

MAYOR AND COUNCIL  
BOROUGH OF CLOSTER

SPECIAL MEETING MINUTES - MONDAY, NOVEMBER 5, 2018 – 8:00 P.M.

The Mayor and Council of the Borough of Closter held a Special Meeting on Monday, November 5, 2018. Mayor Glidden called the meeting to order at 8:00 p.m.

1. PLEDGE OF ALLEGIANCE

Mayor Glidden invited all to join in the Pledge of Allegiance.

2. OPEN PUBLIC MEETINGS ACT STATEMENT

Notice of this Special Meeting was published in The Record and Star Ledger on October 26, 2018 in accordance with the provisions of the Open Public Meetings Act of the State of New Jersey, was posted on the Municipal Clerk's bulletin board on October 26, 2018, and has remained posted as the required notices under the Statute. In addition, a copy of the notice is and has been available to the public and is on file in the office of the Municipal Clerk.

3. ROLL CALL

The following persons were present:

Mayor John C. Glidden, Jr.  
Councilpersons Scott Devlin, Alissa Latner, Dolores Witko, Joseph Yammarino, Jannie Chung  
and Victoria Amitai  
Borough Attorney, Edward T. Rogan  
Deputy Borough Clerk, Arlene Marie Gray  
Borough Engineer, Nick DeNicola  
Chief Financial Officer, Joseph Luppino

The following persons were not present:

Borough Administrator, Arthur Braun Dolson  
Borough Clerk, Loretta Castano

At this time, Mayor Glidden informed he would be deviating from the Agenda to address Item No. 6.

6. REVIEW OF THE CY2018 BEST PRACTICES INVENTORY (5. M.L 10/15/18)  
(Requested by Assistant Chief Financial Officer 11/2/18) ~~TO BE PROVIDED BY BOROUGH ADMINISTRATOR~~ Received from Assistant Chief Financial Officer 11/5/18 @ 4 p.m.

Chief Financial Officer advised that the inventory was prepared by the Borough Administrator and the Assistant Chief Financial Officer and same appears to be complete and at a 100% compliance rate. The Borough is slightly below an AAA rating and financially strong. The last bond review indicated the Borough had adequate reserves. In answer to Councilman Devlin, Chief Financial Officer said that to his knowledge the Borough has not had a project financed by New Jersey Infrastructure Bank (NJIB) formerly NJEIT and in regard to time cards, he said he would address the matter with the Borough Administrator. In answer to Councilwoman Chung, Chief Financial Officer said it is definitely a plus to have shared services agreements; and he felt the big savings is the dispatch shared service with the County. In the future, the federal government will be upgrading the bandwidth with which the County will be complying. Increasing the fund balance is important to Standard and Poor's and Moody's. Mayor Glidden noted there were three municipalities in Bergen County that are AAA and there are ten including Closter that are AAA-.

4. DISCUSSION OF COAH ORDINANCES AND RELATED MATTERS  
(Requested by Borough Attorney 10/10/18/Received from COAH Planner Caroline Reiter 11/2/18)

Borough Attorney advised that the Planning Board has recommended that the 2018 Housing Element and Fair Share Plan be submitted to the governing body and which also includes ordinances that the Planning Board has reviewed. He referred to the history of Fair Share in New Jersey and the establishment of COAH. The Borough must provide within its ordinances a mechanism whereby these affordable homes can be built. The Borough has always been compliant and a plan was put together which satisfied COAH. He noted that the Borough never received credit for the original Spectrum for Living, which is a 52-unit multi-handicap residence, because the Appellate Division classified it as a hospital. The Borough has since complied by the use of overlay ordinances in various sections of town but out of residential sections. The Borough has two 16-unit properties: Spectrum II and Vantage, which are special needs units and were built on land donated by the Borough. He noted that the Borough established an overlay zone that provided for the construction of apartments depending on the amount of land; and a provision of the ordinance to be discussed this evening increases the number of apartments that can be built in this overlay zone. He proceeded to explain the builder's remedy for towns that are found to be non-compliant. In 2015, the New Jersey Supreme Court stripped the power of COAH; and all matters would be determined by the courts upon submitting Declaratory Judgment Actions by the municipalities asking for protection. We have received extensions from the Courts shielding the Borough from builder's remedy suits. After state-wide litigation which involved a consortium to municipalities including Closter, there was a settlement of 347 units which satisfied the Fair Housing Advocacy Group; and a Court Order was issued. We will be discussing the ordinances tonight as to why we should still have the immunity from builder's remedy and show we are in

CLOSTER MAYOR AND COUNCIL  
SPECIAL MEETING MINUTES - MONDAY, NOVEMBER 5, 2018 – 8:00 P.M.

compliance with the Settlement Agreement and Court Order. He explained we would not be having one of these ordinances relative to the one intervenor, the Corner Farm, who sued to try to get the Court to approve the building of multiple housing. The initial application was to build 40 units, which was rejected by the Borough; and after negotiation, a plan was approved by the Judge to have 12 units in three fourplexes on 3½ acres. The concept would be McMansion type structures spaced on the property. We are awaiting input from the Corner Farm Attorney, Planner and Special Master before bringing the ordinance before the Council.

Borough Attorney said that the Accessory Apartment ordinance would be discussed which would permit certain houses in Residential B and the Historic District that are larger houses with garages or other structures and with a lot of property to allow current owners to rent one unit to an affordable housing applicant. This can get the Borough up to 10 units maximum. He explained the overlay zone ordinance would also be discussed noting that the townhouses would remain the same; and the number of apartments would be increased from 10 to 12 if you have 5 acres. The Special Master has objected to the number of units. The ordinances must be introduced and subsequently referred back to the Planning Board for a consistency hearing. If found consistent, the ordinances would be sent back to the Mayor and Council for adoption. We are under a deadline of November 24 for which he is trying to get an extension. The Special Master and Corner Farm attorney agreed they would not object to an extension; but the Fair Housing Advocacy Group has not agreed as of yet. He said he would be proceeding without that consent; and if called in on the extension, he would like to be able to explain that at least the ordinances have been introduced.

In answer to Councilwoman Chung, Borough Attorney explained if the extension is not granted, a builder's remedy suit could be filed on November 25<sup>th</sup>. The Judge who was handling the case has retired and the new judge who was just assigned to the case is brand new at COAH cases. He has requested an extension to the end of December. Mayor Glidden said we would be well advised to introduce the ordinances prior to the 24<sup>th</sup>; and he noted that the next meeting is scheduled to be held on Monday, November 19<sup>th</sup>. Borough Attorney said if we introduce the ordinances on that date and send them right away to the Planning Board, the Board can have a meeting, vote on their consistency and send them back to the Council for adoption in December.

Borough Attorney referred to the Resolution Endorsing the Housing Element and Fair Share Plan that was presented to the Planning Board by the Planner and approved by the Planning Board. He said the Plan needs to be confirmed tonight by the Mayor and Council. Councilwoman Amitai questioned the content of the plan and if the format was the same as approved by the Planning Board. Borough Attorney explained we are voting on the content of the Plan not the ordinances. He advised that it is the Planning Board's responsibility to prepare same and we are only confirming the Plan they adopted last week. Borough Attorney said there should not be any specifics in the plan relative to the Corner Farm; and he noted that it mentions that the Corner Farm was an intervenor in addition to the size of the property and the number of units. He referred to pages 14 and 15 in the Fair Share Plan which indicates the address and size of the Corner Farm; and stated that it is subject to the terms of the Settlement Agreement in addition to the size and number of affordable units. Mayor Glidden noted that there was nothing in the Plan that referred to setbacks or specifics. Borough Attorney said if all is approved by the Courts, the Borough will be protected until 2025 against a builder's remedy suit; and it preserves the integrity of our zoning ordinances. The Corner Farm and Village School will still be required to come before a Board to present a site plan and provide testimony on same. It is important to maintain the integrity of the Zoning Code and keep decisions local rather than have the decisions made by a court. If the Corner Farm or Village School present a site plan that varies in any way from the ordinances these ordinances that will be adopted, they would have to go before the Planning or Zoning Board for variances or other approvals. He stressed that the importance of this process is to maintain the integrity of our Zoning Code and keep decision making local.

Councilwoman Amitai referred to a paragraph Mr. Rogan wrote regarding the Reuten Plan. He said Reuten was not included in any original plans or discussions and was specifically excluded by the COAH Committee way back when. She referred to Page 23 and asked why then is it there at all. She referred to the letter from Reuten and recalled that in no way could they possibly be an intervenor and again asked why it was included. Borough Attorney explained that Caroline Reiter mentioned that because the Planner had to indicate "any other interested parties" up to the time of trial. We already had a Settlement by then when a letter came in from an attorney for Reuten threatening the Borough by saying they wanted to jump into our lawsuit; and we said you are way too late. Eventually, they backed off and did not appear at the trial. The Special Master wanted to see if anyone else had an interest. The Planner felt it was appropriate to disclose that information. It was a letter representation only, they did not show up to court; but the letter was sent after the Settlement was already agreed to. He firmly expressed that we should keep that in there but agreed we could ask Ms. Reiter; but she feels we should keep that. Mayor Glidden said we received timely correspondence and it was put in there. Council President Latner agreed to full disclosure. Mr. Rogan agreed to full disclosure by advising that it is legally better to say we knew it, considered it and rejected it as opposed to not mentioning it and pretending it did not happen.

Relative to the Accessory Apartment Ordinance, Borough Attorney said it would permit existing homeowners the right to rent an accessory apartment to someone who qualified under the affordable housing guidelines; and same would be restricted to Residential B, the Historic District and County Roads. There would be a 10-year deed restriction; and the Borough would provide up to \$20,000 in assistance from the Affordable Housing Trust Fund, which are not tax dollars, but are raised through new construction. Only 10 homes in town could have this type of apartment. The homeowners cannot choose their own resident due to the fact that this is a part of a State-run list; and the State will qualify homeowners as to financial and unit

CLOSTER MAYOR AND COUNCIL  
SPECIAL MEETING MINUTES - MONDAY, NOVEMBER 5, 2018 – 8:00 P.M.

availability. He did not think there was a requirement on the term of the individual tenant; and there would still be a tenant-landlord agreement. Councilwoman Amitai provided a written list of errors and comments. Borough Attorney said there are no parking regulations for a private building and the Court increased the fee from \$18,000 to \$20,000. Relative to the number of bedrooms to be allowed, this could be discussed before introduction of the ordinance. Relative to the words “owner occupied”, Borough Attorney said the Special Master said same was not permitted. There is no requirement to notify residents within 200 feet if a portion of the house is being rented out. Borough Attorney noted that tonight we should focus on what the Planning Board sent us; and when the ordinance is introduced, the Council can have input; and he would check in the meantime with the Planner relative to the comments submitted to the Council.

Borough Attorney referred to sample ordinance Article XIA AHO, Affordable Housing Overlay District, Section 200-54.1 and noted that under 200-54.2 the apartment density is increased from 10 to 12, with 20% set aside and owner-occupied townhouses has not changed. He agreed with Councilwoman Amitai that Reuten density may not need to be included and any reference to Reuten should be eliminated from the document. Under Borough Code Ch. 200-54.3, the acreage remains the same and C has a new provision to provide a buffer between the commercial/industrial zone and an adjacent residential structure. Minimum lot setback, density, minimum front yard and side yard setbacks, maximum impervious coverage and maximum structure height are the same. Minimum yard setback has been reduced from 25 feet to 20 feet. Councilwoman Amitai expressed objection to the cluster of units; and noted that it is not in keeping with a residential area. Borough Attorney noted that the ordinance is to try to show the Court that we are attempting to make it easier for affordable units and not more restrictive. He did not recommend making our current ordinances more restrictive at this time. Changing the ordinances at a later date could cost the Borough its immunity; and we have to report annually to the Court. He cited the changes for apartments and noted the increase in the setback between the buildings. To provide for open space, it is proposed that an active outdoor recreation area be provided. Provisions for a Homeowners Association have been included. Relative to fence height, Borough Attorney said it could provide a buffer for a residence that could be built adjacent to the commercial/industrial zone. Borough Attorney said that a request for a reduction in the 20% set aside would be denied inasmuch as same ensures our credits for future needs.

Business Area 3A creates a new zone from the clock tower to Borough Hall. It would provide for a commercial use on the first floor and the ability to rent two stories above for residential use, with a maximum of 10 units per acre; and a minimum of one acre is required to qualify. If the residential units are rental units, 15% of the units shall be reserved for affordable households. If the units are for-sale, 20% of the units shall be reserved for affordable units. In answer to Councilwoman Amitai, Borough Attorney said the wording of the building height needs to be cleaned up.

Relative to the Affordable Housing Ordinance, Borough Attorney said that the ordinance would repeal the current code; and Mayor Glidden asked Councilwoman Amitai to discuss her further questions with the Borough Attorney. Borough Attorney said this ordinance defines requirements in accordance with State law and cannot be changed. In answer to Councilwoman Chung, Borough Attorney said for compliance, we need to show that the Borough has hired a marketing firm; and same would not be paid until the units are built. After compliance approval, the relationship with the consortium will be ended.

5. RESOLUTION ENDORSING THE HOUSING ELEMENT AND FAIR SHARE PLAN ADOPTED BY THE PLANNING BOARD AT THE SPECIAL MEETING HELD NOVEMBER 1, 2018 (Requested by Borough Attorney 11/2/18)

Motion of approval was made by Councilwoman Latner, seconded by Councilwoman Chung. BEFORE ROLL CALL VOTE, Councilwoman Amitai asked exactly what we are voting on; and Borough Attorney said it is to endorse the Housing Element and Fair Share Plan approved by the Planning Board.

Said motion was declared carried by Mayor Glidden upon the affirmative vote of Councilpersons Devlin, Latner, Witko, Yammarino, Chung and Amitai.

6. REVIEW OF THE CY2018 BEST PRACTICES INVENTORY (5. M.L 10/15/18)  
(Requested by Assistant Chief Financial Officer 11/2/18) ~~TO BE PROVIDED BY BOROUGH ADMINISTRATOR~~ Received from Assistant Chief Financial Officer 11/5/18 @ 4 p.m.

7a. VOTE ON CONSENT AGENDA ITEMS

Motion approving the Consent Agenda minus Item No. 10 was made by Councilman Yammarino, Seconded by Councilwoman Latner and declared carried by Mayor Glidden upon the affirmative vote of Councilpersons Devlin, Latner, Witko, Yammarino, Chung and Amitai.

RESOLUTIONS

8. BILL RESOLUTION – NOVEMBER 5, 2018  
(Received from Deputy Treasurer 10/29/18)

9. RESOLUTION AUTHORIZING PURCHASE AND PLANTING OF SHADE TREES (Account T-13-56-000-086-000) Received from Borough Administrator’s Office 10/26/18

40. RESOLUTION AUTHORIZING THE CLERK, CHIEF ADMINISTRATIVE OFFICER AND CHIEF FINANCIAL OFFICER TO SIGN THE CY2018 BEST PRACTICES INVENTORY (Deadline for submission to DLGS 11/12/18 - 5. M.L. 10/15/18) Received from Borough Attorney 11/2/18

MOTIONS

11. MOTION APPROVING THE FOLLOWING MINUTES – NO ABSTENTIONS

- a. REGULAR MEETING HELD OCTOBER 24, 2018
- b. WORK SESSION HELD OCTOBER 24, 2018

12. REPORTS

- a. CONSTRUCTION OFFICIAL – OCTOBER 2018 (Received 11/1/18)

- 7b. VOTE ON ITEMS REMOVED FROM THE CONSENT AGENDA

10. RESOLUTION AUTHORIZING THE CLERK, CHIEF ADMINISTRATIVE OFFICER AND CHIEF FINANCIAL OFFICER TO SIGN THE CY2018 BEST PRACTICES INVENTORY (Deadline for submission to DLGS 11/12/18 - 5. M.L. 10/15/18) Received from Borough Attorney 11/2/18

Motion of approval was made by Councilwoman Latner, seconded by Councilwoman Witko and declared carried by Mayor Glidden upon the affirmative vote of Councilpersons Latner, Witko, Yammarino, Chung and Amitai. Councilman Devlin abstained because of the issue of timecards.

13. OPEN MEETING TO PUBLIC FOR ANY MATTER, PER N.J.S.A. 10:4-12 (a)  
(Subject to 5-minute limit per By-Laws General Rule No.11)

Dr. David Barad, 26 Kinkaid Avenue, said that the Special Master blocked the wording on the limitations of bedrooms for affordable housing units but the square footage could be specified. Relative to the awkward wording about the maximum height, he asked that the Borough Attorney help in that respect. He expressed concern about the Corner Farm; and Borough Attorney said that the ordinance would be introduced with the others that were discussed. By the next meeting, all of the ordinances would be ready for introduction whether or not the Corner Farm gets back to us.

In answer to Michael Kafer, 261 Parsells Lane, Borough Attorney said the housing in the business district would be the subject of a conditional use ordinance; and a use variance for the one (1) acre lot could be requested from the Zoning Board. Mayor Glidden said a COAH Committee was established and everything was forwarded to the Planning Board in verbal format. Mr. Kafer referred to the special meetings because of the shortage of time; and questioned if this was becoming a policy of the Mayor and Council. Mayor Glidden said when there is a minimal amount of time, there is a need for special meetings. We are under a Court Order which must be done by a certain time. Borough Attorney noted that this Special Meeting was scheduled because the Planning Board had not completed work on the items under discussion. There will be two more regularly scheduled meetings for introduction and adoption of these ordinances. Mayor Glidden said there were a lot of alternatives provided by the COAH Committee; and same can be found in the Planning Board minutes.

In answer to Nancy Hodgins, 19 Jane Street, professional disability advocate, contradiction, Mayor Glidden said Bergen County Housing Authority deals with Section 8 housing relative to renting and financing. Ms. Hodgins explained Section 8 Housing; and the Borough Attorney noted that the Borough would have no choice as to renters for purposes of this ordinance. Mayor Glidden said we do keep a list of those requesting affordable units and will pass same on to the Housing Authority. Mr. Rogan said we were told we have no control over preferences as to age or residency.

In answer to Limor Moshkovich, 58 Taillon Terrace, Borough Attorney explained the process for introducing and adopting the ordinances and compliance with the Settlement Agreement. The Mayor and Council can make changes; and there would be more discussion before referring same back to the Planning Board. The Planning Board had discussed a bedroom limit; and the Special Master said a bedroom limit would not be approved. The Special Master reviews all changes and would testify on same before the Court.

Karen Gargiulo, 207 West Street, expressed concern about rent control and Mayor Glidden said that rents are set by the State and are out of our control. Borough Attorney said there would be an administrative agent to review the list and eligibility; and in house, we will have an individual here to track the process; but, otherwise, we will have no input. We will monitor the compliance process and we would be receiving payments in lieu of taxes (PILOTS). Borough Attorney said we have received a ruling from the Special Master that we can use the COAH funds to pay down the debt from financing the bond and will ultimately have to be approved by the DCA. Councilwoman Amitai questioned the Spending Plan; and Borough Attorney advised that there is \$508,000 remaining in the Trust Fund; and the law requires that you spend that money within four (4) years after receipt, which is why we entered into a contract to buy seven (7) units in the Village School. DCA sued the Borough but since we had the contract in place, the Judge ruled in our favor. The Spending Plan has been prepared by the Planner.

14. ANY OTHER MATTER WHICH MAY COME BEFORE THE GOVERNING BODY

a. REVIEW AND DISCUSSION OF COMMUNICATION ITEMS

(Requested by Borough Attorney 10/26/18)

1. MAIL LIST OF OCTOBER 25, 2018 – Mayor Glidden asked if any member of the Council wished to address any matter or provide any comments. Item No. 8 was removed by Councilwoman Amitai.

Item No. 8: Received 10/22/18, Dated 10/22/18, from Mayor John Glidden to Loretta Castano; c: Edward T. Rogan, Esq. re Requesting addition of report re 231-239 Herbert Avenue/Reuten be added to the upcoming Mail List for discussion to be held at the 10/24/18 meeting (Distributed 10/22/18)

Councilwoman Amitai requested discussion of the letter sent by Mike Reuten and asked the Borough Attorney where we stand with this. Mayor Glidden said they discussed the letter to a certain extent at the last meeting and they talked about the redevelopment area. He voiced his understanding that the Council expressed agreement they were not interested in creating a redevelopment area in Closter. The Applicant may or may not file an Application with the Planning Board or the Zoning Board in the near future from his understanding; but suggested Mr. Reuten may want to make a presentation before the Mayor and Council about a redevelopment zone; and he thinks we should probably listen to him; but he doesn't anticipate that happening. Councilwoman Amitai questioned if we informed Mr. Reuten we were not interested in redevelopment; and the Borough Attorney advised we had not since this was the first time this was on the Mail List; so he thinks it would be appropriate to have some discussion and a decision made. He further explained this was briefly discussed in Closed Session, and it is the first time it is appearing on a Mayor and Council Mail List; and Mrs. Amitai voiced her opinion that it should be discussed because it is important.

Mr. Rogan summarized that Mr. Reuten forwarded, through counsel, a request for his property, or a portion of his property, to be declared an area in need of redevelopment. Under the law, the Mayor and Council can entertain that request; there is no obligation that it accept that request. In order for it to be declared an area in need of redevelopment, the Council would say there was an interest and have to – somewhat agree that the area was in disrepair or almost like a blighted area, possibly not even that bad, but one that would benefit from declaring it an area in need of redevelopment. After that, it would be sent to the Planning Board and they would conduct an investigation on it and make a recommendation back; but the law does not require the Mayor and Council to do that if they do not feel it is an area in need of redevelopment. We can politely say thank you, or, as the Mayor suggested, possibly hear a presentation – anybody can come to a public meeting and make a presentation if they so desire. He said there is no requirement; there is no appeal process or anything of that nature. It's basically the Council looking at the property and saying yes this would benefit by being declared an area in need of redevelopment, and possibly some favorable zoning could help clean it up. He voiced his understanding that since the time this letter came in, the Mayor and Council has looked at the property and is familiar with it; and everybody can make their own decisions as to whether or not anybody feels this is an area in need of redevelopment. If they do, there is a process where it gets sent over to the Planning Board. Councilwoman Amitai voiced her opinion that it is a great piece of property and said she went over there the other day. From the outside, everything is neat and tidy and clean; and it doesn't look like a redevelopment area to her. Mayor Glidden voiced his sentiments that he thinks everyone agrees with her.

Councilman Devlin voiced his understanding that this redevelopment matter is a little bit of a different process because it is Council driven as opposed to the other matters that go to the Planning Board or Zoning Board; and he questioned if once an application is made to the Planning or Zoning Board, do they have a certain amount of days to either say yes or no. He asked if this was the same kind of process. Borough Attorney explained anybody can come to a public meeting and have five (5) minutes to talk and make a presentation but explained no plan is filed before the Mayor and Council. He further explained that a letter was sent requesting consideration of declaring it a redevelopment area and there is no timetable and we don't have to set up a meeting. We can simply say it was discussed and respond by letter; and there is no appeal process like an application before a Board. He said the Council can respond when they are ready indicating interest or not; or saying we want to hear more from them. Mr. Rogan advised any number of those choices would be appropriate in this case. In answer to Mr. Devlin, he said we don't have to do anything. Mrs. Amitai voiced her opinion we should do something. Mayor Glidden voiced his opinion that we would be well advised to allow them to make a short presentation. Councilwoman Chung questioned if whatever we decide is final, then they would have to go, as any other applicant, before the Planning or Zoning Board. Borough Attorney affirmed same and said there is no entitlement to being declared an area in need of redevelopment. Mrs. Chung voiced her concern that the language of the letter almost made it seem as though they are saying they took themselves out as an Intervenor; she feels as though it was implied because it said "in lieu of that", they had commenced discussions with the Administration to pursue that; and it made it seem as though they were under the assumption looking for this to be approved. Mrs. Amitai voiced her opinion it would be appropriate for a very clear letter that we are not interested be sent, although she is not sure how her colleagues feel.

15. ADJOURNMENT

Motion to adjourn the Special Meeting at 10:14 p.m. was made by Councilwoman Latner, seconded by Councilman Yammarino and declared unanimously carried by Mayor Glidden.

Provided to the Mayor and Council on  
November 15, 2018 for approval at the  
Regular Meeting to be held  
Monday, November 19, 2018

---

Arlene Marie Gray, RMC  
Deputy Borough Clerk

Prepared by Arlene Marie Gray, RMC  
and Carol Kroepke, RMC utilizing  
recording and Deputy Borough Clerk's  
notes

Approved at the Regular Meeting held November 19, 2018  
Consent Agenda Item No. 31a

**BOROUGH OF CLOSTER**  
**COUNTY OF BERGEN**

**RESOLUTION**

**WHEREAS**, the Planning Board of the Borough of Closter, County of Bergen, State of New Jersey adopted the Housing Element on November 1, 2018; and

**WHEREAS**, a true copy of the Resolution of the Planning Board adopting the Housing Element is attached pursuant to N.J.A.C. 5:95-2.2(a)2; and

**WHEREAS**, the Planning Board adopted the Fair Share Plan on November 1, 2018; and

**WHEREAS**, a true copy of the Resolution of the Planning Board's adoption of the Fair Share Plan is attached pursuant to N.J.A.C. 5:95-2.2(a)2; and

**NOW, THEREFORE BE IT RESOLVED**, that the Governing Body of the Borough of Closter, County of Bergen, State of New Jersey hereby endorses the Housing Element and Fair Share Plan as adopted by the Closter Planning Board; and

**BE IT FURTHER RESOLVED** that the Governing Body of the Borough of Closter, pursuant to the provisions of N.J.S.A. 52:27D-301 et seq. and N.J.A.C. 5:95-3.2 submits this petition for substantive certification of the Housing Element and Fair Share Plan to the Bergen County Superior Court for review and certification, pursuant to a Conditional Order of Compliance dated July 24, 2018; and

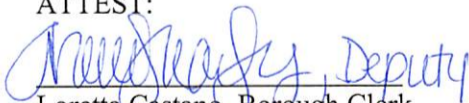
**BE IT FURTHER RESOLVED** that all interested parties have received notice of the re-petition; and

**BE IT FURTHER RESOLVED** that the notice of this re-petition for substantive certification will be published in a newspaper of County wide circulation pursuant to N.J.A.C. 5:95-3.5 within seven (7) days of issuance of an Order of Compliance as entered by the Superior Court of New Jersey, Law Division, Bergen County indicating that the Borough is in compliance with the requirements set forth in the July 24, 2018 Conditional Order of Compliance, the adopted amended Housing Element and Fair Share Plan and all supporting documentation shall be made available for public inspection at the Borough of Closter, Municipal Clerk's office located at 295 Closter Dock Road, Closter, New Jersey 07624 during the hours of 9:00 a.m. to 4:00 p.m. on Monday through Friday for a period of forty-five (45) days following the date of publication of legal notice, pursuant to N.J.A.C. 5:95-3.5.

Councilperson	Motion	Second	Yes	No	Absent	Abstain
Councilwoman Amitai			X			
Councilwoman Chung		X	X			
Councilman Devlin			X			
Councilwoman Latner	X		X			
Councilwoman Witko			X			
Councilman Yammarino			X			

Adopted: November 5, 2018

ATTEST:

  
Loretta Castano, Borough Clerk

APPROVED:

  
John C. Glidden, Jr., Mayor

Certified to be a true copy of Resolution adopted by the Mayor and Council of the Borough of Closter at the Special Meeting held November 5, 2018.

\_\_\_\_\_  
Loretta Castano, Borough Clerk

**RESOLUTION OF THE PLANNING BOARD OF THE BOROUGH OF CLOSTER**

**ADOPTING 2018 HOUSING ELEMENT AND FAIR SHARE PLAN**

**WHEREAS**, the Planning Board of Borough of Closter, County of Bergen, State of New Jersey, adopted its current Master Plan pursuant to N.J.S.A. 40:55D-28 on June 11, 1981 and updated thereafter in 1987 and 1989; and

**WHEREAS**, the Master Plan includes a Housing Element pursuant to N.J.S.A. 40:55D-28b (3); and

**WHEREAS**, the Borough has entered into a declaratory judgment action seeking a determination that the Borough has complied with its Mount Laurel obligation, in accordance with the procedures set forth in *In Re 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) and has obtained a Conditional Order of Compliance (the "Order"); and

**WHEREAS**, the Order requires the adoption of the Housing Element by the Planning Board and endorsement by the Governing Body; and


**WHEREAS**, the Order requires the preparation of a Fair Share Plan to address the total 1999 - 2025 fair share obligation of the Borough of Closter; and

**WHEREAS**, the Order requires the adoption of the Fair Share Plan by the Planning Board and endorsement by the Governing Body; and

**WHEREAS**, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board of Closter held a public hearing(s) on the Housing Element and Fair Share Plan on November 1, 2018; and

**WHEREAS**, the Planning Board has determined that the Housing Element and Fair Share Plan are consistent with the goals and objectives of Closter's 1981 Master Plan as updated and that adoption and implementation of the Housing Element and Fair Share Plan are in the public interest and protect public health and safety and promote the general welfare.

**NOW THEREFORE BE IT RESOLVED** by the Planning Board of the Borough of Closter, Bergen County, State of New Jersey, that the Planning Board hereby adopts the November 1, 2018 Housing Element and Fair Share Plan.

  
Mark Maddaloni,  
Planning Board Chairman

I hereby certify that this is a true copy of the resolution adopting the Housing Element and Fair Share Plan of the Borough of Closter, Bergen County, New Jersey on November 1, 2018.

