construction of low- and moderate-income housing in a suitable portion of the Borough of Westwood and thereby help to address the fair share housing obligation of the Borough of Westwood under the New Jersey Fair Housing Act ("FHA"), applicable Council on Affordable Housing ("COAH") regulations, the settlement agreement entered into between the Borough and Fair Share Housing Center ("FSHC") on April 24, 2018, and the Borough's Housing Element and Fair Share Plan. The RW-RM Overlay Zone encourages the development of low- and moderate-income housing by allowing for inclusionary development; however, developers shall also have the option of developing in accordance with the underlying RW Zone standards.

B. The principal permitted uses in the Retail / Wholesale – Residential Multifamily Affordable Housing Overlay Zone shall be identical to those uses permitted in the RW Zone as set forth at §195-121; provided, however, that any developer that elects to develop in accordance with the Retail / Wholesale – Residential Multifamily Affordable Housing Overlay Zone standards as set forth herein below shall be required to provide multi-family dwellings.

C. Permitted accessory uses allowed in the RW-RM Zone include the following:

(a) Off-street parking in accordance with Chapter 195, Article XII, Section 195-111.D and Section 195-130.A(1)c. as well as Chapter 195, Article XX
(b) Decks, balconies and porches.
(c) Fences and walls, in accordance with the Fence Ordinance, Chapter 195, Article XV, Section 195-130.G.
(d) Ancillary recreation elements, such as a swimming pool, tennis courts and other similar uses to only serve the residents of a complex and in accordance with the Westwood Supplementary Regulations Governing Certain Uses, Chapter 195, Article XV, Section 195-130.F.
(e) Trash enclosures.
(f) Signs, in accordance with the Westwood Sign Regulations Ordinance, Chapter 195, Article XIX.
(g) Outdoor lighting, in accordance with the Westwood Design Standards for Site Plans Ordinance, Chapter 195, Article XI, Section 195-95.

D. Affordable Housing.

(a) All multifamily residential developments constructed in the RW-RM Retail / Wholesale – Residential Multifamily Affordable Housing Overlay Zone shall be required to set aside a minimum percentage of units for affordable housing. Where

units will be for sale, the minimum set aside shall be twenty percent (20%). Where units will be for rent, the minimum set aside shall be fifteen percent (15%). When calculating the required number of affordable units, any computation resulting in a fraction of a unit shall be rounded upwards to the next whole number.

(b) All affordable units to be produced pursuant to this section shall comply with the Borough's Affordable Housing Ordinance at Article XXV of the Borough Code, as may be amended and supplemented, the Uniform Housing Affordability Controls ("UHAC")(N.J.A.C. 5:80-26.1 et seq.), or any successor regulation, and the Borough's Housing Element and Fair Share Plan, as may be amended from time to time. This includes, but is not limited to, the following requirements for all affordable units:

[1] Low/Moderate Income Split: A maximum of 50% of the affordable units shall be moderate-income units and a minimum of 50% of the affordable units shall be low-income units. At least 13% of all restricted units shall be very low-income units, which shall be counted as part of the required number of low-income units within the development.

[2] Bedroom Mix: In the development under this zoning, the following bedroom mix shall apply:

[a] The combined number of efficiency and one-bedroom units shall be no greater than 20% of the total low- and moderate-income units;

[b] At least 30% of all low- and moderate-income units shall be two-bedroom units;

[c] At least 20% of all low- and moderate-income units shall be three-bedroom units; and

[d] The remaining units may be allocated among two and three-bedroom units at the discretion of the developer.

[3] Deed Restriction Period: All affordable units shall be deed restricted for a period of 30 years from the date of the initial occupancy of each affordable unit (the "Deed-Restriction Period"). The affordability controls shall expire at the end of 30 years after the date of the initial occupancy of the respective individual affordable unit, except, as to rental units, the affordability controls shall remain in effect until the date on which a rental unit shall become vacant, provided that the occupant household continues to earn a gross annual income of less than 80% of the applicable median income. See N.J.A.C. 5:80-26.11(b). If, at any time after the end of 30 years after the date of initial occupancy, a rental household's income is found to exceed 80% of the regional median income, the rental rate restriction shall expire at the later of either the next scheduled lease renewal or 60 days. Ibid. For for-sale units, the deed restriction shall expire only after it is properly released by the Borough and/or the Borough's Administrative Agent.

[4] Administrative Agent: All affordable units shall be administered by a qualified Administrative Agent paid for by the developer.

[5] Other Affordable Housing Unit Requirements: Developers shall also comply with all the other requirements of the Borough's Affordable Housing Ordinance, including, but not limited to, (1) affirmative marketing requirements, (2) candidate qualification and screening requirements, (3) integrating the affordable units amongst the market rate units, and (4) unit

phasing requirements. Developers shall ensure that the affordable units are dispersed between all of the buildings on its site, and shall identify the exact location of each affordable unit at the time of site plan application.

E. Area and Bulk Requirements. The area and bulk requirements for the uses allowed in the RW-RM Retail / Wholesale – Residential Multifamily Affordable Housing Overlay Zone are set forth below.

(a) Lot Area. There shall be a minimum lot area of **25,000 square feet**.
(b) Lot Width. There shall be a minimum lot width of **100** feet.
(c) Lot Depth. There shall be a minimum lot depth of **100** feet
(d) Density. There shall be a maximum gross density of 20 dwelling units per acre.
(e) Yards.
[1] Front Yard. There shall be a front yard of not less than **20** feet.
[2] Side Yard. No side yard shall be less than **20** feet.
[3] Rear Yard. There shall be a rear yard of at least **30** feet.
~~(f) Maximum Floor Area Ratio (FAR). There shall be a max. FAR of 50%.~~
(g) Height. No building shall exceed a height of 38 feet or three stories.
(h) Building Coverage. There shall be a maximum building coverage of 60%.
(i) Lot Coverage. There shall be a maximum lot coverage of 75%.

F. Development Standards.

(a) Building Requirements.
[1] Building Design. In order to provide attractiveness, identity and individuality to dwelling units, buildings and complexes of buildings within the entire zone and to avoid the monotonous repetition of design elements and its undesirable visual effects, the following design standards shall be utilized:
[a] Consistency among building materials and colors with the Borough's existing residential, historical and architectural characteristics.
[b] Harmonious relationship with other onsite features and buildings.
[c] Varying dwelling unit widths, staggering dwelling unit setbacks and altering building heights and rooflines;
[d] No more than 30 feet of front or rear building wall permitted without providing a break in the façade of 2 feet of articulation.
[e] Buildings with expansive blank walls on any facade are discouraged. Side and rear elevations should receive architectural treatments comparable to front facades.
[f] Varying architectural embellishments to roofs between dwelling units, buildings or complexes of buildings including roof elements such as dormers, belvederes, masonry chimneys and similar elements, provided that such are architecturally compatible with the style, materials, colors and details of the building;
[g] Varying decorative and architectural features at entrances, cornices, windows and articulation between dwelling units, buildings or complexes of buildings, provided that such are architecturally compatible with the style, materials, colors and details of the building.

[h] Complimentary building colors and materials to be consistent with the general theme of the development.

[i] Strategically placed windows, doors, porches and columns with consideration of "human scale".

[j] Exterior-mounted mechanical and electrical equipment exposed to the public view shall be architecturally screened. Roof-mounted equipment and projections should be painted the same color as the roof and, where possible, located to the center of the building, away from the public view.

[k] Building construction shall utilize green building or sustainable building methods to the extent practicable to reduce the operating and maintenance costs of low- and moderate-income households.

[2] Construction. **The multifamily buildings shall conform with the applicable NJUCC requirements including the fire resistance of building materials.**

(b) Dwelling Unit Requirements.

[1] Minimum floor area. Each dwelling unit shall have a minimum floor area of 600 square feet.

[2] Floors and ceilings and partitions between dwelling units shall be constructed so as to have a minimum airborne sound transmission loss classification of 50 decibels. The Planning Board shall ascertain that reasonable measures are taken in floor and ceiling construction to avoid disturbing levels of sound impact.

(c) Accessory structures. All accessory structures shall be designed in accordance with Section 195-130 of the Borough of Westwood Code.

G. Off-street parking.

(a) The minimum number of off-street parking spaces for multifamily residential housing shall be as set forth in the Residential Site Improvement Standards (N.J.A.C. 5:21).

(b) All parking areas shall be designed in accordance with the applicable provisions of Article VI of this Chapter.

(c) Adequate fire and emergency access must be provided subject to the Borough of Westwood Fire Department.

(d) On-site parking shall not be provided for any use or to any party other than a resident or visitor of the site, nor shall parking areas be used for any purpose other than parking.

(e) Signage shall be provided where parking spaces are to be reserved for residents. Visitor parking shall be signed and painted for each space designated for such a purpose.

(f) Adequate parking facilities for accessibility to people with mobility impairments shall be provided as required by the Americans with Disabilities Act (ADA).

H. Landscaping and open space.

(a) At least 20% of the gross site area shall be devoted to open space for passive or active recreation, or conservation.
(b) There shall be a comprehensive landscape plan prepared by a New Jersey licensed landscape architect which shall detail the location, type, size and any planting note for the proposed landscape materials. This plan shall be subject to the approval of the Planning Board.
(c) A landscape buffer shall be provided where a multifamily development abuts a single-family residential zone. The buffer shall be a minimum of 20 feet in width, as measured from the property line. The buffer shall provide a year-round visual screen and minimize adverse impacts from the site on adjacent properties. Buffers shall consist of natural vegetation to the greatest extent practical, and may consist of fences, planting, berms, mounds, or combinations thereof to achieve the stated
(d) No use or structure, including parking or loading areas, shall be permitted within the required buffer area, but the Planning Board may, upon a finding of reasons thereof, permit a portion of a buffer area to be used for walkways, underground linear utilities and site access drives, and the Board may also permit a portion of a buffer area to be used for stormwater detention or retention basins, provided that the basin is designed as a landscaping feature, and further provided that the landscaping plan for the buffer area is determined by the Planning Board to meet the objective of the buffer area.

I. Lighting.

(a) Adequate lighting shall be provided for all common areas and pedestrian walkways.
(b) All outdoor lighting, including street lamps and accent lighting, should comply with "dark sky" standards intended to reduce light pollution. Dark sky standards require that lighting is downcast, illuminates only the intended areas, and does not cause disabling glare that affects driver safety and reduces the visibility of starry night skies.
(c) Lighting for the development must be contained on the property on which the development is located **with a maximum foot-candle of 0.30 at all side and rear property lines**.
(d) LED lighting shall be permitted in addition to all of the conditions of the land use ordinance standards for lighting.

J. Miscellaneous.

(a) **Secure** television connections shall be provided for each unit. Television antennas shall be limited to one master antenna per building.
(b) Through-wall air-conditioning units that project beyond the building wall are not permitted.
(c) All trash and garbage shall be stored at all times in airtight covered containers which shall be kept in a centrally located, concealed area. They may be stored in private garages or outside of buildings. If the materials are stored outside, they must be kept in a permanent enclosure with a latching gate in a centrally located, concealed area approved by the Planning Board.

(d) Amenities restricted to the use of the residents and their guests are permitted subject to all applicable local and state requirements.
(e) Swimming pools, restricted to the use of tenants, are permitted subject to all applicable local and state requirements.
(f) Internal walkways shall be provided to provide a pedestrian connection to any site development amenities, such as a clubhouse, recreational facilities, pools, etc.
(g) Internal walkways shall be a minimum of four (4) feet wide and shall be designed to comply with the requirements of the Americans with Disabilities Act (ADA).
(h) Fences shall be situated and designed in accordance with Chapter 195, Article XV, Section 195-130.G.

Section 4. Chapter 195, Attachment 14, "Schedule A, Area and Bulk Regulations" of the Code of the Borough of Westwood shall be amended to include a new RW-RM Overlay Zone category, which shall state 'See § 195-121.1' for area and bulk regulations.

Section 5. Chapter 195, Attachment 15, "Schedule B, Schedule of Principal, Accessory and Conditional Uses" of the Code of the Borough of Westwood shall be amended to include a new RW-RM Overlay Zone category, which shall state 'See § 195-121.1' for permitted principal, accessory and conditional uses.

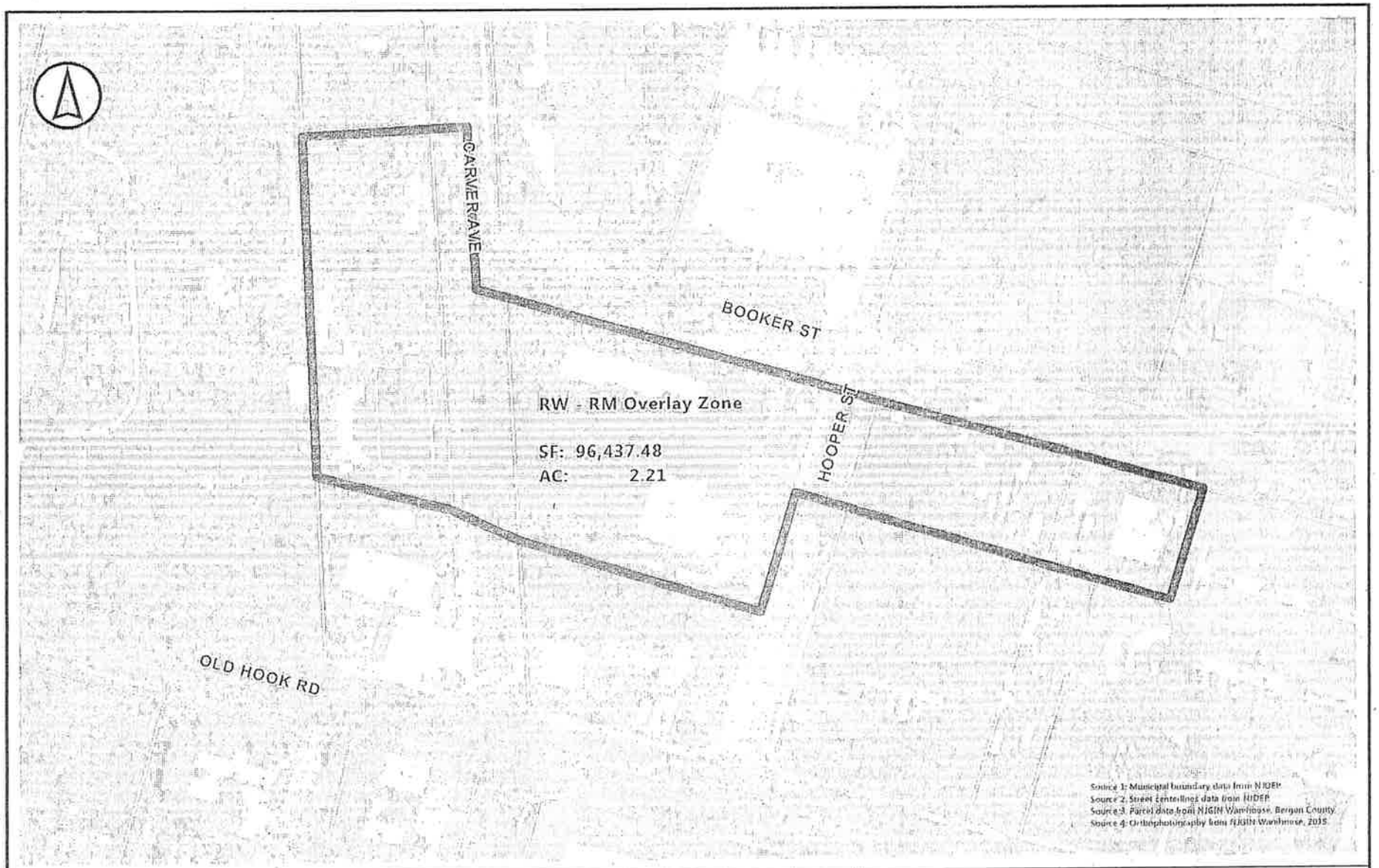
Section 6. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

Section 7. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Westwood, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Borough of Westwood are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section 8. The Borough Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this ordinance to the Bergen County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63 (if required).

Section 9. After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Westwood for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Borough Mayor and Council, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

Section 10. This Ordinance shall be presented to the Mayor for his approval and signature, which approval shall be granted or denied within ten (10) days of receipt of same, pursuant to N.J.S.A. 40:69A-149.7. If the Mayor fails to return this Ordinance with either his approval or objection to same within ten (10) days after it has been presented to him, then this Ordinance shall be deemed approved.



Proposed RW-RM Retail / Wholesale - Residential Multifamily Overlay Zone

3014.07	11/01/18	TB/AF
1 " = 100 '		3014.07

Legend

- RW-RM Overlay Zone Boundary
- Parcels

BURGIS ASSOCIATES, INC.
COMMUNITY PLANNING | LAND DEVELOPMENT AND DESIGN | LANDSCAPE ARCHITECTURE
25 Westwood Avenue
Westwood, New Jersey 07675
P: 201.666.1811
F: 201.666.2599

2018 Housing Plan

Section 11. This Ordinance shall take effect immediately upon (1) adoption; (2) approval by the Mayor pursuant to N.J.S.A. 40:69A-149.7; (3) publication in accordance with the laws of the State of New Jersey; and (4) filing of the final form of adopted ordinance by the Clerk with (a) the Bergen County Planning Board pursuant to N.J.S.A. 40:55D-16, and (b) the Borough Tax Assessor as required by N.J.S.A. 40:49-2.1.

INTRODUCED the 4th day of December, 2018.
ADOPTED the 18th day of December, 2018.

John Birkner Jr., Mayor

ATTEST:

Karen Hughes, RMC, Borough Clerk

A-4A Amendment to LB-1-RM and RW-RM Overlay Zones

BOROUGH OF WESTWOOD
NOTICE

NOTICE IS HEREBY GIVEN that the following Ordinance was introduced and passed on first reading on regular meeting of the Mayor and Council on the 19th day of February, 2019, and that said Ordinance will be taken up for further consideration for final passage at a regular meeting of the Mayor and Council to be held on the 5th day of March, 2019 at 8:00 p.m. or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning same.

Karen Hughes, Borough Clerk
Borough of Westwood

ORDINANCE # 19-2

AN ORDINANCE TO AMEND CHAPTER 195 ARTICLE XVI OF THE WESTWOOD BOROUGH CODE, ENTITLED "LAND USE AND DEVELOPMENT – ZONE DISTRICTS AND PERMITTED USES" AND THE STANDARDS ASSOCIATED WITH THE ZONE IN THE BOROUGH OF WESTWOOD

WHEREAS, the Governing Body of the Borough of Westwood seeks to create a realistic opportunity for the development of affordable housing;

WHEREAS, in furtherance of this goal, the Borough adopted ordinances 18-40, 18-41 and 18-42 to create the Limited Business – Residential Multifamily Affordable Housing Overlay Zone, the Retail / Wholesale – Residential Multifamily Affordable Housing Overlay Zone and an Affordable Housing Mandatory Set-Aside ordinance for inclusionary development in the Borough.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Westwood, County of Bergen, State of New Jersey, that Chapter 195, "Land Use and Development" of the Borough Code of the Borough of Westwood is hereby amended or supplemented as follows:

Section 1. Amend Chapter 195, Article XIV, of the Code of the Borough of Westwood entitled "Zone Districts and Permitted Uses" is hereby amended in subsection 195-121.1 D.(a) entitled "Affordable Housing" as follows (deleted sections are noted by strikethroughs, new sections are **bold**):

(a) All multifamily residential developments constructed in the RW-RM Retail / Wholesale – Residential Multifamily Affordable Housing Overlay Zone shall be required to set aside a minimum percentage of units for affordable housing **in accordance with the following requirements:**

[1] Where units will be for sale, the minimum set aside shall be twenty percent (20%). Where units will be for rent, the minimum set aside shall be fifteen percent (15%). When calculating the required number of affordable units,

any computation resulting in a fraction of a unit shall be rounded upwards to the next whole number.

[2] The first affordable rental unit to be created, shall be a qualified affordable family unit as defined in N.J.A.C. 5:97-1.4 as amended or supplemented. This requirement shall be satisfied if an affordable rental unit is first created in the LB-RM District pursuant to in §195-122.1, or by the mandatory set-aside ordinance as established in §195-186.

Section 2. Amend Chapter 195, Article XIV, of the Code of the Borough of Westwood entitled "Zone Districts and Permitted Uses" is hereby amended in subsection 195-122.1 D.(a) entitled "Affordable Housing" as follows (deleted sections are noted by strikethroughs, new sections are **bold**):

(a) All multifamily residential developments constructed in the LB-RM Limited Business – Residential Multifamily Affordable Housing Overlay Zone shall be required to set aside a minimum percentage of units for affordable housing **in accordance with the following requirements:**

[1] Where units will be for sale, the minimum set aside shall be twenty percent (20%). Where units will be for rent, the minimum set aside shall be fifteen percent (15%). When calculating the required number of affordable units, any computation resulting in a fraction of a unit shall be rounded upwards to the next whole number.

[2] The first affordable rental unit to be created, shall be a qualified affordable family unit as defined in N.J.A.C. 5:97-1.4 as amended or supplemented. This requirement shall be satisfied if an affordable rental unit is first created in the RW-RM District pursuant to in §195-121.1, or by the mandatory set-aside ordinance as established in §195-186.

Section 3. Amend Chapter 195, Article XXIV, of the Code of the Borough of Westwood entitled "Affordable Housing Mandatory Set-Aside" is hereby amended in subsection 195-186 B.(2) entitled "Mandatory Set-Aside Requirement." as follows (deleted sections are noted by strikethroughs, new sections are **bold**):

(2) For inclusionary projects in which the low and moderate units are to be offered for sale, the minimum set-aside percentage shall be twenty percent (20%); for projects in which the low and moderate income units are to be offered for rent, the minimum set-aside percentage shall be fifteen percent (15%). Where the set-aside percentage results in a fractional unit, the total set-aside requirement shall be rounded upwards to the next whole number. **The first affordable rental unit to be created, shall be a qualified affordable family unit as defined in N.J.A.C. 5:97-1.4 as amended or supplemented. This requirement shall be satisfied if an affordable rental unit is first created**

in the RW-RM or LB-RM District pursuant to in §195-121.1 or §195-122.1.

Section 4. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

Section 5. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Westwood, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Borough of Westwood are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section 6. The Borough Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this ordinance to the Bergen County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63 (if required).

Section 7. After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Westwood for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Borough Mayor and Council, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

Section 8. This Ordinance shall be presented to the Mayor for his approval and signature, which approval shall be granted or denied within ten (10) days of receipt of same, pursuant to N.J.S.A. 40:69A-149.7. If the Mayor fails to return this Ordinance with either his approval or objection to same within ten (10) days after it has been presented to him, then this Ordinance shall be deemed approved.

Section 9. This Ordinance shall take effect immediately upon (1) adoption; (2) approval by the Mayor pursuant to N.J.S.A. 40:69A-149.7; (3) publication in accordance with the laws of the State of New Jersey; and (4) filing of the final form of adopted ordinance by the Clerk with (a) the Bergen County Planning Board pursuant to N.J.S.A. 40:55D-16, and (b) the Borough Tax Assessor as required by N.J.S.A. 40:49-2.1.

INTRODUCED the 19th day of February, 2019.
ADOPTED the 5th day of March, 2019.

John Birkner Jr., Mayor

ATTEST:

Karen Hughes, RMC, Borough Clerk

A-5 Mandatory Set-aside Ordinance

BOROUGH OF WESTWOOD
NOTICE OF ADOPTION
ORDINANCE #18-42

PUBLIC NOTICE IS HEREBY GIVEN that Ordinance #18-42 entitled: "**An Ordinance Adding Section Chapter 195, Article XXIV To The Westwood Borough Code, Which Will Be Entitled "Affordable Housing Mandatory Set-Aside"** was introduced at first reading at a meeting of the Mayor and Council on the 4th day of December, 2018 and that said Ordinance was finally passed on second and final reading at a meeting of the Mayor and Council on the 18th day of December, 2018.

BY ORDER OF THE MAYOR AND COUNCIL OF THE BOROUGH OF WESTWOOD.

John Birkner, Jr., Mayor

Karen Hughes, Borough Clerk

"I hereby certify this to be a true copy as approved by the Mayor and Council of the Borough of Westwood at a duly convened public meeting held on the 18th day of December 2018

Karen Hughes
Borough Clerk

BOROUGH OF WESTWOOD
NOTICE

NOTICE IS HEREBY GIVEN that the following Ordinance was introduced and passed on first reading on regular meeting of the Mayor and Council on the 4th day of December, 2018, and that said Ordinance will be taken up for further consideration for final passage at a regular meeting of the Mayor and Council to be held on the 18th day of December, 2018 at 8:00 p.m. or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning same.

Karen Hughes, Borough Clerk
Borough of Westwood

ORDINANCE# 18-42

AN ORDINANCE ADDING SECTION CHAPTER 195, ARTICLE XXIV TO THE WESTWOOD BOROUGH CODE, WHICH WILL BE ENTITLED "AFFORDABLE HOUSING MANDATORY SET-ASIDE"

INTERPRETIVE STATEMENT

This Ordinance amends the Borough land use ordinances by establishing new regulations to ensure that any site that benefits from a subdivision or site plan approval, rezoning, use variance, redevelopment plan or rehabilitation plan approved by the Borough or a Borough land use board that results in multi-family residential development of five (5) dwelling units or more produces affordable housing at a set-aside rate of 20% for for-sale units and 15% for rental units; which regulations will be set forth in the Borough Code in connection with the Borough's Third Round Housing Element and Fair Share Plan consistent with the terms of the Settlement Agreement reached with Fair Share Housing Center regarding compliance with the Borough's affordable housing obligations.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Westwood, County of Bergen, State of New Jersey, as follows:

Section 1. Chapter 195, (new) Article XXIV of the Code of the Borough of Westwood entitled "Affordable Housing Mandatory Set-Aside" is hereby created and established to read as follows:

§195-186 Affordable housing mandatory set-aside.

A. Purpose. This article is intended to ensure that any site that benefits from a subdivision or site plan approval, rezoning, use variance, redevelopment plan or rehabilitation plan approved by the Borough or a Borough Land Use Board (except for the Borough's R-1 Zone district) that results in multi-family residential development of five (5) dwelling units or more produces affordable housing at a set-aside rate of twenty percent (20%) for

affordable for-sale units and at a set-aside rate of fifteen percent (15%) for affordable rental units. This article shall apply except where inconsistent with applicable law.

B. Mandatory Set-Aside Requirement.

(1) Any multi-family or single-family attached residential development, including the residential portion of a mixed-use project, that is approved to contain five (5) or more new dwelling units as a result of a subdivision or site plan approval, rezoning, use variance, redevelopment plan or rehabilitation plan approved by the Borough or a Borough land use board (except for the Borough's R-1 Single Family Residential Zone district) shall be required to set aside a minimum percentage of units for affordable housing.

(2) For inclusionary projects in which the low and moderate units are to be offered for sale, the minimum set-aside percentage shall be twenty percent (20%); for projects in which the low and moderate income units are to be offered for rent, the minimum set-aside percentage shall be fifteen percent (15%). Where the set-aside percentage results in a fractional unit, the total set-aside requirement shall be rounded upwards to the next whole number.

(3) Nothing in this article precludes the Borough or a Borough land use board from imposing an affordable housing set-aside in a development not required to have a set-aside pursuant to this article consistent with N.J.S.A. 52:27D-311(h) and other applicable law.

(4) This requirement does not create any entitlement for a property owner or applicant for subdivision or site plan approval, a zoning amendment, use variance, or adoption of a redevelopment plan or rehabilitation plan in areas in need of redevelopment or rehabilitation, or for approval of any particular proposed project.

(5) This requirement does not apply to any sites or specific zones for which higher set-aside standards have been or will be established, either by zoning, subdivision or site plan approval, or an adopted redevelopment plan or rehabilitation plan.

(6) Furthermore, this requirement shall not apply to developments containing four (4) or less new dwelling units.

(7) If the Borough's Settlement Agreement with Fair Share Housing Center ("FSHC") dated April 24, 2018, or the Borough's 2018 Housing Element and Fair Share Plan, establishes set-aside standards for any specific sites or zones which are different from the set-aside standards set forth in this article, the set-asides established for those sites or zones in the Settlement Agreement or Housing Element and Fair Share Plan shall govern.

(8) Where a developer demolishes existing dwelling units and builds new dwelling units on the same site, the provisions of this section shall apply only if the net number of dwelling units is five (5) or more.

(9) All subdivision and site plan approvals of qualifying residential developments shall be conditioned upon compliance with the provisions of this section.

(10) All affordable units to be produced pursuant to this article shall comply with the Borough's Affordable Housing Ordinance at Chapter 61 of the Borough Code and the Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.1 et seq.), as may be amended from time to time.

Section 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

Section 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Westwood, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Borough of Westwood are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section 4. The Borough Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this ordinance to the Bergen County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63 (if required).

Section 5. After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Westwood for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Borough Council, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

Section 6. This Ordinance shall be presented to the Mayor for his approval and signature, which approval shall be granted or denied within ten (10) days of receipt of same, pursuant to N.J.S.A. 40:69A-149.7. If the Mayor fails to return this Ordinance with either his approval or objection to same within ten (10) days after it has been presented to him, then this Ordinance shall be deemed approved.

Section 7. This Ordinance shall take effect immediately upon (1) adoption; (2) approval by the Mayor pursuant to N.J.S.A. 40:69A-149.7; (3) publication in accordance with the laws of the State of New Jersey; and (4) filing of the final form of adopted ordinance by the Clerk with (a) the Bergen County Planning Board pursuant to N.J.S.A. 40:55D-16, and (b) the Borough Tax Assessor as required by N.J.S.A. 40:49-2.1.

INTRODUCED the 4th day of December, 2018.
ADOPTED the 18th day of December, 2018.

John Birkner Jr., Mayor

ATTEST:

Karen Hughes, RMC, Borough Clerk

A-6 Current Development Fee Ordinance

Borough of Westwood, NJ
Wednesday, November 4, 2015

Chapter 195. Land Use and Development

Part 1. Administration and Enforcement

Article VIII. Affordable Housing Development Fees

§ 195-54. Purpose.

A. 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 (the Act), N.J.S.A. 52:27D-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH) adoption of rules.

B. Pursuant to P.L. 2008, c. 46, Section 8 (N.J.S.A. 52:27D-329.2), and the Statewide Nonresidential Development Fee Act (N.J.S.A. 40:55D-8.1 through N.J.S.A. 40:55D-8.7), COAH is 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 are under the jurisdiction of the Council or court of competent jurisdiction and have a COAH-approved spending plan may retain fees collected from nonresidential development.

C. This article establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance with P.L. 2008, c. 46, Sections 8 and 32 through 38.[1] Fees collected pursuant to this article shall be used for the sole purpose of providing low- and moderate-income housing. This article shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:97-8.

[1] *Editor's Note: See N.J.S.A. 52:27D-329.2 and N.J.S.A. 40:55D-8.1 through N.J.S.A. 40:55D-8.7, respectively.*

§ 195-55. When effective; authority to spend fees.

A. This article shall not be effective until approved by COAH pursuant to N.J.A.C. 5:96-5.1.

B. The Borough of Westwood shall not spend development fees until COAH has approved a plan for spending such fees in conformance with N.J.A.C. 5:97-8.10 and N.J.A.C. 5:96-5.3.

§ 195-56. 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 permitted in N.J.A.C. 5:97-8.3.

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 N.J.S.A. 54:1-35c).

GREEN BUILDING STRATEGIES

Those strategies that minimize the impact of development on the environment and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

§ 195-57. Residential development fees.

A. Imposed fees.

(1) Within the R-1, R-2 and R-3 Districts, residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of 1 1/2% of the equalized assessed value for residential development, provided that no increased density is permitted.

(2) When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance) has been permitted, developers may be required to pay a development fee of 6% of the equalized assessed value for each additional unit that may be realized. However, if the 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. (Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal 1 1/2% of the equalized assessed value on the first two units; and the specified higher percentage up to 6% of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.)

B. Eligible exactions, ineligible exactions and exemptions for residential development.

(1) Affordable housing developments and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.

(2) Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. 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 this purpose. The fee percentage shall be vested on the date that the building permit is issued.

(3) Development fees shall be imposed and collected when an existing structure undergoes a change

to a more intense use, is demolished and replaced, or is expanded to add one or more additional dwelling units, if the expansion is not otherwise exempt from the development fee requirement. It is the intention of this article that expansions to residential structures which do not add dwelling units are exempt from development fees. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.

§ 195-58. Nonresidential development fees.

A. Imposed fees.

(1) Within all zoning districts, nonresidential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2 1/2% of the equalized assessed value of the land and improvements for all new nonresidential construction on an unimproved lot or lots.

(2) Nonresidential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2 1/2% of the increase in equalized assessed value resulting from any additions to existing structures to be used for nonresidential purposes.

(3) Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2 1/2% 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 improvement at the time 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.

B. Eligible exactions, ineligible exactions and exemptions for nonresidential development.

(1) The nonresidential portion of a mixed-use inclusionary or market rate development shall be subject to the 2 1/2% development fee unless otherwise exempted below.

(2) The fee of 2 1/2% shall not apply to an increase in equalized assessed value resulting from alterations, change in use within the existing footprint, reconstruction, renovations and repairs.

(3) 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,[1] as specified in Form N-RDF, the "State of New Jersey Nonresidential Development Certification/Exemption" form. Any exemption claimed by a developer shall be substantiated by that developer.

[1] *Editor's Note: See N.J.S.A. 40:55D-8.1 et seq.*

(4) 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.

(5) 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 Westwood as a lien against the real property of the owner.

§ 195-59. Collection procedures; appeals.

A. Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority shall direct its staff to notify the Construction Official responsible for the issuance of a building permit.

B. 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 Form N-RDF. The Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.

C. 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.

D. 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.

E. The Construction Official responsible for the issuance of a final certificate of occupancy shall notify the local Assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.

F. 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.

G. Should the Borough of Westwood 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).

H. Fifty percent of the 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 the issuance of the building permit and that determined at the issuance of the certificate of occupancy.

I. 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 escrow account by the Borough of Westwood. 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. 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 escrow account by the Borough of Westwood. 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. Interest earned on amounts escrowed shall be credited to the prevailing party.

§ 195-60. Affordable Housing Trust Fund.

A. There is hereby created a separate, interest-bearing housing trust fund, to be maintained by the Chief Financial Officer, for the purpose of depositing development fees collected 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 affordable units;

(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 Westwood's affordable housing program.

C. Within seven days from the opening of the trust fund account, the Borough of Westwood shall provide COAH with written authorization, in the form of a three-party escrow agreement between the municipality, the bank and COAH, to permit COAH to direct the disbursement of the funds as provided for in N.J.A.C. 5:97-8.13(b).

D. All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by COAH.

§ 195-61. Use of funds.

A. The expenditure of all funds shall conform to a spending plan approved by COAH. Funds deposited in the housing trust fund may be used for any activity approved by COAH to address the Borough of Westwood's fair share obligation and may be set up as a grant or revolving loan program. Such activities include but are not limited to preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market-to-affordable, or regional housing partnership programs, conversion of existing nonresidential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:97-8.7 through 5:97-8.9 and specified in the approved spending plan.

B. Funds shall not be expended to reimburse the Borough of Westwood for past housing activities.

C. At least 30% of all development fees collected and 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 those households earning 30% or less of median income by region.

(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.

(2) Affordability assistance to households earning 30% or less of median income 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.

(3) Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.

D. The Borough of Westwood may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18.

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, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20% of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the Affordable Housing Trust Fund.

§ 195-62. Monitoring.

The Borough of Westwood shall complete and return to COAH all monitoring forms included in monitoring requirements related to the collection of development fees from residential and nonresidential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier-free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with the Borough of Westwood's housing program, as well as to the expenditure of revenues and implementation of the plan certified by COAH. All monitoring reports shall be completed on forms designed by COAH.

§ 195-63. Ongoing collection of fees.

The ability for the Borough of Westwood to impose, collect and expend development fees shall expire with its substantive certification unless the Borough of Westwood has filed an adopted Housing Element and Fair Share Plan with COAH, has petitioned for substantive certification, and has received COAH's approval of its development fee ordinance. If the Borough of Westwood fails to renew its ability to impose and collect development fees prior to the expiration of substantive certification, it may be subject to forfeiture of any or all funds remaining within its municipal 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 (N.J.S.A. 52:27D-320). The Borough of Westwood shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its substantive certification or judgment of compliance, nor shall the Borough of Westwood retroactively impose a development fee on such a development. The Borough of Westwood shall not expend development fees after the expiration of its substantive certification or judgment of compliance.

A-7 Affordable Housing Ordinance

BOROUGH OF WESTWOOD
NOTICE OF ADOPTION
ORDINANCE #18-43

PUBLIC NOTICE IS HEREBY GIVEN that Ordinance #18-43 entitled: "**An Ordinance of the Borough of Westwood Creating Chapter 195, Article XXV of the Code of the Borough of Westwood, Entitled "Affordable Housing Ordinance", To Address The Requirements of the Fair Housing Act And The Uniform Housing Affordability Controls (UHAC) Regarding Compliance With The Borough's Affordable Housing Obligations"** was introduced at first reading at a meeting of the Mayor and Council on the 4th day of December, 2018 and that said Ordinance was finally passed on second and final reading at a meeting of the Mayor and Council on the 18th day of December, 2018.