  
Rose Mitchell,  
Planning Board Secretary



# **BOROUGH OF CLOSTER 2018 HOUSING ELEMENT AND FAIR SHARE PLAN**

**BOROUGH OF CLOSTER, BERGEN COUNTY, NEW JERSEY**

**OCTOBER 2018**

**ADOPTED NOVEMBER 1, 2018**

**PREPARED BY:**

**CHRISTOPHER P. STATILE, P.A.  
CONSULTING ENGINEERS & PLANNERS  
3 FIR COURT  
OAKLAND, NJ 07436  
(201) 337 – 7470**

---

**CAROLINE Z. REITER, P.P., A.I.C.P.  
PROFESSIONAL PLANNER LICENSE NO. 5343**

## **LIST OF OFFICIALS**

### *Governing Body*

John C. Glidden, Jr., Mayor  
Victoria Amitai  
Scott M. Devlin  
Joseph Yammarino  
Jannie Chung  
Dolores A. Witko  
Alissa J. Latner

### *Planning Board*

Mark Maddaloni, Chairman  
Victoria Roti Amitai, Councilwoman  
John C. Glidden, Jr., Mayor  
Sophie Heymann  
Ann Brewster  
Alfredo Freyre  
Dr. David Barad  
Dean C. Pialtos  
Ansar Batool  
Melissa Corso, Alternate I  
Robert DiDio, Alternate II

R. Scott King, Esq., Board Attorney  
Nick DeNicola, P.E. – Boswell Engineering, Board Engineer  
Rose Mitchell, Land Use Coordinator

### *Borough Officials*

Arthur Braun Dolson, Borough Administrator  
Loretta Castano, RMC, Borough Clerk  
Nick DeNicola, P.E., Borough Engineer  
Caroline Reiter, P.P., A.I.C.P., Borough Planner  
Edward T. Rogan, Esq., Borough Attorney

# **HOUSING ELEMENT**

# TABLE OF CONTENTS

## HOUSING ELEMENT

<u>INTRODUCTION</u>	1
<u>POPULATION CHARACTERISTICS</u>	1
Population Composition by Age	3
<u>EXISTING HOUSING CHARACTERISTICS</u>	5
Type of Household	5
Household Size	6
Per Capita and Household Income	7
Family Income Distribution	8
Housing Affordability	9
Housing Unit Data	10
Year Householder Moved Into Unit	11
Housing Unit Information	12
Housing Conditions	14
Housing Values	15
Contract Rents	16
<u>EMPLOYMENT DATA</u>	17
<u>RESIDENTIAL CONSTRUCTION</u>	20
Projection of Residential Development	21
<u>POPULATION AND EMPLOYMENT PROJECTIONS</u>	21
Population Projection	21
Employment Projection	22
<u>DETERMINATION OF FAIR SHARE</u>	23
<u>CONCLUSION</u>	24

## **INTRODUCTION**

This Housing Element is prepared pursuant to the requirements of the Municipal Land Use Law and N.J.A.C. 52:27D-310. It provides a detailed analysis of the Borough of Closter's population, housing and employment data, and includes the following:

- An inventory of the Borough's housing stock by age, condition, purchase and rental value, occupancy characteristics, and the number of units affordable to low and moderate income households, and substandard housing capable of being rehabilitated.
- A projection of the municipality's possible future housing stock, including the possible construction of low and moderate income housing for the next ten years.
- An analysis of Closter's demographic characteristics, including but not limited to household size, income level and age.
- An analysis of the Borough's existing and possible future employment characteristics.
- A determination of the Borough's present and prospective fair share for low and moderate income housing and its capacity to accommodate its housing needs, including its fair share for low and moderate income housing.
- An analysis of the lands that are most appropriate for construction of low and moderate income housing and of the existing structures most appropriate for conversion, or rehabilitation for, low and moderate income housing, including a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing.

The fair share analysis and affordable housing information, including proposed affordable housing locations and inclusionary zoning, is contained in the Fair Share Plan, which follows the Housing Element.

## **POPULATION CHARACTERISTICS**

Table 1 shows the population trends for the Borough of Closter and Bergen County from 1930 to 2010. As shown, Closter's population increased from 1930 to 1970, decreased from 1970 to 1990 and remained fairly constant from 2000 through 2010. The greatest population increase occurred from 1950 to 1960, when Closter's population increased from 3,376 to 7,767, a growth of almost 4,400 persons or over 130 percent. The Borough's population peaked in 1970 at 8,604 persons, then declined by over 5 percent in 1980, and declined by almost 1 percent in 1990. Since then, the population increased by almost 300 persons in 2000 and then decreased by 10 persons in 2010.

Bergen County experienced similar population changes. The County's population also grew from 1930 to 1970, and declined from 1970 to 1990. The County experienced population increases from 1990 to 2010 and the County's population peaked in 2010 at 905,116 persons.

**Table 1**  
POPULATION CHANGE, 1930 TO 2010  
Borough of Closter and Bergen County

**Borough of Closter**

<u>Year</u>	<u>Population</u>	<u>Change</u>	
		<u>Number</u>	<u>Percent</u>
1930	2,502	-----	-----
1940	2,603	101	4.04
1950	3,376	773	29.70
1960	7,767	4,391	130.07
1970	8,604	837	10.78
1980	8,164	(440)	(5.11)
1990	8,094	(70)	(0.86)
2000	8,383	289	3.57
2010	8,373	(10)	(0.12)

**Bergen County**

<u>Year</u>	<u>Population</u>	<u>Change</u>	
		<u>Number</u>	<u>Percent</u>
1930	364,977	-----	-----
1940	409,646	44,669	12.24
1950	539,139	129,493	31.61
1960	780,255	241,116	44.72
1970	897,148	116,893	14.98
1980	845,385	(51,763)	(5.77)
1990	825,380	(20,005)	(2.37)
2000	884,118	58,738	7.12
2010	905,116	20,998	2.38

*Source:* U.S. Bureau of the Census

## Population Composition by Age

Closter's population by age groups for 2000 and 2010 are shown on Table 2. Increases were posted in the 15-24, 45-54, 55-64, and 85 and older age cohorts.

**Table 2**  
POPULATION BY AGE, 2000 & 2010  
Borough of Closter

	<u>2000 Population</u>		<u>2010 Population</u>	
	<u>Persons</u>	<u>Percent</u>	<u>Persons</u>	<u>Percent</u>
Under 5	546	6.51	331	3.95
5-14	1,408	16.80	1,366	16.31
15-24	797	9.51	1,067	12.74
25-34	743	8.86	509	6.08
35-44	1,611	19.22	1,205	14.39
45-54	1,339	15.97	1,656	19.78
55-64	837	9.98	1,109	13.24
65-74	603	7.19	599	7.15
75-84	391	4.66	386	4.61
85+	108	1.29	145	1.73
<b>TOTALS</b>	<b>8,383</b>	<b>100</b>	<b>8,373</b>	<b>100</b>

*Source:* U.S. Bureau of the Census, 2000 & 2010.

Table 3 provides the age cohort distribution for Closter and Bergen County. As shown, the Borough and County posted increases in three of the same age groups. Both Closter and Bergen County posted increases in the 15-24, 45-54, and 55-64 age cohorts. The Borough showed an increase in the 65 and older age group while the County remained the same.

As shown, the median age in the Borough increased from 39.6 in 2000 to 43.2 in 2010. The County had less of a growth in median age, increasing from 39.1 in 2000 to 41.1 in 2010.

**Table 3**  
 PERCENTAGE POPULATION DISTRIBUTION, 2000 & 2010  
 Borough of Closter and County of Bergen

	<u>2000</u>		<u>2010</u>	
	<u>Borough</u>	<u>County</u>	<u>Borough</u>	<u>County</u>
Under 5	6.5	6.3	4.0	5.6
5-14	16.8	13.1	16.3	12.8
15-24	9.5	10.3	12.7	11.6
25-34	8.9	13.3	6.1	11.6
35-44	19.2	17.3	14.4	14.3
45-54	16.0	14.6	19.8	16.3
55-64	10.0	9.9	13.2	12.7
65+	13.1	15.2	13.5	15.2
<b>TOTALS</b>	100.0	100.0	100.0	100.0
Median Age	39.6	39.1	43.2	41.1

*Source:* U.S. Bureau of the Census, 2000 & 2010;  
 Closter Housing Element Interim Report, 2006.



## EXISTING HOUSING CHARACTERISTICS

### **Type of Household**

A household is a family that lives together in the same housing unit. As shown in Table 4, there were 2,747 households in the Borough of Closter in 2010. The majority of the households (87.1 percent) consisted of two or more persons. The remaining 12.9 percent were one person households.

**Table 4**  
TYPES OF HOUSEHOLDS, 2010  
Borough of Closter

<u>Type of Household</u>	<u>2010 Total</u>	<u>Number in Subgroup</u>	<u>Percent of Total</u>
<b>TOTAL HOUSEHOLDS</b>	<b>2,747</b>		
<b>One Person</b>		<b>354</b>	<b>12.89</b>
Male Householder	119		4.33
Female Householder	235		8.55
<b>Two or More Persons</b>		<b>2,393</b>	<b>87.11</b>
<i>Married Couple Family</i>			<i>0.00</i>
With Own Children Under 18	1,055		38.41
With No Related Children	956		34.80
<i>Other Family</i>		<i>317</i>	<i>11.54</i>
Male Householder	86		3.13
With Own Children Under 18	33		1.20
With No Related Children	53		1.93
Female Householder		231	0.00
With Own Children Under 18	104		3.79
With No Related Children	127		4.62
<i>Non-Family Households</i>		<i>65</i>	<i>2.37</i>
Male Householder	40		1.46
Female Householder	25		0.91

*Source:* Bergen County Website; U.S. Bureau of the Census.

## Household Size

As shown in Table 5, the Borough of Closter had a larger average household size than Bergen County in 2010.

In 2010 there were 2,747 households in the Borough, and 335,730 households in the County. Approximately 29% of both the Borough and the County households were two-person households, which represented the largest number of all total households.

**Table 5**  
HOUSEHOLD SIZE, 2010  
Borough of Closter & Bergen County

Household Size	<u>Closter</u>		<u>Bergen County</u>	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
1 person	354	12.89	82,745	24.65
2 person	790	28.76	99,433	29.62
3 person	593	21.59	60,126	17.91
4 person	630	22.93	55,790	16.62
5 person	269	9.79	24,512	7.30
6+ person	111	4.04	13,124	3.91
<b>TOTALS</b>	<b>2,747</b>	<b>100.00</b>	<b>335,730</b>	<b>100.00</b>
Avg. Household Size	3.02		2.66	

*Source:* U.S. Bureau of the Census, 2010.

## Per Capita and Household Income

Table 6 details per capita and household incomes for the Borough, County and State. As shown, the Borough's median household income was approximately \$40,000 greater than the County and \$55,000 greater than the State of New Jersey. The Borough's per capita income was also about \$5,000 greater than the County's per capita income, and over \$12,000 greater than New Jersey's per capita income. Finally, Closter Borough had a lower percentage of population that was below the poverty status than both the County and the State.

**TABLE 6**  
PER CAPITA AND HOUSEHOLD INCOME; POVERTY STATUS, 2016  
Borough of Closter, County of Bergen & State of New Jersey

	<u>2016 Per</u> <u>Capita Income</u>	<u>2016 Median</u> <u>Household Income</u>	<u>% Below</u> <u>Poverty Status (%)</u>
Closter	\$49,872	\$128,674	3.1
Bergen Co.	\$44,978	\$88,487	7.5
New Jersey	\$37,538	\$73,702	10.9

*Source:* 2012-2016 American Community Survey

## Family Income Distribution

Table 7 details the 2009 family income for the Borough and County. More than 71 percent of Closter's families earned \$75,000 or more. Over 64 percent of the County households posted incomes of \$75,000 or more.

**Table 7**  
FAMILY INCOME DISTRIBUTION, 2009  
Borough of Closter and County of Bergen

<u>Income Levels</u>	<u>Borough</u>		<u>County</u>	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
Less than \$10,000	53	2.29	4,628	1.95
\$10,000 - \$14,999	20	0.86	3,427	1.44
\$15,000 - \$24,999	96	4.14	9,628	4.06
\$25,000 - \$34,999	97	4.19	11,518	4.85
\$35,000 - \$49,999	177	7.64	19,243	8.11
\$50,000 - \$74,999	215	9.28	35,449	14.94
\$75,000 - \$99,999	190	8.20	34,235	14.43
\$100,000 - \$150,000	516	22.27	52,158	21.98
\$150,000 or more	953	41.13	66,986	28.23
<b>TOTALS</b>	2,317	100.00	237,272	100.00

*Source:* U.S. Bureau of the Census.

## Housing Affordability

Table 8 identifies the maximum income limits for low, very low and moderate income households in Housing Region 1. All of Bergen, Hudson, Passaic, and Sussex Counties are located in Housing Region 1.

Closter is in COAH Housing Region 1. The median household income for a three-person household size in Housing Region 1 is \$77,492. A three-person moderate income household, defined as a household with an income in excess of 50 percent but less than 80 percent of the median income, would have an income that does not exceed \$61,993.60. A four-person low income household, defined as a household with income equal to or less than 50 percent of the median income, would have an income that does not exceed \$43,051. A two-person very low income household, defined as a household with an income equal to 30 percent or less of the median income, would have an income that does not exceed \$20,664. Finally, the 1.5 person, three-person and 4.5 person columns are used for calculating the pricing for one, two and three bedroom affordable units.

**Table 8**  
2017 REGIONAL INCOME LIMITS  
HOUSING REGION 1

<u>Household Size</u>	<u>Moderate Income</u>	<u>Low Income</u>	<u>Very Low Income</u>
1 Person	\$48,217	\$30,136	\$18,081
1.5 Person	\$51,661	\$32,288	\$19,373
2 Person	\$55,105	\$34,441	\$20,664
3 Person	\$61,993	\$38,746	\$23,248
4 Person	\$68,882	\$43,051	\$25,831
4.5 Person	\$71,637	\$44,773	\$26,864
5 Person	\$74,392	\$46,495	\$27,897
6 Person	\$79,903	\$49,939	\$29,963
7 Person	\$85,413	\$53,383	\$32,030
8 Person	\$90,924	\$56,827	\$34,096

*Source:* Affordable Housing Professionals of New Jersey.

## Housing Unit Data

In 2010, there were 2,860 housing units in Closter, of which 2,747 or over 96 percent were occupied. The County had 352,388 housing units in 2010, of which 335,730 or 95 percent were occupied.

As shown in Table 9, owner occupied housing units comprised a greater percentage of the Borough's housing stock than the County's housing stock. In 2010, approximately 84 percent of the Borough's housing stock, versus 66 percent of the County's housing stock, was owner occupied.

**Table 9**  
HOUSING UNIT DATA, 2010  
Borough of Closter, County of Bergen

Unit Type	<u>Closter</u>		<u>Bergen County</u>	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
Occupied	2,747	96.05	335,730	95.27
Vacant, Seasonal & Migratory	113	3.95	16,658	4.73
<b>Total</b>	<b>2,860</b>	<b>100.00</b>	<b>352,388</b>	<b>100.00</b>
<b>Owner vs. Renter Occupied Units</b>				
Owner Occupied	2,309	84.06	221,966	66.11
Renter Occupied	438	15.94	113,764	33.89
<b>Total Occupied Units</b>	<b>2,747</b>	<b>100.00</b>	<b>335,730</b>	<b>100.00</b>

*Source:* U.S. Bureau of the Census, 2010.

## Year Householder Moved Into Unit

Table 10 provides the year the current householders moved into their Closter and Bergen County homes. As shown, over 55 percent of Borough households moved into their current residences after 2000, compared to over 62 percent countywide. Approximately 13 percent of Closter residents, and approximately 12 percent of County residents moved into their dwellings before 1980.

**Table 10**  
**YEAR HOUSEHOLDER**  
**MOVED INTO UNIT, 2016**  
**Borough of Closter & Bergen County**

Year Householder Moved Into Unit	<u>Borough</u>		<u>County</u>	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
2010 or later	596	22.21	103,896	30.82
2000-2009	895	33.35	106,739	31.67
1990-1999	546	20.34	55,420	16.44
1980 -1989	291	10.84	29,032	8.61
1979 or earlier	356	13.26	41,982	12.46
<b>TOTAL</b>	2,684	100.00	337,069	100.00

*Source:* 2012 - 2016 American Community Survey.

## **Housing Unit Information**

Table 11 includes a variety of information from the American Community Housing Survey on the Borough of Closter and Bergen County housing stocks, including when the housing was built, the number of units per structure, and the number of rooms and bedrooms per unit.

As shown, approximately 88 percent of the Borough's housing stock consists of single family detached structures. In contrast, single family detached homes comprise approximately 53 percent of the County's stock.

As shown in Table 11, the Borough's housing stock contains more rooms and bedrooms than the County's housing stock. In 2016, almost 44 percent of Closter's housing units contained eight or more rooms, while approximately 25 percent of the County's housing stock recorded the same features. Additionally, about 51 percent of the Borough's housing units contain four or more bedrooms, compared with approximately 26 percent of the County's housing stock.

Finally, approximately 57 percent of the Borough's housing stock was built from 1940 through 1979. Similarly, almost 59 percent of the County's housing stock was built during this time period.



**Table 11**  
HOUSING UNIT INFORMATION, 2016  
Borough of Closter and County of Bergen

	<u>Borough</u>		<u>County</u>	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
<b>TOTAL UNITS</b>	<b>2,741</b>		<b>354,772</b>	
<u>Units in Structure</u>				
One (Single Family Detached)	2,410	87.92	189,130	53.31
One (Single Family Attached)	74	2.70	18,174	5.12
Two+ Units	253	9.23	146,178	41.20
Mobile Home, Trailer, Other	4	0.15	1,290	0.36
<u>Number of Rooms</u>				
1 Room	0	0.00	7,028	1.98
2 or 3 Rooms	57	2.08	47,160	13.29
4 or 5 Rooms	547	19.96	103,859	29.27
6 or 7 Rooms	941	34.33	106,309	29.97
8 + Rooms	1,196	43.63	90,416	25.49
<u>Number of Bedrooms</u>				
No Bedroom	0	0.00	7,609	2.14
1 Bedroom	85	3.10	57,241	16.13
2 or 3 Bedrooms	1,259	45.93	198,717	56.01
4+ Bedrooms	1,397	50.97	91,205	25.71
<u>Year Structure Built</u>				
2000 - later	200	7.30	26,057	7.34
1990 - 1999	260	9.49	20,655	5.82
1980 -1989	189	6.90	27,448	7.74
1960 - 1979	696	25.39	86,642	24.42
1940 - 1959	860	31.38	122,120	34.42
1939 or earlier	536	19.55	71,850	20.25

*Source* : 2012-2016 American Community Survey.

## Housing Conditions

Housing conditions in Closter are excellent. As shown in Table 12, there are no (zero) units that lack complete plumbing or kitchen facilities. Similarly, none of the housing stock contains more than one person per room, which is an indicator of overcrowding. Therefore, neither the Housing Element nor the Fair Share Plan include substandard units capable of being rehabilitated. As will be shown in the Fair Share Plan, the Borough does not have a rehabilitation obligation.

**Table 12**  
INDICATORS OF HOUSING CONDITIONS, 2016  
Borough of Closter & County of Bergen

	<u>Borough</u>		<u>County</u>	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
<u>Total Occupied Units</u>	2,684		337,069	
Units Lacking Complete Plumbing	0	0.00	493	0.15
Units Lacking Kitchen Facilities	0	0.00	1,821	0.54
<u>Persons per Room, Occupied Units</u>				
1.00 or less	2,684	100.00	329,629	97.79
1.01 to 1.50	0	0.00	4,838	1.44
1.51 or more	0	0.00	2,602	0.77
Total Occupied Units	2,684	100.00	337,069	100.00

*Source:* 2012-2016 American Community Survey.

## Housing Values

Table 13 shows 2016 housing values for the Borough of Closter and Bergen County. As indicated, almost 95 percent of the Borough homes are valued at or over \$300,000. This is greater than the entire County, where about 82 percent are valued at or over \$300,000. Additionally, the Borough's median housing value of \$637,200 is \$193,800 greater than the County's \$443,400 median housing value.

**Table 13**  
OWNER OCCUPIED HOUSING VALUES, 2016  
Borough of Closter and County of Bergen

<u>Housing Value</u>	<u>Borough</u>		<u>County</u>	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
Less than \$50,000	16	0.73	4,053	1.86
\$50,000 - \$99,999	0	0.00	2,202	1.01
\$100,000 - \$149,000	0	0.00	3,204	1.47
\$150,000 - \$199,999	6	0.27	5,339	2.45
\$200,000 - \$299,999	86	3.91	24,234	11.11
\$300,000 - \$499,999	609	27.67	94,342	43.27
\$500,000 - \$999,999	1,128	51.25	69,350	31.81
\$1,000,000 or more	356	16.17	15,317	7.02
<b>TOTAL</b>	2,201	100.00	218,041	100.00
Median Value	\$ 637,200		\$ 443,400	

*Source: 2012-2016 American Community Survey.*

## Contract Rents

Table 14 details the gross rents for renter-occupied units in Closter and Bergen County. As shown, the median monthly rent in Closter was over \$1,900, with over 83 percent of the renter units having contract rents of over \$1,500. Almost 40 percent of the Bergen County rental units had rents greater than \$1,500, and the median monthly rent was \$1,380.

**Table 14**  
GROSS RENTS, 2016  
OCCUPIED UNITS PAYING RENT  
Borough of Closter and County of Bergen

<u>Contract Rents</u>	<u>Borough</u>		<u>County</u>	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
Less than \$500	0	0.00	5,888	5.14
\$500-\$999	30	6.93	12,890	11.26
\$1,000-\$1,499	43	9.93	50,071	43.75
\$1,500 - \$1,999	158	36.49	25,380	22.17
\$2,000 - \$2,499	62	14.32	10,640	9.30
\$2,500 - \$2,999	58	13.39	4,767	4.16
<u>\$3,000 or more</u>	<u>82</u>	<u>18.94</u>	<u>4,818</u>	<u>4.21</u>
<b>TOTAL</b>	433	100.00	114,454	100.00
<b>Median Rent</b>	\$1,954		\$1,380	

*Source:* 2012-2016 American Community Survey.

## **EMPLOYMENT DATA**

The New Jersey Department of Labor estimates Closter's 2017 labor force at a total of 3,976 persons, including 3,848 persons that are employed and 128 that are unemployed. The labor force includes the number of people who are employed plus the number of people who are unemployed but looking for work.

The occupational characteristics of the Borough and County's residents are shown on Table 15. This data is from the American Community Survey, therefore the discrepancy with the State's labor force information.

The largest occupational group in the Borough is the management and business occupation, representing over 57 percent of resident employment. The second largest group is sales and office occupations, which represents approximately 25 percent of resident employment.

Bergen County's largest occupational category is also management and business occupations, which represents more than 47 percent of the County's workforce. The County's second largest occupation group is the sales and office occupations, posting over 24 percent of all occupational categories.

The largest grouping by industry for both the Borough and County is educational services, health care and social assistance, which represented approximately 26 percent of the Borough, and 24 percent of the County's employment. The second largest grouping was professional, scientific, management, and administrative and waste management services.

**Table 15**  
**OCCUPATIONAL CHARACTERISTICS, 2016**  
**Borough of Closter and County of Bergen**

<u>Occupation Group</u>	<u>Closter</u>		<u>Bergen County</u>	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
Management, Business, Science & Arts	2,289	57.10	221,713	47.60
Service Occupations	338	8.43	62,780	13.48
Sales & Office Occupations	1,024	25.54	115,845	24.87
Natural Resources, Construction & Maintenance	156	3.89	29,283	6.29
Production, Transportation & Material	202	5.04	36,200	7.77
<b>TOTAL</b>	<b>4,009</b>	<b>100.00</b>	<b>465,821</b>	<b>100.00</b>
<u>Industry</u>				
Agriculture, Forestry, Fishing	0	0.00	551	0.12
Construction	159	3.97	24,636	5.29
Manufacturing	290	7.23	38,253	8.21
Wholesale Trade	247	6.16	20,841	4.47
Retail Trade	321	8.01	52,479	11.27
Transportation and Warehousing	61	1.52	22,474	4.82
Information	152	3.79	15,444	3.32
Finance, Insurance, Real Estate	551	13.74	43,407	9.32
Professional, Scientific, Management	609	15.19	63,523	13.64
Educational Services, Health Care/Social Assist.	1,045	26.07	113,382	24.34
Arts, Entertainment, Recreation, Food Services	347	8.66	34,734	7.46
Other Services, Except Public Administration	153	3.82	22,324	4.79
Public Administration	74	1.85	13,773	2.96
	<b>4,009</b>	<b>100.00</b>	<b>465,821</b>	<b>100.00</b>

*Source:* 2012-2016 American Community Survey.

Table 16 provides data on the number of employees working within certain employment sectors in the Borough of Closter. As shown, the two groupings with the largest number of employees are retail trade and health/social. This data is limited by the information that is reported to the State. For example, the reported data indicates that there are no employees within the agricultural sector although there are four farms located within the Borough. It is possible that the farm related data was not reported or was considered in a different category.

**TABLE 16**  
Employment by Sector, 2016  
Borough of Closter

<u>Employee Sector</u>	<u>Borough</u>	
	<u>Number</u>	<u>Percent</u>
Agriculture	0	0.00
Mining	0	0.00
Construction	160	6.18
Manufacturing	47	1.81
Wholesale Trade	267	10.30
Retail Trade	438	16.90
Transportation/Warehousing	149	5.75
Finance/Insurance	76	2.93
Real Estate	40	1.54
Professional/Technical	167	6.45
Admin/Waste Remediation	182	7.02
Education	44	1.70
Health/Social	482	18.60
Arts/Entertainment	117	4.52
Accommodation/Food	206	7.95
Other Services	175	6.75
Unclassified	<u>41</u>	<u>1.58</u>
<b>TOTALS</b>	<b>2,591</b>	<b>100.00</b>

Source: NJ Department of Labor.

## RESIDENTIAL CONSTRUCTION

Table 17 contains data on dwelling units authorized by building permit and demolished with a demolition permit from 2006 through 2017. The data is from the N.J. Department of Community Affairs website.

Between 2015 and 2016, there were a total of 173 new dwelling units authorized by building permit and 144 housing units demolished, for a net increase of 29 new housing units. During 2010, 16 of the units authorized by building permit were in the Vantage Health group home apartments, referenced in the Fair Share Plan.

A common trend in Closter is the demolition of smaller, older homes that are then replaced by larger and modern dwellings. This trend is shown by the number of demolitions (144) during the study period.

**Table 17**  
NEW DWELLING UNITS AUTHORIZED BY  
BUILDING PERMIT & HOUSING UNITS DEMOLISHED  
2006 - 2017  
Borough of Closter

<u>Year</u>	<u>New Units</u>	<u>Demolitions</u>	<u>Net Increase</u>
2006	30	22	8
2007	20	22	(2)
2008	12	8	4
2009	8	3	5
2010	23	6	17
2011	9	10	(1)
2012	7	5	2
2013	8	8	0
2014	13	14	(1)
2015	17	5	12
2016	9	29	(20)
2017	<u>17</u>	<u>12</u>	<u>5</u>
<b>Totals</b>	173	144	29

*Source: NJ Department of Community Affairs Website.*



## **Projection of Residential Development**

There are many factors that can impact future residential development, including but not limited to the economy, interest rates, political unrest, environmental regulations, cost of building materials, and financing alternatives. Closter also has very limited vacant and developable land, as will be further shown in the Fair Share Plan.

Projecting to the year 2025 would include the following:

- 35 new affordable units at the Village School property (additional information in the Fair Share Plan)
- 12 new units (10 market rate and two affordable) at the Corner Farm property (additional information in the Fair Share Plan)
- 20 new units (mix of market and affordable) as a result of proposed zoning changes in the Affordable Housing Overlay and/or the Business Zone District.
- 25 new units, assuming similar trends of Certificates of Occupancy and demolition.

It is anticipated that development patterns would follow the existing zoning regulations. The Borough Zoning Ordinance contains a mixture of residential, business, commercial and industrial zone districts, as well as an affordable housing district and a conservation zone district.

The Zoning Map is provided as an Appendix in the Fair Share Plan.

## **POPULATION AND EMPLOYMENT PROJECTIONS**

### **Population Projection**

Table 18 provides a future population projection prepared by the North Jersey Transportation Planning Authority, Inc (NJTPA). As shown, the NJTPA projects that Closter's population will increase by almost 670 persons, or approximately 8 percent, to 9,040 in the year 2045.

This population projection may be unrealistic given Closter's historic population fluctuations, and the lack of vacant developable land. An 8 percent population increase also may not be reasonable based on Closter's development capability and the known environmental constraints in the Borough.

Although not shown in the table, the NJTPA also prepared household projections by municipality for the year 2045. NJTPA forecasts 2,943 total households in the year 2045, which is an almost 200 household, or 7 percent increase, from the 2010 census count of 2,747 households. Again, this appears to be an unrealistic forecast based on available land and environmental constraints.

**Table 18**  
POPULATION PROJECTION, 2010-2045  
Borough of Closter

<u>2010</u> <u>Population</u>	<u>2045</u> <u>Population</u>	<u>Change, 2010-2045</u>	
		<u>Number</u>	<u>Percent</u>
8,373	9,040	667	7.97

*Source:* NJTPA, November 2017.

**Employment Projection**

Table 19 provides a 2045 employment projection for the Borough of Closter, prepared by the NJTPA. As shown in Table 18, NJTPA projects that the Borough of Closter’s employment will increase from 3,020 to 5,249 in the year 2045. This is an increase of 2,229 jobs, or over 73 percent.

This is an unrealistic projection for the Borough. Although there is a commercial revitalization underway in one section of the downtown, an increase in over 2,000 jobs does not appear realistic based on available land and the current zoning regulations. In addition, there are no major highways located within the Borough that are appropriate for major commercial revitalization.