BY ORDER OF THE MAYOR AND COUNCIL OF THE BOROUGH OF WESTWOOD.

John Birkner, Jr., Mayor

Karen Hughes, Borough Clerk

"I hereby certify this to be a true copy as approved by the Mayor and Council of the Borough of Westwood at a duly convened public meeting held on the 18th day of December 2018

Karen Hughes
Borough Clerk

BOROUGH OF WESTWOOD
NOTICE

NOTICE IS HEREBY GIVEN that the following Ordinance was introduced and passed on first reading on regular meeting of the Mayor and Council on the 4th day of December, 2018, and that said Ordinance will be taken up for further consideration for final passage at a regular meeting of the Mayor and Council to be held on the 18th day of December, 2018 at 8:00 p.m. or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning same.

Karen Hughes, Borough Clerk
Borough of Westwood

ORDINANCE # 18-43

AN ORDINANCE OF THE BOROUGH OF WESTWOOD ADDING CHAPTER 195 TO THE WESTWOOD BOROUGH CODE, WHICH WILL BE ENTITLED "AFFORDABLE HOUSING ORDINANCE", TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE BOROUGH'S AFFORDABLE HOUSING OBLIGATIONS

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Westwood, Bergen County, New Jersey, as follows:

Section 1. Chapter 195, (new) Article XXV of the Code of the Borough of Westwood entitled "Affordable Housing Ordinance" is hereby created and established to read as follows:

Article XXV: Affordable Housing Ordinance

§195-187 Purpose.

A. This Ordinance is intended to assure that low- and moderate-income units ("affordable units") are created with controls on affordability and that low- and moderate-income households shall occupy these units. This Ordinance shall apply except where inconsistent with applicable law.

B. The Borough of Westwood 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. (hereinafter "Fair Share Plan"). The Fair Share Plan was subsequently endorsed by the governing body. The Fair Share Plan describes how the Borough of Westwood shall address its fair share of low- and moderate-income housing as documented in the Fair Share Plan itself, the Settlement Agreement entered into between the Borough and Fair Share Housing Center ("FSHC") on June 18, 2018 (hereinafter "FSHC Settlement Agreement"), and the Court

Order approving same, which was entered by the Court on July 24, 2018 after a properly noticed Fairness Hearing.

C. The Borough of Westwood shall track the status of the implementation of the Fair Share Plan.

D.

§195-188 Monitoring and Reporting Requirements.

The Borough of Westwood 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:

A. Beginning one year after the entry of the Borough's Round 3 Judgment of Compliance and Repose, and on every anniversary of that date through 2025, the Borough agrees to provide annual reporting of its Affordable Housing Trust Fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services, 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 the New Jersey Department of Community Affairs (NJDCA), Council on Affordable Housing (COAH), or Local Government Services (NJLGS). The reporting shall include an accounting of all Affordable Housing Trust Fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.

B. Beginning one year after the entry of the Borough's Round 3 Judgment of Compliance and Repose, and on every anniversary of that date through 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 Court Appointed Special Master and FSHC.

C. The Fair Housing Act includes two provisions regarding action to be taken by the Borough during its ten-year repose period. The Borough will comply with those provisions as follows:

(1) For the midpoint realistic opportunity review due on July 2, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Borough will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether the mechanisms to meet unmet need should be revised or supplemented. Such posting shall invite any interested party to submit comments to the Borough, with a copy to Fair Share Housing Center, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether the 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.

(2) For the review of very low income housing requirements required by N.J.S.A. 52:27D-329.1, within 30 days of the third anniversary of the entry of the Borough's Judgement of Compliance and Repose, and every third year thereafter, the Borough will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its satisfaction of its very low income requirements, including the family very low income requirements referenced herein. Such posting shall invite any interested party to submit comments to the Borough and Fair Share Housing Center on the issue of whether the Borough has complied with its very low income housing obligation under the terms of this settlement.

(3) In addition to the foregoing postings, the Borough may also elect to file copies of its reports with COAH or its successor agency at the State level.

§195-189 Definitions.

The following terms when used in this Ordinance shall have the meanings given in this Section:

"Act" means the Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.) as has been subsequently amended.

"Adaptable" means constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

"Administrative agent" means the entity responsible for the administration of affordable units in accordance with this ordinance, applicable COAH regulations and the Uniform Housing Affordability Controls (UHAC)(N.J.A.C. 5:80-26.1 et seq.)

"Affirmative marketing" means 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" means the average percentage of median income at which restricted units in an affordable housing development are affordable to low- and moderate-income households.

"Affordable" means, a sales price or rent within the means of a low- or moderate-income household as defined by COAH in its applicable regulations or an equivalent controlling New Jersey state agency; 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 development" means a housing development all or a portion of which consists of restricted units.

"Affordable housing development" means a development included in the Borough's Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.

"Affordable housing program(s)" means any mechanism in the Borough's Fair Share Plan prepared or implemented to address the Borough's fair share obligation.

"Affordable unit" means a housing unit proposed or created pursuant to the Act, credited pursuant to applicable COAH regulations, the FSHC Settlement Agreement, or an order of the Court.

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

"Age-restricted unit" means 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 percent 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 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.

"Assisted living residence" means 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.

"Certified household" means a household that has been certified by an Administrative Agent as a low-income household or moderate-income household.

"COAH" means the New Jersey Council on Affordable Housing.

"The Department" means the Department of Community Affairs of the State of New Jersey, that was established under the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.).

"DCA" means the State of New Jersey Department of Community Affairs.

"Deficient housing unit" means a housing unit with health and safety code violations that require the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

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

"Development" means 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.

"Inclusionary development" means a development containing both affordable units and market rate units. Inclusionary developments must have a minimum twenty (20) percent set aside of affordable units if the development has five or more units and is a for-sale project, or a minimum fifteen (15) percent set-aside if the development is a rental project. This term includes, but is not necessarily limited to: new construction, the conversion of a non-residential structure to residential and the creation of new affordable units through the reconstruction of a vacant residential structure.

"Low-income household" means a household with a total gross annual household income equal to 50 percent or less of the median household income.

"Low-income unit" means a restricted unit that is affordable to a low-income household.

"Major system" means 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" means housing not restricted to low- and moderate-income households that may sell or rent at any price.

"Median income" means the median income by household size for the applicable county, as adopted annually by the Department.

"Moderate-income household" means a household with a total gross annual household income in excess of 50 percent but less than 80 percent of the median household income.

"Moderate-income unit" means a restricted unit that is affordable to a moderate-income household.

"Municipal Housing Liaison" means the employee charged by the governing body with the responsibility for oversight and administration of the affordable housing program for Westwood.

"Non-exempt sale" means 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.

"Random selection process" means 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).

"Regional asset limit" means the maximum housing value in each housing region affordable to a four-person household with an income at 80 percent of the regional median as defined by the Department's adopted Regional Income Limits published annually by the Department.

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

"Rent" means 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" means 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 UHORP or MONI.

"UHAC" means the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et seq.

"Very low-income household" means a household with a total gross annual household income equal to 30 percent or less of the median household income.

"Very low-income unit" means a restricted unit that is affordable to a very low-income household.

"Weatherization" means 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 rehabilitation.

§195-190 Applicability.

A. 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 Westwood pursuant to the Borough's most recently adopted Housing Element and Fair Share Plan.

B. Moreover, this Ordinance shall 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.

§194-191 Phasing Schedule for Inclusionary Zoning.

In inclusionary developments the following schedule shall be followed:

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

§195-192 New Construction.

A. Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:

(1) 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 a low-income unit. At least 13 percent of all restricted rental units shall be very low income units (affordable to a household earning 30 percent 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. At least 50 percent of the very low income units must be available to families.

(2) In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be very low or low-income units.

(3) Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:

(a) The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total low- and moderate-income units;

(b) At least 30 percent of all low- and moderate-income units shall be two bedroom units;

(c) At least 20 percent of all low- and moderate-income units shall be three bedroom units; and

(d) The remaining units may be allocated among two and three bedroom units at the discretion of the developer.

(4) 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.

B. Accessibility Requirements:

(1) 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. 5:23-7 and the following:

(2) 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:

(a) An adaptable toilet and bathing facility on the first floor; and

(b) An adaptable kitchen on the first floor; and

(c) An interior accessible route of travel on the first floor; and

(d) 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

(e) If all of the foregoing requirements in 2.(a) through 2.(d) cannot 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 2.(a) through 2.(d) above have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit; and

(f) 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, or evidence that Westwood has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:

[1] 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.

[2] To this end, the builder of restricted units shall deposit funds within the Borough of Westwood's Affordable Housing Trust Fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.

[3] The funds deposited under paragraph (f)[2] above shall be used by the Borough of Westwood 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.

[4] The developer of the restricted units shall submit a design plan and cost estimate to the Construction Official of the Borough of Westwood for the conversion of adaptable to accessible entrances.

[5] 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, and that the cost estimate of such conversion is reasonable, payment shall be made to the Borough's Affordable Housing Trust Fund in care of the Borough Treasurer who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and appropriately earmarked.

(g) 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.

C. Design:

(1) In inclusionary developments, low- and moderate-income units shall be integrated with the market units to the extent possible.

(2) In inclusionary developments, low- and moderate-income units shall have access to all of the same common elements and facilities as the market units.

D. Maximum Rents and Sales Prices:

(1) 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.

(2) The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of median income, and the average rent for restricted rental units shall be affordable to households earning no more than 52 percent of median income.

(3) 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 percent of all low- and moderate-income rental units shall be affordable to very low-income households, which very low-income units shall be part of the low-income requirement.

(4) The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income, and each affordable development must achieve an affordability average of 55 percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different sales prices for each bedroom type, and low-income ownership units must be available for at least two different sales prices for each bedroom type.

(5) In determining the initial sales prices and rent levels for compliance with the affordability average requirements for restricted units other than assisted living facilities and age-restricted developments, the following standards shall be used:

(a) A studio shall be affordable to a one-person household;

(b) A one-bedroom unit shall be affordable to a one and one-half person household;

(c) A two-bedroom unit shall be affordable to a three-person household;

(d) A three-bedroom unit shall be affordable to a four and one-half person household; and

(e) A four-bedroom unit shall be affordable to a six-person household.

(6) In determining the initial sales prices and 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:

(a) A studio shall be affordable to a one-person household;

(b) A one-bedroom unit shall be affordable to a one and one-half person household; and

(c) A two-bedroom unit shall be affordable to a two-person household or to two one-person households.

(7) 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 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent 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.

(8) The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate size household, 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.

(9) Income limits for all units that are part of the Borough's Housing Element and Fair Share Plan, and for which income limits are not already established through a federal program exempted from the Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26.1, shall be updated by the Borough annually within 30 days of the publication of determinations of median income by HUD as follows:

(a) The income limit for a moderate-income unit for a household of four shall be 80 percent of the HUD determination of the median income for COAH Region 1 for a family of four. The income limit for a low-income unit for a household of four shall be 50 percent of the HUD determination of the median income for COAH Region 1 for a family of four. The income limit for a very low income unit for a household of four shall be 30 percent of the HUD determination of the median income for COAH Region 1 for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than the previous year.

(b) The income limits are based on carrying out the process in paragraph (a) based on HUD determination of median income for the current Fiscal Year, and shall be utilized by the Borough until new income limits are available.

(10) In establishing sale prices and rents of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC, utilizing the regional income limits established by the Council:

(a) 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 determined pursuant to paragraph (9). In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.

(b) 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 Northern New Jersey Area, upon its publication for the prior calendar year. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low- income housing tax credits.

§195-193 Utilities.

A. Affordable units shall utilize the same type of heating source as market units within an inclusionary development.

B. 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 the NJDCA for its Section 8 program.

§195-194 Occupancy Standards.

In referring certified households to specific restricted units, the Administrative Agent shall, to the extent feasible and without causing an undue delay in the occupancy of a unit, strive to:

A. Provide an occupant for each bedroom;
B. Provide children of different sexes with separate bedrooms;

C. Provide separate bedrooms for parents and children; and
D. Prevent more than two persons from occupying a single bedroom.

§195-195 Control Periods for Restricted Ownership Units and Enforcement Mechanisms.

A. 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 Ordinance for a period of at least thirty (30) years, until Westwood 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.
B. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
C. 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 Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer, shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.

D. At the time of the initial sale of the unit, the initial purchaser shall execute and deliver to the Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer, a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this Ordinance, an amount equal to the difference between the unit's non-restricted 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.

E. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.

F. 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 following the removal of the restrictions provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

§195-196 Price Restrictions for Restricted Ownership Units, Homeowner 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 Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer.

B. The Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer, 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, unless the master deed for the inclusionary project was executed prior to the enactment of UHAC.

E. The owners of restricted ownership units may apply to the Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer, to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.

§195-196 Buyer Income Eligibility.

A. 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 percent of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80 percent of median income.

B. 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 homeowner association fees, as applicable) does not exceed 33 percent of the household's eligible monthly income.

§195-197 Limitations on Indebtedness Secured by Ownership Unit; Subordination.

A. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer, for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer, shall issue such determination prior to the owner incurring such indebtedness.

B. With the exception of First 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 percent of the maximum allowable resale price of the unit, as such price is determined by the Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer, in accordance with N.J.A.C. 5:80-26.6(b).

§195-198 Capital Improvements To Ownership Units.

A. The owners of restricted ownership units may apply to the Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer, 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.

B. 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 Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer, at the time of the 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 Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer. Unless otherwise approved by the Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer, 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.

§195-199 Control Periods for Restricted Rental Units.

A. 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 Ordinance for a period of at least 30 years, until Westwood 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.

B. 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 records office of the County of Bergen. A copy of the filed document shall be provided to the Borough's Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.

C. A restricted rental unit shall remain subject to the affordability controls of this Ordinance despite the occurrence of any of the following events:

(1) Sublease or assignment of the lease of the unit;

(2) Sale or other voluntary transfer of the ownership of the unit; or

(3) The entry and enforcement of any judgment of foreclosure on the property containing the unit.

§195-200 Rent Restrictions for Rental Units; Leases.

A. 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 Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer.

B. 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 Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer.

C. Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the Developer and/or Landlord or to the Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer. If the fees are paid to the Borough's Administrative Agent or an Administrative Agent appointed by a particular developer they are to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.

D. 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 percent of the total number of dwelling units are restricted rental units in compliance with this Ordinance.

§195-201 Tenant Income Eligibility.

A. 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:
   (1) Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of the regional median household income by household size.
   (2) Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of the regional median household income by household size.
   (3) Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of the regional median household income by household size.

B. The Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer, shall certify a household as eligible for a restricted rental unit when the household is a very low-income household, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent 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:

(1) The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
(2) The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
(3) The household is currently in substandard or overcrowded living conditions;
(4) The household documents the existence of assets with which the household proposes to supplement the rent payments; or
(5) 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.

C. The applicant shall file documentation sufficient to establish the existence of the circumstances in A.1. through B.5. above with the Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer, who shall counsel the household on budgeting.

§195-202 Municipal Housing Liaison.

A. The position of Municipal Housing Liaison (MHL) for the Borough of Westwood is established by this ordinance. The Borough shall make the actual appointment of the MHL by means of a resolution.

(1) The MHL must be either a full-time or part-time employee of Westwood.

(2) The person appointed as the MHL must be reported to the Court and thereafter posted on the Borough's website.

(3) The MHL must meet all the requirements for qualifications, including initial and periodic training, if such training is made available by COAH or the DCA.

(4) The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Borough of Westwood, including the following responsibilities which may not be contracted out to the Administrative Agent, or the Administrative Agent appointed by a specific developer:

(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 Borough's Fair Share Plan;

(e) Compiling, verifying and submitting annual reports as required;

(f) Coordinating meetings with affordable housing providers and Administrative Agents, as applicable; and

(g) Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by the Affordable Housing Professionals of New Jersey (AHPNJ), if such continuing education opportunities are made available by COAH or the DCA.

B. Subject to the approval of the Court, the Borough of Westwood shall designate one or more Administrative Agent(s) to administer and to affirmatively market the affordable units constructed in the Borough in accordance with UHAC and this Ordinance. An Operating Manual for each affordable housing program shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body and may be subject to approval of the Court appointed Special Master or the Court. The Operating Manual(s) shall be available for public inspection in the office of the Borough Clerk, in the office of the Municipal Housing Liaison, and in the office(s) of the Administrative Agent(s). The Municipal Housing Liaison shall supervise the work of the Administrative Agent(s).

§195-203 Administrative Agent.

An Administrative Agent may be either an independent entity serving under contract to and reporting to the Borough, or reporting to a specific individual developer. ***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 Borough Administrative Agent shall monitor and work with any individual Administrative Agents appointed by individual developers. The Administrative Agent(s) shall perform the duties and responsibilities of an Administrative Agent as set forth in UHAC, including those set forth in Sections 5:80-26.14, 16 and 18 thereof, which includes:

A. Affirmative Marketing:
   (1) Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the Borough of Westwood and the provisions of N.J.A.C. 5:80-26.15; and
   (2) 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.
B. Household Certification:
   (1) Soliciting, scheduling, conducting and following up on interviews with interested households;
   (2) 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;
   (3) Providing written notification to each applicant as to the determination of eligibility or non-eligibility;

(4) 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 Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;

(5) 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;

(6) Employing a random selection process as provided in the Affirmative Marketing Plan of the Borough of Westwood when referring households for certification to affordable units; and

(7) Notifying the following entities of the availability of affordable housing units in the Borough of Westwood: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, the Bergen County Branch of the NAACP, Senior Citizens United Community Services (S.C.U.C.S.), and the Supportive Housing Association.

C. Affordability Controls:

(1) 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;

(2) 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;

(3) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Bergen County Register of Deeds or Bergen County Clerk's office after the termination of the affordability controls for each restricted unit;

(4) Communicating with lenders regarding foreclosures; and

(5) Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.

D. Resales and Re-rentals:

(1) Instituting and maintaining an effective means of communicating information between owners and the Borough's Administrative Agent, or any Administrative Agent appointed by a specific developer, regarding the availability of restricted units for resale or re-rental; and

(2) Instituting and maintaining an effective means of communicating information to low- (or very low-) and moderate-income households regarding the availability of restricted units for resale or re-rental.

E. Processing Requests from Unit Owners:

(1) Reviewing and approving requests for determination 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;

(2) 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;

(3) Notifying the municipality of an owner's intent to sell a restricted unit; and

(4) Making determinations on requests by owners of restricted units for hardship waivers.

F. Enforcement:

(1) 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;

(2) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement 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 Borough's Administrative Agent, or any Administrative Agent appointed by a specific developer;

(3) 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 Borough's Administrative Agent, or any Administrative Agent appointed by a specific developer, where complaints of excess rent or other charges can be made;

(4) 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;

(5) Establishing a program for diverting unlawful rent payments to the Borough's Affordable Housing Trust Fund; and

(6) Creating and publishing a written operating manual for each affordable housing program administered by the Borough's Administrative Agent, or any Administrative Agent appointed by a specific developer, to be approved by the Borough Council and the Court, setting forth procedures for administering the affordability controls.

G. Additional Responsibilities:

(1) The Borough's Administrative Agent shall have the authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.

(2) The Borough's Administrative Agent shall prepare monitoring reports for submission to the Municipal Housing Liaison in time to meet the Court-approved monitoring and reporting requirements in accordance with the deadlines set forth in this Ordinance. The Borough's Administrative Agent will be responsible for collecting monitoring information from any Administrative Agents appointed by specific developers.

(3) The Borough's Administrative Agent, or any Administrative Agent appointed by a specific developer, shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

§195-204 Affirmative Marketing Requirements.

A. The Borough of Westwood shall adopt by resolution an Affirmative Marketing Plan, that is compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.

B. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is 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 marketing activities toward Housing Region 1 and is required to be followed throughout the period of restriction.

C. 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.

D. The Borough 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 re-sales and re-rentals. The Borough's Administrative Agent designated by the Borough of Westwood, or any Administrative Agent appointed by a specific developer, shall implement the Affirmative Marketing Plan to assure the affirmative marketing of all affordable units.

E. In implementing the Affirmative Marketing Plan, the Borough's Administrative Agent, or any Administrative Agent appointed by a specific developer, 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 used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Plan,

the Borough's Administrative Agent, or any Administrative Agent appointed by a specific developer, 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. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner.

§195-205 Enforcement of Affordable Housing Regulations.

A. Upon the occurrence of a breach of any of the regulations governing an 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, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.

B. 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:

(1) 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 adjudged 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:

(a) A fine of not more than $2,000.00 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 a continuation of the initial offense;

(b) In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Borough of Westwood Affordable Housing Trust Fund of the gross amount of rent illegally collected;

(c) In the case of an Owner who has rented a 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.

(2) The municipality may file a court action in the Superior Court seeking a judgment that would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any such 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- or moderate-income unit.

(a) The 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 his right to possession terminated as well as his title conveyed pursuant to the Sheriff's sale.

(b) 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 the full 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.

(c) 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.

(d) 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.

(e) 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.

(f) 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.

§195-206 Appeals.

Appeals from all decisions of an Administrative Agent appointed pursuant to this Ordinance shall be filed in writing with the Superior Court, or other agency as authorized by law.

Section 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

Section 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Westwood, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Borough of Westwood are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section 4. The Borough Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this ordinance to the Bergen County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63 (if required).

Section 5. After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Westwood for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Borough Council, within 35 days after referral, a report including

identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

Section 6. This Ordinance shall be presented to the Mayor for his approval and signature, which approval shall be granted or denied within ten (10) days of receipt of same, pursuant to N.J.S.A. 40:69A-149.7. If the Mayor fails to return this Ordinance with either his approval or objection to same within ten (10) days after it has been presented to him, then this Ordinance shall be deemed approved.

Section 7. This Ordinance shall take effect immediately upon (1) adoption; (2) approval by the Mayor pursuant to N.J.S.A. 40:69A-149.7; (3) publication in accordance with the laws of the State of New Jersey; and (4) filing of the final form of adopted ordinance by the Clerk with (a) the Bergen County Planning Board pursuant to N.J.S.A. 40:55D-16, and (b) the Borough Tax Assessor as required by N.J.S.A. 40:49-2.1.

INTRODUCED the 4th day of December, 2018.
ADOPTED the 18th day of December, 2018.

John Birkner Jr., Mayor

ATTEST:

Karen Hughes, RMC, Borough Clerk

A-8 Affirmative Marketing Plan

RESOLUTION
MAYOR AND COUNCIL OF THE
BOROUGH OF WESTWOOD

TITLE: Adopting An Affirmative Marketing Plan For The Borough Of Westwood

RESOLUTION #18- 365

WHEREAS, in accordance with applicable Council on Affordable Housing ("COAH") regulations, the New Jersey Uniform Housing Affordability Controls ("UHAC")(N.J.A.C. 5:80-26., et seq.), and the terms of a Settlement Agreement between the Borough of Westwood and Fair Share Housing Center ("FSHC"), which was entered into as part of the Borough's Declaratory Judgment action entitled "In the Matter of the Borough of Westwood, County of Bergen, Docket No. BER-L-6015-15, which was filed in response to Supreme Court decision In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015) ("Mount Laurel IV"), the Borough of Westwood is required to adopt by resolution an Affirmative Marketing Plan to ensure that all affordable housing units created, including those created by rehabilitation, are affirmatively marketed to very low, low and moderate income households, particularly those living and/or working within Housing Region 1, which encompasses the Borough of Westwood; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Westwood, County of Bergen, State of New Jersey, do hereby adopt the following Affirmative Marketing Plan:

Affirmative Marketing Plan

A. All affordable housing units in the Borough of Westwood shall be marketed in accordance with the provisions herein unless otherwise provided in N.J.A.C. 5:93-1, et seq.
B. The Borough of Westwood has a Gap (1999-2015) and Prospective Need (2015-2025) affordable housing obligation. This Affirmative Marketing Plan shall apply to all developments that require an Affirmative Marketing Plan or will contain very low, low and moderate income units, including those that are part of the Borough's current Housing Element and Fair Share Plan, and those that may be constructed in future developments not contemplated in the Borough's Housing Element and Fair Share Plan. This Affirmative Marketing Plan shall also apply to any rehabilitated rental units that are vacated and re-rented during the applicable period of controls for identified rehabilitated rental units.
C. The Affirmative Marketing Plan shall be implemented by the Administrative Agent under contract to the Borough of Westwood. All of the costs of advertising and affirmatively marketing affordable housing units shall be borne by the developer/seller/owner of the affordable unit(s).
D. In implementing the Affirmative Marketing Plan, the Administrative Agent, acting on behalf of the Borough, shall undertake all of the following strategies:
    1. Publication of one advertisement in a newspaper of general circulation within the housing region.
    2. Broadcast of one advertisement by a radio or television station broadcasting throughout the housing region.
    3. At least one additional regional marketing strategy using one of the other sources listed below.

E. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer or sponsor 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 in which the Borough is located and covers the entire period of deed restriction for each restricted housing unit.

F. The Affirmative Marketing Plan is a continuing program intended to be followed throughout the entire period of restrictions and shall meet the following requirements:

1. All newspaper articles, announcements and requests for application for very low, low and moderate income units shall appear in the Star Ledger.
2. The primary marketing shall take the form of at least one press release and a paid display advertisement in the above newspaper during the first week of the marketing program. Additional advertising and publicity shall be on an "as needed" basis. The developer/owner shall disseminate all public service announcements and pay for display advertisements. The developer/owner shall provide proof of publication to the Administrative Agent. All press releases and advertisements shall be approved in advance by the Borough's Administrative Agent.
3. The advertisement shall include a description of the:
   i. Location of the units;
   ii. Direction of the units;
   iii. Range of prices for the units;
   iv. Size, as measured in bedrooms, of units;
   v. Maximum income permitted to qualify for the units;
   vi. Location of applications;
   vii. Business hours when interested households may obtain an application; and
   viii. Application fees.
4. Newspaper articles, announcements and information on where to request applications for very low, low and moderate income housing shall appear in at least three locally oriented weekly newspapers within the region, one of which shall be circulated primarily in Bergen County and the other two of which shall be circulated primarily outside of Bergen County, but within the housing region.
5. Advertisements will be broadcast on Spectrum Cable.
6. Applications, brochure(s), sign(s), and/or poster(s) used as part of the affirmative marketing program shall be available/posted in the following locations:
   i. Borough Municipal Building
   ii. Borough Public Library
   iii. Borough Website
   iv. Developer's Sales/Rental Office
   v. Bergen County Administration Building

   Applications shall be mailed by the Administrative Agent to the prospective applications upon request. Locations of applications, brochures, and flyers to affirmatively market the program are listed in the attached Appendix.

7. Also, applications shall be made available at the developer's sales/rental office and shall be mailed to prospective applicants upon request. When on-line preliminary applications are utilized, if prospective applicants do not have internet access they will be given a phone number to call the Administrative Agent, who will then enter all pre-application information online during the phone call. The Administrative Agent shall develop, maintain and update a list of community contact person(s) and/or organization(s) in Bergen, Hudson, Passaic and Sussex Counties that 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, including major regional employers.
    i. Quarterly informational flyers and applications shall be sent to each of the following agencies for publication in their journals and for circulation among their members:
    Eastern Bergen County Board of Realtors (411 Rte. 17 South, Hasbrouck Heights, NJ 07604)
    Sussex County Association of Realtors (115 DeMarest Rd., Sparta, NJ 07871)
    Passaic County Board of Realtors (204 Berdan Ave., Wayne, NJ 07470)
    Hudson County Board of Realtors (110a Meadowlands Pkwy., Ste. 103, Secaucus, NJ 07094)
    ii. Quarterly informational circulars and applications shall be sent to the administrators of each of the following agencies in the counties of Bergen, Hudson, Passaic and Sussex:
    Welfare or Social Service Board
    Office on Aging or Division of Senior Services
    Housing Authority
    Community Action Agencies
    Community Development Departments
    iii. Quarterly informational circulars and applications shall be sent to the chief personnel administrators of all the major employers within the region as listed in the attached Appendix in accordance with the Region 1 Affirmative Marketing Plan.
    iv. The Administrative Agent will also provide specific direct notice to the following community and regional organizations whenever affordable housing units become available in the Borough to the organizations listed in the attached Appendix, including those listed below:
    Fair Share Housing Center (510 Park Boulevard, Cherry Hill, NJ 08002)
    New Jersey State Conference of the NAACP (4326 Harbor Beach Blvd. #775, Brigantine, NJ 08203)
    The Latino Action Network (P.O. Box 943, Freehold, NJ 07728)
    The Bergen County NAACP (P.O. Box 1136, Englewood, NJ 07631)
    Bergen County Urban League (12 Tenafly Rd., Ste. 104, Englewood, NJ 07631)
    Bergen County Housing Coalition (389 Main St., Hackensack, NJ 07601)
    Bergen County United Way (6 Forest Ave, Paramus, NJ 07652)

8. A random selection method to select occupants of very low, low and moderate income housing will be used by the Administrative Agent in conformance with N.J.A.C. 5:80-26.16(l). 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.
9. The Administrative Agent shall administer the Affirmative Marketing Plan. The Administrative Agent has the responsibility to income qualify very low, low and moderate income households; to place income eligible households in very low, low and moderate income units upon initial occupancy; to provide for the initial occupancy of very low, low and moderate income units with income qualified households; to continue to qualify households for re-occupancy of units as they become vacant during the period of affordability controls; to assist with outreach to very low, low and moderate income households; and to enforce the terms of the deed restriction and mortgage loan as per N.J.A.C. 5:80-26.1, et seq.
10. Whenever appropriate, the Administrative Agent shall provide or direct qualified very low, low and moderate income applicants to counseling services on subjects such as budgeting, credit issues, mortgage qualifications, rental lease requirements and landlord/tenant law and shall develop, maintain and update a list of entities and lenders willing and able to perform such services.
11. All developers/owners of very low, low and moderate income housing units shall be required to undertake and pay the costs of the marketing of the affordable units in their respective developments, subject to the direction and supervision of the Administrative Agent.
12. The implementation of the Affirmative Marketing Plan for a development that includes affordable housing shall commence at least 120 days before the issuance of either a temporary or permanent certificate of occupancy. The implementation of the Affirmative Marketing Plan shall continue until all very low, low and moderate income housing units are initially occupied and for as long as affordable units exist that remain deed restricted and for which the occupancy or re-occupancy of units continues to be necessary. Please note that in addition to complying with this Borough-wide Affirmative Marketing Plan that the Administrative Agent shall also review and approve a separate Affirmative Marketing Plan for every new affordable development in Westwood that is subject to N.J.A.C. 5:80-26.1 et seq. That document shall be completed by the owner/developer and will be compliant with the Borough's Affirmative Marketing Plan as presented herein, and incorporate development specific details and permitted options, all subject to the Administrative Agent's review and approval. The development specific affirmative marketing plans will use the standard form for Region 1, which is included in the attached Appendix.

13. The Administrative Agent shall provide the Affordable Housing Liaison with the information required to comply with monitoring and reporting requirements pursuant to N.J.A.C.5:80-26-1, et seq. and the Order granting the Borough a Final Judgment of Compliance and Repose.

BE IT FURTHER RESOLVED that the appropriate Borough officials and professionals are authorized to take all actions required to implement the terms of this Resolution.

BE IT FURTHER RESOLVED that this Resolution shall take effect pursuant to law.

Certified to be a true copy of a
Resolution adopted at the meeting
of the Mayor and Council on
December 18, 2018

Karen Hughes, Borough Clerk

NAME	MOVED	SECOND	AYES	NAYS	ABSENT	ABSTAIN
Collins			✓			
Montana			✓			
Bicocchi			✓			
Dell	✓		✓			
Dawson		✓	✓			
Arroyo			✓			

AFFIRMATIVE FAIR HOUSING MARKETING PLAN
For Affordable Housing in **(REGION 1)**
DRAFT

I. APPLICANT AND PROJECT INFORMATION
(Complete Section I individually for all developments or programs within the municipality.)

1a. Administrative Agent Name, Address, Phone Number	1b. Development or Program Name, Address	
1c. Number of Affordable Units: Number of Rental Units: Number of For-Sale Units:	1d. Price or Rental Range From To	1e. State and Federal Funding Sources (if any)
1f. ☐ Age Restricted ☐ Non-Age Restricted	1g. Approximate Starting Dates Advertising:	Occupancy:
1h. County **Bergen, Hudson, Passaic, Sussex**	1i. Census Tract(s):	
1j. Managing/Sales Agent's Name, Address, Phone Number		
1k. Application Fees (if any):		

(Sections II through IV should be consistent for all affordable housing developments and programs within the municipality. Sections that differ must be described in the approved contract between the municipality and the administrative agent and in the approved Operating Manual.)

II. RANDOM SELECTION

2. Describe the random selection process that will be used once applications are received.

III. MARKETING

3a. Direction of Marketing Activity: (indicate which group(s) in the housing region are least likely to apply for the housing without special outreach efforts because of its location and other factors)

☐ White (non-Hispanic X Black (non-Hispanic) X Hispanic ☐ American Indian or Alaskan Native

X Asian or Pacific Islander ☐ Other group:

3b. **HOUSING RESOURCE CENTER** (www.njhousing.gov) A free, online listing of affordable housing ☐

3c. Commercial Media (required) (Check all that applies)

	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL NEWSPAPER(S)	CIRCULATION AREA
TARGETS ENTIRE HOUSING REGION 1			
Daily Newspaper			
☐		Star-Ledger	Northern and Central New Jersey
TARGETS PARTIAL HOUSING REGION 1			
Daily Newspaper			
☐		Record, The	Bergen
☐		Jersey Journal	Hudson
☐		Herald News	Passaic
☐		New Jersey Herald	Sussex

TARGETS PARTIAL HOUSING REGION 1

Non-Daily Newspaper

	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL NEWSPAPER(S)	CIRCULATION AREA
☐		Bayonne Community News	Hudson
☐		Northern Valley Suburbanite	Northern Bergen
☐		Teaneck Suburbanite	Teaneck, Bergen
☐		Twin Boro News	Northern Bergen
☐		Shopper News	Bergen
☐		The Ramsey Reporter	Ramsey, Bergen
☐		The Town Journal	Franklin Lakes, Bergen
☐		The Village Gazette	Ridgewood, Bergen
☐		Messenger	Garfield, Bergen
☐		Observer	Hasbrouck Heights, Bergen
☐		Weekly News	Hasbrouck Heights, Bergen
☐		Hawthorne Press	Hawthorne, Passaic
☐		Journal America	Passaic

☐		Hoboken Reporter	Hoboken, Hudson
☐		Hudson Current	Hudson
☐		Jersey City Register	Hudson
☐		The Shoppers' Friend	Sussex
☐		The Commercial Leader	Lyndhurst, Bergen
☐		North Bergen Register	Hudson
☐		Secaucus Reporter	Secaucus, Hudson
☐		Weehawken Reporter	Weehawken, Hudson
☐		West New York/Union City Reporter	West New York/Union City, Hudson
☐		Observer	Hudson
☐		The Commercial Leader	Lyndhurst, Bergen
☐		The Leader Free Press	Lyndhurst, Bergen
☐		News Leader of Rutherford	Rutherford, Bergen
☐		North Arlington Leader	North Arlington, Bergen
☐		Our Town	Maywood, Bergen
☐		The Ridgewood Times – Zone 2	Midland Park/Ridgewood, Bergen
☐		The Villadom Times Midland Park	Midland Park/Ridgewood, Bergen
☐		The Palisadian	Bergen
☐		Aim Community News/Aim Action Ads	Passaic
☐		Shoppers Guide to Sussex County	Sussex
☐		Bergen News	Bergen
☐		Press Journal	Palisades Park, Bergen
☐		Korean Bergen News	Bergen
☐		Sun Bulletin	Bergen
☐		News Beacon	Paramus
☐		Slovak Catholic Falcon	(Slovak/English) Passaic
☐		Independence News	Passaic
☐		Home and Store News	Bergen
☐		Our Town	Northern Bergen
☐		The Glen Rock Gazette	Glen Rock, Bergen

☐		Ridgewood News	Ridgewood, Bergen
☐		Suburban News	Northern Bergen
☐		Town News	Northern Bergen
☐		Wyckoff Suburban News	Wyckoff, Bergen
☐		The South Bergenite	Southern Bergen
☐		Secaucus Home News	Secaucus, Hudson
☐		The Advertiser	Sussex
☐		The Advertiser News	Sussex
☐		Sparta Independent	Sparta, Sussex
☐		Sussex County Chronicle	Sparta, Sussex
☐		The Connection Newspaper	Southern Bergen
☐		Jewish Community News	(Jewish) Bergen
☐		Jewish Standard	(Jewish) Bergen
☐		Avance	(Spanish) Hudson
☐		Continental	(Spanish) Hudson
☐		La Tribuna de North Jersey	(Spanish) Hudson
☐		The Argus	West Paterson, Passaic
☐		Suburban Life	Passaic
☐		Today Newspaper	Passaic
☐		Community Life	Northern Bergen
☐		Wood Ridge Independent	Wood Ridge

TARGETS ENTIRE HOUSING REGION 1

	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL TV STATION(S)	CIRCULATION AREA AND/OR RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
☐		2 WCBS-TV Cbs Broadcasting Inc.	NYC Metropolitan Area
☐		4 WNBC NBC Telemundo License Co. (General Electric)	NYC Metropolitan Area
☐		5 WNYW Fox Television Stations, Inc. (News Corp.)	NYC Metropolitan Area
☐		7 WABC-TV American Broadcasting Companies, Inc (Walt Disney)	NYC Metropolitan Area