**Table 19**  
EMPLOYMENT PROJECTION, 2015-2045  
Borough of Closter

<u>2015</u> <u>Employment</u>	<u>2045</u> <u>Employment</u>	<u>Change, 2015-2045</u>	
		<u>Number</u>	<u>Percent</u>
3,020	5,249	2,229	73.8

*Source:* NJTPA, November 2017.

## **DETERMINATION OF FAIR SHARE**

The determination of the Borough of Closter's prospective fair share for affordable housing, as well as the consideration of lands that are most appropriate for construction of affordable units, is thoroughly analyzed and reviewed in the Fair Share Plan. A brief description follows.

For purposes of settling its Action of Declaratory Judgment, the Borough accepted a 347 unit Round 3 affordable housing obligation. Closter does not have a rehabilitation obligation. The Borough analyzed its vacant and developable land and computed a 45-unit Realistic Development Potential (RDP) for purposes of meeting its obligation, which was agreed to as part of the settlement.

The properties that are most appropriate for construction of affordable housing, as described in the Fair Share Plan, include the Village School and the Corner Farm site. The Corner Farm was a formal intervenor in the Borough's Declaratory Judgment Action. In addition, the Affordable Housing Overlay (Commercial Zone District #4 and Industrial Zone District #5), as well as a portion of the Business Zone District are identified as appropriate locations for inclusionary development. In terms of utilizing existing structures for affordable housing, the Village School development is an adaptive reuse of an existing building within the Borough, and the Fair Share Plan also includes an accessory apartment ordinance which would permit affordable accessory apartments located within existing single family dwellings that front on County roads in the "B" residential zone.

Finally, two developers came forward during the process of plan research and preparation to express interest in providing affordable housing. The first is the Corner Farm, which is included in the Fair Share Plan; a draft ordinance for inclusionary development on the Corner Farm property is contained in Appendix D.

The second property grouping includes much of the Reuten Drive Industrial area. This location was presented to the Borough as a potential location for affordable housing approximately two weeks before the July 24<sup>th</sup> Fairness Hearing. The Settlement Agreement had already been signed and executed and it was determined that it was too late to consider additional properties for inclusion in the Borough's plan. The owners of the Reuten Drive tracts did not attend the Borough's Fairness Hearing before Judge Toskos.

## **CONCLUSION**

The Housing Element provides important information on Closter's demographics. Closter has had relatively unchanging population levels for over two decades. One factor in the steady population levels is the lack of available vacant land.

Closter also has a stable housing environment. For example, its housing conditions are excellent, and there is a low vacancy rate. This information is useful in connection with the Fair Share analysis, which follows.

# **FAIR SHARE PLAN**

# TABLE OF CONTENTS

## FAIR SHARE PLAN

<u>INTRODUCTION</u>	1
Affordable Housing History	1
Closter and COAH	2
<u>AFFORDABLE HOUSING OBLIGATION</u>	2
<u>PRIOR ROUND OBLIGATION</u>	3
Spectrum for Living (Spectrum 2)	3
Vantage Health	4
Affordable Housing/AH Zone	4
Regional Contribution Agreement (RCA)	4
Unmet Need – Prior Round	4
<u>REHABILITATION</u>	5
<u>THIRD ROUND OBLIGATION</u>	5
Affordable Housing Obligation	6
<u>MEETING THE OBLIGATION: ADJUSTMENTS AND CREDITS</u>	6
<u>ADJUSTMENT</u>	6
Vacant Land Adjustment	6
<u>CREDITS – COMPLIANCE MECHANISMS</u>	7
Vantage Health Systems	7
Village School	8
Accessory Apartments	12
Unmet Need	13
Overlay Zoning	13
Overlay Zoning at The Corner Farm	14
Mandatory Set-Aside Ordinance	17
Very Low Income Requirement	17
Rental Unit Requirement	17
Utilities	17
Affordable Housing Trust Fund	18
Administrative Agent & Affirmative Marketing Plan; Municipal Housing Liaison	18
Maximums & Minimums	18
Required Monitoring	19
<u>CONCLUSION</u>	20

## **INTRODUCTION**

### **Affordable Housing History**

The Mt. Laurel II doctrine requires that all municipalities provide a realistic opportunity for their fair share of low and moderate income housing. The Closter Fair Share Plan is the Borough's proposal for satisfying its share of the regional affordable housing needs under Mt. Laurel. The Plan provides the Borough's fair share obligation and details its strategies for addressing its present, prior, and prospective housing needs.

The New Jersey Fair Housing Act established the New Jersey Council on Affordable Housing (COAH). COAH was responsible for developing rules and regulations on affordable housing, as well as approving municipalities' submitted affordable housing plans. The COAH approval process was known as Substantive Certification.

COAH adopted its first set of rules, known as 'Round 1,' for the period of 1987 through 1993. COAH 'Round 2' covered the 1993 to 1999 time period. These rounds are now combined and collectively referred to as the 'Prior Round,' which covers the 1987 to 1999 time period.

COAH adopted its first Round 3 rules in 2005. The Round 3 rules included a new methodology for calculating affordable housing, known as Growth Share. These rules were challenged, and the Appellate Division invalidated the Round 3 rules in 2007. COAH then adopted its second set of Round 3 rules in 2008; these rules also used the Growth Share methodology and were found invalid by the Appellate Division in 2010. COAH was directed to prepare new rules that used the Prior Round methodologies of assigning municipalities affordable housing obligations.

COAH prepared new rules in 2014, but failed to adopt them. In response, a motion was filed with the New Jersey Supreme Court to enforce litigant's rights in response to COAH's lack of action. On March 10, 2015 the Supreme Court issued its decision to enforce litigant's rights and established a procedure for municipalities to transition their COAH applications to the Courts. The Supreme Court established a new procedure that requires participating towns, such as Closter, to submit a Declaratory Judgment action. Closter filed its action of Declaratory Judgment with the Court on July 7, 2015 to declare the Borough's Housing Element and Fair Share Plan as constitutionally compliant.

The Fair Share Housing Center (FSHC), a nonprofit affordable housing advocacy group, is considered an "interested party" in all municipal Declaratory Actions. The FSHC and the Borough engaged in a mediation process under the supervision of the court-appointed Special Master. In addition, one party objected to the Borough's action of Declaratory Judgment. The objector, also referred to as an intervenor, is known as the Corner Farm. Closter, the FSHC and the Corner Farm agreed to settle the litigation. A settlement is favored because it avoids delays as well as the expense of a trial. Closter's Settlement Agreement was executed on June 21, 2018 and is attached in Appendix A. Borough officials participated in a Fairness Hearing before Judge Menelaos Toskos in Bergen County Superior Court on July 24, 2018. At that hearing,

Judge Toskos ruled that the Settlement Agreement created a realistic opportunity for the satisfaction of the Borough of Closter's affordable housing obligation.

This plan as provided herein is in conformance with Closter's Settlement Agreement and satisfies the Borough's affordable housing obligation.

## **Closter and COAH**

Closter historically has been committed to providing its fair share of affordable housing.

The Borough petitioned COAH on September 23, 1998 for Substantive Certification of its Housing Element and Fair Share Plan. COAH granted the Borough Round 2 Substantive Certification on February 4, 2003.

COAH adopted Round 3 rules on December 20, 2004. These were the "first set" of COAH Round 3 rules. The Closter Planning Board adopted a Housing Element and Fair Share Plan on October 26, 2006, and thereafter petitioned for Substantive Certification in December 2006. The COAH rules were challenged and judicially overturned in January 2007. COAH did not act on the Borough's Housing Element/Fair Share Plan before the rules were overturned.

COAH adopted subsequent Round 3 rules in May 2008 that were amended in October 2008. The Borough also petitioned under *the revised* Round 3 rules on December 31, 2008. In February 2009, COAH requested additional information from the Borough. Closter prepared a Housing Plan Addendum dated March 11, 2009. COAH did not act on the Borough's Housing Element/Fair Share Plan before the Round 3 rules were overturned in 2010.

## **AFFORDABLE HOUSING OBLIGATION**

A municipality's affordable housing obligation is comprised of: its Prior Round Obligation, its Rehabilitation Component, its Third Round Obligation, which also includes the "gap obligation."

Closter's total fair share affordable housing obligation is comprised of the following:

- The Borough has no Rehabilitation Obligation (zero units).
- The Borough has a Prior Round Obligation of 110 units.
- The Borough accepted a figure of 347 as its total Round 3 Prospective Need Obligation, which also includes the gap period obligation.

The Borough will meet its total fair share obligation by utilizing credits from an existing supportive housing development, a proposed municipal 100% affordable housing development, a proposed accessory apartment ordinance, rezoning of the Corner Farm property, modifying the existing overlay zones and the addition of a new overlay zone. The Borough was previously granted a vacant land adjustment and continues to request an adjustment in the subject plan.



Because the Fair Share Plan addresses a municipality's share of *regional housing needs*, COAH had divided New Jersey into six housing regions. The Borough of Closter is located in Region 1, containing Bergen, Passaic, Hudson, and Sussex counties.

### **PRIOR ROUND OBLIGATION<sup>1</sup>**

The Borough originally petitioned COAH under Prior Round rules on September 28, 1998 for Substantive Certification of its Housing Element and Fair Share Plan. Based on COAH's formulas and methodologies, the Borough's Prior Round obligation *was affirmed* as 110 units.

The Borough submitted a vacant land adjustment request as part of its petition. COAH staff conducted an analysis of the vacant land inventory in the Borough and identified 13 sites with development potential. Some were encumbered with freshwater wetlands based on COAH's "best available data on freshwater wetlands (FWW) geographic information system (GIS) layers generated under the New Jersey Freshwater Wetlands Mapping Program."<sup>2</sup> After review of the vacant land inventory considering environmental constraints, COAH determined that Closter had a Realistic Development Potential (RDP) of 62 affordable units. The remaining 48 unit obligation was classified as the unmet need obligation.

The Borough repeteritioned with a revised plan to address the 62-unit RDP on September 9, 2001.

Closter met the 62 unit RDP through a variety of affordable housing mechanisms, including supportive living, inclusionary zoning, and a Regional Contribution Agreement. These are outlined below:<sup>3</sup>

#### **Spectrum for Living (Spectrum 2)**

Spectrum for Living operates a 16 apartment group home at Block 1104, Lot 14.01 located at 19 Van Sciver Street. The Borough donated the property to Spectrum and provided the necessary zoning to allow construction of the 16-unit group home. The Spectrum site, also referred to as the Closter Apartments, is a barrier-free supervised apartment program for 16 individuals with developmental disabilities.

Known as Spectrum 2, this site provides **16 units of rental credit** toward the Prior Round RDP and **16 bonus credits**.

---

<sup>1</sup> COAH Resolution Granting Second Round Substantive Certification.

<sup>2</sup> COAH Compliance Report, December 20, 2001, page 4.

<sup>3</sup> COAH Compliance Report, December 20, 2001 & Closter Housing element: Interim Report, August 2006.

Prepared by Art Bernard, P.P., THP, Inc.

## **Vantage Health**

The Borough also received three units of rental for a three-bedroom alternative living arrangement operated by Vantage Health System. This property is located at 312 Harrington Ave, and consists of three affordable bedroom units providing mental health residential services. Vantage received a grant under HED Section 811 to acquire the property.

The Vantage property provides **three units of credit** toward the Prior Round RDP.

## **Affordable Housing/AH Zone**

Closter expanded its AH zone to include additional lots. In addition, the permitted uses in the AH zone were amended to include age-restricted multi-family housing with a density of six units/acre with a 20% setaside for affordable units. The zoning on the property created a realistic opportunity for one age-restricted affordable unit, and therefore, **one credit** toward the Prior Round RDP.

## **Regional Contribution Agreement (RCA)**

COAH's Prior Round rules permitted Closter to transfer up to half of its RDP to a municipality in the same housing region through a Regional Contribution Agreement (RCA). COAH approved a 26-unit RCA agreement with Fairview Borough on February 4, 2003. Closter paid \$520,000 from its Trust Fund account for the transfer of 26 affordable units to Fairview.

Closter received **26 credits** toward its Prior Round RDP for the RCA with Fairview.

## **Unmet Need – Prior Round**

Closter's Prior Round approval included an *unmet* need of 48 units (110 unit obligation – 62 units of credit). The Borough addressed the unmet need through a development fee ordinance and various overlay zones as follows:

- Zone District #3: Affordable Accessory Apartments permitted as a Conditional Use.
- Zone Districts #4 and #5: Overlay zoning permitting owner-occupied housing permitted at density of 8 units/acre with a 20% affordable setaside; or rental housing at density of 10 units/acre with a 20% affordable housing setaside.

The Borough's Prior Round Substantive Certification is memorialized in a resolution adopted by COAH on February 4, 2003 (see COAH resolution in Appendix A).

As required for Substantive Certification, the Borough adopted the overlay zones in the Business, Commercial and Industrial Zone districts and the zone districts are present in the Zoning Ordinance and on the Borough's Zoning Map. In addition, the Borough completed the RCA for 26 credits and the Spectrum for Living and Vantage Health properties are occupied.

Finally, the Borough established a development fee ordinance and presently collects development fees.

### **REHABILITATION**

The Borough of Closter currently does not have a rehabilitation obligation (also known as a Present Need obligation). Demonstrated through the Housing Element, the Borough's housing stock is in excellent condition. As shown in the Housing Element, there are no (zero) units that lack complete plumbing facilities and none that lack complete kitchen facilities. In addition, none of the housing stock contains more than one person per room, indicative of overcrowding.

In addition, within the Borough's 2018 Settlement Agreement, it was concluded that the Borough did not have a rehabilitation requirement.

Therefore, no units are considered in need of rehabilitation.

### **THIRD ROUND OBLIGATION**

The Borough of Closter is committed to providing its fair share of affordable housing. The Borough received Prior Round Substantive Certification, and petitioned under previous Third Round rules.

Additionally, the Borough has collected Developer's Fees and has completed its required COAH annual affordable housing monitoring. Closter has also been proactive in providing affordable housing. The Borough has donated Block 1104, Lot 18 to Vantage Health systems. In 2012, a 16-unit supportive housing development was completed and is occupied on the subject property. The Borough also provided \$220,000 from its Trust Fund to the Vantage Health property.

In addition, the Borough has purchased the Village School property, located on Block 1316, Lot 9. The subject property is improved with an old school building that is no longer in use, and is in disrepair. Closter has purchased the property and will perform interior asbestos removal. Closter has partnered with a developer on an adaptive reuse of the existing building. The proposed development will consist of 35 units, all of which will be affordable to moderate, low and very low income households. The Borough of Closter will partner with the Bergen County Housing Authority for construction of Village School units. Additional information on the Village School proposal, and all affordable housing mechanisms, are provided in this Fair Share Plan.

## **Affordable Housing Obligation**

There are presently no statewide assigned municipal affordable housing obligations. For purposes of its settlement with Fair Share Housing Center (FSHC) the Borough is using the affordable housing obligation of 347 units, which was calculated by FSHC's consultant.

## **MEETING THE OBLIGATION: ADJUSTMENTS AND CREDITS**

The Borough of Closter proposes a combination of a Vacant Land Adjustment and credits for a variety of affordable housing compliance mechanisms to meet its proposed third round affordable housing obligation, as follows.

### **ADJUSTMENT**

The Borough of Closter continues to lack available and developable vacant land and therefore continues to request a Vacant Land Adjustment.

### **Vacant Land Adjustment**

The Borough received a Vacant Land Adjustment from COAH as part of its Prior Round Substantive Certification. Clearly, vacant land has not increased in area but become more environmentally constrained under the State's land use regulations promulgated in the past decade. Obviously, Closter's vacant land situation has not improved since 2001. In fact, continued new State environmental regulations pertaining to wetlands, C-1 classification of waterways, and large water riparian buffers have further restricted the developable land statewide.

The western and northern municipal boundaries of the Borough are characterized by United Water reservoir and their buffer properties, and its reservoir system which purveys potable water throughout the region. Much of this area is located in State Planning Area 5.

A Vacant Land Table and Map were prepared to analyze the Borough's limited available vacant land. The list of properties contained in the Vacant Land Table was provided by the Borough's Tax Assessor. The Vacant Land Table also includes notations on a property's environmental constraints, such as wetlands and riparian buffers.

The Vacant Land Table *follows the COAH Round 2 rules* contained in Section 5:93-4.2 relative to a Vacant Land Adjustment. Pursuant to the requirements, properties with environmental constraints, parkland, and privately-owned properties that could not accommodate five-dwelling units per COAH standards are excluded. To calculate whether a property could accommodate five dwelling units, the COAH density of six units/acre generally was used. Assuming six dwelling units/acre, a lot must be at least 0.83 acre to accommodate five dwelling units ( $0.83 \times 6 = 4.98$  dwelling units). Therefore, parcels smaller than 0.83 acres were excluded.

For the analysis, some sites that are located in the Industrial zone on Railroad Avenue, in an Industrial Zone were considered at a higher density of 12 units/acre due to their location.

Other properties that were not included in the vacant land analysis were Borough lots that although vacant, are used for drainage purposes or are too narrow to accommodate development.

The Vacant Land Inventory Map dated June 15, 2018 shows the vacant properties in the Borough, as well as environmental constraints. The wetlands shown on the map are from the NJDEP website. The Vacant Land Inventory Map also includes steep slopes as well as the State's Riparian Zones, which are 300 ft. buffers that surround C-1 waterways. Licensed professional engineers from C.P. Statile, P.A. identified the location of the steep slopes and the C-1 waterways, and their associated riparian buffers on the map. The Closter Borough Engineer also updated the map with additional environmental information. The vacant properties on the Vacant Land Inventory Map were identified from the Borough's Vacant Land Table, which came from the Tax Assessor. This map also identifies parkland and United Water properties.

The Borough also considered non-vacant properties that were identified as having development potential. These sites were reviewed and analyzed based on current environmental restrictions, the Borough's 2010 adopted Open Space and Recreation Plan, and NJDEP regulations. Similar to the analysis of the vacant properties, a six unit/acre density was considered with a 20% affordable set-aside was used. The only exception was the sites on Railroad Ave in the Industrial District, for which a 12 unit/acre density was used.

The Borough's final RDP was calculated and approved in its Settlement Agreement and at its Fairness Hearing as 45 units. The Vacant Land Lists, Vacant Land Map and Zoning Map are all included in Appendix B.

### **CREDITS – COMPLIANCE MECHANISMS**

Despite its lack of vacant land, the Borough is still committed to providing its fair share of affordable housing. The location of all proposed affordable housing mechanisms are shown on the attached Proposed Affordable Housing Map (Appendix C). In some instances, draft ordinances are provided in the appendices. These ordinances are presently under review by the Court appointed Special Master. The affordable housing mechanisms are highlighted as follows:

#### **Vantage Health Systems**

Vantage Health owns and operates 16 units of supportive housing on Railroad Ave. The property, known as Block 1104, Lot 18, was donated by the Borough for construction of the Vantage affordable units. The location of the Vantage property is depicted on the Affordable Housing Sites Map dated June 15, 2018.



The Vantage property has been open since 2012. A copy of the Certificate of Occupancy is attached in Appendix C. The Vantage property contains 16 efficiency rental units that provide permanent independent living for adults with mental illness. All of the units are affordable units.

The Vantage site is located in Zone District #6, the Affordable Housing District, and the lot contains approximately 0.682 acres (29,708 SF).

The Vantage property provides **16 very low income rental credits as well as rental bonus credits.**

### **Village School**

Village School is an adaptive reuse of a former school building located at Block 1316, Lot 9 or 511 Durie Avenue. The site contains approximately 1.57 acres and is located in Zone District #1 - Residence Area "A."



The subject property received Zoning Board approval for construction of 33 residential units, of which four – seven units would be affordable. Since the time of the Zoning Board approval, the Borough has purchased the Village School property.

Now, in conformance with the Borough's Settlement Agreement, the Borough proposes the construction of approximately 35 affordable units on the Village School property. The 35 units will be affordable rental family units (i.e. no restrictions). Bedroom distribution will follow UHAC requirements. In addition, the development will be evenly split between low and moderate income units, and include 13% very low income units.

The Borough has entered into a Memorandum of Understanding with the Bergen County Housing Development Corporation to provide the funding for the pre-development construction costs. In addition, the Bergen County Housing Development Corporation intends to undertake development of the affordable units and other necessary site improvements and apply for the necessary funding for construction. Prior to construction of the 100 percent affordable municipal complex, a portion of the existing building will be demolished and an asbestos removal will be done.

The application provides a 100 percent municipally sponsored affordable development in an existing building on a developed site. The adaptive reuse is a benefit to the application as the former school building has been empty for several years. In addition, the property is within walking distance of the Borough's commercial area and public transportation. The Village School project demonstrates the Borough's commitment to the provision of affordable housing.

The Village School property does not include any exterior environmental constraints, such as steep slopes, wetlands, or flood plains.

As identified in the Settlement Agreement, the Borough meets the following requirements for Village School in accordance with N.J.A.C. 5:93-5.5, which addresses requirements for municipally sponsored construction and gut rehabilitation:

1. The Borough owns the property and has control of the site.
2. The Closter Governing Body has appointed an Administrative Agent to income qualify applicants, administer and market the units once they are occupied.
3. The Borough or the Bergen County Housing Development Corporation will provide a pro-forma statement of total development costs and sources of funds and documentation for the funding available to the municipality and/or developer or project sponsor, as well as any funding application still pending. It is the Borough's understanding that State or Federal funds will be used for construction of the affordable units at Village School. In the event of a shortfall of funding, the Borough has adopted a resolution indicating an intent to bond if funding is declined or unavailable and the Borough's Affordable Housing Trust fund monies are not sufficient. The resolution for the intent to bond, adopted October 10, 2018, is included in Appendix C.
4. The Borough and/or the developer will provide a formal construction schedule or timetable for each step in the development process. The construction schedule shall provide for construction to begin within two years of court approval of the Borough's Settlement Agreement. Until such time as a formal construction schedule is provided by the developer and/or contractor, following is an informal schedule:
  - November 2018: Adoption of Housing Element/Fair Share Plan and affordable housing ordinances.
  - December 2018: Asbestos removal and partial demolition is completed.
  - January 2019: Borough and/or developer contracts with engineering and architectural firms for preparation of a Site Plan.
  - March 2019: Plans for Village School project are prepared.
  - April 2019: Board hearings and approval of Site Plan approval for development of the Village School project.
  - May 2019: Board memorializes resolution granting Site Plan approval to the Village School project.

- June 2019: Building permits for the Village School project are obtained.
- July 2019: Bergen County Housing Development Corporation applies for State and Federal permits and funding, including but not limited to tax credit financing, for construction of the 35 affordable housing units and other associated improvements.
- October 2019: The Borough and developer select a contractor for construction of the Village School project.
- March 2020: The site is mobilized and prepared for construction.
- May 2020: Construction begins.





Again, the above schedule will be supplemented and most likely replaced by the project developer. However, the above information shows that construction can begin within two years of Court approval of the Settlement Agreement.

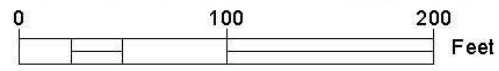
As shown on the following map, the Village School property does not contain environmental constraints. The property is available, suitable and developable. The location is appropriate for affordable housing, due to its proximity to the Borough's business area and employment opportunities.

The Village School provides **35 rental credits** of affordable housing, as well as bonus credits to the 25% maximum permitted of RDP. The location of the Village School is shown on the Affordable Housing Sites Map dated June 15, 2018.





	Block 1316, Lot 9
	C1 Waterway
	300' Riparian Buffer (C1 Waters)
	Wetlands with 50' Buffer



Village School  
 Block 1316, Lot 9  
 Borough of Closter, Bergen County, NJ

CHRISTOPHER P. STATILE, P.A.  
 PROFESSIONAL ENGINEERS & PLANNERS  
 October 8, 2018

## Accessory Apartments

Previous COAH rules have permitted affordable accessory apartments as a mechanism for municipalities to meet their affordable housing obligation. An accessory apartment provides affordable housing within a municipality's existing housing stock. The Borough will commit \$20,000 per accessory apartment to assist with the apartment's development and installation. The funds will come from the Borough's COAH Trust Fund.

The accessory apartment program is eligible for **10 rental credits**.

The Fair Share Plan recommends permitting affordable accessory apartments in dwellings situated in the Residence "B" Zone that are either located on County Roads or within the Borough's Historic District. County roadways are typically more traveled, designed for greater volume, and may offer additional access to public transportation or other commuting options, and therefore are more appropriate for this affordable housing mechanism. In addition, offering this housing option to the historic district provides more flexibility to the homes located within the historic area.

The zoning ordinance would have to be revised to permit accessory apartments for all properties fronting on County Roads, or located in the Historic District, within the Residence "B" Zone. A sample ordinance is attached in Appendix D.

## ROUND THREE CREDIT SUMMARY

Table 1 below summarizes the affordable housing mechanisms the Borough of Closter will use to meet its Realistic Development Potential.

<u>Mechanism</u>	<u>Credits</u>
Vantage Health	16
Village School	35
Accessory Apartments	10
Bonus Credits	12
<b>TOTAL</b>	<b>73</b>

## Unmet Need

A municipality receiving a vacant land adjustment is expected to capture opportunities for affordable housing beyond the calculated RDP of 45 units. The unmet need in Closter is 350

units (48 units from Prior Round and 302 units from the Third Round obligations). Closter proposes overlay zoning, a mandatory borough-wide set-aside ordinance, and continuing to collect development fees as mechanisms for meeting its unmet need as stipulated in its June 2018 Settlement Agreement.

## **Overlay Zoning**

**The Business Zone #3** contains an affordable accessory apartment overlay zone. The accessory apartment zoning was adopted in 2003 as a condition of COAH Prior Round unmet need. The Business District #3 is shown in orange on the Closter Overlay Zone map, which is contained in Appendix D.

The Borough has analyzed the business area and believes that it could provide additional opportunities for the provision of affordable housing, as well as promote current planning practices. Successful planning practices favor a mixed-use environment in the downtown district to provide a residential component of the commercial area. The addition of a multi-family residential use in the downtown could assist local businesses by providing additional customers to the area. Mixed use neighborhoods also provide employees the opportunity to live near to their places of employment.

Closter has a quaint downtown area that is walkable and lends itself to the mixed-use environment. The commercial area contains sidewalks and benches for pedestrians, as well as bicycle racks for alternate transportation options. The area is also within walking distance to bus service. The opportunity to add a multi-family use to the downtown Business area also is an opportunity for affordable housing. The Borough has studied the Business Zone #3 and recommends, from the western edge of the zone district to the western sides of Lewis and Perry Street (the area shown in darker orange on the Closter Overlay Zone Map dated January 3, 2018).

- Establishment of a separate Business Zone District, known as the Business 3A Zone District.
- Removal of the existing affordable housing accessory apartment overlay.
- Permitting, as an overlay, mixed use in this area. Recommendations include permitting a commercial or business use on the first level, with apartments on the second and third levels.
- The draft zoning ordinance conditionally permits a residential density of 10 units/acre with a 20% affordable set-aside for owner occupied units and a 15% affordable set-aside for rentals, as well as three-story development (first story is commercial/business with two levels of apartments).

The proposed Business Zone #3A District is also approvable, available, developable and suitable for inclusionary development. The approximate acreage of this area is 22 acres. The draft ordinance for the Business Zone is located in Appendix D.

**Overlay Zoning in Districts #4 and #5**, presently the Affordable Housing Overlay, permits townhouses at eight units/acre with a 20% affordable set-aside, and apartments at 10 units/acre with a 20% affordable housing set-aside. The minimum lot size is one acre for townhouses and five acres for apartments. District #4 is shown in gray on the Overlay Zone Map.

The Borough has analyzed Zone Districts #4 and #5 and believe that these areas contain additional opportunities to meet Round 3 unmet need. Specifically, revisions can be made to the overlay zones to potentially capture additional affordable housing opportunities.

The proposals include revising the permitted overlay density in District #4 so that apartment density is increased to 12 units/acre.

Regarding Industrial Zone #5, the Borough determined that, upon review of the existing Industrial Zones, the overlay requirements for the Reuten Drive Industrial Area Zone should not be revised. The Reuten Drive Industrial Zone is identified on the Closter Overlay Zone Map; no revisions are proposed due to the existing development of Reuten Drive. The remaining Industrial Zones (Districts #5) are shown in yellow on the Overlay Zone Map.

The Borough proposes to increase the permitted density to 12 units/acre for apartments in the overlay zone district. The draft overlay zone ordinance is located in Appendix D.

Zone Districts #4 and 5 are existing affordable housing overlay zones, which means that they are highly suited to such development, as well as approvable, available, developable and suitable. Approximately 18 acres is contained in the existing Zone Districts #4, and approximately 28 acres are contained in the existing Zone Districts #5, not including the Reuten Drive Zone Districts.

A memo detailing the proposed ordinance revisions is contained in Appendix D.

### **Overlay Zoning at The Corner Farm**

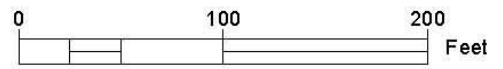
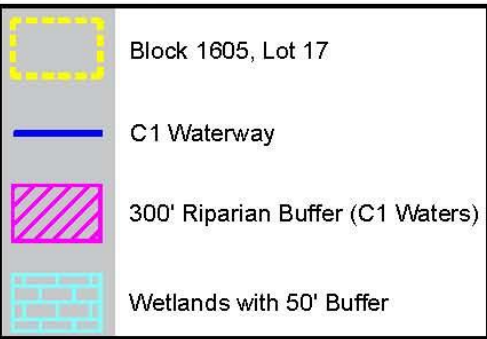
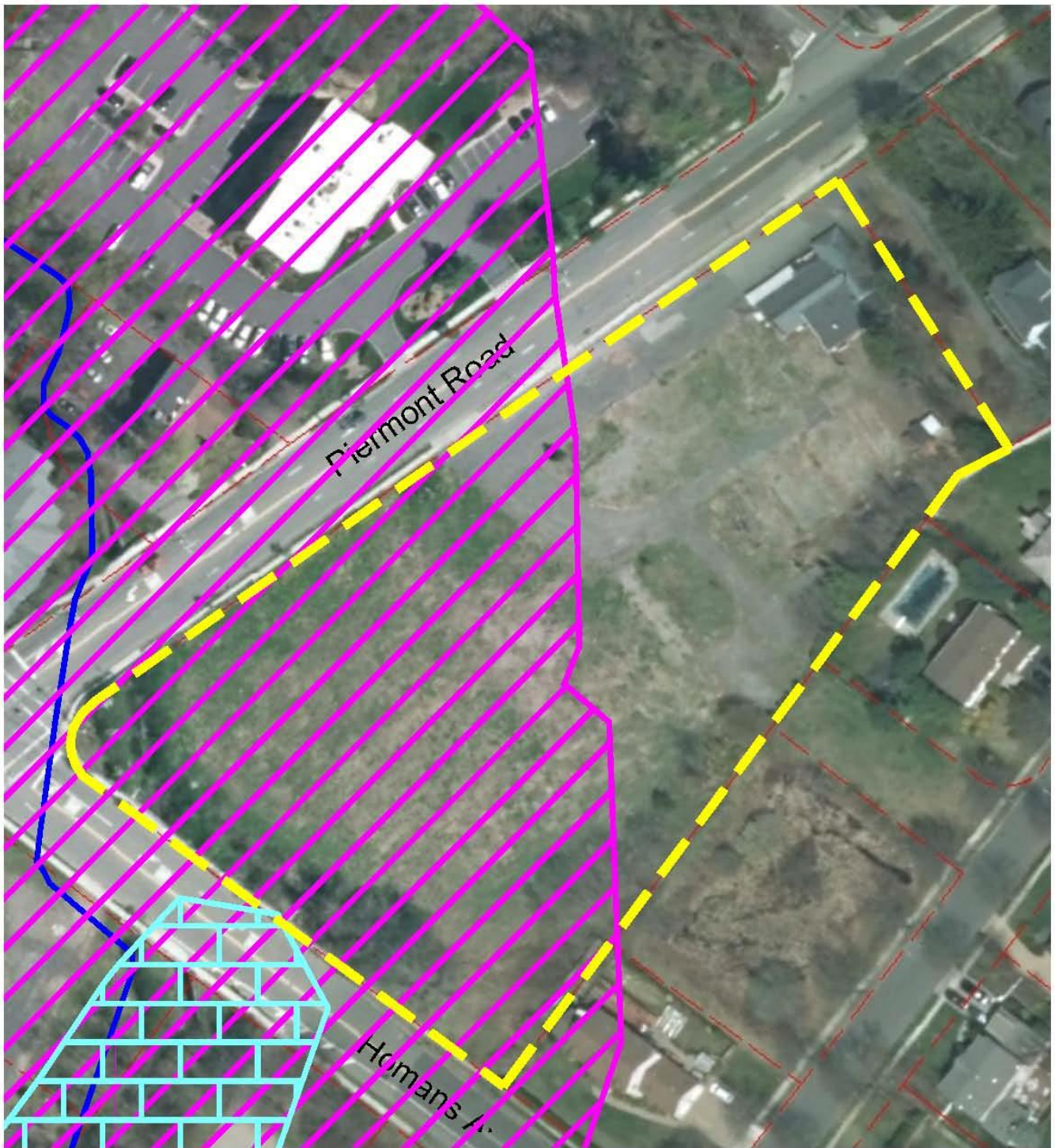
The Corner Farm property is located at 515 Piermont Road, also known as Block 1605, Lot 17. The site is situated in the “A” Residential Zone District and consists of approximately 3.2 acres. The lot was formerly the site of a farm stand with associated parking. As shown in the photograph, the remnants of the farm stand building and parking area exist today.



As agreed to in the Borough's Settlement Agreement, the Corner Farm will be rezoned to permit an overlay zone with 17 percent of the total development site set aside for affordable housing units. The overlay density of 3.75 units per acre will permit the construction of three stand-alone detached quadruplex structures, each of which will contain four dwelling units. A total of twelve (12) two and three bedroom units ranging in size from 900 SF up to 1,500 SF will be permitted. The 12 units includes two affordable housing units (one low income two-bedroom unit and one moderate income three-bedroom unit) that will be constructed onsite.

The draft ordinance for the Corner Farm property is included in Appendix D. It includes such requirements as: building coverage limitations, the construction of quadruplex buildings, buffering for adjoining residential uses, maintaining a residential architectural scale design and treatment similar to the existing residential dwellings in the area, a maximum front yard setback with appropriate landscape buffering along Piermont Road.

As required by affordable housing rules, the Corner Farm site meets the definition of approvable, available, developable and suitable. The property will be rezoned to permit the inclusionary development, has access to water and sewer infrastructure, and is adjacent to compatible land uses with appropriate streets. Finally the property does contain some environmental constraints as shown on the following map; however approximately half of the site is not constrained, and the property will be developed in accordance with all environmental regulations.



Corner Farm  
 Block 1605, Lot 17  
 Borough of Closter, Bergen County, NJ  
 CHRISTOPHER P. STATILE, P.A.  
 PROFESSIONAL ENGINEERS & PLANNERS  
 October 8, 2018

## **Mandatory Set-Aside Ordinance**

In conformance with the Borough's settlement with Fair Share Housing Center, Closter is proposing a "Mandatory Set-Aside Ordinance" within the Borough's new affordable housing ordinance. This proposed ordinance is an opportunity to capture affordable housing opportunities to meet unmet need. This proposed ordinance would require that, for any new multi-family residential development of five (5) or more units approved either through a use variance, density variance, a rezoning to permit multi-family residential housing, or a redevelopment plan, 20% of the units would be affordable units. The proposed ordinance does not give any developer the right to any such rezoning, variance or other relief, or establish any obligation on the part of Closter to grant such rezoning, variance, or other relief.

The proposed Affordable Housing Ordinance is located in Appendix D.

## **Very Low Income Requirement**

N.J.S. 52:27D-329.1 stipulates that 13 percent of the affordable units made available for occupancy in a municipality be affordable to the very low-income population. The Borough of Closter meets this requirement, as stipulated in the Settlement Agreement, as follows:

- The 16 units at Vantage Health.
- 13% of the units at Village School (all family/not restricted units).
- 13% of the units developed as a result of the overlay zones and set-aside ordinance.

## **Rental Unit Requirement**

Municipalities have an obligation to create a realistic opportunity for the construction of rental units. The rental obligation equals 25% of the RDP. Closter's RDP is calculated at 45 units; 25 percent of the RDP is 12 affordable rental units.

The Borough meets its rental obligation through the 16 unit Vantage property constructed in 2012 and the proposed 35-unit affordable development at Village School, and the accessory apartment ordinance.

## **Utilities**

Suez Water provides the Borough of Closter's water service, and the Bergen County Utilities Authority (BCUA) processes the Borough's sewage. There are no known capacity issues for either water or sewer in the Borough of Closter.<sup>4</sup>

---

<sup>4</sup> Per Telephone Conversation with Borough Engineer Nick DeNicola, October 2018.

## **Affordable Housing Trust Fund**

The Borough of Closter collects Developers Fees from new residential and commercial construction as provided for in Section 310-1 of the Borough of Closter Code. The applicable development fee section begins in 301-1E(6) and is attached in Appendix E.

All development fees are deposited into the Borough's Affordable Housing Trust Fund to be used toward the provision of affordable housing. The balance of the Borough's Trust fund as of July 31, 2018 is \$508,998.86.<sup>5</sup> Much of the previous balance of the Trust Fund was used for purchase of Village School.

Trust fund monies collected through 2025 will be used to assist with the Accessory Apartment affordable housing program, construction of the 100 percent affordable Village School project, and a variety of affordability assistance programs. Finally, funds will also be used as permitted for administrative costs. The Spending Plan details the proposed use of present and potential future trust fund monies.

## **Administrative Agent & Affirmative Marketing Plan; Municipal Housing Liaison**

As required by affordable housing rules and the 2018 Settlement Agreement, the Borough has contracted with an Administrative Agent. The Closter Governing Body resolution adopted on October 10, 2018 that appoints Piazza & Associates as the Administrative Agent is contained in Appendix E.

The Borough also needs to amend its existing Affirmative Marketing Plan to include requirements from the Settlement Agreement. A draft Affirmative Marketing Plan is contained in Appendix E.

In addition, the Borough has named its Deputy Treasurer, Dorothy Woods, as its Municipal Housing Liaison. The resolution appointing Ms. Woods as the Municipal Housing Liaison is included in Appendix E.

## **Maximums & Minimums**

In accordance with the Borough's Settlement agreement, the following parameters are being met.

- At least 50% of the units addressing the Third Round RDP and Prospective Need shall be affordable to very low-income and low-income households, with the remainder affordable to moderate-income households. *The Borough will meet this requirement and conform to all U.H.A.C. requirements.*
- At least 25% of the Third Round RDP and Prospective Need shall be met through rental units, including at least half in rental units available to families. In addition, the

---

<sup>5</sup> Per Closter Deputy Treasurer, September 2018.



maximum permitted bonuses is equal to the rental obligation. The Borough's RDP is 45 units; therefore the maximum permitted number of bonus credits is 12 units. *The Borough is meeting the rental requirement and not exceeding the permitted number of bonuses.*

- At least half of the units addressing the Third Round RDP and Prospective Need in total must be available to families. *The Borough is meeting this requirement.*
- The Borough agrees to comply with an age-restricted cap of 25% and to not request a waiver of that requirement. *The Fair Share Plan does not include any age-restricted units to meet the Third Round obligation.*
- At least 13% of all units referenced in the plan, with the exception of units constructed as of July 1, 2008, will be very low-income units, with half of the very low-income units being available to families. *The Borough will comply with this requirement.*

### **Required Monitoring**

As stipulated in the Borough's June 2018 Settlement Agreement, the Borough will complete required monitoring, as follows:

- On the first anniversary of the execution of the Borough's Settlement Agreement, and every anniversary thereafter, through the year 2025, the Borough will provide annual reporting of trust fund activity.
- On the first anniversary of the execution of the Settlement Agreement, and every anniversary thereafter, the Borough will provide annual reporting of the status of all affordable housing activity within Closter.
- For the midpoint realistic opportunity review, which is due on July 1, 2020, the Borough will provide a status report as to its implementation of its Plan, and analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether any mechanisms to address unmet need should be revised or supplemented.
- Within 30 days of the third anniversary of the Settlement Agreement, and every third year thereafter, the Borough shall prepare a status report as to its satisfaction of its very low income requirement, including the family very low income requirement.

## CONCLUSION

Closter will provide for its regional share of affordable housing obligation despite having a vacant land deficiency.

The Borough meets its Prior Round Obligation of 110 units and Third Round obligation of 347 units.

First and foremost, the Borough of Closter requests a Vacant Land Adjustment due to the Borough's continued lack of vacant land. As shown with the submitted materials, the Borough continues to lack available and developable vacant land. Several of the properties that COAH had previously identified as developable under the Round 2 approval no longer contain the same development capacity due to new environmental regulations.

In addition to the adjustment, Closter proposes to meet its Round 3 obligation in this Fair Share Plan by:

- Existing Vantage Health units
- Proposed Municipally Sponsored 100% Affordable Development
- Proposed Accessory Apartment Ordinance

This Fair Share Plan also provides mechanisms for meeting the Borough's unmet need. The Village School project, as well as the accessory apartment ordinance and all proposed inclusionary zoning is for affordable family units. The rental and very low-income obligations are both met in the plan.

These mechanisms provide a *realistic opportunity* for the provision of affordable housing using rational and a locally-sensitive methodology. The proposed Fair Share Plan also represents sound planning policies that will not negatively impact the character of Closter. Finally, the Fair Share Plan is in conformance with the Borough's Settlement Agreement that was executed in June 2018.

# **APPENDIX A:**

**Settlement Agreement  
COAH 2003 Resolution**



Peter J. O'Connor, Esq.  
Kevin D. Walsh, Esq.  
Adam M. Gordon, Esq.  
Laura Smith-Denker, Esq.  
David T. Rammler, Esq.  
Joshua D. Bauers, Esq.

June 21, 2018

Edward T. Rogan, Esq.  
One University Plaza – Suite 607  
Hackensack, NJ 07601

**Re: In the Matter of the Borough of Closter, County of Bergen, Docket  
No. BER-L-6372-15**

Dear Mr. Rogan:

This letter memorializes the terms of an agreement reached between the Borough of Closter (the "Borough"), the declaratory judgment plaintiff, and Fair Share Housing Center (FSHC), a Supreme Court-designated interested party in this matter in accordance with In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015)(Mount Laurel IV) and, through this settlement, a defendant in this proceeding.

### **Background**

Closter filed the above-captioned matter on July 7, 2015 seeking a declaration of its compliance with the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq. in accordance with In re N.J.A.C. 5:96 and 5:97, supra. FSHC and the Borough have engaged in a mediation process under the supervision of the court-appointed Special Master. Through that process, the Borough, FSHC and the Borough's sole intervenor, The Corner Farm agreed to settle the litigation and to present that settlement to the trial court with jurisdiction over this matter to review, recognizing that the settlement of Mount Laurel litigation is favored because it avoids delays and the expense of trial and results more quickly in the construction of homes for lower-income households.

### **Settlement terms**

The Borough, FSHC and The Corner Farm hereby agree to the following terms:

1. FSHC agrees, and The Corner Farm will not object, that the Borough, through the adoption of a Housing Element and Fair Share Plan that complies with this agreement, and the implementation of the Plan and this agreement, satisfies its obligations under the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq., for the Prior Round (1987-1999) and Third Round (1999-2025).
2. At this time and at this particular point in the process resulting from the Supreme Court's Mount Laurel IV decision, when fair share obligations have yet to be definitively determined, it is appropriate for the parties to arrive at a settlement regarding a municipality's Third Round present and prospective need instead of doing so through plenary adjudication of the present and prospective need.
3. FSHC and the Borough hereby agree, and The Corner Farm does not object, that Closter's affordable housing obligations are as follows:

Rehabilitation Share (per Kinsey Report <sup>1</sup> )	0
Prior Round Obligation (pursuant to N.J.A.C. 5:93)	110
Third Round (1999-2025) Prospective Need (per Kinsey Report, as adjusted through this settlement agreement)	347

\*See Paragraph 5 below.

4. For purposes of this agreement, the Third Round Prospective Need shall be deemed to include the Gap Period Present Need, which is a measure of households formed from 1999-2015 that need affordable housing, that was recognized by the Supreme Court in In re Declaratory Judgment Actions Filed By Various Municipalities, 227 N.J. 508 (2017).
5. FSHC and the Borough agree, and The Corner Farm does not object to the fact that Closter does not accept the basis of the methodology or calculations proffered by FSHC's consultant, David N. Kinsey, PhD, P.P., F.A.I.C.P. The Parties agree to the terms in this agreement solely for purposes of settlement of this action. Although the Borough does not accept the basis of the methodology or calculations proffered by FSHC's consultant, FSHC contends and is free to take the position before the Court that the 347-unit Third Round obligation should be accepted by the Court because it is based on the Prior Round methodology and reflects the 30% reduction of Dr. Kinsey's calculation of Closter's Third Round Fair Share obligation.
6. The Borough's efforts to meet its present need include the following: The Borough's Present Need/Rehabilitation Share is 0 units and so no mechanisms are needed.
7. As noted above, the Borough has a Prior Round prospective need of 110. This number is reduced by the adjustment previously approved by the Council on Affordable Housing (COAH) based upon the lack of available vacant and developable land within the Borough as established in the Borough's Prior Round Vacant Land Inventory and Analysis ("VLA"). The Prior Round RDP of 62 units is met through the following compliance mechanisms:

Spectrum for Living	16
Vantage	3
AH/Z	1
Bonus Credits	16
RCA Credits	26
Total	62 units

<sup>1</sup> David N. Kinsey, PhD, PP, FAICP, NEW JERSEY LOW AND MODERATE INCOME HOUSING OBLIGATIONS FOR 1999-2025 CALCULATED USING THE NJ COAH PRIOR ROUND (1987-1999) METHODOLOGY, May 2016.

The Borough's Prior Round Prospective Need of 110 units minus its RDP of 62 units leaves an unmet need of 48 units.

8. The Borough since 1983 is home of the original Spectrum for Living. This facility consists of 52 living units for very low income residents. In a previous round, it was erroneously identified as a hospital, however, is clearly not a facility where one resides temporarily, but rather is a permanent home for 52 of Closter's residents. If applied under current regulations, it would eliminate all of Closter's unmet need. The Borough does not at this time seek any credit or offset for its historical efforts, but wishes to memorialize the Borough's long-standing policy of providing for very low income residents.
9. The Borough and FSHC agree and The Corner Farm does not object that based upon the Borough's Third Round VLA, the Borough has a Third Round RDP of 45 units. That RDP will be satisfied as follows:

Vantage (Supportive Housing)	16
Village School (Family Rental)	35
Accessory Apartments (Family Rentals)	10
Bonus Credits	12
Total	73

The RDP of 45, subtracted from the Third Round obligation of 347 units, results in an unmet need of 302 units for the Third Round. The unmet need from the Prior Round of 48 units plus the unmet need from the Third Round of 302 equals a combined unmet need of 347 units. This shall be addressed through the following mechanisms, as more fully described in the attached fair share plan:

<b>RDP Surplus-to be used for unmet need</b>	<b>28 units</b>
<b>Zone #4</b>	<b>Potential for 43 units</b>
<b>Zone #5</b>	<b>Potential for 67 units</b>
<b>Business Zone District</b>	<b>Potential for 27-36 units</b>

10. To address its unmet need, the Borough will adopt overlay zoning on the following sites:
  - A. See Description of overlay zoning as outlined in the attached March 22, 2018 Memorandum to Special Master Michael Bolan, P.P., AICT attached and made a part hereto. (See attached "Exhibit A")
  - B. The Corner Farm is a site located at 515 Piermont Road, Closter, New Jersey, more specifically identified on the Closter Tax Map as Block 1605, Lot 17 in District No. 1 in the Residential A Zone and contains approximately 3.2 acres. The site will be rezoned to permit an overlay zone with 17 percent of the total development set aside for affordable housing. The overlay density of 3.75 units

(per acre) will permit three (3) stand alone, detached quadruplex structures (4 units per structure), or a total of twelve (12) two (2) and three (3) bedroom units ranging in size from 900 sq. ft. up to 1,500 sq. ft., including two (2) affordable units (one low income two bedroom and one moderate income three bedroom), to be constructed on the site. The building coverage of each building may not exceed 2,600 square feet. The overlay ordinance would include specific standards, including, but not limited to, (i) providing buffers for adjoining residential uses, (ii) maintaining a residential architectural scale, design, and treatment similar to the residential uses located to the east and north of the site, (iii) prohibiting parking in front of any building located along Piermont Road, and (iv) establishing the maximum front yard setback along Piermont Road at 40 feet or less with appropriate landscape buffering.

11. As an additional mechanism to address unmet need, the Borough will provide realistic opportunity for the development of additional affordable housing by adoption of a Mandatory Set-Aside Ordinance.
  - a. **Mandatory Set-Aside Ordinance** – The establishment of a requirement that 20% if the affordable units are for sale and 20% if the units are for rent, for all new multi-family residential development of five (5) or more units that become permissible through either a use variance, density variance increasing the permissible density on a site, a rezoning permitting multi-family residential housing where not previously permitted or new or amended redevelopment plan. This does not give any developer the right to any such rezoning, variance or other relief, or establish any obligation on the part of Closter to grant such rezoning, variance, or other relief.
12. The Borough will provide a realistic opportunity for the development of additional affordable housing that will be developed or created through means other than inclusionary zoning in the following ways:

**Village School** – the Borough is in the process of purchasing the Village School property and anticipates a closing date of on or about July 15, 2018, in order to turn it over to an affordable housing developer to develop a 100% affordable re-use project. In order to receive credit for this project and comply with the terms of this Agreement, the Borough must have the property under contract and have an affordable housing developer in place before the final compliance hearing. (See attached “Exhibit B”, Contract of Sale and Bergen County Housing Development Corporation Resolutions 2017-07 and 2017-11).

The Borough has to date obtained an Order dated October 31, 2017 permitting the Borough of Closter to utilize up to \$900,000.00 of its Affordable Housing Trust Fund monies toward the purchase of the property located at 511 Durie Avenue, Closter, New Jersey. See attached “Exhibit C”. The Borough has further pursuant to the terms and conditions of the Contract to Purchase the property deposited \$800,000.00 into the Trust Account of David M. Watkins, Esq. and has secured that amount by virtue of a first Mortgage and Note filed on the property. (See attached “Exhibit D”). The Borough has adopted the statutory required Ordinance permitting the purchase of real property at its meeting of November 8, 2017. (See attached “Exhibit E”). The Borough has also adopted a Bond Ordinance in the amount of \$2,800,000.00 at its meeting of November 20, 2017. (See attached “Exhibit F”), in order to satisfy a balance that would be due at time of closing.

A Contractor was retained by the Seller of the property and permits obtained, all asbestos removed and partial demolition has been completed.

In accordance with N.J.A.C. 5:93-5.5, the Borough recognizes that it must provide evidence that the municipality and/or its developer, Bergen County Housing Development Corporation will provide a pro forma of both total development costs and sources of funds and documentation of the funding available to the municipality and/or developer project sponsor, and any applications still pending. In the case where an application for outside funding is still pending, the municipality shall provide a stable alternative source, such as municipal bonding, in the event that the funding request is not approved within a reasonable time. The Borough shall demonstrate how it meets this obligation as part of the Housing Element and Fair Share Plan to be submitted pursuant to this Agreement prior to the Compliance Hearing.

In accordance with N.J.A.C. 5:93-5.5, for non-inclusionary developments, a construction or implementation schedule, or timetable, shall be submitted for each step in the development process: including preparation of a site plan, granting of municipal approvals, applications for State and Federal permits, selection of a contractor and construction. The schedule shall provide for construction to begin within two years of court approval of this settlement. The municipality shall indicate the entity responsible for undertaking and monitoring the construction and overall development activity. The Borough shall demonstrate how it meets this obligation as part of the Housing Element and Fair Share Plan to be submitted pursuant to this Agreement prior to the Compliance Hearing.

13. The Borough agrees to require 13% of all units referenced in this plan, with the exception of units constructed as of July 1, 2008, and units subject to preliminary or final site plan approval, to be very low income units, with half of the very low income units being available to families. The municipality will comply with those requirements as follows:
  - a. Vantage. All 16 of the Vantage units are very low income.
  - b. 13% of units at Village School
  - c. 13% of units developed as a result of the overlay zones and set-aside ordinance as required by Ordinance.
  
14. The Borough shall meet its Third Round RDP and Prospective Need in accordance with the following standards as agreed to by the Parties and reflected in the table in paragraph 7 above:
  - a. Third Round bonuses will be applied in accordance with N.J.A.C. 5:93-5.15(d).
  - b. At least 50 percent of the units addressing the Third Round RDP and Prospective Need shall be affordable to very-low-income and low-income households with the remainder affordable to moderate-income households.
  - c. At least twenty-five percent of the Third Round RDP and Prospective Need shall be met through rental units, including at least half in rental units available to families.



- d. At least half of the units addressing the Third Round RDP and Prospective Need in total must be available to families.
  - e. The Borough agrees to comply with an age-restricted cap of 25% and to not request a waiver of that requirement. This shall be understood to mean that in no circumstance may the municipality claim credit toward its fair share obligation for age-restricted units that exceed 25% of all units developed or planned to meet its cumulative prior round and third round fair share obligation as set forth in Paragraph 7 above
15. The Borough shall add to the list of community and regional organizations in its affirmative marketing plan, pursuant to N.J.A.C. 5:80-26.15(f)(5), Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, Bergen County NAACP, Urban League of Bergen County, Bergen County Housing Coalition, and Supportive Housing Association, and shall, as part of its regional affirmative marketing strategies during its implementation of this plan, provide notice to those organizations of all available affordable housing units. The Borough also agrees to require any other entities, including developers or persons or companies retained to do affirmative marketing, to comply with this paragraph.
  16. All units shall include the required bedroom distribution, be governed by controls on affordability and affirmatively marketed in conformance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et. seq. or any successor regulation, with the exception that in lieu of 10 percent of affordable units in rental projects being required to be at 35 percent of median income, 13 percent of affordable units in such projects shall be required to be at 30 percent of median income, and all other applicable law. The Borough as part of its HEFSP shall adopt and/or update appropriate implementing ordinances in conformance with standard ordinances and guidelines developed by COAH to ensure that this provision is satisfied.
  17. All new construction units shall be adaptable in conformance with P.L.2005, c.350/N.J.S.A. 52:27D-311a and -311b and all other applicable law.
  18. As an essential term of this settlement, within one hundred twenty (120) days of Court's approval of this Settlement Agreement, the Borough shall introduce and adopt an ordinance or ordinances providing for the amendment of the Borough's Affordable Housing Ordinance and Zoning Ordinance to implement the terms of this settlement agreement and the zoning contemplated herein and adopt a Housing Element and Fair Share Plan and Spending Plan in conformance with the terms of this Agreement.
  19. The parties agree that if a decision of a court of competent jurisdiction in Bergen County, or a determination by an administrative agency responsible for implementing the Fair Housing Act, or an action by the New Jersey Legislature, would result in a calculation of an obligation for the Borough for the period 1999-2025 that would be lower by more than twenty (20%) percent than the total prospective Third Round need obligation established in this agreement, and if that calculation is memorialized in an unappealable final judgment, the Borough may seek to amend the judgment in this matter to reduce its fair share obligation accordingly. Notwithstanding any such reduction, the Borough shall be obligated to implement the fair share plan attached hereto, including by leaving in place any site specific zoning adopted or relied upon in connection with the Plan approved pursuant to this settlement agreement; taking all steps necessary to support the

development of any 100% affordable developments referenced herein; maintaining all mechanisms to address unmet need; and otherwise fulfilling fully the fair share obligations as established herein. The reduction of the Borough's obligation below that established in this agreement does not provide a basis for seeking leave to amend this agreement or seeking leave to amend an order or judgment pursuant to R. 4:50-1. If the Borough prevails in reducing its prospective need for the Third Round, the Borough may carry over any resulting extra credits to future rounds in conformance with the then-applicable law.

20. The Borough shall prepare a Spending Plan within the period referenced above, subject to the review of FSHC and approval of the Court, and reserves the right to seek approval from the Court that the expenditures of funds contemplated under the Spending Plan constitute "commitment" for expenditure pursuant to N.J.S.A. 52:27D-329.2 and -329.3, with the four-year time period for expenditure designated pursuant to those provisions beginning to run with the entry of a final judgment approving this settlement in accordance with the provisions of In re Tp. Of Monroe, 442 N.J. Super. 565 (Law Div. 2015) (aff'd 442 N.J. Super. 563). On the first anniversary of the execution of this agreement, and every anniversary thereafter through the end of this agreement, the Borough agrees to provide annual reporting of 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 and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services. The reporting shall include an accounting of all housing trust fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.
21. On the first anniversary of the execution of this agreement, and every anniversary thereafter through the end of this agreement, 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 the Council on Affordable Housing or any other forms endorsed by the Special Master and FSHC.
22. The Fair Housing Act includes two provisions regarding action to be taken by the Borough during the ten-year period of protection provided in this agreement. The Borough agrees to comply with those provisions as follows:
  - a. For the midpoint realistic opportunity review due on July 1, 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 any mechanisms to meet unmet need should be revised or supplemented. Such posting shall invite any interested party to submit comments to the municipality, with a copy to Fair Share Housing Center, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether any mechanisms to meet unmet need should be revised or supplemented. Any interested party may by motion request a hearing before the court regarding these issues.

- b. 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 this agreement, 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 municipality and Fair Share Housing Center on the issue of whether the municipality has complied with its very low income housing obligation under the terms of this settlement.
23. FSHC is hereby deemed to have party status in this matter and to have intervened in this matter as a defendant without the need to file a motion to intervene or an answer or other pleading. The parties to this agreement agree to request the Court to enter an order declaring FSHC is an intervenor, but the absence of such an order shall not impact FSHC's rights.
- The Borough agrees to pay \$5,000.00 to FSHC, payable within ten (10) days of judicial approval of this Agreement pursuant to a duly-noticed Fairness Hearing.
24. This settlement agreement must be approved by the Court following a fairness hearing as required by Morris Cty. Fair Hous. Council v. Boonton Twp., 197 N.J. Super. 359, 367-69 (Law Div. 1984), aff'd o.b., 209 N.J. Super. 108 (App. Div. 1986); East/West Venture v. Borough of Fort Lee, 286 N.J. Super. 311, 328-29 (App. Div. 1996). The Borough shall present its planner as a witness at this hearing. FSHC agrees not to challenge the attached Plan (Exh. A) at the fairness hearing. In the event the Court approves this proposed settlement, the parties contemplate the municipality will receive "the judicial equivalent of substantive certification and accompanying protection as provided under the FHA," as addressed in the Supreme Court's decision in In re N.J.A.C. 5:96 & 5:97, 221 N.J. 1, 36 (2015). The "accompanying protection" shall remain in effect through July 1, 2025. If the settlement agreement is rejected by the Court at a fairness hearing it shall be null and void.
25. If an appeal is filed of the Court's approval or rejection of the Settlement Agreement, the Parties agree to defend the Agreement on appeal, including in proceedings before the Superior Court, Appellate Division and New Jersey Supreme Court, and to continue to implement the terms of the Settlement Agreement if the Agreement is approved before the trial court unless and until an appeal of the trial court's approval is successful at which point, the Parties reserve their right to rescind any action taken in anticipation of the trial court's approval. All Parties shall have an obligation to fulfill the intent and purpose of this Agreement.
26. This settlement agreement may be enforced through a motion to enforce litigant's rights or a separate action filed in Superior Court, Bergen County. A prevailing movant or plaintiff in such a motion or separate action shall be entitled to reasonable attorney's fees.
27. Unless otherwise specified, it is intended that the provisions of this Agreement are to be severable. The validity of any article, section, clause or provision of this Agreement shall not affect the validity of the remaining articles, sections, clauses or provisions hereof. If any section of this Agreement shall be adjudged by a court to be invalid, illegal, or unenforceable in any respect, such determination shall not affect the remaining sections.