☐		11 WPIX Wpix, Inc. (Tribune)	NYC Metropolitan Area
☐		13 Wpix, Inc. (Tribune) Educational Broadcasting Corporation	NYC Metropolitan Area
☐		25 WNYE-TV New York City Dept. Of Info Technology & Telecommunications	NYC Metropolitan Area
☐		31 WPXN-TV Paxson Communications License Company, Llc	NYC Metropolitan Area
☐		41 WXTV Wxtv License Partnership, G.p. (Univision Communications Inc.)	NYC Metropolitan Area, Spanish-language
☐		47 WNJU NBC Telemundo License Co. (General Electric)	NYC Metropolitan Area, Spanish-language
☐		50 WNJN New Jersey Public Broadcasting Authority	New Jersey
☐		62 WRNN-TV Wrnn License Company, Llc	Hudson Valley
☐		63 WMBC-TV Mountain Broadcating Corporation	Northern New Jersey, Various ethnic
☐		66 WFME-TV Family Stations Of New Jersey, Inc.	Northern New Jersey, Christian
☐		68 WFUT-TV Univision New York Llc	NYC Metropolitan Area, Spanish-language
TARGETS PARTIAL HOUSING REGION 1			
☐		8 WTNH Wtnh Broadcasting, Inc. (LIN TV Corp.)	Bergen
☐		49 WEDW Connecticut Public Broadcasting, Inc.	Bergen
☐		17 WEBR-CA K Licensee, Inc.	Bergen, Hudson (Christian)
☐		26 WNXY-LP Island Broadcasting Company	Bergen, Hudson
☐		32 WXNY-LP Island Broadcasting Company	Bergen, Hudson
☐		35 WNYX-LP Island Broadcasting Company	Bergen, Hudson
☐		39 WNYN-LP Island Broadcasting Company	Bergen, Hudson (Spanish)
☐		21 WLIW Educational Broadcasting Corporation	Bergen, Hudson, Passaic
☐		60 W60AI Ventana Television, Inc.	Bergen, Hudson, Passaic
☐		6 WNYZ-LP Island Broadcasting Co.	Bergen, Sussex
☐		22 WMBQ-CA Renard Communications Corp.	Hudson
☐		34 WPXO-LP Paxson Communications License Company, Llc	Hudson

☐		42 WKOB-LP Nave Communications, Llc	Hudson (Christian)
☐		3 WBQM-LP Renard Communications Corp.	Hudson, Sussex
☐		52 WNJT New Jersey Public Broadcasting Authority	Hudson, Sussex
☐		28 WBRE-TV Nexstar Broadcasting, Inc.	Passaic, Sussex
☐		36 W36AZ New Jersey Public Broadcasting Authority	Passaic, Sussex
☐		16 WNEP-TV New York Times Co.	Sussex
☐		22 WYOU Nexstar Broadcasting, Inc.	Sussex
☐		23 W23AZ Centenary College	Sussex
☐		38 WSWB Mystic Television of Scranton Llc	Sussex
☐		39 WLVT-TV Lehigh Valley Public Telecommunications Corp.	Sussex
☐		44 WVIA-TV Ne Pa Ed Tv Association	Sussex
☐		49 W49BE New Jersey Public Broadcasting Authority	Sussex
☐		56 WOLF-TV Wolf License Corp	Sussex
☐		60 WBPH-TV Sonshine Family Television Corp	Sussex
☐		64 WQPX Paxson Communications License Company, Llc (Ion Media Networks)	Sussex
☐		69 WFMZ-TV Maranatha Broadcasting Company, Inc.	Sussex

	DURATION & FREQUENCY OF OUTREACH	NAMES OF CABLE PROVIDER(S)	BROADCAST AREA
TARGETS PARTIAL HOUSING REGION 1			
☐		Time Warner Cable of Bergen & Hudson Counties	Partial Bergen
☐		Comcast of the Meadowlands	Partial Bergen
☐		Cablevision of New Jersey, Oakland, Ramapo, and Rockland	Partial Bergen
☐		US Cable of Paramus-Hillsdale	Partial Bergen
☐		Cablevision of NJ (Bayonne System), Hudson	Partial Hudson
☐		Comcast of Jersey City, Meadowlands, NJ (Union System)	Partial Hudson

☐		Time Warner Cable of Bergen & Hudson Counties	Partial Hudson
☐		Cablevision of Oakland, Paterson	Partial Passaic
☐		Hometown Online	Partial Passaic
☐		Cable Vision of Morris, Warwick	Partial Sussex
☐		Hometown Online	Partial Sussex
☐		Service Electric Broadband Cable	Partial Sussex
☐		Time Warner Cable of Bergen & Hudson Counties	Partial Bergen
☐		Comcast of the Meadowlands	Partial Bergen
☐		Cablevision of New Jersey, Oakland, Ramapo, and Rockland	Partial Bergen
☐		US Cable of Paramus-Hillsdale	Partial Bergen
☐		Cablevision of NJ (Bayonne System), Hudson	Partial Hudson
☐		Comcast of Jersey City, Meadowlands, NJ (Union System)	Partial Hudson
☐		Time Warner Cable of Bergen & Hudson Counties	Partial Hudson
☐		Cablevision of Oakland, Paterson	Partial Passaic
☐		Hometown Online	Partial Passaic
☐		Cable Vision of Morris, Warwick	Partial Sussex
☐		Hometown Online	Partial Sussex
☐		Service Electric Broadband Cable	Partial Sussex
☐		Time Warner Cable of Bergen & Hudson Counties	Partial Bergen
☐		Comcast of the Meadowlands	Partial Bergen
☐		Cablevision of New Jersey, Oakland, Ramapo, and Rockland	Partial Bergen
☐		US Cable of Paramus-Hillsdale	Partial Bergen
☐		Cablevision of NJ (Bayonne System), Hudson	Partial Hudson
☐		Comcast of Jersey City, Meadowlands, NJ (Union System)	Partial Hudson
☐		Time Warner Cable of Bergen & Hudson Counties	Partial Hudson
☐		Cablevision of Oakland, Paterson	Partial Passaic

☐		Hometown Online	Partial Passaic
☐		Cable Vision of Morris, Warwick	Partial Sussex
☐		Hometown Online	Partial Sussex
☐		Service Electric Broadband Cable	Partial Sussex

	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL RADIO STATION(S)	BROADCAST AREA AND/OR RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
TARGETS ENTIRE HOUSING REGION 1			
AM			
☐		WFAN 660	
☐		WOR 710	
☐		WABC 770	
☐		WCBS 880	
☐		WBBR 1130	
FM			
☐		WFNY-FM 92.3	
☐		WPAT-FM 93.1	Spanish
☐		WNYC-FM 93.9	
☐		WFME 94.7	Christian
☐		WPLJ 95.5	
☐		WQXR-FM 96.3	
☐		WQHT 97.1	
☐		WSKQ-FM 97.9	Spanish
☐		WAWZ 99.1	Christian
☐		WBAI 99.5	
☐		WHTZ 100.3	
☐		WHUD 100.7	
☐		WCBS-FM 101.1	
☐		WQCD 101.9	
☐		WNEW 102.7	
☐		WKTU 103.5	

☐		WAXQ 104.3	
☐		WWPR-FM 105.1	
☐		WLTW 106.7	
☐		WBLS 107.5	
TARGETS PARTIAL HOUSING REGION 1			
AM			
☐		WEEX 1230	Bergen
☐		WKDM 1380	Bergen, Hudson (Chinese/ Mandarin)
☐		WMCA 570	Bergen, Hudson, Passaic (Christian)
☐		WNYC 820	Bergen, Hudson, Passaic
☐		WRKL 910	Bergen, Hudson, Passaic (Polish)
☐		WPAT 930	Bergen, Hudson, Passaic (Caribbean, Mexican, Mandarin)
☐		WWDJ 970	Bergen, Hudson, Passaic (Christian)
☐		WINS 1010	Bergen, Hudson, Passaic
☐		WEPN 1050	Bergen, Hudson, Passaic
☐		WVNJ 1160	Bergen, Hudson, Passaic
☐		WLIB 1190	Bergen, Hudson, Passaic (Christian)
☐		WADO 1280	Bergen, Hudson, Passaic (Spanish)
☐		WWRV 1330	Bergen, Hudson, Passaic (Spanish)
☐		WNSW 1430	Bergen, Hudson, Passaic (Portuguese)
☐		WZRC 1480	Bergen, Hudson, Passaic (Chinese/Cantonese)
☐		WQEW 1560	Bergen, Hudson, Passaic
☐		WWRL 1600	Bergen, Hudson, Passaic
☐		WWRU 1660	Bergen, Hudson, Passaic (Korean)
☐		WMTR 1250	Passaic
☐		WGHT 1500	Passaic
☐		WNNJ 1360	Sussex
FM			
☐		WSOU 89.5	Bergen, Hudson
☐		WCAA 105.9	Bergen, Hudson (Latino)
☐		WBGO 88.3	Bergen, Hudson, Passaic

☐		WFDU 89.1	Bergen, Hudson, Passaic
☐		WKCR-FM 89.9	Bergen, Hudson, Passaic
☐		WNYU-FM 89.1	Bergen, Hudson, Passaic
☐		WFUV 90.7	Bergen, Hudson, Passaic
☐		WFMU 91.1	Bergen, Hudson, Passaic
☐		WNYE 91.5	Bergen, Hudson, Passaic
☐		WRKS 98.7	Bergen, Hudson, Sussex
☐		WRTN 93.5	Bergen, Hudson, Sussex
☐		WHCR-FM 90.3	Bergen, Passaic
☐		WPSC-FM 88.7	Passaic
☐		WRHV 88.7	Passaic
☐		WNJP 88.5	Sussex
☐		WNTI 91.9	Sussex
☐		WCTO 96.1	Sussex
☐		WSUS 102.3	Sussex
☐		WNNJ-FM 103.7	Sussex
☐		WDHA -FM 105.5	Sussex
☐		WHCY 106.3	Sussex
☐		WWYY 107.1	Sussex

3d. Other Publications (such as neighborhood newspapers, religious publications, and organizational newsletters) (Check all that applies)

		NAME OF PUBLICATIONS	OUTREACH AREA	RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
TARGETS ENTIRE HOUSING REGION 1				
Bi-weekly				
☐		Al Manassah		Arab-American
Monthly				
☐		Sino Monthly	North Jersey/NYC area	Chinese-American
TARGETS PARTIAL HOUSING REGION 1				
Daily				
☐		24 Horas	Bergen, Essex, Hudson, Middlesex, Passaic, Union Counties	Portuguese-Language

Weekly				
☐		Arab Voice Newspaper	North Jersey/NYC area	Arab-American
☐		La Voz	Hudson, Union, Middlesex Counties	Cuban community
☐		Italian Tribune	North Jersey/NYC area	Italian community
☐		Jewish Standard	Bergen, Passaic, Hudson Counties	Jewish community
☐		El Especialito	Union City	Spanish-Language
☐		El Nuevo	Hudson County	Spanish-Language
☐		La Tribuna Hispana	Basking Ridge, Bound Brook, Clifton, East Rutherford, Elizabeth, Fort Lee, Greeebrook, Linden, Lyndenhurst, Newark, North Plainfield, Orange, Passaic, Paterson, Plainfield, Roselle, Scotch Plains, Union, Union City, West NY	Spanish-Language
☐		Su Guia	Bergen and Passaic	Spanish-Language
☐		Banda Oriental Latinoamérica	North Jersey/NYC area	South American community
☐		Ukranian Weekly	New Jersey	Ukranian community

3e. Employer Outreach (names of employers throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing) (Check all that applies)

Duration & Frequency of Outreach		Name of Employer/Company	Location
Hudson County			
☐		United Parcel Service Inc. NY Corp	492 County Ave, Secaucus
☐		USPS	80 County Road, Jersey City
☐		Liz Claiborne Inc	1 Claiborne Ave, North Bergen
☐		Credit Suisse First Boston LLC	1 Pershing Plz Jersey City
☐		HealthCare Staffing and Consult	26 Journal Square, Jersey City
☐		Ritter Sysco Food Service	20 Theodore Conrad Dr. Jersey City
☐		Jersey City Medical Center Inc.	50 Grand St, Secaucus
☐		Marsh USA Inc.	121 River St, Hoboken
☐		National Retail Systems Inc.	2820 16th St North Bergen
☐		Community Corrections Corp	Lincoln Hwy Kearny
☐		Marine Personnel & Provisioning Inc.	1200 Harbor Blvd Weehawken

☐		Port Authority of NY and NJ	241 Erie St. Jersey City and 120 Academy St. Jersey City
☐		Christ Hospital Health Service	176 Palisade Ave, Jersey City
☐		Bayonne Hospital	29th Street and Ave E, Bayonne
☐		Salson Logistics Inc.	2100 88th St.and 7373 West Side Ave, North Bergen, NJ
☐		National Financial Service	1000 Plaza, Jersey City
☐		Fleet NJ Company Development Corp.	10 Exchange Place, Jersey City
☐		Maidenform Inc	154 Ave E, Bayonne
☐		Lord Abbett & Company	90 Hudson City, Jersey City
☐		Liberty Health Plan Inc.	50 Baldwin Ave Jersey City
☐		Port Imperial Ferry Corp.	Pershing Rd Secaucus
☐		Hudson News	1305 Paterson Plank Rd, North Bergen
☐		Palisades General Hospital	7600 River Rd North Bergen, NJ
☐		Equiserve Inc.	525 Washington Blvd Jersey city
☐		Ciricorp Data Systems Incorporated	1919 Park Ave Secaucus
☐		Meadowlands Hospital Medical Center	Meadowlands Pkwy Secaucus
☐		Retailers & Manufacturers Dist Marking Serv.	50 Metro Way Secaucus
☐		Dynamic Delivery Corp	125 Pennsylvania Ave Kearny, NJ
☐		Bowne Business Communications Inc.	215 County Ave Secaucus
☐		North Hudson Community Action Corp.	5301 Broadway West New York 07093
☐		Goya Foods Inc.	100 Seaview Dr. Secaucus
☐		Cristi Cleaning Service	204 Paterson Plank Rd Union, NJ

Bergen County			
☐		Hackensack University Medical Center	30 Prospect Ave, Hackensack, NJ 07601
☐		Professional Employer Group Service	2050 Center Ave Ste 336 Fort Lee
☐		County of Bergen, NJ	1 Bergen County Plaza Hackensack, NJ 07601
☐		Society of the Valley Hospital	223 N Van Dien Ave Ridgewood
☐		NJ Sports & Expo Authority	50 State Highway 120 East Rutherford
☐		Merck-Medco Managed Care LLC	100 Parsons Pond Dr. Franklin Lakes 07417
☐		Quest Diagnostics Incorporated	1 Malcolm Ave Teterboro ,NJ 07608
☐		AT&T	15 E Midland Ave Paramus

☐		Englewood Hospital and Medical Center	350 Engle St. Englewood
☐		Aramark Svcs Management of NJ Inc	50 Route 120 East Rutherford
☐		Holy Name Hospital	718 Teaneck Road Teaneck
☐		Doherty Enterprises Inc	7 Pearl Ct Allendale
☐		Bergen Regional Medical Center	230 East Ridgewood Ave Paramus
☐		Inserra supermarkets, Inc.	20 Ridge Rd Mahwah
☐		Howmedica Osteonics Corp	59 Route 17 Allendale
☐		Becton Dickinson & Company Corp	1 Becton Dr. Franklin Lakes
☐		Pearson Education, Inc.	1 Lake St. Upper Saddle River

Passaic County			
☐		D&E Pharmaceutical Co.	206 Macoprin Rd Bloomingdale, NJ 07403
☐		Acme Markets	467 AllWood Rd Clifton, NJ 07012
☐		St. Mary's Hospital	350 Boulevard Passaic, NJ 07055
☐		Merry Maids	14 Riverside Square Mall, Bloomingdale, NJ 07403
☐		Health Center at Bloomingdale	255 Union Ave Bloomingdale, NJ 07403
☐		Sommers Plastic Product Co. Inc.	31 Styertowne Rd Clifton, NJ 07012
☐		St. Joseph's Hospital	703 Main St. Paterson, NJ 07503
☐		BAE Systems	164 Totowa Rd, Wayne, NJ 07470
☐		Drake Bakeries Inc	75 Demarest Dr, Wayne, NJ 07470
☐		Toys R Us National Headquarters	1 Geoffrey Way, Wayne, NJ 07470
☐		GAF Materials Corporation	1361 Alps Rd, Wayne, NJ 07470
☐		Valley National Bank Headquarters	1455 Valley Road Wayne, New Jersey 07470

Sussex County			
☐		Selective Insurance	40 Wantage Ave, Branchville, NJ
☐		Andover Subacute and Rehab Center	99 Mulford Rd Bldg 2, Andover, NJ
☐		Mountain Creek Resorts	200 State Rt 94, Vernon, NJ
☐		County of Sussex	One Spring Street, Newton, NJ 07860
☐		Newton Memorial Hospital Inc.	175 High St, Newton, NJ
☐		Vernon Township Board of Education	539 State Rt 515, Vernon, NJ

☐		F.O. Phoenix (Econo-Pak)	1 Wiebel Plz, Sussex, NJ
☐		Hopatcong Board of Education	2 Windsor Ave, Hopatcong, NJ
☐		Saint Clare's Hospital	20 Walnut St, Sussex, NJ
☐		Ames Rubber Corp	19 Ames Blvd, Hamburg, NJ

3f. Community Contacts (names of community groups/organizations throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing)

Name of Group/Organization	Outreach Area	Racial/Ethnic Identification of Readers/Audience	Duration & Frequency of Outreach

IV. APPLICATIONS

Applications for affordable housing for the above units will be available at the following locations:

4a. County Administration Buildings and/or Libraries for all counties in the housing region (list county building, address, contact person) (Check all that applies)

	BUILDING	LOCATION
☐	Sussex County Main Library	125 Morris Turnpike, Newton, NJ 07860
☐	Hudson County Administration Building	595 Newark Avenue, Jersey City, NJ 07306
☐	Passaic County Administration Building	401 Grand Street, Paterson, NJ 07505 (973) 225-3632
☐	Bergen County Administration Building	One Bergen County Plaza, Hackensack, NJ 07601 (201)336-6000

4b. Municipality in which the units are located (list municipal building and municipal library, address, contact person)

4c. Sales/Rental Office for units (if applicable)

V. CERTIFICATIONS AND ENDORSEMENTS

I hereby certify that the above information is true and correct to the best of my knowledge. I understand that knowingly falsifying the information contained herein may affect the (select one: Municipality's substantive certification or DCA Balanced Housing Program funding or HMFA UHORP/MONI/CHOICE funding).

Name (Type or Print)

Title/Municipality

Signature	Date

A-9 Spending Plan, Resolution Adopting Spending Plan

RESOLUTION
MAYOR AND COUNCIL OF THE
BOROUGH OF WESTWOOD

TITLE: Revised Request for Review of Spending Plan

RESOLUTION #19- 72

WHEREAS, the Borough of Westwood, Bergen County was granted Substantive Certification of its Second Round Housing Element and Fair Share Plan on April 7, 2004; and

WHEREAS, the Borough of Westwood, Bergen County received initial approval from COAH and established its development fee ordinance on October 12, 2006; and

WHEREAS, the development fee ordinance establishes an affordable housing trust fund that includes development fees, and payments from developers in lieu of constructing affordable units on-site, and

WHEREAS, N.J.A.C. 5:93-8.9 requires a municipality with an affordable housing trust fund to receive approval of a spending plan from COAH prior to spending any of the funds in its housing trust fund; and

WHEREAS, N.J.A.C. 5:93-5.1(c) requires a spending plan to include the following:

1. A projection of revenues anticipated from imposing fees on development, based on historic development activity;
2. A description of the administrative mechanism that the municipality will use to collect and distribute revenues;
3. A description of the anticipated use of all development fees;
4. A schedule for the creation or rehabilitation of housing units;
5. If the municipality envisions being responsible for public sector or non-profit construction of housing, a pro-forma statement of the anticipated costs and revenues associated with the development; and
6. The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan.

WHEREAS, the Borough of Westwood has prepared a spending plan consistent with N.J.A.C. 5:93-5.1(c) and P.L. 2008, c.46.

NOW THEREFORE BE IT RESOLVED that the Governing Body of the Borough of Westwood, Bergen County requests review and approval of Westwood's spending plan.

Certified to be a true copy of a Resolution
Adopted at the meeting of the Mayor and Council
On February 19, 2019

Karen Hughes, Borough Clerk

NAME	MOVED	SECOND	AYES	NAYS	ABSENT	ABSTAIN
Collins		✓	✓			
Montana			✓			
Bicocchi			✓			
Dell	✓		✓			
Murphy			✓			
Arroyo			✓			

November 9, 2018
Amended February 7, 2019
Borough of Westwood
Affordable Housing Trust Fund Spending Plan

INTRODUCTION

The Borough of Westwood (hereinafter the "Borough"), Bergen County, has prepared a Housing Element and Fair Share Plan that addresses its regional fair share of the affordable housing need in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Fair Housing Act (FHA) (N.J.S.A. 52:27D-301) and the regulations of the Council on Affordable Housing (COAH) (N.J.A.C. 5:91-1 et seq. and N.J.A.C. 5:93-1 et seq.). The Borough's affordable housing trust fund was established by resolution dated October 12, 2006.

As of November 2, 2018, the Borough has a balance of $500,557.30 in its Affordable Housing Trust fund. All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by the fees are deposited in a separate interest-bearing affordable housing trust fund account at Oritani Bank for the purposes of affordable housing. These funds shall be spent in accordance with N.J.A.C. 5:93-8.16 as described in the sections that follow.

1. REVENUES FOR CERTIFICATION PERIOD

It is anticipated that during the period of 2019 to 2025, which is the period that the Borough will have a Third Round Judgment of Compliance and Repose (hereinafter "Third Round JOR"), the Borough will add an additional $498,624 to its Affordable Housing Trust Fund. This is detailed below.

(a) Development fees: The Borough anticipates that approximately $495,124 in development fees will be generated between January 1, 2019 and December 31, 2025. This figure is based on the following assumptions:

1. *Residential Development Fees:* it is estimated that the Borough will collect approximately $81,900 in residential development fees over the next 7 years.

2. *Non-Residential Development Fees:* It is estimated that the Borough will collect approximately $413,224 in non-residential development fees over the next 7 years.

(b) Payment in lieu (PIL): The Borough does not currently anticipate the contribution of any payments in lieu toward the municipal Affordable Housing Trust Fund during the period of its Third Round JOR.

(c) Other Funds: The Borough does not currently anticipate the contribution of any other funds toward the municipal Affordable Housing Trust Fund during the period of its Third Round JOR.

(d) Projected interest: It is estimated that the Borough will collect approximately $3,500 in total interest over the next 7 years.

SOURCE OF FUNDS	PROJECTED REVENUES – AFFORDABLE HOUSING TRUST FUND 2019 THROUGH 2025							
	2019	2020	2021	2022	2023	2024	2025	Total
(a) Development fees:	$70,732	$70,732	$70,732	$70,732	$70,732	$70,732	$70,732	$495,124
Residential Development	$11,700	$11,700	$11,700	$11,700	$11,700	$11,700	$11,700	$81,900
Non-Residential Development	$59,032	$59,032	$59,032	$59,032	$59,032	$59,032	$59,032	$413,224
(b) Payments in Lieu of Construction	$0	$0	$0	$0	$0	$0	$0	$0
(c) Other Funds	$0	$0	$0	$0	$0	$0	$0	$0
(d) Interest	$500	$500	$500	$500	$500	$500	$500	$3,500
Total	$71,232	$71,232	$71,232	$71,232	$71,232	$71,232	$71,232	$498,624

In sum, the Borough projects a total of $498,624 in revenue to be collected between January 1, 2019 and December 31, 2025. This projected amount, when added to the Borough's current trust fund balance of $500,557.30, results in a total anticipated trust fund balance of $999,181.30 available to fund and administer the Borough's affordable housing plan. All interest earned on the account shall be used only for the purposes of affordable housing.

2. ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS

The following procedural sequence for the collection and distribution of development fee revenues shall be followed by the Borough:

(a) Collection of development fee revenues: Collection of development fee revenues shall be consistent with the Borough's development fee ordinance for both residential and non-residential developments in accordance with applicable COAH's rules and P.L.2008, c.46, sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.8), and as may be amended.

(b) Distribution of development fee revenues: The Planning Board adopts and forwards a resolution to the governing body recommending the expenditure of development fee revenues as set forth in this spending plan. The governing body reviews the request for consistency with the spending plan and adopts the recommendation by resolution. The release of funds requires adoption of the governing body resolution in accordance with the spending plan. Once a request is approved by resolution, the Chief Financial Officer releases the requested revenue from the trust fund for the specific use approved in the governing body's resolution.

3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

(a) Rehabilitation. The Borough has a rehabilitation obligation of 48 units. The Borough is seeking a reduction through a structural conditions survey concluding there is a total of 26 units. In order to address its rehabilitation obligation of 26 units, the Borough will continue to participate in the Bergen County Home Improvement Program (BCHIP) – or hire a separate entity – and will utilize funds from the Borough's affordable housing trust fund to help fund these programs. The Borough will commit an average of $10,000 per unit, consistent with COAH's Round 2 rules. This will require a total contribution of approximately $260,000.

COAH's rules require municipalities to set aside sufficient funds to address one-third of their rehabilitation obligation within one year of approval of their plan. In addition, municipalities are required to set aside sufficient funds to address one-sixth of their rehabilitation obligation each subsequent year of the substantive certification period. As such, the Borough will set aside at least $86,000 for the first year following the granting of a JOR, an additional $43,500 each subsequent year following the granting of a JOR until the rehabilitation share is addressed.

(b) Accessory Apartment Program. The Borough commits $100,000 towards its proposed accessory apartment program. This will subsidize 10 accessory apartments at a rate of $10,000 per unit.

(c) Affordability Assistance. Pursuant to N.J.A.C. 5:93-8.16(c), the Borough will commit to spend at least 30% of the revenues collected from development fees towards affordability assistance to low- and moderate-income households. As shown in the table below, the Borough projects that approximately $191,754 will be available from the affordable housing trust fund for this purpose through 2025, one-third of which will need to be dedicated toward affordability assistance for very-low income households. The Borough's affordability assistance program will include down payment assistance, special condominium fees and assessment assistance, emergency repair assistance, emergency/hardship mortgage payment assistance, and rental assistance.

Description		Sum
Actual development fees + interest through 11/2/18		$500,557
Development fees + interest projected 2019-2025	+	$498,624
Less housing activity expenditures through 11/2/18	-	$0
Less housing activity expenditures 2019-2025	-	$360,000
Total	=	$639,181
30 percent requirement	x 0.30 =	$191,754
Less affordability assistance expenditures through 11/2/18	-	$0.00
PROJECTED MINIMUM Affordability Assistance Requirement 2019-2025	=	$191,754
PROJECTED MINIMUM Very Low-Income Affordability Assistance Requirement 2019-2025	÷ 3 =	$63,918

(d) Administrative Expenses. Per N.J.A.C. 5:93-8.16(e), no more than 20% of the revenues collected from development fees shall be expended on administration. The Borough projects that a maximum of $175,452 will be available from the affordable housing trust fund to be used for administrative purposes through 2025. Projected administrative expenditures, subject to the 20% cap, include the salaries and benefits for municipal employees and consultant fees necessary to develop or implement the following:

1. An updated Housing Element and Fair Share Plan.
2. An accessory apartment program.
3. An affirmative marketing program.

Description		Sum
Actual development fees + interest through 11/2/18		$500,557
Development fees + interest projected 2019-2025	+	$498,624
Total	=	$999,181
20 percent requirement	x 0.20 =	$199,836
Less administrative expenditures through 9/25/18	-	$24,384
PROJECTED MAXIMUM Administrative Expenses Requirement 2019-2025	=	$175,452

4. EXPENDITURE SCHEDULE

The Borough intends to use affordable housing trust fund revenues for the creation of housing units, affordability assistance, and administration. Where applicable, the funding schedule below parallels the implementation schedule set forth in the Housing Element and Fair Share Plan and is summarized as follows.

PROJECTS/PROGRAMS	Number of Units Projected	PROJECTED EXPENDITURE SCHEDULE 2019 -2025							
		2019	2020	2021	2022	2023	2024	2025	Total
Rehabilitation		$86,000	$43,500	$43,500	$43,500	$43,500			$260,000
Accessory Apartments	10	$20,000	$20,000	$20,000	$10,000	$10,000	$10,000	$10,000	$100,000
Affordability Assistance		$27,393	$27,393	$27,393	$27,393	$27,394	$27,394	$27,394	$191,754
Administration		$25,064	$25,064	$25,064	$25,065	$25,065	$25,065	$25,065	$175,452
Total		$158,457	$115,957	$115,957	$105,958	$105,959	$62,459	$62,459	$727,206

5. EXCESS OR SHORTFALL OF FUNDS

In the event of excess funds, any remaining funds above the amount necessary to satisfy the municipal affordable housing obligation will be dedicated toward its accessory apartment program and/or affordability assistance program and/or additional affordable housing activity necessary to address any remaining "unmet need." In the event that a shortfall of anticipated revenues occurs, the Borough will handle the shortfall of funds through adopting a resolution with an intent to bond.

SUMMARY

The Borough intends to spend affordable housing trust fund revenues pursuant to N.J.A.C. 5:93-8.16 and consistent with the housing programs outlined in the Borough's Housing Element and Fair Share Plan.

The Borough has a balance of $500,557.30 as of November 2, 2018 and anticipates an additional $498,624 in revenues through 2025 for a total of $999,181.30. During the period of the Borough's Third Round JOR through 2025, the Borough will agree to fund approximately $260,000 towards rehabilitation, approximately $100,000 towards an accessory apartment program, a minimum of $191,754 towards an affordability assistance program, and a maximum of $175,452 towards administrative costs.

Any shortfall of funds will be offset by an alternative funding source to be identified by the Borough. In the unlikely event that no alternative funding is available, the Borough will bond to provide the necessary funding. The municipality will dedicate any excess funds or remaining balance toward its rehabilitation program accessory apartment program and/or affordability assistance program and/or additional affordable housing activity necessary to address any remaining "unmet need."

SPENDING PLAN SUMMARY		
Balance as of November 2, 2018		**$500,557.30**
PROJECTED REVENUE 2019-2025		
Development fees	+	$495,124
Payments in lieu of construction	+	$0
Other funds	+	$0
Interest	+	$3,500
SUBTOTAL REVENUE	=	$498,624
TOTAL REVENUE	=	**$999,181.30**
EXPENDITURES		
Funds used for Rehabilitation		$260,000
Accessory Apartment Program	-	$100,000
Affordability Assistance	-	$191,754
Administration	-	$175,452
TOTAL PROJECTED EXPENDITURES	=	**$727,206**
REMAINING BALANCE	=	**$271,975.30**
Excess Funds or Remaining Balance Reserved for Additional Rehabilitation Expenditures and/or Accessory Apartment Expenditures and/or Affordability Assistance and/or Additional Affordable Housing Activity Necessary to Address "Unmet Need"	=	$271,975.30

A-10 Resolution Appointing Municipal Housing Liaison

RESOLUTION
MAYOR AND COUNCIL OF THE
BOROUGH OF WESTWOOD

TITLE: Appointing Municipal Housing Liaison

RESOLUTION #18-379

WHEREAS, The Borough of Westwood's Housing Element and Fair Share Plan promotes an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, et. seq.), applicable Council on Affordable Housing ("COAH") regulations and Uniform Housing Affordability Controls ("UHAC") regulations; and

WHEREAS, the Borough of Westwood has chosen to appoint a Municipal Housing Liaison for the administration of Westwood's affordable housing program to enforce the requirements of applicable COAH and UHAC regulations; and

WHEREAS, the Borough of Westwood's Borough Code provides for the appointment of a Municipal Housing Liaison to administer the Borough's affordable housing program.

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Westwood, in the County of Bergen, and the State of New Jersey, that Borough Administrator Ben Kezmarsky is hereby appointed by the Governing Body of the Borough of Westwood as the Municipal Housing Liaison for the administration of the Borough's affordable housing program.

John Birkner Jr., Mayor

"I hereby certify this to be a true copy as approved by the Mayor and Council of the Borough of Westwood at a duly convened public meeting held on the 2nd day of January 2019
Karen Hughes
Borough Clerk

Certified to be a true copy of a Resolution adopted at the Sine Die Meeting of the Mayor and Council on January 2, 2019

Karen Hughes, Borough Clerk

NAME	MOVED	SECOND	AYES	NAYS	ABSENT	ABSTAIN
Collins			x			
Montana			x			
Bicocchi			x			
Dell	x		x			
Dawson		x	x			
Arroyo			x			

A-11 Administrative Agent Appointment

RESOLUTION

MAYOR AND COUNCIL
BOROUGH OF WESTWOOD

TITLE: Appointing Municipal Administrative Agent

RESOLUTION: #18- 315

WHEREAS the Borough of Westwood may have a need for a Municipal Administrative Agent as a professional service which, by its nature, is not required or suitable to be awarded through a public bidding process pursuant to N.J.S.A. 40A:11-5, et seq., and

WHEREAS N.J.S.A. 19:44A-20.5 and the Borough of Westwood's Ordinance #08-15 requires that whenever such contracts are awarded through an informal or noncompetitive procedure that the recipients thereof must certify that they have not made reportable political contributions to any elected official in the Borough during the preceding year and will not do so during the life of the contract

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Westwood that the following appointment and contract is awarded to the individual or companies listed below, each of whom has filed the mandated Business Entity Disclosure Certification:

Community Action Services, Municipal Administrative Agent

BE IT FURTHER RESOLVED that the above Appointee shall sign a written contract detailing the precise scope of their employment, compliance with other laws and regulations, which contract shall specifically include a requirement for adherence to the reporting requirements and other provisions of N.J.S.A. 19:44A-1 et seq.

BE IT FURTHER RESOLVED that the Chief Financial Officer of the Borough hereby certifies that the estimated funds that will be available for the aforementioned contract in the 2019 municipal budget is $5,000.

BE IT FURTHER RESOLVED that Notice of this action shall be published in the newspaper The Bergen Record within ten (10) days of adoption.

"I hereby certify this to be a true copy as approved by the Mayor and Council of the Borough of Westwood at a duly convened public meeting held on the 2nd day of January 2019.

Karen Hughes
Borough Clerk

Certified to be a true copy of a Resolution adopted at the Sine Die Meeting of the Mayor and Council on January 2, 2019

Karen Hughes
Karen Hughes, Borough Clerk

NAME	MOVED	SECOND	AYES	NAYS	ABSENT	ABSTAIN
Collins			✓			
Montana			✓			
Bicocchi			✓			
Dell	✓		✓			
Dawson		✓	✓			
Arroyo						

A-12 Borough Resolutions- HEFSP

RESOLUTION
MAYOR AND COUNCIL OF THE
BOROUGH OF WESTWOOD

TITLE: Endorsing The Borough Of Westwood 2018 Housing Element And Fair Share Plan

RESOLUTION #18- 364

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF WESTWOOD:

1. That it hereby endorses the Housing Element and Fair Share Plan, which is attached hereto, as adopted by the Westwood Borough Planning Board on December 6, 2018.

2. That it authorizes and directs its professionals to file with the Court (i) the Housing Element and Fair Share Plan, (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.

John Birkner ~~Jr.,~~ Mayor

Certified to be a true copy of a
Resolution adopted at the meeting
of the Mayor and Council on
December 18, 2018

Karen Hughes, Borough Clerk

NAME	MOVED	SECOND	AYES	NAYS	ABSENT	ABSTAIN
Collins			✓			
Montana			✓			
Bicocchi			✓			
Dell	✓		✓			
Dawson		✓	✓			
Arroyo			✓			

RESOLUTION
MAYOR AND COUNCIL OF THE
BOROUGH OF WESTWOOD

TITLE: Endorsing The Amended Borough Of Westwood 2018 Housing Element And Fair Share Plan

RESOLUTION #19- 171

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF WESTWOOD:

1. That it hereby endorses the Amended Housing Element and Fair Share Plan, which is attached hereto, as adopted by the Westwood Borough Planning Board on February 28, 2019.

2. That it authorizes and directs its professionals to file with the Court (i) the Housing Element and Fair Share Plan, (ii) the resolutions of the Planning Board adopting and the Borough Council endorsing the Amended 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 Amended 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.