28. This Agreement shall be governed by and construed by the laws of the State of New Jersey.
29. This Agreement may not be modified, amended or altered in any way except by a writing signed by each of the Parties.
30. This Agreement may be executed in any number of counterparts, each of which shall be an original and all of which together shall constitute but one and the same Agreement.
31. The Parties acknowledge that each has entered into this Agreement on its own volition without coercion or duress after consulting with its counsel, that each party is the proper person and possess the authority to sign the Agreement, that this Agreement contains the entire understanding of the Parties and that there are no representations, warranties, covenants or undertakings other than those expressly set forth herein.
32. Each of the Parties hereto acknowledges that this Agreement was not drafted by any one of the Parties, but was drafted, negotiated and reviewed by all Parties and, therefore, the presumption of resolving ambiguities against the drafter shall not apply. Each of the Parties expressly represents to the other Parties that: (i) it has been represented by counsel in connection with negotiating the terms of this Agreement; and (ii) it has conferred due authority for execution of this Agreement upon the persons executing it.
33. Any and all Exhibits and Schedules annexed to this Agreement are hereby made a part of this Agreement by this reference thereto. Any and all Exhibits and Schedules now and/or in the future are hereby made or will be made a part of this Agreement with prior written approval of both Parties.
34. This Agreement constitutes the entire Agreement between the Parties hereto and supersedes all prior oral and written agreements between the Parties with respect to the subject matter hereof except as otherwise provided herein.
35. No member, official or employee of the Borough shall have any direct or indirect interest in this Settlement Agreement, nor participate in any decision relating to the Agreement which is prohibited by law, absent the need to invoke the rule of necessity.
36. Anything herein contained to the contrary notwithstanding, the effective date of this Agreement shall be the date upon which all of the Parties hereto have executed and delivered this Agreement.
37. All notices required under this Agreement ("Notice[s]") shall be written and shall be served upon the respective Parties by certified mail, return receipt requested, or by a recognized overnight or by a personal carrier. In addition, where feasible (for example, transmittals of less than fifty pages) shall be served by facsimile or e-mail. All Notices shall be deemed received upon the date of delivery. Delivery shall be affected as follows, subject to change as to the person(s) to be notified and/or their respective addresses upon ten (10) days notice as provided herein:

**TO FSHC:**

Kevin D. Walsh, Esq.  
Fair Share Housing Center  
510 Park Boulevard  
Cherry Hill, NJ 08002

Phone: (856) 665-5444  
Telecopier: (856) 663-8182  
E-mail: [kevinwalsh@fairsharehousing.org](mailto:kevinwalsh@fairsharehousing.org)

**TO THE BOROUGH:** Edward T. Rogan, Esq.  
One University Plaza, Suite 607  
Hackensack, NJ 07601  
Phone: (201)342-6404  
Telecopier: (201)342-6658  
Email: [office@rogan-lawfirm.com](mailto:office@rogan-lawfirm.com)

**TO THE CORNER FARM:** Frank Petrino, Esq.  
2000 Lenox Drive, Suite 203  
Lawrenceville, NJ 08648  
Phone: (609)989-5029  
Telecopier: (609)392-7956  
Email: [fpetrino@eckertseamans.com](mailto:fpetrino@eckertseamans.com)

**WITH A COPY TO THE MUNICIPAL CLERK:** Loretta Castano, Borough Clerk  
295 Closter Dock Road  
Closter, NJ 07624  
Phone: (201)784-0600  
Email: [lcastano@closternj.us](mailto:lcastano@closternj.us)

Please sign below if these terms are acceptable.

Sincerely,

Kevin D. Walsh, Esq.  
Counsel for Intervenor/Interested Party  
Fair Share Housing Center

On behalf of the Borough of Closter, with the authorization  
of the governing body:

Borough of Closter

\_\_\_\_\_  
John C. Glidden, Jr., Mayor  
Dated: \_\_\_\_\_

On behalf of The Corner Farm:

\_\_\_\_\_  
Dated: \_\_\_\_\_

follows, subject to change as to the person(s) to be notified and/or their respective addresses upon ten (10) days notice as provided herein:

**TO FSHC:** Kevin D. Walsh, Esq.  
Fair Share Housing Center  
510 Park Boulevard  
Cherry Hill, NJ 08002  
Phone: (856) 665-5444  
Telecopier: (856) 663-8182  
E-mail: [kevinwalsh@fairsharehousing.org](mailto:kevinwalsh@fairsharehousing.org)

**TO THE BOROUGH:** Edward T. Rogan, Esq.  
One University Plaza, Suite 607  
Hackensack, NJ 07601  
Phone: (201)342-6404  
Telecopier: (201)342-6658  
Email: [office@rogan-lawfirm.com](mailto:office@rogan-lawfirm.com)

**TO THE CORNER FARM:** Frank Petrino, Esq.  
2000 Lenox Drive, Suite 203  
Lawrenceville, NJ 08648  
Phone: (609)989-5029  
Telecopier: (609)392-7956  
Email: [fpetrino@eckertseamans.com](mailto:fpetrino@eckertseamans.com)

**WITH A COPY TO THE MUNICIPAL CLERK:** Loretta Castano, Borough Clerk  
295 Closter Dock Road  
Closter, NJ 07624  
Phone: (201)784-0600  
Email: [lcastano@closternj.us](mailto:lcastano@closternj.us)

Please sign below if these terms are acceptable.

Sincerely,

Kevin D. Walsh, Esq.  
Counsel for Intervenor/Interested Party  
Fair Share Housing Center

On behalf of the Borough of Closter, with the authorization  
of the governing body:

Borough of Closter

  
Alissa J. Latner, Council President

John C. Glidden, Jr., Mayor

Dated: June 21, 2018

RESOLUTION GRANTING SUBSTANTIVE CERTIFICATION

NO: 205-99

WHEREAS, the Borough of Closter, Bergen County, petitioned the Council on Affordable Housing (COAH) on September 28, 1998 for substantive certification of a housing element and fair share plan which addresses its 1987-1999 cumulative need in accordance with N.J.S.A. 52:27D-313 and N.J.A.C. 5:93-1 et seq.; and

WHEREAS, the Borough of Closter published notice of its petition in the Bergen Record, which is a newspaper of general circulation within the county, on September 27, 1998 pursuant to N.J.S.A. 52:27D-313 and N.J.A.C. 5:91-4.3; and

WHEREAS, the petition for substantive certification initiated a 45-day objector period pursuant to N.J.A.C. 5:91-1 et seq.; and

WHEREAS, COAH received no objections to the Closter Borough plan; and

WHEREAS, In response to a COAH Report Requesting Additional Information that was issued on March 27, 2000, the Borough of Closter reconsidered inclusion of a 51-unit Spectrum For Living Intermediate Care facility that had previously been denied credit and repitioned COAH with an amended housing element and fair share plan on July 28, 2000; and

WHEREAS, the July 28, 2000 repetition for substantive certification initiated a 45-day objector period pursuant to N.J.A.C. 5:91-1 et seq.; and

WHEREAS, COAH received no objections to the repitioned Closter Borough plan; and

WHEREAS, COAH has established a 1987-1999 precredited need for Closter of 116 units including 111 new construction units and 5 rehabilitation units; and

WHEREAS, the July 28, 2000 repetition included a request for a vacant land adjustment pursuant to N.J.A.C. 5:93-4.2; and

WHEREAS, COAH staff conducted an analysis of the vacant land inventory in Closter Borough, determined that the borough was eligible for an adjustment and reduced the borough's 111-unit new construction obligation to a 62-unit realistic development potential (RDP); and

WHEREAS, the July 28, 2000 repetition did not address the borough's 62-unit RDP; and

WHEREAS, COAH directed Closter Borough to repetition with a second amendment that would address a 62-unit RDP; and

WHEREAS, the Planning Board of the Borough of Closter adopted an amended housing element and fair share plan on August 1, 2001; and

WHEREAS, the governing body of the Borough of Closter adopted a resolution to repetition COAH with a second amended housing element and fair share plan on August 22, 2001; and

WHEREAS, Closter Borough submitted the repetition to COAH on September 9, 2001; and

WHEREAS, the Borough of Closter published notice of its repetition in the Bergen Record, which is a newspaper of general circulation within the county, on September 9, 2001 pursuant to N.J.S.A. 52:27D-313 and N.J.A.C. 5:91-4.3; and

WHEREAS, the repetition for substantive certification initiated a 45-day objector period pursuant to N.J.A.C. 5:91-1 et seq.; and

WHEREAS, COAH received no objections to the Closter Borough repetition; and



WHEREAS, COAH staff reviewed the Borough of Closter's amended housing element and fair share plan; and

WHEREAS, on December 20, 2001, COAH staff issued a COAH Compliance Report (attached hereto as Exhibit A and incorporated herein) which was distributed to the Closter service list for comment; and

WHEREAS, no comments on the COAH Compliance Report were received by COAH; and

WHEREAS, the Bergen County Home Improvement Program has completed five housing rehabilitation projects that comply with COAH requirements at N.J.A.C. 5:93-3.4; and

WHEREAS, the Closter Borough fair share plan includes a 16-unit Spectrum for Living group home that is also eligible for 16 rental bonuses pursuant to N.J.A.C. 5:93-5.15(d), a three-unit group home operated by Vantage Health systems, zoning that provided a realistic opportunity for the creation of one age-restricted unit and a 26-unit regional contribution agreement (RCA) with the Bergen County municipality of Fairview Borough; and

WHEREAS, COAH approved the RCA between Closter Borough and Fairview Borough on February 4, 2003; and

WHEREAS, N.J.A.C. 5:93-4.2(h) requires municipalities that are granted a vacant land adjustment to capture affordable housing opportunities beyond their RDP; and

WHEREAS, Closter Borough proposes to capture additional affordable housing opportunities through the adoption of an accessory apartment ordinance pursuant to N.J.A.C. 5:93-5.9; and

WHEREAS, Closter Borough proposes to capture additional affordable housing opportunities through the adoption of an overlay zone that will permit multi-family housing with an affordable

housing setaside in Districts 4 and 5 pursuant to N.J.A.C. 5:93-5.9; and

WHEREAS, Closter Borough has adopted a development fee ordinance pursuant to N.J.A.C. 5:93-8 to capture additional affordable housing opportunities.

NOW THEREFORE BE IT RESOLVED that COAH finds that the housing element submitted by the Borough of Closter comports with the standards set forth at N.J.S.A. 52:27D-314 and is consistent with the rules and criteria adopted by COAH; and

BE IT FURTHER RESOLVED that COAH hereby grants substantive certification to the Borough of Closter; and

BE IT FURTHER RESOLVED that the Borough of Closter shall adopt its fair share, accessory apartment, overlay zone and affirmative marketing ordinances within 45 days from the grant of substantive certification; and

BE IT FURTHER RESOLVED that any changes in the facts upon which this certification is based or any deviation from the terms and conditions of this certification affecting the ability of the Borough of Closter to provide for its fair share of low and moderate income housing, and which the Borough of Closter fails to remedy, may render this certification null and void.

I hereby certify that this resolution was  
duly adopted by the Council on Affordable  
Housing at its public meeting on February 4, 2003.

  
\_\_\_\_\_  
Renee Reiss, Secretary  
Council on Affordable Housing

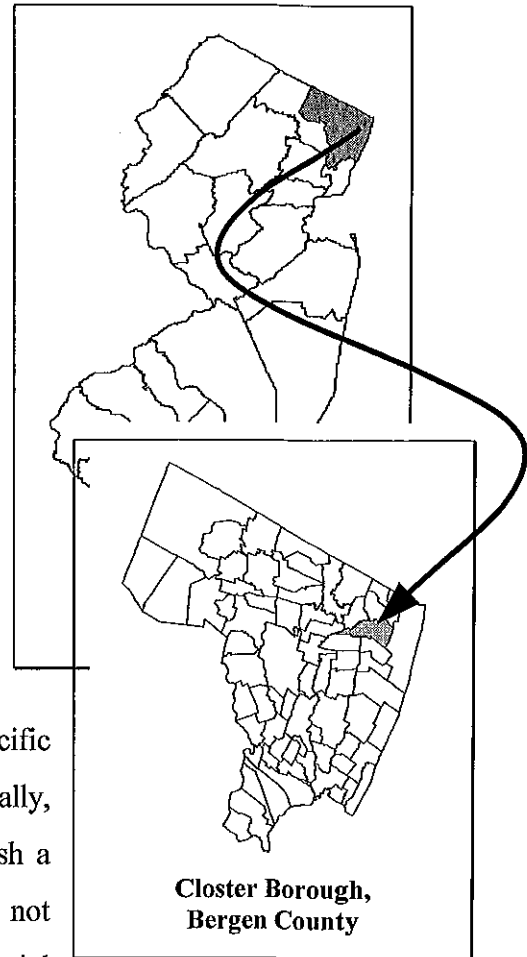
**EXHIBIT A**

**COAH COMPLIANCE REPORT  
CLOSTER BOROUGH/BERGEN COUNTY  
REGION #1  
Prepared By  
Keith Henderson, P.P.  
December 20, 2001**

**I. INTRODUCTION**

The Planning Board of Closter Borough, Bergen County, adopted a housing element and fair share plan on August 27, 1998 which addresses its 12-year cumulative obligation. Closter Borough's 1987-1999 cumulative precredited need is 116 units, including a rehabilitation obligation of five units and a new construction obligation of 111 units. The borough's governing body approved a resolution petitioning the Council on Affordable Housing (COAH) for substantive certification on September 23, 1998. Notice of the petition was published in the Bergen Record on September 27, 1998. COAH received Closter's housing element and fair share plan and its resolution of petition on September 28, 1998. In response to a COAH Report Requesting Additional Information that was issued on March 27, 2000, the borough reconsidered inclusion of a 51-unit Spectrum For Living facility that had previously been denied credit. Closter submitted an amended petition to COAH on July 28, 2000.

The amended plan submitted by Closter did not provide a specific approach to addressing the borough's fair share obligation. Additionally, Closter submitted information with the amended plan to establish a vacant land adjustment pursuant to N.J.A.C. 5:93-4.2 that was not sufficient for COAH staff to establish a realistic development potential (RDP) for the borough. Additional information was ultimately provided and an analysis of the borough's vacant land inventory was conducted in the Fall of 2000. Closter repitioned for



substantive certification of its housing element and fair share plan on September 9, 2001. There were no objections to the original plan, the amendment or the repetition.

## **II. BACKGROUND**

Closter Borough petitioned COAH for a first round substantive certification of its housing element and fair share plan on May 21, 1987. Subsequent to the issuance of COAH reports requesting additional information, COAH issued an administrative order dismissing the borough's petition on July 12, 1991. The reasons for dismissal included insufficient documentation on adjustments, insufficient zoning of sites to meet the borough's fair share number and the ineligibility of credits requested for an intermediate health care facility. The September 28, 1998 petition filed by the borough again requested credit for this facility (Spectrum for Living located at 50 Blanche Street). On March 27, 2000, COAH issued a COAH Report Requesting Additional Information (see attached) indicating, among other items, that both COAH and the appellate court had denied COAH credit for intermediate care facilities. The March 27<sup>th</sup> COAH report requested that the borough reconsider inclusion of the 51 credits being sought for the Spectrum for Living facility. Closter responded with an amendment to its petition on July 28, 2000 that did not include this facility.

In addition, Closter indicated that it did not agree with the covered employment data collected by the New Jersey Department of Labor that resulted in the non-residential ratable base component of the COAH methodology used to allocate housing need. COAH has established a mechanism whereby municipalities may alter the covered employment component of the methodology with appropriate documentation. In 1998, Closter initiated the COAH prescribed process to produce the documentation necessary for an employment adjustment based on 1984 covered employment data. However, Closter did not finalize the results of its research. Therefore, there is no employment adjustment.

The amended plan submitted by Closter included a vacant land adjustment pursuant to N.J.A.C. 5:93-4.2. Additional information was requested by COAH staff so that an analysis of the

borough's vacant land resources could be conducted and an RDP determined. Closter provided the necessary information and an analysis, including site visits on October 27, 2000, was conducted by COAH staff. Between October, 2000 and May, 2001, the borough and COAH staff exchanged information to reach agreement of the borough's RDP. Closter's 62-unit RDP was confirmed in a letter to Mayor Fred Pitofsky on May 9, 2001 (see attached).

This report reviews Closter Borough's September 9<sup>th</sup> repetition.

### **III. HOUSING AND DEMOGRAPHIC ANALYSIS**

Closter Borough is located in the northeast section of Bergen County and contains approximately 3.3 square miles. Closter is bound by the boroughs of Norwood and Harrington Park on the north, the Borough of Emerson on the west, the boroughs of Haworth and Demarest, on the south and the Borough of Alpine on the east.

According to the borough's 1996 Master Plan Re-examination Report, Closter had 8,094 people living in 2,669 occupied housing units and forming 2,708 households. Median household income was \$62,555. Over 80 percent of the housing stock was owner-occupied with a median value of \$270,800. Over 63 percent of the borough's 1990 housing stock was built subsequent to 1950. Approximately 24.5 percent of the housing in Closter was renter-occupied and the median contract rent reported on these units in the 1990 census was \$892.

A review of Closter's housing element, which incorporates the 1996 Re-examination Report by reference, 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).

#### IV. VACANT LAND ADJUSTMENT

Pursuant to N.J.A.C. 5:93-4.2 and as discussed in the March 27<sup>th</sup> COAH Report Requesting Additional Information, Closter requested an adjustment to its 111-unit new construction obligation based on a lack of available land. The borough submitted a list of 74 vacant sites in the borough and eliminated those it did not deem suitable as sites that could contribute towards the RDP. On October 27, 2000, COAH staff conducted site visits in Closter to verify the analysis included in the borough's fair share plan. The site visits conducted by COAH staff resulted in the identification of additional vacant, developable lands that were not included in the borough's analysis. Specifically, the Trautwein farm (Block 1605; Lot 17), the Colgate property (Block 1318, Lots 4 and 5), the McBain Farm (Block 2102, Lot 37) and the developable portions of the driving range on Block 1601, Lot 5 were not included in the borough's original analysis. Additionally, appropriate development densities and portions of sites that are encumbered by wetlands for properties in the borough's vacant land inventory were reconsidered. Wetland determinations were made using the best available data on freshwater wetlands (FWW) geographic information system (GIS) layers generated under the New Jersey Freshwater Wetlands Mapping Program.

Block 202, Lot 1 consists of 14.05 acres on Schraalenburgh Road. Wetlands affect this site leaving nine acres that are developable at an appropriate density of six units per acre. This density is also the minimum presumptive density pursuant to COAH regulations at N.J.A.C. 5:93-4.2(f). Nine developable acres at six units per acre with a 20 percent setback could produce 11 affordable units.

**[11 units toward RDP]**

The borough-owned property located at Block 1104, Lot 14 is a 4.08-acre site that is zoned for affordable housing at 20 units per acre. After eliminating approximately two acres from this site due to wetlands and with a 20 percent setback, this site could produce 40 total units with eight affordable units. However, based on an analysis of bulk requirements and configuration constraints (a portion of the site consists of an area that is approximately 100 by 500 feet) on this site, it is not

realistic to expect that the site could actually be developed at 20 units per acre. A density of eight units per acre is realistic. Therefore, two developable acres at a density of eight units per acre with a 20 percent setback could produce three affordable units. **[3 units toward RDP]**

Block 1104, Lots 15.02, 15.03 and 15.04 are the three lots adjacent to the borough's current affordable housing zone. The borough has indicated that this 1.2-acre property will be rezoned for affordable housing at eight units per acre. After accounting for wetlands, approximately one half acre of this site is developable. With a 20 percent affordable setback, the developable portion of the site could produce one affordable unit. **[1 unit toward RDP]**

The property described as Block 1308, Lots 3 and 4 consists of approximately 5.05 acres. Wetlands affect this site leaving only 2.8 acres on which development could occur. The site is convenient to the Closter business district and would be suitable for development at eight units per acre. With a 20 percent setback, this site could produce four affordable units. **[4 units toward RDP]**

The Colgate site (Block 1318, Lots 4 and 5) was omitted from the borough's original vacant land analysis. However, this 0.82-acre site could provide one affordable unit if developed at a six-unit per acre density with a 20 percent setback. **[1 unit toward RDP]**

Block 1401, Lot 5 consists of 4.93 acres known as the Lupardi Farm. A small portion of this site is affected by wetlands leaving 4.5 acres available for affordable housing. At six units per acre with a 20 percent setback, this site could produce five affordable units. **[5 units toward RDP]**

The Watkins Farm (Block 1402, Lots 24 and 24.01) consists of approximately 5.45 acres. Wetlands limitations and the elimination of 0.5 acres for the existing residence reduce the developable area of this site to 1.85 acres. At a six-unit per acre density and a 20 percent setback, this site could produce two affordable units. **[2 units toward RDP]**

Block 1601, Lot 5, the driving range on Homans Avenue, consists of approximately 22.3



acres. Pursuant to N.J.A.C. 5:93-4.2(d), relatively low intensity uses such as this should be included in a municipality's inventory of vacant land. As indicated by a wetlands delineation and corresponding letter of interpretation (LOI) from the New Jersey Department of Environmental Protection (DEP), this site is impacted by wetlands. Approximately three acres of this site is developable. At a six-unit per acre density and a 20 percent setback, the site could produce four affordable units. **[4 units toward RDP]**

The Trautwein Farm, located at Block 1605, Lot 17, consists of 3.18 acres. The low-intensity use on this site also warrants inclusion of the site in the borough's vacant land inventory. However, approximately half of the site is dedicated to an existing commercial operation. The remaining half of this site could produce two affordable units if developed at a density of six units per acre with a 20 percent setback. **[2 units toward RDP]**

The Miele Farm (Block 1703, Lots 2.01 and 2.02) consists of approximately 9.92 acres. The one-acre lot 2.02 portion of this site may be excluded because of the historic house on site. As indicated by a wetlands delineation and corresponding LOI from DEP, a significant portion of the site is also impacted by wetlands. Approximately 4.5 acres of this site is developable. At a six-unit per acre density and a 20 percent setback, the site could produce five affordable units. **[5 units toward RDP]**

The 6.8-acre McBain Farm (Block 2102, Lot 37.07) was excluded from the borough's vacant land inventory because the property is the subject of a farming lease with John McCaffrey. There is no COAH regulation that would preclude such a site from being included in the vacant land inventory. Approximately 1.3 acres of this site is undevelopable due to wetlands and the 5.5-acre developable portion of the site could produce seven affordable units if developed at six units per acre with a 20 percent setback. **[7 units toward RDP]**

The 7.9-acre Brooks farm (Block 2102, Lot 55) provides 7.4 acres of developable land after

excluding a half-acre portion of the site for the historic residence on site. At a six-unit per acre density and a 20 percent setback, the remaining 7.4 acres could produce nine affordable units. **[9 units toward RDP]**

Finally, Block 2401, Lot 51 consists of 7.1 acres on Closter Dock Road. A half-acre portion of this site may be excluded for the residence leaving 6.6 acres available for development. At a six-unit per acre density and a 20 percent setback, this site could produce eight affordable units. **[8 units toward RDP]**

Therefore, the RDP for Closter is set at 62 units as summarized in the following table:

Block/Lot	Acreage	Developable Acreage	Density (units/acre)	Total Units	Affordable Setaside	RDP
202/1	14.05	9.0	6	54	20%	11
1104/14	4.08	2.0	20	16	20%	3
1104/15.02, 15.03 & 15.04	1.2	.5	8	4	20%	1
1308/3 & 4	5.05	2.8	8	22	20%	4
1318/4 & 5	0.82	0.82	6	5	20%	1
1401/5	4.93	4.5	6	27	20%	5
1402/24 & 24.01	5.45	1.85	6	11	20%	2
1601/5	22.3	3.0	6	18	20%	4
1605/17	3.18	1.59	6	10	20%	2
1703/2.01 & 2.02	9.92	4.5	6	27	20%	5
2102/37.07	6.8	5.5	6	33	20%	7
2102/55	7.9	7.4	6	44	20%	9
2401/51	7.1	6.6	6	40	20%	8
<b>Total</b>						<b>62</b>

## V. CREDITS AND REDUCTIONS

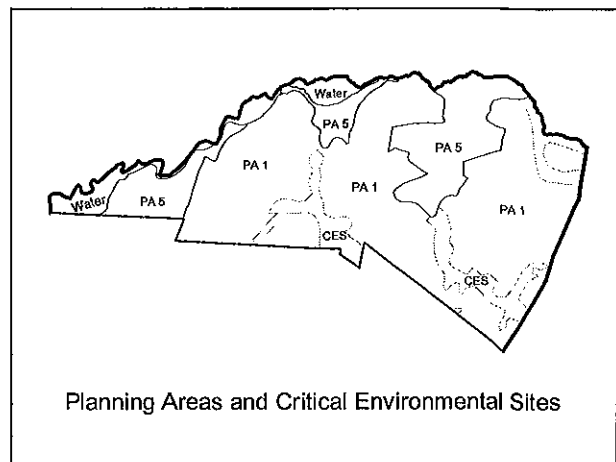
Closter participates in the Bergen County Home Improvement Program (Bergen CHIP) and has submitted documentation that indicates five low income owner-occupied units have undergone rehabilitation under the program subsequent to 1990. All had work involving the repair or

replacement of a major system and the average cost of rehabilitation was \$10,680. Pursuant to N.J.A.C. 5:93-3.4, these units are eligible for five rehabilitation credits which satisfy the borough's five-unit rehabilitation component. **[Five rehabilitation credits]**

The original Closter housing element made reference to a Class B boarding home located at 420 Piermont Road. Another unidentified group living facility was also referenced in the borough's petition but the borough did not submit documentation that would qualify these units for COAH credit. The March 27<sup>th</sup> COAH report requested appropriate documentation pursuant to N.J.A.C. 5:93-3 if these facilities were to be included in its plan. The July 28<sup>th</sup> response by the borough indicated that Closter no longer seeks credit for these facilities. This was reaffirmed in the borough's repetition. **[Zero credits]**

## VI. STATE DEVELOPMENT AND REDEVELOPMENT PLAN

Most land in Closter is classified as Planning Area 1 (PA1) in the State Development and Redevelopment Plan (SDRP) with the exception of some portions of the borough that surround the Oradell Reservoir, Pascack Brook, Dwars Kill and associated tributaries which are designated as Planning Area 5 (PA5). Closter has submitted maps showing site locations and has also indicated that none of the sites included in its



plan are impacted by SDRP Planning Area designations. This information was confirmed by COAH staff based on discussions with staff at the Office of State Planning (OSP).

There have been three map amendments requested in Closter as part of OSP's cross

acceptance process. The first is the addition of environmentally sensitive areas along the Tenakill Brook, Anderson Brook, Dwars Kill, and their tributaries in Closter as critical environmental sites (CES). The second adds environmentally sensitive areas along the Charlie's Creek Waterway system in the borough as a CES. These areas lie along the fringes of a larger PA5 encompassing the Oradell Reservoir system. The third map amendment designates 11 critical historic sites (CHS) throughout the borough. Closter submitted mappings of the map amendments and indicated that they will have no affect the borough's plan. This information was confirmed by COAH staff based on discussions with staff at the Office of State Planning (OSP).

## **VII. FAIR SHARE PLAN**

Closter submitted a document entitled "Fair Share Plan" with its September 9<sup>th</sup> repetition for substantive certification. The document contained a proposed development fee ordinance, corresponding spending plan and an ordinance that establishes a mechanism to assure that housing units designated for occupancy by low and moderate income households remain affordable to low and moderate income households. The proposed ordinances that were included in this portion of the borough's petition are reviewed in Sections XI and XIII of this report.

### **A. Rehabilitation**

Closter Borough has a five-unit rehabilitation obligation that has been satisfied with the rehabilitation credits discussed in Section V of this report. The borough has satisfied this obligation through participation in the Bergen County Home Improvement Program (CHIP). Closter maintains its interlocal services agreement with the county and Community Development Block Grant (CDBG) funds continue to be available for the rehabilitation of units occupied by low and moderate income households. Closter's continued participation in the CHIP may generate additional rehabilitation credits that may be carried forward to address any future rehabilitation obligation.