John Birkner Jr., Mayor

Certified to be a true copy of a
Resolution adopted at the meeting
of the Mayor and Council on
May 21, 2019

Karen Hughes, Borough Clerk

NAME	MOVED	SECOND	AYES	NAYS	ABSENT	ABSTAIN
Collins			✓			
Montana			✓			
Bicocchi		✓	✓			
Dell	✓		✓			
Murphy			✓			
Arroyo			✓			

RESOLUTION OF THE PLANNING BOARD OF THE BOROUGH OF WESTWOOD, ADOPTING THE AMENDMENT TO THE 2018 HOUSING ELEMENT AND FAIR SHARE PLAN OF THE MASTER PLAN OF THE BOROUGH OF WESTWOOD DATED NOVEMBER 15, 2018

WHEREAS, the Planning Board of the Borough of Westwood has conducted a reexamination of its Housing Element and Fair Share Plan dated 11/15/18 and the Fair Share ERATA Sheet dated 12/6/18 and the Master Plan as required under settlement of litigation; and

WHEREAS, the Planning Board has conducted a hearing on December 6, 2018; and

WHEREAS, the Housing Element and Fair Share Plan require amendments pursuant to the settlement of litigation; and

WHEREAS, the Planning Board of the Borough of Westwood read the Housing Element and Fair Share Plan dated 11/15/18 and the Fair Share ERATA Sheet dated 12/6/18 report submitted by Burgis Associates, had conducted an open meeting entitled 2018 Housing Element and Fair Share Plan and made recommendations for changes which changes were precipitated either public participation, discussion by the Board in an open meeting and discussions with the Planning Board, their consultants and engineers; and

Whereas the Planning Board voted to adopt the Housing Element and Fair Share plan on Decmber 6, 2018 and adopted a memorializing resolution on January 24,2019;and

WHEREAS, on February 28, 2019 a hearing on amendments to the aforementioned Housing Element Fair Share Plan was conducted and the Planning board voted to adopt the amendments; and

WHEREAS, the Planning Board of the Borough of Westwood considered the changes upon discussion with its consultant and engineer and opportunity for the public to be heard;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Westwood that it hereby adopts the Amendment to Borough of Westwood 2018 Housing Element and Fair Share Plan; and recommends that this recommendation be forwarded to the governing body; and

BE IT FURTHER RESOLVED that the recommendation and approval be forwarded to the Governing Body of the Borough of Westwood.

BOROUGH OF WESTWOOD
PLANNING BOARD

ATTEST:

DATED:

A-13 Westwood House Documentation

WESTWOOD HOUSE
100 Madison Avenue • Westwood, New Jersey 07675
201-666-1778

September 21, 2017

Burgis Associates Inc.
25 Westwood Avenue
Westwood, New Jersey 07675
ATTN: Edward J. Snieckus, Jr. PP, RLA, ASLA

Dear Mr. Snieckus:

Westwood House consists of 164 age restricted (62 or older) 1 Bedroom Units and 18 non-age restricted (over 18) accessible one bedroom units.

The eligibility requirements for the age restricted units are that one applicant must be over the age of 62, and total gross annual income cannot exceed the Very Low Income limit established by HUD (currently $33,800 for 1 person and $38,600 for a 2 person household.) Occupancy is restricted to 2 people per 1 Bedroom Unit.

The eligibility requirements for the non-age restricted accessible units are that the applicant must be over the age of 18, disabled as described in HUD 4350-3 Chg.27 and total gross annual income cannot exceed the Very Low Income Limit established by HUD. Occupancy is restricted to 2 people per 1 Bedroom Accessible Unit. Accessible units are designed for individuals with mobility impairments.

All 182 units include a kitchen facility which is galley style (not eat-in).

Westwood House obtained Section 202 refinancing which will keep the project affordable for an additional 30 years. As such, Westwood House will continue to maintain its affordability until at least 2039.

If you are in need of any further information, please do not hesitate to contact me at (201) 666-1778.

Very truly yours,

Valeria M Hartman

Valeria M. Hartman, CMH/COS/SBBS/CMM
Executive Director

A-14 Care One Resolution

ZONING BOARD OF ADJUSTMENT

BOROUGH OF WESTWOOD

Resolution with respect to the application of Millennium Health Care Centers II, LLC for variances from the Zoning Ordinance of the Borough of Westwood and for preliminary and final site plan approval

WHEREAS, Millennium Health Care Centers II, LLC (hereinafter "the applicant") has made application to the Zoning Board of Adjustment of the Borough of Westwood (hereinafter "the Board") for variances from those provisions of the Zoning Ordinance of the Borough of Westwood (hereinafter "the Ordinance") relating to permitted uses, and required front, side and rear yard setback in the R-1 Zone, and side and rear yard setback, building coverage, improved coverage, floor area ratio and building height in the HSO Zone, and for preliminary and final site plan approval, for the property known as Lots 51 and 64 in Block 2001 on the tax assessment map of the Borough of Westwood, with a street address of 300 Old Hook Rd., Westwood, New Jersey 07675 (hereinafter "the property"); and

WHEREAS, the application was heard by the Board at public hearings held during duly-constituted meetings of the Board held in compliance with the Open Public Meetings Act on February 27, 2012, March 29, 2012, June 11, 2012 and September 10, 2012 at which time testimony was offered by Timothy Hodges and Reuben Twersky, representatives of Care One (the applicant); Michael Fowler, P.E., the applicant's professional engineer; Ralph Rosenberg, the applicant's architect, Paul Phillips, P.P., the applicant's professional planner; and oral argument presented by Donna M. Erem, Esq., the applicant's attorney; and

WHEREAS, the Board also heard testimony from its professional planner, Steve Lydon, AICP/PP and its professional engineer, Louis A. Raimondi, P.E., L.S., C.M.E. and considered their written reports; and

WHEREAS, at the conclusion of the public hearing on September 10, 2012, the Board approved a motion granting the relief requested by the applicant, subject to certain conditions, and directing the Board attorney to prepare a memorializing resolution, pursuant to N.J.S.A. 40:55D-10(g)(2); and

WHEREAS, the Board makes the following findings of fact:

1. The record in this matter shall consist of all testimony taken at the various public hearings and exhibits marked into evidence on those occasions, including the application filed by the applicant, and a 14-page engineering plan prepared by Langan Engineering bearing the original date of October 28, 2011 and revised on December 22, 2011 and April 27, 2012, consisting of Sheet CS001 (cover sheet); Sheet VT101 (topographic and boundary survey); Sheet CD101 (demolition plan); Sheet CS101 (site plan); CS102 (truck circulation plan); Sheet CG101 (grading, drainage and

PAGE 1/9 * RCVD AT 5/13/2013 10:55:41 AM [Eastern Daylight Time] * SVR:WSFAX1/0 * DNIS:2247 * CSID:2016647570 * DURATION (mm-ss):02-26

utility plan); Sheet CE101 (soil erosion and sediment control plan); Sheet LP101 (landscape plan); Sheet LP501 (landscape details and notes); Sheet LL101 (lighting plan); Sheet LL501 (lighting details and notes); Sheet CS501 (detail I); Sheet CS502 (detail II); Sheet and sheet CD 503 (detail III); and a five-page architectural plan prepared by Nadaskay Kopelson Architects bearing the original date of September 23, 2011, and revised on December 22, 2011 and April 27, 2012, consisting of Sheet A1 (proposed floor plans, an overview of the entire project); Sheet A2 (proposed floor plans for the North and South wing first floor additions); Sheet A3 (proposed floor plan for second floor); and Sheets A4 and A5 (elevations).

2. The applicant is the owner of the property, which is located in the HSO and R-1 zones.

3. The real property taxes assessed against the property were current at the time of the hearing.

4. Notice of the application was published in the official newspaper of the Borough of Westwood, the notice requirements found in N.J.S.A. 40:55D-12 and Section 65C-34 of the Land Use and Development Regulations of the Code of the Borough of Westwood were complied with, and an affidavit of service was filed with the Board Secretary.

5. The property is a triangularly-shaped parcel, located on the North side of Old Hook Rd., just West of its intersection with Carver Ave. It has an area of 4 acres, 3.75 of which are located in the HSO Zone (Lot 64), and 0.25 of which are located in the R-1 Zone (Lot 51). As noted, Lot 64 in the HSO Zone is triangularly-shaped, with frontage along Old Hook Rd. of 310.30 ft. tapering to about 100 ft. in the rear. Lot 51, in the R-1 Zone, is square-shaped, with about 100 ft. on each side. Lot 64 is improved with a long, relatively narrow and low, one-story brick building, used as a skilled nursing facility, and related site improvements. Lot 51 is unimproved.

6. Lot 64 fronts on Old Hook Rd., which is the sole means of access to the existing facility. The West side of Lot 51 fronts on Hudson St., an unimproved dead-end public street, a dead-end street approximately 225 ft. long, extending South from Westwood Boulevard. The area of land bounded by Carver Ave., Westwood Boulevard and Hudson St., consists of 6 lots, 5 of which are used for single-family purposes. The 6th lot is Lot 51.

7. Existing building coverage and impervious coverage on Lot 64 are 26% and 57% of lot area, respectively.

8. Uses in the area include a number of automotive uses, as well as professional and medically-oriented uses. These uses are supportive of the Hackensack University Medical Center North facility at the Pascack Valley Hospital. The HUMC property

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abuts Lot 64 to the West.

9. The applicant wishes to demolish a portion of the building, and expand it, with a two-story addition in the front of the building, that will wrap around the East, South and West sides of the building and over a partially-exposed basement. That addition will have a footprint of 12,219 sq. ft. The proposed second floor will have an area of 21, 812 sq. ft. The applicant also proposes a one-story addition to the rear of the building, a portion of which will extend into the R-1 Zone, with a foot print of 4,162 sq. ft. The applicant also proposes to reconfigure the parking and drive aisles on the East and West sides of the building, and expand the parking area on the West side, so as to improve traffic circulation and increase parking. 81 parking spaces exist, and 121 are proposed, Only 109 parking spaces are required. The Board finds that the parking areas improvements are beneficial, in that they will provide more parking, which is needed, and will substantially improve circulation, especially on the West side, where there will be an entrance with a canopy, with handicapped parking spaces close at hand. The plan also includes lighting, landscaping and stormwater management components. Finally, there is a proposed emergency access driveway which will link the Northerly end of the parking area on the West side of the building, with the South end of Hudson St. This driveway will be 14 ft. wide, and constructed of grass pavers. However, there will be bollards placed at the end of Hudson St., to ensure that this roadway is indeed used only for emergency access purposes. The applicant proposes to merge Lots 51 and 64, if the application is approved.

10. At the present time, the facility has 64 skilled nursing units. The proposed additions will increase that number to 81, and add 21 assisted living units, and 18 Alzheimer units, for residents with dementia. Because the terms "units" and "beds" are not inerchangeable, this equates to an increase from 120 to 158 skilled nursing beds, 21 assisted living beds, and 18 Alzheimer's beds, for a total of 197 beds, up from the existing 120 beds. The existing building footprint is 42,585 sq. ft., which will increase by 16,381 sq. ft., for a total footprint of 58,996 sq. ft. Total floor area will be 86,603 sq. ft, including the basement. Because the types of units need to be separated, there are limitations upon what the applicant can do, which in this instance, serves to limit the size of the second floor, and requires expansion into the R-1 Zone in the rear. The proposed expansion cannot be accomplished entirely in the HSO Zone.

11. Because a portion of the facility will be located in the R-1 zone, a use variance is required. Bulk variances required consist of:

a. As to HSO Zone: The required side yard is 25 ft., 12.76 ft. exists on the East side and will continue. The rear expansion of the building requires a side yard setback variance as only 12 ft. is proposed. Similarly, existing building setback on othe West side is 24.28 ft. (the extreme Northwest corner of the

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existing building), and will remain. The required rear yard is 50 ft., and because the building will extend over into the R-1 Zone, 0 ft. is proposed. Building coverage will increase from a conforming 26% of lot area, to a non-conforming 35.3% of lot area, where only 30% is permitted. Floor area ratio will increase from a conforming 26% of lot area to 52% of lot area, where only 40% is permitted. Improvement coverage will increase from a conforming 57% of lot area to 72.6% of lot area, where only 65% is permitted. The applicant initially proposed a building height of 43 ft., where only 36 ft. is permitted. The applicant subsequently amended the application to reduce the height to 39 ft. 7 in. As originally presented to the Board, the plan required a front-yard setback variance on Old Hook Rd. The April 27, 2012 plan revisions eliminated that variance, and reduced the height variance, which the Board finds to be very desirable changes.

b. As to R-1 Zone: In addition to the use variance, a "front" yard of 13 ft., attributable to the West side of the one-story addition in the rear abutting Hudson St., is proposed, where 22 ft. is required. Just like the rear yard in the HSO Zone, a "side" yard of 0 ft., attributable to the South portion of the one-story addition, is proposed, where 10 ft. is required. Finally, a "rear" yard of 12 ft., attributable to the Easterly side of the one-story addition, where it abuts Lot 64, is proposed, where 30 ft. is required.

c. Additional variances related to parking space size. The Ordinance requires 9 ft. by 19 ft. spaces. Some of the spaces proposed are as shallow as 16 ft., however most are 18 ft. in length. The Ordinance also requires a buffer area of 5 ft. between parking spaces, and lot lines. These distances vary on the plan between 2.16 ft. and 3.60 ft.

d. The Board notes that with the merger of Lots 51 and 64, the rear yard variance in the HSO Zone, and the side yard variance in the R-1 Zone, are eliminated.

Design waivers are:

a. The Ordinance requires tree replacement of 106 trees, and the applicant proposes only 37 trees.

b. The maximum average intensity in the parking lot in the HSO Zone is 0.5 foot-candles, and the applicant proposes 1.1 foot-candles.

c. The maximum lighting intensity in the HSO and R-1 Zones is 1.0 foot-candles, and the applicant proposes 6 foot-candles in the HSO Zone and 1.3 foot-candles in the R-1 Zone.

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d. The maximum lighting intensity in the HSO Zone is 0.3 foot-candles, and the applicant proposes 4.6 foot-candles.

The Board finds that the requested design waivers can be granted because doing so is consistent with the general purpose and intent of the Ordinance. A denial of these requests would be impracticable, and would exact undue hardship upon the applicant because of the peculiar conditions pertaining to the site. The Board also notes that all of these design waivers are shown on the plan as revised through April 27, 2012. Finally, the waivers relate to Lot 64, and adjoining properties in the HSO Zone, and not Lot 51 and adjoining properties in the R-1 Zone.

12. The Master Plan 2011 Re-Examination Report includes goals that relate to the preservation and protection of residential areas; the need for buffers between residential and non-residential uses; the promotion of comprehensive health care services and continued development of the H and HSO Zones; and the need to support the health care and wellness needs not only of Westwood, but of nearby communities.

WHEREAS, the Board makes the following conclusions of law:

1. N.J.S.A. 40:55D-70(d)(1) authorizes the Board to grant a use variance for "special reasons". The proposed skilled nursing and assisted living facility is an inherently-beneficial use. Such a use satisfies the "positive" criteria, in this case, the required showing of special reasons, as a matter of law. It then remains for the Board to conduct a balancing analysis, to determine if the "negative" criteria have been satisfied.

2. The balancing test requires the Board to characterize and evaluate the nature of the use; to consider what detriments may be associated with the requested use variance; to affirmatively consider the type of conditions that could be imposed to mitigate those detriments, and to determine, on balance, whether the benefits to be derived from the use, outweigh the detriments.

3. The application also requires a number of bulk variances, both in the HSO and R-1 Zones. While it could be argued that the granting of the use variance encompasses the bulk variances associated with the R-1 zone, the Board will analyze all of the bulk variances, including those in the R-1 Zone.

4. N.J.S.A. 40:55D-70(c)(1)(a) authorizes the Board to grant a variance where "by reason of exceptional narrowness, shallowness or shape of a specific piece of property" the strict application of the Ordinance would result in "peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon" the developer of such property. N.J.S.A. 40:55D-70(c)(1)(c) authorizes the Board to grant a variance where "by reason of an extraordinary and exceptional situation

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uniquely affecting a specific piece of property or the structures lawfully existing thereon" the strict application of the Ordinance would result in "peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon" the developer of such property.

5. The Board finds that the proposed use is high on the hierarchy of inherently-beneficial uses. Not only have numerous cases in the State of New Jersey recognized that medical uses are very beneficial, the Board recognizes a real need for this type of facility, as the population ages. The Master Plan also recognizes this, when it expresses support for the H and HSO Zones in Westwood. Finally, the Board heard testimony as to the substantial increase in the number of hospitals discharging patients to skilled nursing facilities, either for rehabilitation or for long-term residence.

6. The detriments associated with the use obviously include greater traffic and activity at the site, generated by patients, visitors, staff, suppliers and vendors, along with a significantly larger building. However, the Board also notes that the vast majority of the building will be located in the HSO Zone, where the use is permitted. Only a portion of the 4,162 sq. ft. addition in the rear is located in the R-1 Zone. That addition is only one-story in height. All access is now, and will continue to be from, Old Hook Rd. There will be no impact to the residential area along Carver Ave, Westwood Boulevard and Hudson St. Extensive landscaping is proposed for Lot 51, which will significantly shield the addition from the homes in that area. That portion of the building in the R-1 zone will be used exclusively for residential purposes, will have no vehicular access to the residential zone, and will not house the more active portions of the facility (kitchen, utility areas, etc.). These features of the plan serve to significantly mitigate any adverse effects associated with the fact that a small portion of the building will be in a residential zone. The Board finds that, on balance, the benefits from the expansion substantially outweigh the detriments visited upon the R-1 Zone. This same analysis holds true for the bulk variances associated with the R-1 zone. Because of the nature of the improvements proposed, the idea of a front, side and rear yard setback is not really applicable. Hudson St. is not improved, and presents no uniform streetscape. The Board also notes that there is a setback of almost 70 ft. between the North end of the one-story addition, and adjoining Lot 52 on Westwood Boulevard.

7. As regards the bulk variances in the HSO Zone, the Board finds that they are primarily a function of the shape of the property, the topography (as regards the height variance) and the nature of the improvements already located upon it, rather than the improvements the applicant proposes. While the facility will house significantly more residents, the expansion is consistent with the Certificate of Need held by the applicant, and is, therefore, consistent with the health care plan of the State of New Jersey. Lot 64 has an odd configuration, and gets progressively narrower as it proceeds to the North, squeezing the improvements together. In

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addition, a number of the variances relate to existing conditions, such as the side yard setbacks. The Board notes that the addition in the front complies with side and, most importantly, front yard setback requirements. Building coverage and FAR will exceed what is permitted in the HSO Zone, but the Board finds that the property can handle the overrage. The impervious coverage variance also permits better traffic cirulation, and more parking spaces, both of which the Board finds to be desirable. While the front of the building will have more bulk, that part is located in the HSO Zone. The balance of the building will retain its existing low profile. Most of the building will remain at one-story, with a very low roof line. It is difficult to even see the building, for example, from Carver Ave. It is quite inconspicuous. Any detriment associated with the HSO variances is not substantial.

8. N.J.S.A. 40:55D-70(c)(2) authorizes the Board to grant a variance where "in an application or appeal relating to a specific piece of property, the purposes of this act would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment". While the Board finds that the stronger support for the bulk variances is found in c(1), to the extent that the coverage variances promote safety, improve traffic circulation, and permit additional parking, the Board finds that the public benefits, as these improvements will significant improve the function and utility of the facility.

9. For the foregoing reasons, the Board finds that the applicant has met the required "positive" and "negative" showing for the granting of the use and bulk variances described elsewhere in this resolution, and for preliminary and final site plan approval.

NOW, THEREFORE, BE IT RESOLVED that the application of Millennium Health Care Centers II, LLC for the use and bulk variances described elsewhere in this resolution, and noted on the plan referenced above, and for preliminary and final site plan approval, be and the same is hereby granted, on the following terms and conditions:

1. The applicants shall construct the improvements to the building and the property in accordance with the plans referred to above, and shall, when applying for construction permits, submit a certification stating that the plans submitted at that time are identical, in all material respects, to the plans referred to above;

2. All other laws and regulations of the Borough of Westwood and all other governmental authorities having jurisdiction over the project shall be complied with without exception, and the applicants shall obtain all other required permits and approvals. The applicant shall obtain approval from the Bergen County Planning Board, with the applicant returning to the Board for a revised approval should the Planning Board require any changes of significance to the approved plan;

3. A building permit, and all other required permits and approvals, must be obtained

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before any work begins;

4. The applicant shall enter into a Developer's Agreement with the Board and the Borough of Westwood, with the Agreement to be prepared by the Board's Attorney, to be signed, with all required bonds and cash deposits posted, prior to the issuance of building permits;

5. The applicant shall prepare and file a Deed with the Bergen County Clerk merging Lots 51 and 64;

6. Nothing contained in this resolution shall supersede the provisions of the Uniform Construction Code of the State of New Jersey or any other law or regulation;

7. A copy of this Resolution shall be transmitted to the Construction and Zoning Official and the Building Department of the Borough of Westwood;

8. Notice of this decision shall be published in the official newspaper of the Borough of Westwood as required by law;

9. The applicant shall be responsible for payment of all professional fees incurred by the Board and Borough with respect to this application, including without limitation, the fees of the Board's Engineer, Professional Planner and Attorney, which shall be a condition of the issuance of any building permits. Those fees shall be paid, first from any escrow posted by the applicant, with the balance to be paid by the applicants. Once all professionals have certified that their fees have been paid in full, the Borough Treasurer shall release the balance of the escrow monies (if any) to the applicants and

10. The variances granted herein shall expire pursuant to the terms of Section 65C-25, subject to the provisions of any Permit Extension Act now, or then, in effect.

The foregoing resolution was adopted at a duly constituted meeting of the Board, held in compliance with the provisions of the Open Public Meetings Act on October 1, 2012, by those members who voted in favor of the action taken, and is intended to memorialize and confirm the official action taken by the Board on September 10, 2012.

William J. Martin
Chairman
Zoning Board of Adjustment

Mary R. Verducci
Recording Secretary
Zoning Board of Adjustment

(for certification, see next page)

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I hereby certify that on October 1, 2012, at an official public meeting of the Board, a quorum being present, this Resolution was duly adopted by a majority vote of those members of the Board who voted in favor of the action taken by the Board with respect to this application on September 10, 2012.

Mary R. Verdicci
Recording Secretary
Zoning Board of Adjustment

Vote taken on September 10, 2012: Ayes: Members Martin, Arroyo, Oakes, Owens, Bieri and Ceplo (Alt. 1); Nayes: None; Absent: Members McKoy and Hartman (Alt. 2); Recused: Member Bicocchi.

Members authorized to vote on resolution: Members Martin, Arroyo, Oakes, Owens, Bieri and Ceplo (Alt. 1)

Vote taken on with respect to adoption of resolution:

	Aye	Nay	Absent	Abstain
Member:				
Martin	✓			
Arroyo	✓			
Oakes	✓			
Owens	✓			
Bieri	✓			
Ceplo (Alt. 1)	✓			

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A-15 Habitat for Humanity Resolution

Prepared by: _____
Russell R. Huntington, Esq.

QUITCLAIM DEED

THIS QUITCLAIM DEED is made on the _____ day of April, 2019, by and between:

BOROUGH OF WESTWOOD, a municipality of the State of New Jersey, with offices located at 101 Washington Avenue, Westwood, New Jersey 07675 (hereinafter referred to as "Grantor"), and

HABITAT FOR HUMANITY OF BERGEN COUNTY, INC., a not-for-profit corporation of the State of New Jersey, having an office at 690 Kinderkamack Road, Suite 300, Oradell, New Jersey 07649 (hereinafter referred to as "Grantee").

The words "Grantor" and "Grantee" include all Grantors and all Grantees under this Deed.

In return for the payment to the Grantor by the Grantee of the sum of One Dollar and 00/100 ($1.00), the Grantor hereby grants and conveys to the Grantee on a quitclaim basis all of the right, title and interest of the Grantor in and to the lands located in the Borough of Westwood, County of Bergen and State of New Jersey, specifically described as set forth in Schedule A annexed hereto and made a part hereof (hereinafter referred to as the "Property").

The Grantor makes no warranties or covenants with respect to the Property or the conveyance hereunder. This is a quitclaim deed, with no recourse against the Grantor.

This conveyance is made upon the express condition that the Grantee shall construct one (1) single family "For Sale" residential unit of Affordable Housing reserved for a veteran, all as set forth in a certain Resolution dated 12-18, 2019 and incorporated herein as Schedule B.

This single family home shall remain subject to the requirements of N.J.A.A. 5:80-26.5 for a period of not less than thirty (30) years (the "Control Period"). Continuation of the Control Period thereafter, as well as the sale and use of the housing units, shall be governed by regulations known as the Uniform Housing Affordability Controls, which are found in New Jersey Administrative Code at Title 5, chapter 80, subchapter 26 (N.J.A.C. 5:80-26.1, et seq., the "Regulations").

The Property may be conveyed only to a household which has been approved in advance and in writing by an administrative agent qualified and appointed under the Regulations (hereinafter,

COPY

SCHEDULE A

LEGAL DESCRIPTION

BOSWELL ENGINEERING
ENGINEERS ■ SURVEYORS ■ PLANNERS ■ SCIENTISTS
330 Phillips Avenue • P.O. Box 3152 • South Hackensack, N.J. 07606-1722 • (201) 641-0770 • Fax (201) 641-1831

PROPERTY DESCRIPTION
Lots 22 & 22.01, Block 1701
95 Sand Road
Borough of Westwood, Bergen County, New Jersey

BEGINNING at a bar and cap set in the easterly line of Sand Road, 33 feet wide, where the same is intersected by the division line between Lot 21 and Lot 22 in Block 1701, as shown on the current Tax Map of the Borough of Westwood, said point being located the following two (2) courses and distances from the southwesterly corner of the tract described in a certain deed made by Charles M. Van Zandt and wife to Leopold Menkes, dated March 9, 1907, and recorded in the Bergen County Clerk's Office in Book 6565, page 349:

a) Along the centerline of San Road, North 18 degrees 04 minutes 17 seconds West, a distance of 112.73 feet to a point, thence;

b) North 71 degrees 55 minutes 43 seconds East, a distance of 16.50 feet to the point and place of BEGINNING, and from thence, running;

1) Along the aforesaid easterly line of Sand Road, North 18 degrees 04 minutes 17 seconds West, a distance of 75.00 feet to a bar and cap set, thence;

2) Along the division line between Lot 22.01 and Lot 23 in Block 1701, North 71 degrees 55 minutes 43 seconds East, a distance of 283.50 feet to a bar and cap set, thence;

3) Along the westerly line of Lot 20.02 in Block 1701, South 18 degrees 04 minutes 17 seconds East, a distance of 75.00 feet to a bar and cap set, thence;

4) Along the aforementioned division line between Lot 21 and Lot 22, South 71 degrees 55 minutes 43 seconds West, a distance of 283.50 feet to the point or place of BEGINNING.

Containing 21,262.5 square feet or 0.488 acre.

BEING the same premises vested in the Borough of Westwood by virtue of a Final Judgement dated July 17, 1980, recorded July 24, 1980 in Deed Book 6581, Page 48 and a Final Judgement dated July 28, 2016, recorded September 20, 2016 in Deed Book V2381, Page 296.

BEING more commonly known as 95 Sand Road, Westwood, New Jersey.

BOSWELL ENGINEERING
Frank M. Krupinski

Professional Land Surveyor
N.J. License No. 24GS03719700
July 27, 2018
WW-687

SCHEDULE A

collectively, the "Administrative Agent"). Such conveyance shall be accomplished through use of a Deed-Restricted Affordable Housing Unit Deed prescribed by the Regulations.

The restrictions and covenants herein shall be appurtenant to and run with the land, and shall be binding upon the Grantee, all transferees thereof, any others who take title to the Property and any of the housing units in the future, and all successors and assigns thereof.

The Grantor has received the full consideration from the Grantee.

(THE REMAINDER OF THIS PAGE IS INTENTIONALLY BLANK)

The Grantor signs this Deed on the date above.

Witness/Attest: Borough of Westwood

_____ _____

Karen Hughes, Borough Clerk John Birkner, Jr., Mayor

STATE OF NEW JERSEY)
) SS.:
COUNTY OF BERGEN)

BE IT REMEMBERED, that on the _____ day of April, 2019, before me, the subscribed, a Notary Public or Attorney at Law of the State of New Jersey, personally appeared Karen Hughes, who being by me duly sworn on her oath, says that she is the Clerk of the Borough of Westwood, the Borough named in the foregoing instrument, that she well knows the corporate seal of the Borough of Westwood, that the seal affixed to said Deed is the corporate seal of said Borough of Washington; that the said seal was so affixed and the said Deed signed and delivered by John Birkner, Jr., Mayor, who was at the date thereof the Mayor of said Borough of Westwood, in the presence of his deponent, and said Mayor, at the same time acknowledged that he signed, sealed and delivered the same as his voluntary act and deed, and as the voluntary act and deed of said Borough of Westwood, by virtue of the authority from its governing body, and that deponent, at the same time, subscribed her name to said instrument as an attesting witness to the execution thereof.

Grantor made this Deed for $1.00 as the full and actual consideration paid or to be paid for the transfer of title. (Such consideration is defined in N.J.S.A. 46:15-5.)

_____

Karen Hughes

Sworn and subscribed to before
me this ____ day of April, 2019.

_____

G:\Client Files-Documents\WESTWOOD\Habitat Vets 95 Sand Road\Quitclaim Deed.docx

SCHEDULE B

RESOLUTION DATED 12/18, **2019**

RESOLUTION

MAYOR AND COUNCIL OF THE BOROUGH OF WESTWOOD

COUNTY OF BERGEN

TITLE: **AUTHORIZING THE CONVEYANCE OF THE 95 SAND ROAD PROPERTY TO HABITAT FOR HUMANITY OF BERGEN COUNTY, INC.**

RESOLUTION: **18-** 352

WHEREAS, the Borough of Westwood (the "Borough") is the owner of the land located at Lots 22 and 22.01 in Block 1701 on the Tax Assessment Map of the Borough of Westwood commonly known as 95 Sand Road (the "Premises"); and

WHEREAS, the Borough is desirous of transferring the Premises to Habitat for Humanity of Bergen County, Inc. (also referred to as "Habitat") for the purpose of partially satisfying the Borough's obligation to provide for affordable housing pursuant to the Fair Housing Act and consistent with the principles and dictates of the New Jersey Supreme Court's opinion in In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015); and

WHEREAS, the Borough has filed a declaratory judgment action in the Superior Court of New Jersey in connection with the Borough's obligations with respect to affordable housing and in compliance with procedures outlined by the New Jersey Supreme Court; and

WHEREAS, Habitat is desirous of accepting the transfer of the Premises from the Borough for the purpose of constructing affordable housing for a disabled Veteran on the Premises; and

WHEREAS, Habitat is a Not-for-Profit Corporation of the State of New Jersey which provides community based programs to assist low and moderate income persons with home ownership; and

WHEREAS, Habitat is an organization which constructs and sells the type of housing which satisfies a municipality's affordable housing obligations; and

WHEREAS, N.J.S.A. 55:27D-311(a)(5) provides for the donation of land by a municipality for the purpose of providing low and moderate income housing; and

WHEREAS, N.J.S.A. 55:27D-325 provides that a municipal Governing Body may, by resolution, authorize the private sale and conveyance of municipally-owned property to a non-profit entity provided that there is a contractual guarantee that the housing units will remain available to low and moderate income households; and

SCHEDULE B

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Westwood that the Borough Council hereby approves the transfer or donation of Lot 22 and 22.01 in Block 1701 on the Tax Assessment Map of the Borough of Westwood commonly known as 95 Sand Road to Habitat for Humanity of Bergen County, Inc. for the purpose of constructing and selling one single family home at the Premises which would provide the Borough with credit toward its affordable housing obligations consistent with the Fair Housing Act and the principles and dictates of the New Jersey Supreme Court's opinion in In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015);

BE IT FURTHER RESOLVED that the Borough hereby requires that, to the extent legally permissible, the unit constructed and sold by Habitat shall have a preference for Veterans;

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute any agreements and documents necessary to effectuate the transfer of said Premises to Habitat for Humanity of Bergen County, Inc. consistent herewith. Habitat agrees to execute a restriction in recordable form which places affordability controls complying with COAH Regulations upon the property to the end that the Borough is entitled to a credit towards is affordable housing obligation.

John Birkner Jr., Mayor

Certified to be a true copy of a
Resolution adopted at the meeting
of the Mayor and Council on
December 18, 2018

Karen Hughes, Borough Clerk

NAME	MOVED	SECOND	AYES	NAYS	ABSENT	ABSTAIN
Collins	✓		✓			
Montana			✓			
Bicocchi			✓			
Dell		✓	✓			
Dawson			✓			
Arroyo			✓			

A-16 Bergen County Home Improvement Program

BERGEN COUNTY
NEW JERSEY
A County of Vision • A Region of History

(/)

- Administration & Finance (/about-finance-administration)
- Purchasing
- Treasury
- Risk Management (/risk-management)
- Central Municipal Court (/central-municipal-court)
- Community Development
  - About (/community-development/about)
  - Community Development Block Grant (CDBG) (/community-development/community-development-block-grant)
  - Home Investment Partnership Grant (HOME) (/community-development/home-investment-partnership-grant-home)

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- Emergency Solutions Grant (ESG) (/community-development/emergency-solutions-grant-esg)
- Continuum of Care Grant (COC) (/community-development/continuum-of-care)
- American Dream Program (/community-development/american-dream-program)
- Home Improvement Program (HIP) (/community-development/home-improvement-program)
- Events (/community-development/events)

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Budget & Capital Planning

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Personnel

Public Information

Home Improvement Program

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GET HIP!

Bergen County
Home Improvement Program

Apply Today!

- Bergen County homeowners seeking home improvements CLICK HERE (http://bergencountynjgov.org/hip/) to fill-out a Pre-Application Qualification form that you can submit online.
- For Further Information call 201-336-6999 or Email GetHIP@co.bergen.nj.us
- The Bergen County Home Improvement Program (HIP) is located at One Bergen County Plaza, 4th Floor, Hackensack, NJ 07601.
- NJ Registered Home Improvement Contractors CLICK HERE to scroll to the bottom of the page for the Application.

It's Time to Get HIP!

The mission of the Bergen County Home Improvement Program (HIP) is to assist qualified low to moderate income Bergen County home and condominium owner occupants with an interest free, no monthly payment loan with improvements that upgrade the home,

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enhance the neighborhood, and help to maintain property values. Eligibility is based on income, financial status, family size, and the type of home improvements requested.

Loan Financing that's Interest Free with No Monthly Payments and No Fees!

Once an applicant is determined eligible, HIP will provide a **no monthly payment, interest free loan** for all approved home improvements. Currently, **HIP** provides loans of up to $17,500 for a one-family home and condominium interiors and up to $25,000 for a two-family home. There is absolutely **no payment due** until such time that the home is sold or the title is transferred. Importantly, too, there are **no added fees** at any point from the moment of approval to the time of payment.

Eligible Home Improvements

- Heating
- Plumbing
- Electrical
- Roof, Leaders, Gutters
- Exterior Siding
- Windows and Doors
- Driveway, Sidewalk, Steps
- Other Home Improvements

- Home improvements to basements and attics (other than related to infrastructure, e.g., plumbing, heating, HVAC, etc.) are not permissible.

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Recent HIP Interest Rate Policy Change

As a result of legislative action taken by the Bergen County Board of Chosen Freeholders on December 20, 2017, HIP is now interest free with an effective date of January 1, 2018. This policy change is for **all new loans** and **retroactive to include all existing HIP loans** made prior to the effective date.

NJ Registered Home Improvement General Contractor Application

HIP is seeking experienced NJ Registered General Contractors to carry out rehabilitation of owner occupied single and two family homes and condominium interiors throughout Bergen County.

NJ Registered General Contractors are encouraged to apply including locally-based Home Improvement Contractors, Minority Business Enterprises, Women Business Enterprises, and Disadvantaged Business Enterprises.

CLICK THE LINKS BELOW for an instructions and an Application:

- Instructions (/images/Departments__Services/Administration__Finance/Communit _CONTRACTOR_Instructions.pdf)
- Application (/images/Departments__Services/Administration__Finance/Communit _CONTRACTOR_Application.pdf)
- **NJ Contractor Registration Guidelines FAQ (/images/Departments__Services/Administration__Finance/Commur**

Contact Us

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Bermari Roig

HIP Client Services Representative

broig@co.bergen.nj.us (mailto:broig@co.bergen.nj.us)

Bergen County Division of Community Development

One Bergen County Plaza • 4th Floor • Hackensack, NJ 07601

Ph: (201) 336-6999

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CAN'T AFFORD NEEDED HOME IMPROVEMENTS?
It's Time To **GET HIP!**

The uniquely low-cost **Bergen County Home Improvement Program (HIP)** can make all the difference if you're a qualified homeowner and need new:

- **Heating**
- **Plumbing**
- **Electrical**
- **Roof, Leaders, Gutters**
- **Exterior Siding**
- **Windows and Doors**
- **Driveway, Sidewalk, Steps**
- **Other Home Improvements**

With HIP, There Is
NO PAYMENT
Until Your Home Is Sold Or The Title Is Changed And It's
INTEREST FREE
With No Added Fees!

GET HIP!
Bergen County
Home Improvement Program
THERE'S NO PLACE LIKE HOME

CONTACT HIP TODAY for a Pre-Application Qualification Form. Call **201-336-7210** or email **GetHIP@co.bergen.nj.us**

ACT NOW! Completed applications are handled and funding is allocated on a first come, first serve basis.

Cold This Winter and Need a New Furnace or Boiler?
CONTACT US TODAY!

HIP's Mission is to assist qualified low to moderate income Bergen County home and condominium owner occupants with an interest free, no monthly payment loan for improvements that upgrade the home, enhance the neighborhood, and help to maintain property values. The **Bergen County Home Improvement Program (HIP)** is located at One Bergen County Plaza, 4th Floor, Hackensack, NJ 07601

BERGEN COUNTY EXECUTIVE JAMES J. TEDESCO, III AND THE BOARD OF CHOSEN FREEHOLDERS
BERGEN COUNTY DIVISION OF COMMUNITY DEVELOPMENT