**B. New Construction**

Closter has a precredited need of 116 units, 111 of which are new construction. The borough has executed a contract with Spectrum for Living to construct a 16 bedroom group home facility on approximately 4.08 acres borough-owned land in the AH (affordable housing) zone (Block 1104, Lot 14). The AH zone permits group homes with no more than 16 bedrooms on properties with a minimum area of four acres. This group home is to provide residential services to low and moderate income individuals with developmental disabilities. This Spectrum facility qualifies for COAH credits as an alternative living arrangement pursuant to N.J.A.C. 5:93-5.8. The contract between Closter and Spectrum for Living specifies that the bedrooms will be rental units that carry a 30-year deed restriction limiting occupancy to low and moderate income individuals and that the units will be constructed within six years. Therefore, pursuant to N.J.A.C. 5:93-5.8(d) and N.J.A.C. 5:93-5.15(d), the Spectrum for Living group home is also eligible to receive 16 rental bonuses. **[16 rental units and 16 rental bonuses]**

Closter has proposed to expand its AH zone to include a 1.2-acre parcel of land consisting of Block 1104, Lots 15.02, 15.03 and 15.04. This property is adjacent to the above referenced Spectrum for Living site. Permitted uses in the borough's AH zone will also be amended to include age-restricted multi-family housing with a density of six units per acre and a 20 percent setaside for affordable units. Zoning on this site creates a realistic opportunity to create one age-restricted, affordable unit. **[1 age-restricted unit]**

Vantage Health System is under contract to purchase a three-bedroom home at 312 Harrington Avenue. The property will provide an alternative living arrangement consisting of three single bedrooms to provide low and moderate income mental health residential services. Vantage has received a grant commitment under HUD Section 811 to acquire the property. Forty-year rental subsidies will limit occupancy to low and moderate income individuals without age restriction.

Pursuant to N.J.A.C. 5:93-5.15(d)3, no rental bonuses may be granted for units in excess of a municipality's rental obligation. As discussed in Section VIII of this report, Closter has a rental obligation of 16 units which is addressed by the Spectrum for Living facility. Therefore, the Vantage facility will only be eligible to receive three credits with no rental bonuses. **[Three units]**

The new construction components of the borough's plan are summarized in the following table:

Site	Block/Lot	Units	Bonuses	Total
Spectrum for Living	1104/14	16	16	32
Vantage Health Systems	1312/9	3	0	3
AH Zone Expansion	1104/15.02, 15.03, 15.04	1	0	1
Regional Contribution Agreement		26	0	26
<b>TOTAL</b>		<b>46</b>	<b>16</b>	<b>62</b>

### VIII. RENTAL COMPONENT

Pursuant to N.J.A.C. 5:93-5.15(a), every municipality has an obligation to provide a realistic opportunity for rental units. In Closter, the rental obligation is equal to 25 percent of the RDP. Based on this formula and based on the RDP established by COAH, Closter has an obligation to provide 16 rental units in its plan:

$$\begin{aligned} \text{Rental obligation} &= .25 (\text{RDP}) \\ \text{Rental obligation} &= .25 (62) = 15.5 = 16 \text{ units} \end{aligned}$$

The plan submitted by the borough includes 19 rental units in two alternative living arrangement facilities. Pursuant to N.J.A.C. 5:93-5.15(d)3, no rental bonus may be granted for rental

units in excess of the rental obligation. Up to sixteen of Closter's rental units qualify for rental bonus credits.

#### **IX. AGE-RESTRICTED UNITS**

Pursuant to N.J.A.C. 5:93-6.1(b), Closter may age-restrict 25 percent of the portion of its RDP that will be constructed within the borough. The RDP in Closter has been set at 62 units and the borough proposes to transfer 26 units via an RCA. Therefore, Closter may age-restrict nine units as illustrated in the following formula:

$$.25 (62-26) = .25 (36) = 9$$

Closter has proposed to age-restrict one unit in its expanded AH zone.

#### **X. REGIONAL CONTRIBUTION AGREEMENTS**

Pursuant to N.J.A.C. 5:93-6.1, Closter may transfer up to 50 percent of its housing obligation based on the procedures in N.J.A.C. 5:91-11 and on the following formula:

$$\text{RCA} = .5 (\text{realistic development potential} + \text{rehabilitation component} - \text{credits pursuant to } \underline{\text{N.J.A.C. 5:93-3.4}} - \text{any units transferred as a result of a previously approved RCA}.$$

The RDP in Closter has been set at 62 units. The borough has a five-unit rehabilitation obligation that is offset, pursuant to N.J.A.C. 5:93-3.4, by five units that have been rehabilitated. Closter has not previously entered into an RCA. Therefore, Closter may transfer a maximum of 31 units (50 percent of 62 + 5 - 5 = 31).

Closter has proposed a 26-unit RCA with the Borough of Fairview, Bergen County. The governing bodies of each municipality has adopted authorizing resolutions and a formal contract has been drafted. Closter has projected that financing for the RCA will be generated through the imposition of development fees as discussed in Section XI of this report. The borough has also adopted a resolution of intent to bond in the event there is a shortfall of funding. The RCA will be reviewed in a separate report. **[26 RCA units]**

## **XI. DEVELOPMENT FEES AND SPENDING PLAN**

Closter received COAH approval of its development fee ordinance on December 3, 1998. The borough adopted its development fee ordinance on December 21, 1998 as ordinance 1998:786. To date, Closter has collected \$237,562. The borough has adopted a resolution of intent to bond for any development fee shortfall in funding its 26-unit RCA

Closter also submitted a development fee spending plan with its petition. The spending plan will be reviewed in a separate report.

## **XII. UNMET NEED**

Pursuant to N.J.A.C. 5:93-4.1(b), a municipality receiving a vacant land adjustment is expected to capture opportunities for affordable housing beyond the calculated RDP. Pursuant to N.J.A.C. 5:93-4.2(g), COAH may require that the municipality utilize a combination of overlay zoning, an accessory apartment program or development fee ordinance to address its obligation beyond the RDP. The unmet need in Closter is 49 units.



Closter has an approved and adopted development fee ordinance. Other mechanisms for addressing unmet need may include zoning for accessory apartments and/or establishing an overlay zone that is designed to create affordable housing in the event any areas of the borough redevelop in the future. The borough has considered alternative means to address its unmet need and has included an accessory apartment ordinance that permits affordable accessory apartments as a conditional use within the borough's District 3 (Downtown Business Area). An overlay zone has also been included in the borough's fair share plan. The overlay zone will permit multi-family owner-occupied housing at a density of eight units per acre and a 20 percent setback in Districts 4 and 5 (commercial and industrial areas). The ordinance will also allow rental housing at a density of ten units per acre and a 20 percent setback in the same zones. Sites located in these zones must be adjacent to residential uses.

### **XIII. FAIR SHARE ORDINANCES**

Closter Borough submitted a draft affordable housing ordinance containing provisions governing zoning, affirmative marketing, the sale, resale, rental and re-rental of affordable housing units and administrative procedures. The ordinances comport to the requirements of N.J.A.C. 5:93-9. These ordinances must be adopted by Closter within 45 days of the grant of substantive certification. Proof of adoption must be forwarded to COAH.

Closter has indicated that administration of its new construction affordable housing programs will be by the operators of the two group homes. Both Spectrum for Living and Vantage Health Systems have proven track records in the administration of affordable housing programs. When a development proposal for the expanded AH zone (Block 1104, lots 15.02, 15.03 and 15.04) materializes, Closter must name and enter into a contract with an experienced affordable housing administrator.

#### **XIV. RECOMMENDATION**

Closter has a rehabilitation obligation of five units and an RDP of 62 units. The borough has addressed its rehabilitation obligation through the BCHIP. Closter will address its 62-unit RDP with a 16-unit group home that qualifies for 16 rental bonuses, a three-unit group home, a realistic opportunity to produce one age-restricted unit via the expansion of the AH zone and a 26-unit RCA with the Borough of Fairview.

The housing element and fair share plan submitted by Closter address its 12-year cumulative obligation. COAH staff recommends that COAH grant Closter Borough substantive certification. The borough must adopt its implementing ordinances, governing zoning (including overlay zoning), affirmative marketing and affordability controls, within 45 days of receiving substantive certification.

# **APPENDIX B:**

**Vacant Land List**

**Vacant Land Map**

**Zoning Map**

OTHER PROPERTIES CONSIDERED FOR VACANT LAND ANALYSIS

Borough of Closter, Bergen County

June 15, 2018

<u>Block</u>	<u>Lot</u>	<u>Total</u>	<u>Constraint/ Comment</u>	<u>Acreage</u>	<u>Potential</u>	<u>Units for</u>
		<u>Acreage</u>		<u>for RDP</u>	<u>Units</u>	<u>RDP</u>
202	1	14.05	Wetlands	9.00	54.00	10.8
1104	14	**	Property developed with Spectrum	0.00	0.00	0.0
1104	15.02-15.04	1.18	Riparian buffer and wetlands	0.18	1.07	0.0
1204	8-12	2.65	76 Railroad/Ghia*	2.65	31.80	6.4
1205	3.01,10,11	1.11	Railroad/Wellington (Miele)*	1.11	13.32	2.7
1206	17	1.50	77 Railroad*	1.50	18.00	3.6
1206	18	1.11	51 Railroad*	1.11	13.27	2.7
1308	3 & 4	5.05	Contaminated Site	0.00	0.00	0.0
1318	4 & 5	0.82	Contaminated Site Approved for Soil Movement	0.82	4.92	1.0
1401	5	4.93	Riparian buffer and wetlands	0.43	2.59	0.5
1402	24	5.45	Riparian buffer	0.30	1.82	0.0
1601	5	22.30	Riparian buffer and wetlands	3.00	18.00	3.6
1605	17	3.18	Riparian buffer	1.57	9.44	1.9
1702	8	0.93	Closed Restaurant	0.93	5.58	1.1
1703	2	9.92	Riparian buffer and wetlands	0.10	0.61	0.0
2102	37.07	6.79	Open Space	0.00	0.00	0.0
2102	55	10.75	Farmland Protected	0.00	0.00	0.0
2401	51	7.10	Riparian buffer	5.12	30.72	6.1

TOTALS 27.82 40

\* \*Lot 14 contains 0.79 acres and is too narrow for consideration.

Lot 14.01 was previously part of Lot 14 and contains Spectrum for Living

**Vacant Land Table - June 15, 2018**  
**Borough of Closter, Bergen County**

Block	Lot	SDRP Planning Area	Property Location	Owner Name	Acreage	Constraint	Acreage for VLA	RDP
201	6	5	OLD HOOK RD	UNITED WATER RESOURCES % ALTUS GRP	294.54	United Water	0.00	0.00
202	1	1	40 OLD HOOK ROAD	ABRAM DEMAREE HOMESTEAD,INC	14.05	Not Vacant; Farm; included in other list	0.00	0.00
203	1.01	1	SCHRAALENBURGH RD	COUNTY OF BERGEN	0.01	County owned;oddly shaped	0.00	0.00
305	1	1	AT WEST SHORE	CONRAIL C/O CSX TRANSPORTATION	0.12	Less than 0.83 acre; too narrow; railroadroad	0.00	0.00
309	1	1	10 BETHANY CIRCLE	BOROUGH OF CLOSTER NJ	4.17	Wetlands	0.00	0.00
504	45	1	DANA PL	GORIA (TRUSTEES/ETAL), RUSSELL A.	0.44	Less than 0.83 acre	0.00	0.00
506	8	1	DEMAREST AVE	WASSER,JOSHUA L.& COURTNEY B.	0.12	Less than 0.83 acre	0.00	0.00
510	11	1	295 CLOSTER DOCK RD	BORO HALL	0.06	Too small	0.00	0.00
510	16	1	29 HAWTHORNE TERR	KIM, DAE UNG	0.27	Less than 0.83 acre	0.00	0.00
514	4	1	DEMAREST AVE	NAH, JAE WOONG & LEE, YEON JOO	0.17	Less than 0.83 acre	0.00	0.00
515	3	1	295 CLOSTER DOCK RD	BORO HALL	1.49	Park	0.00	0.00
516	3	1	HAWTHORNE TERRACE	BOROUGH OF CLOSTER	1.55	Park	0.00	0.00
517	3	1	BERGENLINE AVE	BOROUGH OF CLOSTER	0.69	Park	0.00	0.00
517	4	1	115 BERGENLINE AVE	BOROUGH OF CLOSTER	0.11	Park	0.00	0.00
517	5	1	BERGENLINE AVE	BOROUGH OF CLOSTER	0.11	Park	0.00	0.00
517	6	1	65 HAWTHORNE TERR	BOROUGH OF CLOSTER	0.69	Park	0.00	0.00
518	5	1	BERGENLINE AVE	BOROUGH OF CLOSTER	1.48	Park	0.00	0.00
601	1	1	295 CLOSTER DOCK RD	BORO HALL	0.92	Park	0.00	0.00
601	44	1	106 FOREST ST	CANEVA, GILMAR & PATRICIA C	0.11	Less than 0.83 acre	0.00	0.00
603	15.02	1	15 WILLIS DR	LA STELLA, J.P. QUAL.PERS. TRUST	0.76	Less than 0.83 acre	0.00	0.00
604	1	1	295 CLOSTER DOCK RD	BORO HALL	1.84	Park	0.00	0.00
604	2	1	295 CLOSTER DOCK RD	BORO HALL	1.84	Park	0.00	0.00
604	3	1	295 CLOSTER DOCK RD	BORO HALL	1.84	Park	0.00	0.00
605	1	1	295 CLOSTER DOCK RD	BORO HALL	1.84	Park	0.00	0.00
606	13	1	DURIE AVE	BOROUGH OF CLOSTER	0.87	Easement; C1 warer and riparian buffers	0.00	0.00
610	1	1	172 DURIE AVE	DON DEE REALTY CO C/O FOURMAN	0.38	C1 water and riprian buffers	0.00	0.00
610	2	1	172 DURIE AVE	DON DEE REALTY CO C/O FOURMAN	0.31	C1 water and riparian buffers	0.00	0.00
610	3	1	174 DURIE AVENUE	DON DEE REALTY CO C/O FOURMAN	0.33	C1 water and riparian buffers	0.00	0.00
610	7	1	174 DURIE AVENUE	DON DEE REALTY CO C/O FOURMAN	0.25	C1 water and riparian buffers	0.00	0.00
610	8	1	174 DURIE AVENUE	DON DEE REALTY CO C/O FOURMAN	0.11	C1 water and riparian buffers	0.00	0.00
610	9	1	174 DURIE AVENUE	DON DEE REALTY CO C/O FOURMAN	0.29	C1 water and riparian buffers	0.00	0.00
611	3	1	295 CLOSTER DOCK RD	BORO HALL	0.09	Too Narrow; C1 water and riparian buffers	0.00	0.00
611	8	1	OAK ST	MONACO, MITCHELL & JANE	0.11	Riparian Buffers	0.00	0.00
611	12	1	OAK ST	DON DEE REALTY CO C/O FOURMAN	0.11	Riprian buffers	0.00	0.00
611	13	1	OAK ST	DON DEE REALTY CO C/O FOURMAN	0.23	Riparian Buffers	0.00	0.00
612	6	1	220 DURIE AVE	BOROUGH OF CLOSTER	0.08	Easement; too narrow; c1 water and buffers	0.00	0.00
612	16	1	OAK ST	DON DEE REALTY CO C/O FOURMAN	0.16	C1 water and riparian buffers	0.00	0.00
613	3	1	DURIE AVE	BOROUGH OF CLOSTER	0.17	Too narrow	0.00	0.00
702	2	1	HARRINGTON AVE	NJ ENERGY REALTY LLC	0.22	Less than 0.83 acre	0.00	0.00
707	5	1 & 5	51 HARRINGTON AVE	BIONDO, JACK & ROSALIE	0.67	Less than 0.83; environmental constraints	0.00	0.00
707	11.01	1 & 5	71 HARRINGTON AVE	MARTINS, RENATA KELLY	0.38	Less than 0.83 acre	0.00	0.00
801	7	1	DAVIS ST	MICHELS,JOHN J. JR. & KATHLEEN	0.09	Less than 0.83 acre	0.00	0.00

**Vacant Land Table - June 15, 2018**  
**Borough of Closter, Bergen County**

Block	Lot	SDRP Planning Area	Property Location	Owner Name	Acreage	Constraint	Acreage for VLA	RDP
801	8	1	DAVIS STREET	MICHELS,JOHN J. JR., & KATHLEEN	0.20	Less than 0.83 acre	0.00	0.00
803	7	1	160 HARRINGTON AVE	JONKE, SUSANNA & ROBERT S	0.20	Riparian buffers	0.00	0.00
803	13	1	STORIG AVE	BOROUGH OF CLOSTER	0.03	Too narrow	0.00	0.00
804	1	1 & 5	10 CLOSTER DOCK RD	BOROUGH OF CLOSTER	2.40	Park	0.00	0.00
804	4	1 & 5	181 HARRINGTON	BOROUGH OF CLOSTER	part of Lot 1	Park	0.00	0.00
805	49	1	63 CLOSTER DOCK RD	WESTWOOD DEVELOPERS LLC	0.51	Less than 0.83 acre	0.00	0.00
901	3	1	HARVEY ST	WIE, ROBERT J	0.13	Less than 0.83 acre	0.00	0.00
901	23	1	MORRISON ST	BOROUGH OF CLOSTER	0.02	Too narrow	0.00	0.00
904	13	1	17 MATTOCKS PL	KELLY,WILLIAM MICHAEL & DANIELA	0.14	Less than 0.83 acre	0.00	0.00
905	8	1	DEMAREST AVE	KURSH, YARIV & DANIELA	0.18	Less than 0.83 acre	0.00	0.00
912	6	1	81 ECKERSON AVE	W AND B ASSOCIATES LLC	0.11	Riparian buffers; less than 0.83 acre	0.00	0.00
912	7	1	81 ECKERSON AVE	W AND B ASSOCIATES LLC	0.17	Riparian buffers; less than 0.83 acre	0.00	0.00
913	2	1	19 BROOK ST.	SOONG, DAVID & YI	0.09	Riparian buffers; less than 0.83 acre	0.00	0.00
913	7	1	295 CLOSTER DOCK RD	BOROUGH OF CLOSTER	0.37	Park	0.00	0.00
1002	17	1	295 CLOSTER DOCK RD	BORO HALL	1.26	Park	0.00	0.00
1006	11	1	TENAKILL ST	BOROUGH OF CLOSTER	0.72	Park	0.00	0.00
1006	12	1	410 DURIE AVE	BOROUGH OF CLOSTER	25.17	Park	0.00	0.00
1006	23	1	394 DEMAREST AVE	BOROUGH OF CLOSTER	0.61	Park	0.00	0.00
1006	24	1	394 DEMAREST AVE	BOROUGH OF CLOSTER	3.27	Park	0.00	0.00
1007	8	1	348 CLOSTER DOCK RD	348 CLOSTER DOCK RD LLC	0.25	Less than 0.83 acre	0.00	0.00
<b>1104</b>	<b>14</b>	<b>1 &amp; 5</b>	<b>VAN SCIVER ST</b>	<b>BOROUGH OF CLOSTER</b>	<b>0.79</b>	<b>50% considered - Environmental</b>	<b>0.40</b>	<b>0.00</b>
1104	15.03	1	11 VAN SCIVER ST	EISENRING,W.EST C/O GLENN EISNERING	0.36	Wetlands	0.00	0.00
1104	15.04	1	15 VAN SCIVER ST	EISENRING,W.EST.C/O GLENN EISENRING	0.49	Wetlands	0.00	0.00
1202	10	1	104 RAILROAD AVE	RINALDI,VINCENT SR	0.26	Less than 0.83 acre	0.00	0.00
1203	3	1	51 JOHN ST	WIGGERS, DENNIS D	0.17	Less than 0.83 acre	0.00	0.00
1203	4	1	51 JOHN ST	WIGGERS, DENNIS D	0.17	Less than 0.83 acre	0.00	0.00
<b>1204</b>	<b>1</b>	<b>1</b>	<b>295 CLOSTER DOCK RD</b>	<b>BORO HALL</b>	<b>0.11</b>	<b>N/A</b>	<b>0.11</b>	<b>0.00</b>
1204	6	1	24 WELLINGTON AVE	MIELE, JOSEPH & GLORIA	0.23	Less than 0.83 acre	0.00	0.00
<b>1204</b>	<b>7.01</b>	<b>1</b>	<b>295 CLOSTER DOCK RD</b>	<b>BORO HALL</b>	<b>0.76</b>	<b>N/A</b>	<b>0.76</b>	<b>0.91</b>
1205	1	1	131 WEST ST	YOO, MYUNG OK	0.13	Less than 0.83 acre	0.00	0.00
1205	2	1	131 WEST ST	YOO, MYUNG OK	0.13	Less than 0.83 acre	0.00	0.00
1205	3	1	295 CLOSTER DOCK RD	BORO HALL	2.68	Park	0.00	0.00
1205	11	1	55 WELLINGTON AVE	MIELE, JOSEPH JR & GLORIA	0.23	Less than 0.83 acre	0.00	0.00
1205	14.02	1	VAN SCRIVER ST	BOROUGH OF CLOSTER	0.29	Wetlands	0.00	0.00
<b>1205</b>	<b>17.02</b>	<b>1</b>	<b>10 VAN SCIVER ST</b>	<b>THE BOROUGH OF CLOSTER</b>	<b>0.42</b>	<b>N/A</b>	<b>0.42</b>	<b>0.50</b>
1205	17.03	1	14 VAN SCIVER ST	BOROUGH OF CLOSTER	0.32	Wetlands	0.00	0.00
<b>1206</b>	<b>19</b>	<b>1</b>	<b>19 RAILROAD AVE</b>	<b>19 RAILROAD AVE LLC (ETC) *</b>	<b>1.44</b>	<b>Vacant *</b>	<b>1.44</b>	<b>3.46</b>
1207	3	1	276 HERBERT AVE	IAFRATE, BERNARD M	0.17	Less than 0.83 acre	0.00	0.00
1207	9	1	238 HERBERT AVE	CLOSTER REALTY CORP	0.22	Less than 0.83 acre	0.00	0.00
1301	11	1	176 CLOSTER DOCK RD	DESAN ENTERPRISES INC	0.15	Less than 0.83 acre	0.00	0.00
1302	3	1	NAUGLE ST	HANSEN, DAVID C & ELENA	0.05	Too narrow	0.00	0.00
1302	7	1	150 RAILROAD AVE	2304 BLANCH AVE ASSOC	0.17	Less than 0.83	0.00	0.00

**Vacant Land Table - June 15, 2018**  
**Borough of Closter, Bergen County**

Block	Lot	SDRP Planning Area	Property Location	Owner Name	Acreage	Constraint	Acreage for VLA	RDP
1306	2	1	1 RUCKMAN ROAD	KIM (ETAL), JOONG E	0.01	Less than 0.83 acre; oddly shaped	0.00	0.00
1307	1	1	HOMANS AVENUE	BOROUGH OF CLOSTER	0.01	Too small; oddly shaped	0.00	0.00
1308	3	1 & 5	HOMANS AVE	FLAMM, DONALD C/O DEUTSCHE BANK	4.42	Contaminated Property; Included in Other List	0.00	0.00
1308	4	1 & 5	37 HOMANS AVE	FLAMM, D. C/O DEUTSCHE BANK	0.63	Contaminated Property: Included in Other List	0.00	0.00
<b>1312</b>	<b>12</b>	<b>1</b>	<b>324 HARRINGTON AVE</b>	<b>THE BOROUGH OF CLOSTER</b>	<b>0.18</b>	<b>Oddly shaped</b>	<b>0.18</b>	<b>0.00</b>
1318	5	1	58 PERRY ST	COLGATE PALMOLIVE ATT:YASMINE JOSEP	0.21	Included in Other List	0.00	0.00
1402	8	1	HERBERT AVE	BOROUGH OF CLOSTER	0.25	Too narrow	0.00	0.00
1402	16	1	PRIMROSE LANE	BOROUGH OF CLOSTER	<b>0.14</b>	<b>N/A</b>	<b>0.14</b>	<b>0.00</b>
1402	25	5	295 CLOSTER DOCK RD	BORO HALL	3.67	Park	0.00	0.00
1402	26	5	295 CLOSTER DOCK RD	BORO HALL	36.18	Park	0.00	0.00
1403	7	1	HERBERT AVE	BOROUGH OF CLOSTER	0.11	Too narrow	0.00	0.00
1403	22	1	HERBERT AVE	BOROUGH OF CLOSTER	0.04	Too narrow	0.00	0.00
1405	2	1	PRIMROSE LANE	BOROUGH OF CLOSTER	0.15	Too narrow	0.00	0.00
1405	19	1	MEAD DRIVE	BOROUGH OF CLOSTER	0.13	Too narrow	0.00	0.00
1405	19.01	1	CARLSON CT	BOROUGH OF CLOSTER	0.06	Too narrow	0.00	0.00
1406	7	1	MEAD DRIVE	BOROUGH OF CLOSTER	0.17	Too narrow	0.00	0.00
1407	20	1	CARLSON CT	BOROUGH OF CLOSTER	0.20	Too narrow	0.00	0.00
1501	5	1	ENDRES ST	SCHMIDT, DONALD R INC	0.40	Less than 0.83 acre	0.00	0.00
1501	22	5	295 CLOSTER DOCK RD	BORO HALL	40.47	Park	0.00	0.00
1501	26	5	295 CLOSTER DOCK RD	BORO HALL	1.95	Park	0.00	0.00
1501	27	5	295 CLOSTER DOCK RD	BORO HALL	8.37	Park	0.00	0.00
1501	28	5	295 CLOSTER DOCK RD	BORO HALL	3.99	Park	0.00	0.00
1601	8	5	HOMANS AVE	BOROUGH OF CLOSTER	0.34	Park	0.00	0.00
1601	9	5	RUCKMAN ROAD	BOROUGH OF CLOSTER	7.07	Not Vacant DPW	0.00	0.00
1601	10	5	295 CLOSTER DOCK RD	BORO HALL	2.69	Park	0.00	0.00
1601	28	1	LINDBERG AVE	DEBLASIO, JOHN	0.21	Less than 0.83 acre; riparian buffers	0.00	0.00
1604	5	1	HOMANS AVE	PARSELLS,ALLAN A JR& TERHUNE,KAREN	0.21	Parking for Lot 4; Less than 0.83 acre	0.00	0.00
1604	6	1	HOMANS AVE	PARSELLS,ALLAN A JR & TERHUNE,KAREN	0.20	Parking for Lot 4; Less than 0.83 acre	0.00	0.00
1608	2	1	577 PIERMONT RD	KARAS PIERMONT RD LLC	1.07	Riparian buffer	0.00	0.00
1608	4	1	PIERMONT RD	SCHMIDT, RICHARD	0.63	Riparian buffer	0.00	0.00
1701	3	1	295 CLOSTER DOCK RD	BORO HALL	1.75	Park	0.00	0.00
1702	2.01	1	MADISON AVE	BOROUGH OF CLOSTER	0.34	Park	0.00	0.00
1702	6	1	295 CLOSTER DOCK RD	BORO HALL	1.30	Park	0.00	0.00
1703	2.01	1	639 PIERMONT RD	MIELE, JOSEPH & GLORIA	8.40	Riparian buffer	0.00	0.00
1704	1	1	CLOSTER DOCK RD	LEE, WOO SANG, MAN SOOK & HYUN SOOK	0.18	Less than 0.83 acre	0.00	0.00
1710	21	1	295 CLOSTER DOCK RD	BORO HALL	0.01	Too small; oddly shaped	0.00	0.00
1711	8	1	28 COUNTY RD	SHIN, JEESOOK & JAEKOO ROH	0.12	Less than 0.83 acre	0.00	0.00
1715	1	1	295 CLOSTER DOCK RD	BORO HALL	0.02	Too small; oddly shaped	0.00	0.00
1716	1	1	295 CLOSTER DOCK RD	BORO HALL	0.69	Park	0.00	0.00
1717	1	1	295 CLOSTER DOCK RD	BORO HALL	0.96	Park	0.00	0.00
1718	7	1	295 CLOSTER DOCK RD	BORO HALL	0.43	Park	0.00	0.00
1721	4	1	295 CLOSTER DOCK RD	BORO HALL	0.57	Park	0.00	0.00

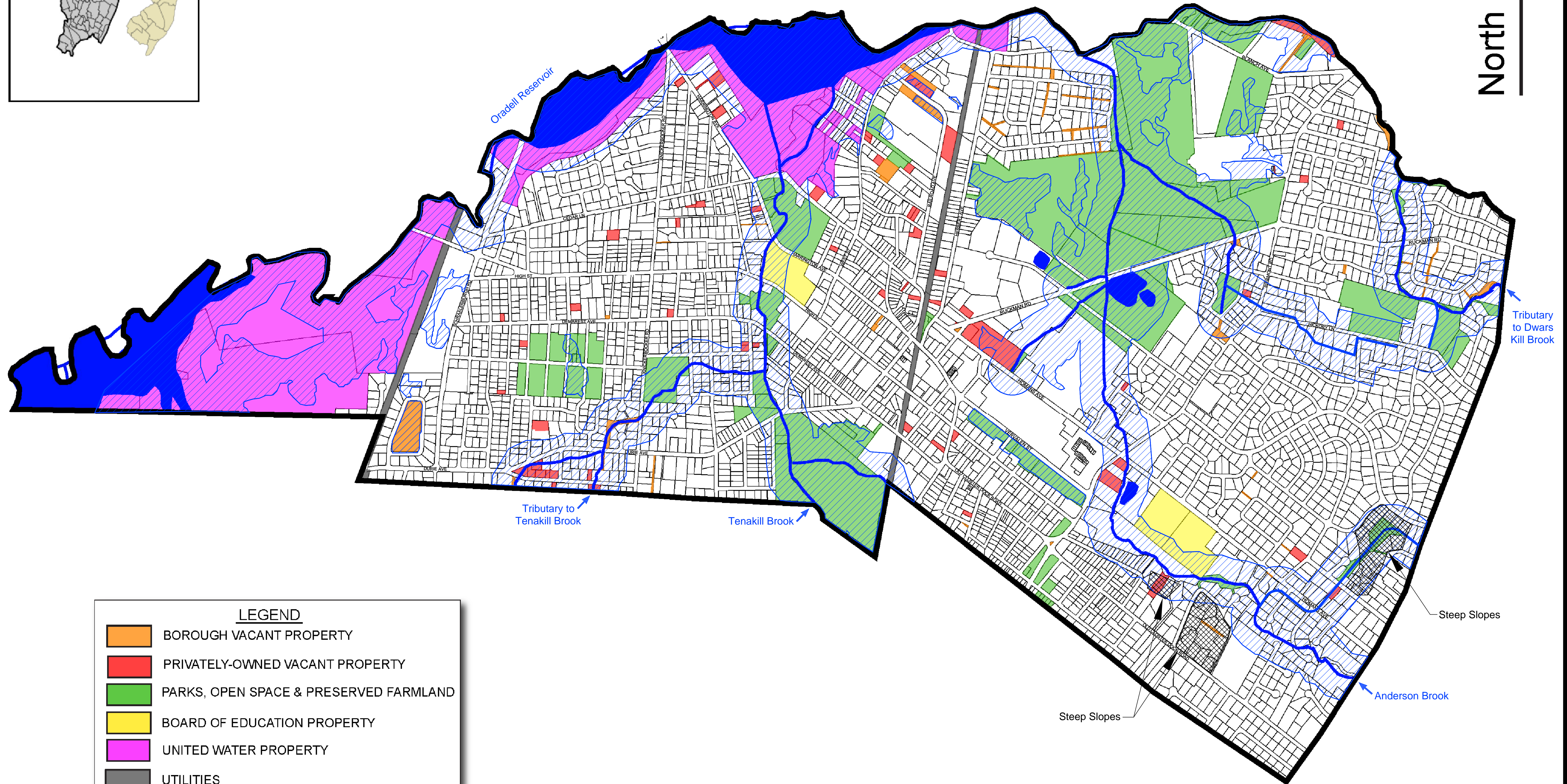
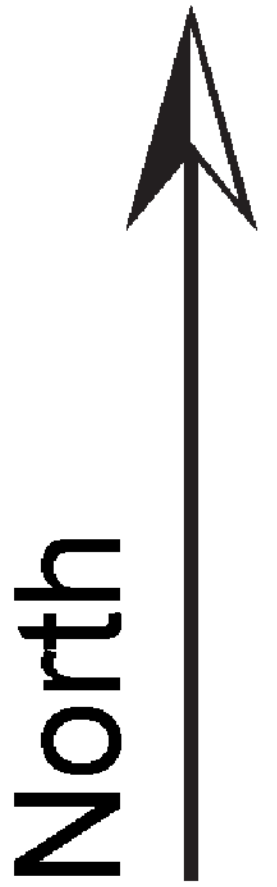
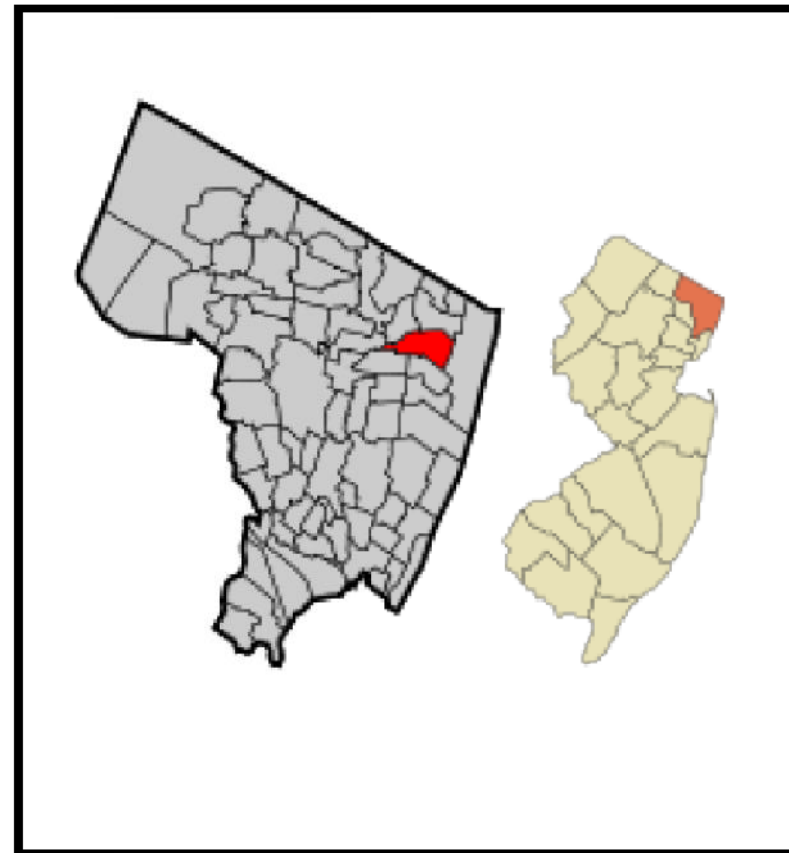
**Vacant Land Table - June 15, 2018**  
**Borough of Closter, Bergen County**

Block	Lot	SDRP Planning Area	Property Location	Owner Name	Acreage	Constraint	Acreage for VLA	RDP
1801	1	5	BLANCH AVE	BOROUGH OF CLOSTER	0.09	Park	0.00	0.00
1802	1	5	243 BLANCH AVE	BORO OF CLOSTER	0.33	Park	0.00	0.00
1803	1	5	253 BLANCH AVE	BORO OF CLOSTER	0.37	Park	0.00	0.00
1804	1	5	295 CLOSTER DOCK RD	BORO HALL	1.56	Park	0.00	0.00
1804	2	5	291 BLANCH AVE	BORO OF CLOSTER	1.90	Park	0.00	0.00
1805	2	5	DWARSKILL	GALCIK, MARY	1.30	C1 water and riparian buffers	0.00	0.00
1805	3	5	295 CLOSTER DOCK RD	BORO HALL	0.42	Oddly shaped; riparian buffers	0.00	0.00
1805	4	5	295 CLOSTER DOCK RD	BORO HALL	0.89	Oddly shaped; riparian buffers	0.00	0.00
1806	2	5	295 CLOSTER DOCK RD	BORO HALL	10.61	Park	0.00	0.00
1810	7	5	HARTFORD	SQUICCIARINI, MAURO	0.09	Too Narrow	0.00	0.00
<b>1901</b>	<b>18</b>	<b>1</b>	<b>295 CLOSTER DOCK RD</b>	<b>BORO HALL</b>	<b>0.55</b>	<b>Riparian buffer</b>	<b>0.25</b>	<b>0.00</b>
1901	21	1	WILLOW RD	BOROUGH OF CLOSTER	0.06	Too Narrow	0.00	0.00
1901	33.03	5	170 RUCKMAN RD	BOROUGH OF CLOSTER	1.38	Park	0.00	0.00
1901	41	1	PIERMONT RD	WILLOW PARK	2.35	Park	0.00	0.00
1901	44	1	RUCKMAN RD	BORO HALL	0.18	Riparian buffers	0.00	0.00
1901	72	1	11 PARKSIDE LANE	CORREDOR, ARNULFO & MARIA	0.18	Less than 0.83 acre; riparian buffers	0.00	0.00
1902	1	5	295 CLOSTER DOCK RD	BORO HALL	6.51	Park	0.00	0.00
1902	3	5	PIERMONT ROAD	BOROUGH OF CLOSTER	20.23	Park	0.00	0.00
1902	4	5	295 CLOSTER DOCK RD	BORO HALL	1.11	Park	0.00	0.00
1902	5	5	295 CLOSTER DOCK RD	BORO HALL	1.64	Park	0.00	0.00
1902	6	5	PIERMONT RD	TEMPLE EMANU-EL OF CLOSTER INC	0.13	House of Worship;odd shape	0.00	0.00
2001	7	1	HARVARD ST	BOROUGH OF CLOSTER	0.10	Oddly shaped	0.00	0.00
2001	13	1	32 RUTGERS ST	DUBCHENKO, OLGA	0.18	Less than 0.83 acre	0.00	0.00
2004	8	1	137 PIERMONT RD	GEDON, C&D C/O VET CTRS ACCTS PAY	0.19	Less than 0.83 acre	0.00	0.00
2006	6	1	BOWERS LANE	BORO HALL	2.87	Park	0.00	0.00
2009	11	1	RUCKMAN RD	BOROUGH OF CLOSTER	0.12	Too narrow	0.00	0.00
2011	5	1	RUCKMAN RD	BOROUGH OF CLOSTER	0.19	C1 water and riparian buffer	0.00	0.00
2011	6	1	RUCKMAN RD	BOROUGH OF CLOSTER	0.03	Too narrow	0.00	0.00
2102	11	1	SUSAN DRIVE	BOROUGH FO CLOSTER	0.01	Too narrow	0.00	0.00
2102	25	1	VENUS DR	BOROUGH OF CLOSTER	0.03	Too narrow	0.00	0.00
2102	30	1	VENUS DR	BOROUGH OF CLOSTER	0.03	Too narrow	0.00	0.00
2102	55	1	119 HICKORY LN	METROPOLITAN FARM LLC % F. VASTANO	10.75	Protected Farmland	0.00	0.00
2212	14	1	GILETTA CT.	BOROUGH OF CLOSTER	1.57	Park	0.00	0.00
2302	18	1	WAINWRIGHT AVE	BOROUGH OF CLOSTER	0.02	Too narrow	0.00	0.00
2302	32	1	92 MAC ARTHUR AVE	FEO, DIMITRI & MARIA	0.42	Less than 0.83	0.00	0.00
2302	39	1	LAURENCE CT	BOROUGH OF CLOSTER	0.03	Too narrow	0.00	0.00
2302	49	1	LAURENCE CT	BOROUGH OF CLOSTER	0.03	Too narrow	0.00	0.00
2304	11	1	PARSELLS LANE	BOROUGH OF CLOSTER	0.26	Park	0.00	0.00
2305	7	1	236 PARSELLS LANE	KOHLER, JOHN W & KRISTIN	0.37	Less than 0.83 acre; riparian buffers	0.00	0.00
2306	10.02	1	430 HOMANS AVE	BOROUGH OF CLOSTER	0.02	Too narrow	0.00	0.00
2401	4	1	CLOSTER DOCK RD	MITCHELL, BARBARA	0.60	Less than 0.83; riparian buffer; steep slope	0.00	0.00
2401	6	1	CLOSTER DOCK RD	MITCHELL, BARBARA	0.23	Less than 0.83 acre; riparian buffers; steep slope	0.00	0.00











**Vacant Land Table - June 15, 2018**  
**Borough of Closter, Bergen County**

Block	Lot	SDRP Planning Area	Property Location	Owner Name	Acreage	Constraint	Acreage for VLA	RDP
2401	23	1	O'SHAUGHNASSY LA	BOROUGH OF CLOSTER	1.40	Park; Riparian buffer	0.00	0.00
2401	37	1	O'SHAUGHNESSY LA (REAR)	BOROUGH OF CLOSTER	0.17	Too narrow; gore	0.00	0.00
2401	51Q	1	681 CLOSTER DOCK ROAD	SCHALLER(TRUST)	7.10	Included in other list	0.00	0.00
<b>TOTAL</b>							<b>3.70</b>	<b>4.87</b>

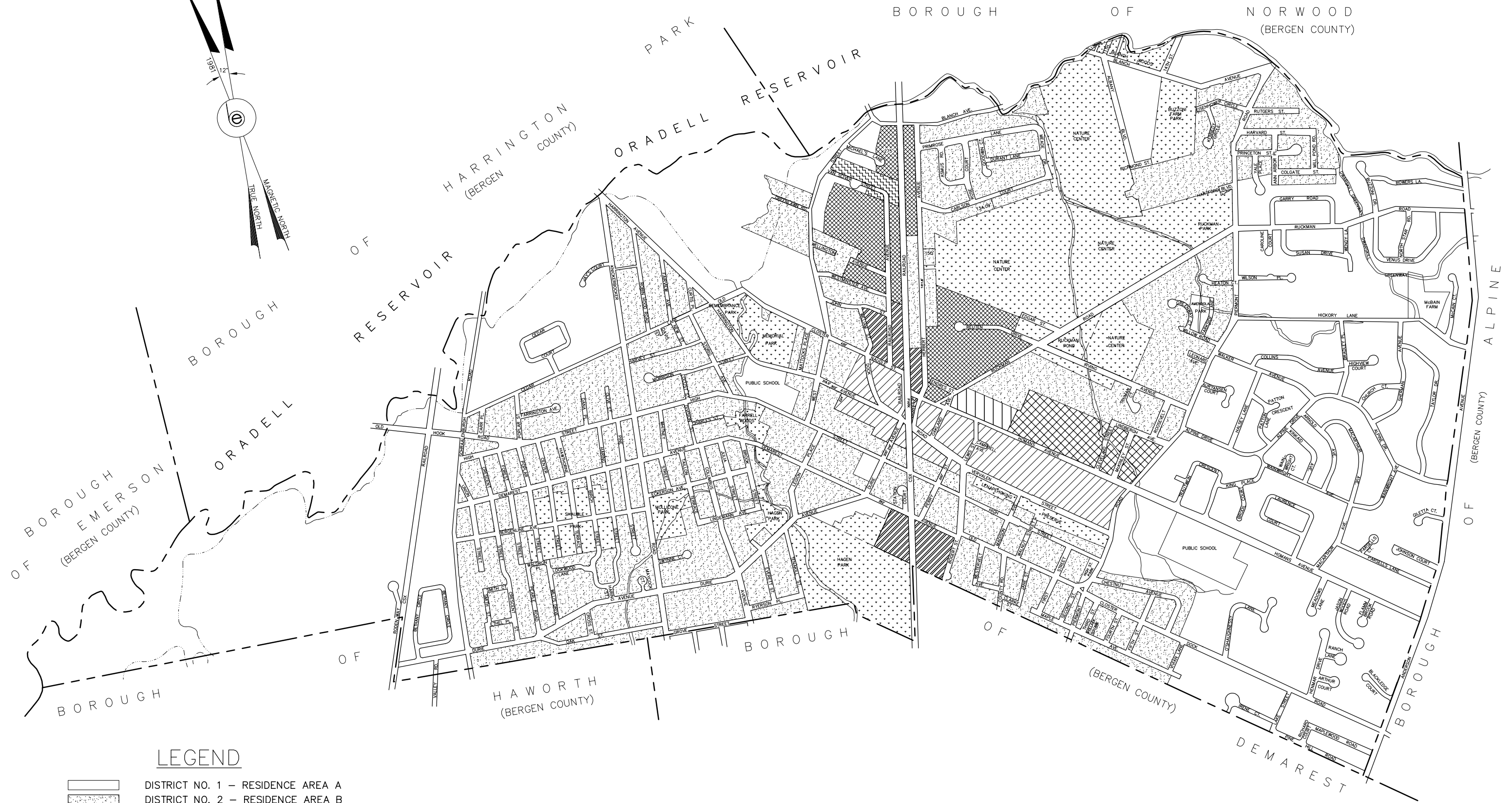
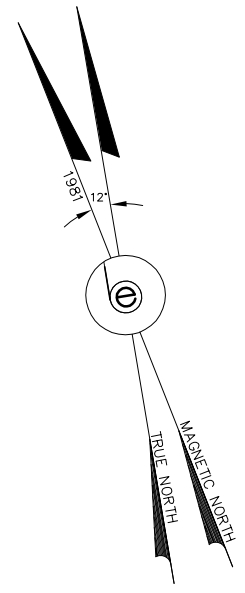


**LEGEND**

	BOROUGH VACANT PROPERTY
	PRIVATELY-OWNED VACANT PROPERTY
	PARKS, OPEN SPACE & PRESERVED FARMLAND
	BOARD OF EDUCATION PROPERTY
	UNITED WATER PROPERTY
	UTILITIES
	ENVIRONMENTAL CONSTRAINTS (wetlands, riparian buffers)
	OPEN STATE WATERS

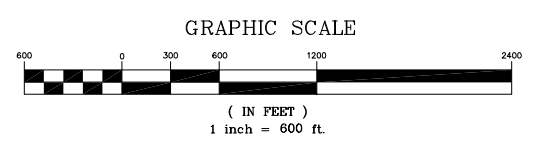
**VACANT LAND INVENTORY  
BOROUGH OF CLOSTER, BERGEN COUNTY, NJ**

CHRISTOPHER P. STATILE, P.A.  
PROFESSIONAL ENGINEERS & PLANNERS  
3 FIR COURT, OAKLAND, NJ 07436  
6/15/18



**LEGEND**

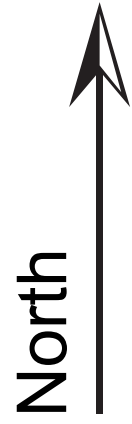
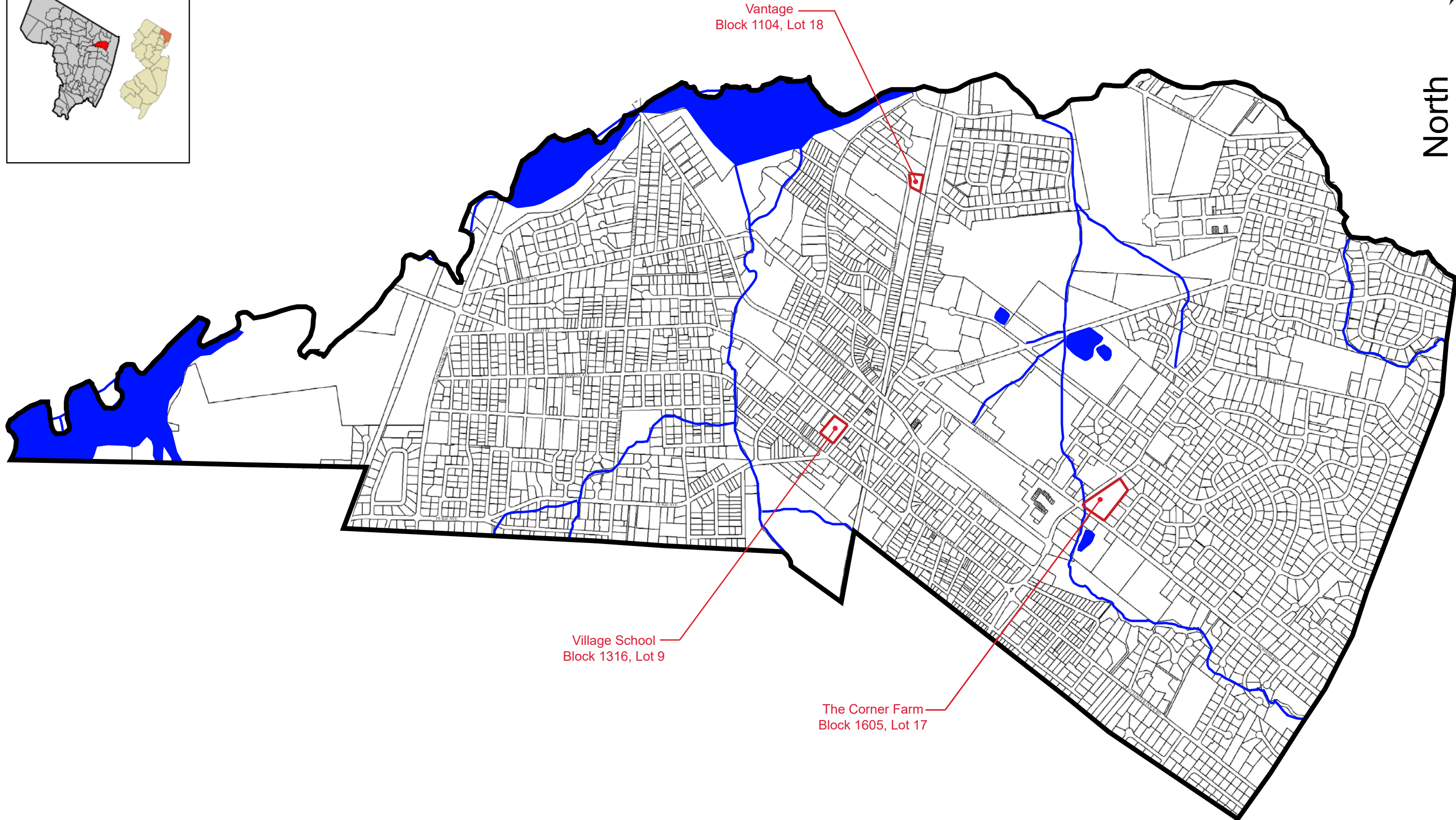
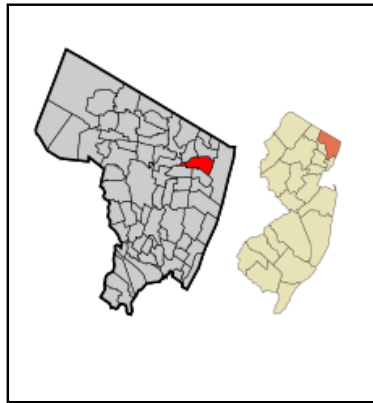
- DISTRICT NO. 1 – RESIDENCE AREA A
- DISTRICT NO. 2 – RESIDENCE AREA B
- DISTRICT NO. 3 – BUSINESS AREA
- DISTRICT NO. 4 – COMMERCIAL AREA (AFFORDABLE HOUSING OVERLAY DISTRICT)
- DISTRICT NO. 4A– OFFICE AREA A
- DISTRICT NO. 4B– OFFICE AREA B
- DISTRICT NO. 5 – INDUSTRIAL AREA (AFFORDABLE HOUSING OVERLAY DISTRICT)
- DISTRICT NO. 6 – AFFORDABLE HOUSING DISTRICT
- DISTRICT NO. 7 – CONSERVATION ZONE
- BOROUGH BOUNDARY



**ZONING MAP**  
**BOROUGH OF CLOSTER**  
 BERGEN COUNTY, NEW JERSEY  
 SCALE: 1" = 600'±  
 DECEMBER 2013  
**BOSWELL McCLAVE ENGINEERING**  
 ENGINEERS – SURVEYORS – PLANNERS  
 330 PHILLIPS AVENUE SOUTH HACKENSACK, N.J. 07606

# **APPENDIX C:**

**Affordable Housing Sites Map  
Vantage Certificate of Occupancy  
Supportive & Special Needs Housing  
Intent to Bond Resolution**



AFFORDABLE HOUSING SITES  
BOROUGH OF CLOSTER, BERGEN COUNTY

CHRISTOPHER P. STATILE, P.A.  
PROFESSIONAL ENGINEERS & PLANNERS  
3 FIR COURT, OAKLAND, NJ 07436

BOROUGH OF CLOSTER  
295 CLOSTER DOCK ROAD  
(201) 784-0600

Date Issued 06/21/12  
Control #  
Permit # 10-0392

## UCC NEW JERSEY CERTIFICATE

### IDENTIFICATION

Block 1104 Lot 18 Qual \_\_\_\_\_  
Work Site Location 1 RAILROAD AVENUE  
NEW APARTMENT COMPLEX  
Owner in Fee/Occupant VAN SCIVER CORP.  
Address 2 PARK AVENUE  
DUMONT, NJ 07628-  
Telephone (201) 385-4400  
Contractor INTEGRITY BUILD, LLC  
Address 156 WEST HUDSON AVENUE  
ENGLEWOOD, NJ 07631-  
Telephone (201) 674-2593 Fax ( ) -  
Lic. No. or Bldrs. Reg. No. \_\_\_\_\_  
Federal Emp. No. 20-1336454

Home Warranty No. \_\_\_\_\_  
[ ] State [ ] Private \_\_\_\_\_  
Use Group R-2  
Maximum Live Load 0  
Construction Classification \_\_\_\_\_  
Maximum Occupancy Load 0  
Description of Work/Use:

NEW APARTMENT COMPLEX \*\*\*17-UNIT\*\*\* (AFFORDABLE HOUSING):  
"VAN SCIVER SUPPORTIVE HOUSING"

#### [X] CERTIFICATE OF OCCUPANCY

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

#### [ ] CERTIFICATE OF APPROVAL

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

#### [ ] TEMPORARY CERTIFICATE OF OCCUPANCY/COMPLIANCE

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

#### [ ] CERTIFICATE OF CLEARANCE - LEAD ABATEMENT 5:17

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

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

#### [ ] CERTIFICATE OF CONTINUED OCCUPANCY

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

#### [ ] CERTIFICATE OF COMPLIANCE

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

  
Construction Official

P. S. C. #260 (rev. 3/96)

Fee \$ 200  
Paid [X] Check No. 279  
Collected by: PD

---

**SUPPORTIVE AND SPECIAL NEEDS HOUSING (N.J.A.C. 5:97-6.10)**

(Submit separate checklist for each site or project)

---

**General Description**

Municipality/County: Borough of Closter, Bergen County

Project or Program Name: Vantage Health, Closter

Date facility will be constructed or placed into service: currently in service

Type of facility: Group Home

For group homes, residential health care facilities and supportive shared housing:

Affordable bedrooms existing: 16 Age-restricted affordable bedrooms: 0

For permanent supportive housing:

Affordable units proposed: N/A Age-restricted affordable units:       

**Bonuses, if applicable:**

Rental bonuses as per N.J.A.C. 5:97-3.5:       

Rental bonuses as per N.J.A.C. 5:97-3.6(a):       

Very low income bonuses as per N.J.A.C. 5:97-3.7<sup>1</sup>:       

Compliance bonuses as per N.J.A.C. 5:97-3.17:       

Date development approvals granted:       

---

---

**Information and Documentation Required with Petition or in Accordance with an Implementation**

**Schedule**

**Is the municipality providing an implementation schedule for this project/program.** N/A Project is built

Yes. Skip to and complete implementation schedule found at the end of this checklist. NOTE: The remainder of this checklist must be submitted in accordance with the implementations schedule.

No. Continue with this checklist.

- Project/Program Information & Unit Inventory Forms (previously known as Project/Program Monitoring Form. If relying on previously submitted 2007 monitoring and/or subsequent CTM update, also check here  in lieu of submitting forms.) Alternative living arrangement survey is attached.
- Demonstration of site control or the ability to control the site, in the form of outright ownership, a contract of sale or an option to purchase the property

**A general description of the site, including:** See text in Fair Share Plan.

- Name and address of owner
- Name and address of developer
- Subject property street location
- Subject property block(s) and lot(s)
- Subject property total acreage
- Indicate if urban center or workforce housing census tract
- Description of previous zoning
- Current zoning and date current zoning was adopted
- Tax maps showing the location of site(s) with legible dimensions (electronic if available)

**A description of the suitability of the site, including:**

- Description of surrounding land uses
- Demonstration that the site has street access
- Planning Area and/or Special Resource Area designation(s) e.g., PA1, PA2, PA3, PA4, PA5, CAFRA, Pinelands, Highlands, Meadowlands, etc., including a discussion on consistency with the State Development and Redevelopment Plan (SDRP) and/or other applicable special resource area master plans
- Demonstration that there is or will be adequate water capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4
- Demonstration that there is or will be adequate sewer capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4

**A description (including maps if applicable) of any anticipated impacts that result from the following environmental constraints:** N/A- Property already developed.

- Wetlands and buffers
- Steep slopes
- Flood plain areas
- Stream classification and buffers
- Critical environmental site
- Historic or architecturally important site/district
- Contaminated site(s); proposed or designated brownfield site



- Based on the above, a quantification of buildable and non-buildable acreage
- Pro-forma statement for the project
- RFP or Developer's Agreement
- Construction schedule and timetable for each step in the development process
- Documentation of funding sources
- Municipal resolution appropriating funds from general revenue or a resolution of intent to bond in the event of a funding shortfall

**N/A: Information and Documentation Required Prior to Marketing the Completed Units or Facility**

- For units not exempt from UHAC, an affirmative marketing plan in accordance with N.J.A.C. 5:97-6.10(c)
- If applicable, proof that the supportive and/or special needs housing is regulated by the New Jersey Department of Health and Senior Services, the New Jersey Department of Human Services or another State agency (including validation of the number of bedrooms or units in which low- or moderate-income occupants reside)

**N/A: SUPPORTIVE AND SPECIAL NEEDS HOUSING (N.J.A.C. 5:97-6.10)**

**IMPLEMENTATION SCHEDULE**

The implementation schedule sets forth a detailed timetable that demonstrates a "realistic opportunity" as defined under N.J.A.C. 5:97-1.4 and a timetable for the submittal of all information and documentation required by N.J.A.C. 5:97-6.

The timetable, information, and documentation requested below are required components of the implementation schedule.

Please note that all information and documentation requested below is required to be submitted to COAH no later than two years prior to the scheduled implementation of the mechanism. The fully completed checklist from above must be submitted at that time.

**PROVIDE THE INFORMATION REQUESTED IN THE SECTIONS BELOW**

**(A) Development schedule, including, but not limited to, the following:**

Development Process Action	Date Anticipated to Begin	Date Anticipated to be Completed	Date Supporting Documentation to be Submitted to COAH
Site Acquisition			
RFP Process			

Developer Selection			
Executed Agreement with provider, sponsor or developer			
Development Approvals			
Contractor Selection			
Building Permits			
Construction			
Occupancy			

**Supportive/Special Needs Narrative Section**

This Group home has been operational since 2012. The Borough of Closter donated the subject property to Vantage Health for construction of a group home.

---



---



---



---

<sup>1</sup> Pursuant to PL 2008 c.46, Very Low-Income bonuses may only be granted for very low-income units that exceed 13 percent of the of the housing units made available for occupancy by low-income and moderate income households.

Caroline Kester  
10/12/18  
L

**BOROUGH OF CLOSTER**  
**COUNTY OF BERGEN**

**RESOLUTION TO FUND OR BOND IN THE EVENT OF SHORTFALL  
OF AVAILABLE FUNDS**

**WHEREAS**, the Borough of Closter was granted a Conditional Order of Compliance by and through the Bergen County Superior Court on July 24, 2018; and

**WHEREAS**, the Borough of Closter has purchased property known as the former Village School, Block 316, Lot 9 for the development of thirty-five (35) affordable family rental units; and

**WHEREAS**, a Memorandum of Understanding was entered into between the Borough of Closter and the Bergen County Housing Development Corporation to provide the funding for the pre-development costs; and

**WHEREAS**, the Superior Court previously has approved the expenditure of up to \$900,000.00 from the Borough's Affordable Housing Trust Fund toward the purchase of the property and the Borough had adopted a Bond Ordinance in the amount of \$2,800,000.00 to satisfy the balance in order to demonstrate the Borough had adequate and stable funding for non-inclusionary affordable housing development; and

**WHEREAS**, construction of the affordable housing units will be undertaken by the Bergen County Housing Development Corporation; and

**WHEREAS**, the Bergen County Housing Development Corporation must apply for funding; and

**WHEREAS**, in the event such funding is declined or unavailable and the Borough's Affordable Housing Trust Monies are not sufficient; and

**WHEREAS**, N.J.S.A. 5:97 et al. requires a municipality to adopt a resolution either appropriating funds or showing an intent to bond in the event of a shortfall of funds.

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Closter that it is hereby adopting a resolution of an intent to appropriate funds or bond in the event of a shortfall of third party funds for the construction of thirty-five (35) affordable units on Block 316, Lot 9 in the Borough of Closter.

Councilperson	Motion	Second	Yes	No	Absent	Abstain
Councilwoman Amitai			X			
Councilwoman Chung		X	X			
Councilman Devlin			X			
Councilwoman Latner			X			
Councilwoman Witko			X			
Councilman Yammarino	X		X			

Adopted: October 10, 2018

ATTEST:

Loretta Castano  
Loretta Castano, Borough Clerk

APPROVED:

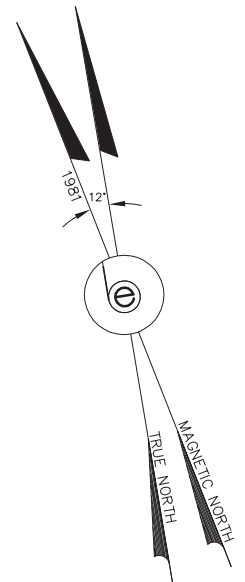
John C. Glidden, Jr.  
John C. Glidden, Jr., Mayor

Certified to be a true copy of Resolution adopted by the Mayor and Council of the Borough of Closter at the Regular Meeting held October 10, 2018.

Loretta Castano  
Loretta Castano, Borough Clerk

# **APPENDIX D:**

**Overlay Zone Map  
Memo on Overlay Zones**

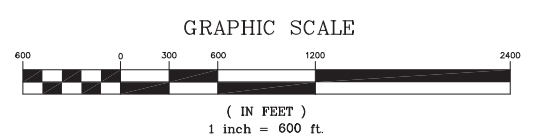


Reuten Drive Industrial Area

**LEGEND**

- DISTRICT NO. 1 - RESIDENCE AREA A
- DISTRICT NO. 2 - RESIDENCE AREA B
- DISTRICT NO. 3 - BUSINESS AREA (EXISTING - PERMITS ACCESSORY AFFORDABLE APARTMENTS)
- DISTRICT NO. 4 - COMMERCIAL AREA (EXISTING AFFORDABLE HOUSING OVERLAY DISTRICT - PERMITS TOWNHOUSES AND APARTMENTS WITH 20% AFFORDABLE SET-ASIDE)
- DISTRICT NO. 4A - OFFICE AREA A
- DISTRICT NO. 4B - OFFICE AREA B
- DISTRICT NO. 5 - INDUSTRIAL AREA (EXISTING AFFORDABLE HOUSING OVERLAY DISTRICT - PERMITS TOWNHOUSES AND APARTMENTS WITH 20% AFFORDABLE SET-ASIDE)
- DISTRICT NO. 6 - AFFORDABLE HOUSING DISTRICT (EXISTING PERMITS GROUP HOMES & SENIOR HOUSING WITH 20% AFFORDABLE SET-ASIDE)
- DISTRICT NO. 7 - CONSERVATION ZONE
- BOROUGH BOUNDARY
- PROPOSED DISTRICT NO. 3A - BUSINESS AREA 3A (CONDITIONALLY PERMIT MIXED USE WITH AFFORDABLE SET-ASIDE)

**MAP OF OVERLAY ZONES  
BOROUGH OF CLOSTER, BERGEN COUNTY**



**ZONING MAP**  
**BOROUGH OF CLOSTER**  
 BERGEN COUNTY, NEW JERSEY  
 SCALE: 1" = 600'± DECEMBER 2013  
**BOSWELL McCLAVE ENGINEERING**  
 ENGINEERS - SURVEYORS - PLANNERS  
 330 PHILLIPS AVENUE SOUTH HACKENSACK, N.J. 07606

# CHRISTOPHER P. STATILE, P.A.

PROFESSIONAL ENGINEERS AND PLANNERS  
DESIGN CONSULTANTS

[CPSTATILE@AOL.COM](mailto:CPSTATILE@AOL.COM)

3 FIR COURT  
OAKLAND, NJ 07436  
TELEPHONE (201) 337-7470  
FAX (201) 337-7599

NEW YORK

## ATTORNEY-CLIENT PRIVILEGED MATERIALS

### Memorandum

**To:** Michael Bolan, P.P., AICP  
Affordable Housing Special Master

**From:** Caroline Reiter, P.P., AICP  
Borough of Closter Affordable Housing Planner

**Date:** March 22, 2018

### **Regarding: Borough of Closter, Bergen County**

The Borough has analyzed the existing Affordable Housing Overlay requirements in Zone #4 (Commercial Area) and Zone #5 (Industrial Area). The existing Affordable Housing Overlay was created as a mechanism to meet unmet need under the Borough's Prior Round Substantive Certification.

Presently, the Affordable Housing Overlay permits townhouses at eight units/acre with a 20% affordable set-aside, and apartments at 10 units/acre with a 20% affordable housing set-aside. The minimum lot size is one acre for townhouses and five acres for apartments.

The Borough believes that Zone Districts #4 and #5 contain additional opportunities to meet Round 3 unmet need. Specifically, revisions can be made to the overlay zones to capture additional affordable housing opportunities. The existing overlay zones are shown on the map entitled, Closter Overlay Zones, dated January 3, 2018. Industrial Zones #5 are shown in yellow and Commercial Zones #4 are shown in dark gray.

### **Zone District #4: Commercial Area**

All properties in the three Zone Districts #4 total approximately 18 acres. Under the present overlay zoning, the total gross acreage could yield approximately 29 affordable units if townhouses were constructed, and 36 affordable units if apartments were constructed, as follows:

- Townhouses: 18 x 8 units/acre = 144 total units, of which 29 would be affordable.
- Apartments: 18 x 10 units/acre = 180 total units, of which 36 would be affordable.

The proposals include revising the permitted overlay density so that apartment density is increased to 12 units/acre. The proposed increased density could result in 43 affordable apartment units, based on the gross acreage, as follows:

- Apartments:  $18 \times 12$  units/acre = 216 total, of which 43 would be affordable.

Within the Zone District #4, Commercial Zones, the proposed density revisions could result in increases of seven affordable units if apartments are built; all credits are considered for unmet need. All calculations assume consolidation of smaller properties as well as the potential for new construction.

### **Zone District #5: Industrial Area**

The Closter Affordable Housing Committee determined that, upon review of the existing Industrial Zones, the overlay requirements for the Reuten Drive Industrial Area Zone should not be revised. The Reuten Drive Industrial Zone is identified on the Overlay Zone Map; no revisions are proposed due to the existing development of Reuten Drive.

All of the properties in the remaining Industrial Zones (Reuten Drive Industrial Zone was not considered) approximate 28 acres. Under the current overlay zoning, and based on existing gross acreages, these properties could produce approximately 45 affordable units if townhouses were constructed, and 56 affordable units if apartments were constructed, as follows:

- Townhouses:  $28 \times 8$  units/acre = 224 total, of which 45 would be affordable.
- Apartments:  $28 \times 10$  units/acre = 280 total, of which 56 would be affordable.

The proposals include revising the permitted overlay density so that the apartment density is increased to 12 units/acre. The proposed increased density could produce approximately 67 affordable apartment units, as follows:

- Apartments:  $28 \times 12$  unit/acre = 336 total, of which 67 are affordable.

Within the Industrial Zones, the proposed density revisions could result in increases of 11 affordable units if apartments are built; all credits are considered for unmet need. All calculations assume consolidation of smaller properties as well as the potential for new construction.

We believe the proposed density modifications could result in new opportunities to capture affordable housing. All inclusionary zoning in Districts #4 and #5 would be conditional uses, and would be used to meet the Borough's unmet need.

### **Business District – Updated Acreage and Existing Dwelling Units**

The Business Zone #3 contains an affordable accessory apartment overlay zone. The accessory apartment zoning was adopted in 2003 as a condition of COAH Prior Round unmet need. The Business District #3 is shown in orange on the Closter Overlay Zone map.

The Borough has analyzed the business area and believes that it could provide additional opportunities for the provision of affordable housing, as well as promote current planning practices. Successful planning practices favor a mixed-use environment in the downtown district to provide a residential component of the commercial area. The addition of a multi-family residential use in the downtown could assist local businesses by providing additional customers to the area. Mixed use neighborhoods also provide employees the opportunity to live near to their places of employment.

Closter has a quaint downtown area that is walkable and lends itself to the mixed-use environment. The commercial area contains sidewalks and benches for pedestrians, as well as bicycle racks for alternate transportation options. The area is also within walking distance to bus service.

The opportunity to add a multi-family use to the downtown Business area also is an opportunity for affordable housing. The Borough has studied the Business Zone #3 and recommends, from the western edge of the zone district to Perry Street (the area shown in darker orange on the Overlay Zone Map):

- Establishment of a separate Business Zone District.
- Removal of the existing affordable housing accessory apartment overlay.
- Permitting, as an overlay, mixed use in this area. Potential recommendations include permitting a commercial or business use on the first level, with apartments above it.
- Potential zone regulations could include permitting a residential density of 10 units/acre with a 20% affordable set-aside for “sale” units, and a 15% affordable set-aside for rental units.

Potential revisions to this section of the Business Zone District would be used to meet the unmet need. The following analysis is offered on potential zone changes to a section of the Business Zone District.

The subject area of the Business Zone District approximates 22 acres. There are existing dwelling units in this area. Based on Closter Building Department records, it appears that approximately 38 dwelling units (apartments) are in the subject area, none of which are known affordable units.



Assuming an approximate area of 22 acres, 38 existing dwelling units, and a density of 10 units/acre, there is the potential for 36 affordable “for sale” units (assuming 20% set-aside), or 27 affordable rental units (assuming a 15% affordable set-aside) as follows:

- 22 acres x 10 units/acre = 220 units total
- 220 – 38 existing dwelling units = 182 potential new residential units
- 20% of 182 = 36 affordable units.
- 15% of 182 = 27 affordable units

Revisions to Business Zone #3 could be used to meet Round 3 unmet need.

We look forward to discussing this memo with you as Closter continues to provide a realistic opportunity for the provision of affordable housing.

CR/mr  
5599

# **APPENDIX E:**

**Existing Development Fee Ordinance  
Resolution for Administrative Agent  
Municipal Housing Liaison  
Spending Plan**

Borough of Closter, NJ  
Wednesday, October 17, 2018

## Chapter A301. Fees and Deposits

[HISTORY: Adopted by the Mayor and Council of the Borough of Closter 1-3-1984 as Ord. No. 1983:467 (Ch. 34A of the 1967 Code); amended in its entirety at time of adoption of Code 1-3-1994 by Ord. No. 1993:663 (see Ch. 1, General Provisions, Art. I). Subsequent amendments noted where applicable.]

### § A301-1. Schedule of fees.

The following is a fee schedule for the payment of fees, permits and licenses of the Borough of Closter, and said fee schedule shall replace all similar applicable fees in various existing ordinances of the Borough of Closter. Said fees shall be an annual amount, except where otherwise noted in said schedule or in the originating ordinance of the Borough of Closter. Additional provisions regarding fees and deposits may be found in the applicable originating ordinances.

#### A. Borough Clerk.

(1) Alcoholic beverages:

[Amended 6-8-1994 by Ord. No. 1994:673; 1-2-1996 by Ord. No. 1995:708; 12-17-2001 by Ord. No. 2001:854; 12-8-2004 by Ord. No. 2004:929; 7-27-2016 by Ord. No. 2016:1208]

(a) Plenary retail consumption Class C (33): \$2,500.

(b) Plenary retail distribution Class D (44): \$2,304.

(c) Club licenses (31): \$188.

(2) Individual amusement machines, including video machines:

[Amended 1-2-1996 by Ord. No. 1995:708; 7-27-2016 by Ord. No. 2016:1208]

(a) Jukeboxes: \$100.

(b) All other coin-operated, each machine: \$325.

(c) In addition to the annual fee set forth above, each applicant shall be required to pay a one-time nonrefundable fee on submission of application of \$100.

(3) (Reserved)<sup>[1]</sup>

[1] *Editor's Note: Former Subsection A(3), Animals, as amended, was repealed 12-22-2008 by Ord. No. 2008:1024.*

(4) Applications for appeal to governing body:

[Amended 1-2-1996 by Ord. No. 1995:708]

(a) From decision of Zoning Board of Adjustment: \$50.

(5) Auctions:

[Amended 1-2-1996 by Ord. No. 1995:708]

(a) Business or commercial, annual (charitable organizations exempt): \$50.

- [b] Eleven to 20 lots: \$275 per lot.
  - [c] Twenty-one or more lots: \$250 per lot.
- [3] Site plan:
- [a] Up to 3.0 acres: \$900.
  - [b] Three and zero-tenths acres up to 6.0 acres: \$1,200.
  - [c] Six and zero-tenths acres or greater: \$1,500.
- [4] For residential applications before the Zoning Board of Adjustment, an engineering escrow fee of \$300 shall be required for any application which a majority of the Board Members present at the work session determine requires an engineering review by the Zoning Board Engineer.  
[Added 1-4-2011 by Ord. No. 2010:1085]
- [20] *Editor's Note: For regulatory provisions regarding escrow deposits, see Chapter 35, Land Use Procedures, § 35-31.*
- (4.1) Special meeting fee (either board): \$1,000. (Exception: if the special meeting is called by the Board, the fee may be waived by the Board.)  
[Amended 12-14-2005 by Ord. No. 2005:959]
- (5) Satellite earth station:
- (a) Permit: \$25.
  - (b) Deposit: \$100.
- (6) Residential development fees.  
[Added 1-4-1999 by Ord. No. 1998:786]
- (a) Developmental fees for residential development shall be 1.5% of the equalized value of the assessment.  
[Amended 7-27-2016 by Ord. No. 2016:1208]
  - (b) Fees exceeding those permitted in this section may be collected where an agreement is entered into with the developer which offers a financial incentive for paying higher fees. An agreements are subject to approval by the Council on Affordable Housing (COAH).
  - (c) Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished or replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.  
[Added 11-21-2016 by Ord. No. 2016:1216]
- (7) Nonresidential development fees.  
[Added 1-4-1999 by Ord. No. 1998:786]
- (a) Development fees shall be 2.5% of the equalized assessed value for nonresidential development or as otherwise required by state law.  
[Amended 7-27-2016 by Ord. No. 2016:1208]
  - (b) Fees exceeding those permitted in this section may be collected where there is an agreement with the developer that offers a financial incentive for paying higher fees. Such agreements may include, but are not limited to, design waivers, tax abatement, increased commercial/industrial square footage, increased commercial/industrial lot coverage and/or increased

commercial/industrial impervious coverage in return for an increased fee. The fee negotiated shall bear a reasonable relationship to the additional commercial/industrial consideration to be received. All agreements are subject to approval by COAH.

(8) Eligible exaction, ineligible exactions and exemptions.

[Added 1-4-1999 by Ord. No. 1998:786]

- (a) Inclusionary developments shall be exempt from paying development fees except when a developer elects to pay a fee in lieu of building low- and moderate-income housing units, as provided for in Subsection E(6)(b) of this chapter.
- (b) Developers that expand an existing nonresidential structure shall pay a development fee as required in Subsection E of this section. The development fee shall be calculated based on the increase in the equalized assessed value of the improved structure.
- (c) (Reserved)<sup>[21]</sup>  
 [21] *Editor's Note: Former Subsection E(8)(c), regarding improvements and expansions to residential structures, was repealed 11-21-2016 by Ord. No. 2016.1216. See now Subsection E(6)(c).*
- (d) Developers that have received preliminary or final approval prior to the effective date of this subsection shall be exempt from paying a development fee unless the developer seeks a substantial change in the approval.
- (e) Developers of churches, synagogues, public nonprofit uses or hospitals shall be exempt from paying a development fee.

(9) Collection of fees.

[Added 1-4-1999 by Ord. No. 1998:786]

- (a) Developers shall pay 50% of the calculated development fee at the issuance of building permits. The development fee shall be estimated by the Tax Assessor prior to the issuance of building permits.
- (b) Developers shall pay the remaining fee upon the issuance of certificates of occupancy. Upon issuance of certificates of occupancy, the Tax Assessor shall calculate the equalized assessed value and the appropriate development fee. The developer shall be responsible for paying the difference between the fee calculated at certificate of occupancy and the amount paid at building permit.
- (c) Development fees that are challenged by a developer shall be placed in an interest-bearing account. If all or a portion of the contested fees are returned to the developer, the accrued interest on the returned amount shall also be returned.

(10) Housing Trust Fund.

[Added 1-4-1999 by Ord. No. 1998:786]

- (a) There is hereby created an interest-bearing Housing Trust Fund in Fleet Bank for the purpose of receiving development fees from residential and nonresidential developers. All development fees paid pursuant to this section shall be deposited in this fund. No money shall be expended from the Housing Trust Fund unless the expenditure conforms to the municipality's spending plan approved by COAH.
- (b) If COAH determines that the Borough is not in conformance with COAH's rules on development fees, COAH is authorized to direct the manner in which all development fees collected pursuant to this section shall be expended. Such authorization is pursuant to this section, COAH's rules on development fees and the written authorization from the governing body to the Fleet Bank.

(11) Use of funds.

[Added 1-4-1999 by Ord. No. 1998:786]

- (a) Money deposited in a Housing Trust Fund may be used for any activity approved by COAH for addressing the Borough's low- and moderate-income housing obligation. Such activities may include, but are not necessarily limited to, housing rehabilitation; new construction; regional contribution agreements; the purchase of land for low- and moderate-income housing; extensions and/or improvements of roads and infrastructure to low- and moderate-income housing sites; assistance designed to render units to be more affordable to low- and moderate-income people; and administrative costs necessary to implement the Borough's housing element. The expenditure of all money shall conform to the spending plan approved by COAH.
  - (b) At least 30% of the revenues collected, not targeted for a regional contribution agreement, rehabilitation program or a municipal construction project, shall be devoted to render units more affordable. Examples of such activities include, but are not limited to, down payment assistance, low interest loans and rental assistance.
  - (c) No more than 20% of the revenues shall be expended on administrative costs necessary to develop, revise or implement the housing element. Examples of eligible administrative activities include personnel, consultant services, space costs, consumable supplies and rental or purchase of equipment.
  - (d) Development fees shall not be used to reimburse the Borough for municipal expenditures that preceded its judgment of repose.
- (12) Expiration of provisions. Subsection E(6) through (12) permitting the collection of development fees shall expire as a result of any of the following:
- (a) COAH's dismissal or denial of a petition for substantive certification.
  - (b) COAH's revocation of either substantive certification or its certification of this subsection.
  - (c) The expiration of the time defined by a judgment of repose or substantive certification unless the Borough has filed an adopted housing element with COAH, petitioned for substantive certification and received COAH's approval of its development fee ordinance.
- (13) Fees for updating Borough Tax Map. Developers shall pay a fee of \$100 per lot for the updating of Borough Tax Map(s).  
[Added 12-11-2002 by Ord. No. 2002:882]
- (14) Fund for traffic studies and implementation of solutions to traffic problems The Mayor and Council of the Borough of Closter, New Jersey, deem it necessary to the public interest, health, safety, comfort, convenience, protection of property values and general welfare of the Borough of Closter to provide a mechanism whereby the Planning Board or Zoning Board may require an applicant to contribute to a fund dedicated to traffic studies and implementation of solutions to traffic problems whenever either Board determines that the applicant's plan may have a detrimental effect on traffic and when a remedy to that determination is not evident or practical. Said contributions may be used for traffic studies and implementation of solutions to traffic problems at the site or elsewhere in the Borough and/or future improvements at the site or elsewhere in the Borough.  
[Added 9-11-2002 by Ord. No. 2002:873]

[19] *Editor's Note: For regulatory provisions regarding these fees, see Chapter 35, Land Use Procedures, § 35-30.*

F. Miscellaneous.

- (1) (Reserved)<sup>[22]</sup>

[22] *Editor's Note: Former Subsection F(1), Search of Borough records, was repealed 7-27-2016 by Ord. No. 2016.1208.*

- (2) Certification of documents, each: \$5.  
[Amended 1-2-1996 by Ord. No. 1995:708]

Caroline Reiter  
10/12/18  
h

**BOROUGH OF CLOSTER**  
**COUNTY OF BERGEN**

**RESOLUTION APPOINTING PIAZZA & ASSOCIATES, INC., OF 216 ROCKINGHAM  
ROW, PRINCETON, NEW JERSEY 08540 AS ADMINISTRATIVE AGENT IN  
ACCORDANCE WITH THE UNIFORM HOUSING  
AFFORDABILITY CONTROL ACT**

**WHEREAS**, the Superior Court of New Jersey Law Division, Bergen County Honorable Menelaos Toskos entered a Conditional Order of Compliance in the Declaratory Judgment Action entitled IN THE MATTER OF THE APPLICATION OF THE BOROUGH OF CLOSTER, A MUNICIPAL CORPORATION, STATE OF NEW JERSEY, DOCKET NO. BER-L-6372-15; and

**WHEREAS**, the terms and conditions of the Conditional Order of Compliance and Settlement Agreement entered into between the Borough of Closter, New Jersey Fair Share Housing and "The Corner Farm" contained certain requirements which the Borough must meet prior to it being found in compliance with the Order; and

**WHEREAS**, the Conditional Order of Compliance on Paragraph 3A11 requires the Mayor and Council to adopt a resolution appointing a Borough Administrative Agent to administer affordable units in accordance with the Uniform Housing Affordability Controls Act (U.H.A.C., N.J.A.C. 5:80-26.1 et seq.); and

**WHEREAS**, the Mayor and Council have evaluated its needs and has found it is in the best interests of the Borough of Closter to appoint Piazza & Associates, Inc. of 216 Rockingham Row, Princeton, New Jersey 08540.

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Closter as follows:

1. Piazza & Associates, Inc. is hereby appointed the Borough of Closter's Administrative Agent subject to acceptable contract terms and conditions to administer affordable units in accordance with the Uniform Housing Affordability Controls Act (U.H.A.C., N.J.A.C. 5:80-26.1 et seq.);
2. The Borough Attorney is hereby authorized to prepare contracts and/or other documents pursuant to this appointment;
3. The Mayor and Clerk are hereby authorized to execute contracts and/or documents pursuant to this appointment.

Councilperson	Motion	Second	Yes	No	Absent	Abstain
Councilwoman Amitai			X			
Councilwoman Chung		X	X			
Councilman Devlin			X			
Councilwoman Latner			X			
Councilwoman Witko			X			
Councilman Yammarino	X		X			

Adopted: October 10, 2018

ATTEST:

Loretta Castano  
Loretta Castano, Borough Clerk

APPROVED:

John C. Glidden, Jr.  
John C. Glidden, Jr., Mayor

Certified to be a true copy of Resolution adopted by the Mayor and Council of the Borough of Closter at the Regular Meeting held October 10, 2018.

Loretta Castano  
Loretta Castano, Borough Clerk

## BOROUGH OF CLOSTER

## BERGEN COUNTY, NEW JERSEY

**WHEREAS**, the Governing Body of the Borough of Closter petitioned the Council on Affordable Housing (COAH) for substantive certification of its Housing Element and Fair Share Plan on December 31, 2009; and

**WHEREAS**, the Borough of Closter's Fair Share Plan promotes an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, et. seq.) and COAH's Third Round Substantive Rules (N.J.A.C. 5:94-1, et. seq.); and

**WHEREAS**, pursuant to N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et. seq., the Borough of Closter is required to appoint a Municipal Housing Liaison for the administration of the Borough of Closter's affordable housing program to enforce the requirements of N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et. seq.; and

**WHEREAS**, the Borough of Closter has amended Chapter 200 entitled Zoning – Subsection Affordable Housing to provide for the appointment of a Municipal Housing Liaison to administer the Borough of Closter's affordable housing program.

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Borough of Closter in the County of Bergen, and the State of New Jersey that DOROTHY WOODS is hereby appointed by the Governing Body of the Borough of Closter as the Municipal Housing Liaison for the administration of the affordable housing program, pursuant to and in accordance with Sections 200 of the Borough of Closter Code.

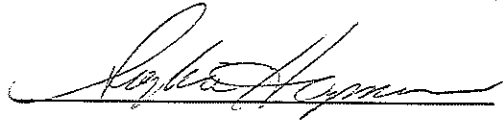
Councilperson	Motion	Second	Yes	No	Absent	Abstain
Councilman Glidden	X		X			
Councilman Hennessey			X			
Councilman Kashwick			X			
Councilman Barad		X	X			
Councilwoman Tutoli			X			
Councilwoman Amitai			X			

Adopted: March 11, 2009

**COAH March 2006**

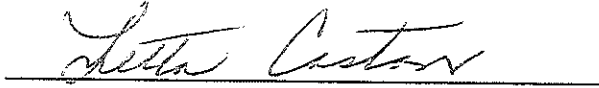


APPROVED:



SOPHIE HEYMANN, MAYOR

ATTEST:



LORETTA CASTANO, BOROUGH CLERK

Certified to be a true copy of a Resolution adopted by the Mayor and Council of the Borough of Closter at the Regular Meeting held March 11, 2009.

---

Loretta Castano, Borough Clerk

**COAH March 2006**

## **BOROUGH OF CLOSTER**

### **AFFORDABLE HOUSING - SPENDING PLAN**

#### **INTRODUCTION**

The Borough of Closter has prepared a new Housing Element and Fair Share Plan in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Fair Housing Act (N.J.S.A. 52:27D-301) and the Borough's Settlement Agreement dated June 21, 2018. A development fee ordinance creating a dedicated revenue source for affordable housing was approved by COAH on December 3, 1998 and adopted by the municipality on January 4, 1999.<sup>1</sup> The ordinance was revised on November 21, 2016. The ordinance establishes the Borough of Closter's affordable housing trust fund for which this spending plan is prepared.

#### **1. REVENUES FOR CERTIFICATION PERIOD**

As of July 31, 2018, the Borough of Closter has collected \$2,310,383 in fees and \$142,197.49 in interest for a total of \$2,452,580. In the same time period, the Borough expended \$1,943,581, resulting in a July 31, 2018 balance of \$508,998.86. 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 in Investors Bank for the purposes of affordable housing. All housing trust fund monies shall be spent in accordance with N.J.A.C. 5:97-8.7-8.9, as described in the sections that follow.

To calculate a projection of revenue anticipated during the period of third round substantive certification, the Borough of Closter considered the following:

(a) Development fees:

1. Residential and nonresidential projects which have had development fees imposed upon them at the time of preliminary or final development approvals;
2. All projects currently before the planning and zoning boards for development approvals that may apply for building permits and certificates of occupancy; and
3. Future development that is likely to occur based on historical rates of development.

---

<sup>1</sup> Borough of Closter 2012 Spending Plan.

(b) Payment in lieu (PIL):

Actual and committed payments in lieu (PIL) of construction from developers as follows:

No Payment in lieu funds have been or are anticipated to be collected.

(c) Other funding sources:

Funds from other sources, including, but not limited to, the sale of units with extinguished controls, repayment of affordable housing program loans, rental income, proceeds from the sale of affordable units.

No other funds have been or are anticipated to be collected.

(d) Projected interest:

Interest on the projected revenue in the municipal affordable housing trust fund at the current average interest rate (Shown on the following table).

SOURCE OF FUNDS	PROJECTED REVENUES-AFFORDABLE HOUSING TRUST FUND								
	2018	2019	2020	2021	2022	2023	2024	2025	Total
(a) Development fees:									
Approved Development	25,000	30,000	35,000	0	0	0	0	0	90,000
Development Pending Approval	0	0	0	0	0	0	0	0	0
Projected Development	58,000	172,000	175,000	190,000	178,000	170,000	155,000	150,000	1,248,000
(b) Payments in Lieu of Construction	0	0	0	0	0	0	0	0	0
(c) Other Funds (Specify source(s))		0	0	0	0	0	0	0	0
(d) Interest 1.18%	6,690	8,032	7,836	5,909	4,754	4,965	2,478	454	41,118
<b>Total</b>	<b>89,690</b>	<b>210,032</b>	<b>217,836</b>	<b>195,909</b>	<b>182,754</b>	<b>174,965</b>	<b>157,478</b>	<b>150,454</b>	<b>1,379,118</b>

The Borough of Closter projects a total of \$1,379,118 in revenue and interest to be collected between August 1, 2018 and December 31, 2025. This projected amount, when added to the Borough of Closter's trust fund balance of \$508,998 as of July 31, 2018, results in anticipated total revenue of \$1,888,116 available to fund and administer its 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 of Closter:

(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 the Department's rules and P.L.2008, c.46, sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7), and with the Borough's executed Settlement Agreement.

(b) Distribution of development fee revenues:

A maximum of 20% of the affordable housing trust fund revenues may be utilized to address administrative costs. The remaining 80% will be used to fund various affordable housing programs, as detailed herein, and for affordable housing assistance.

The Closter Borough Council shall oversee distribution of all housing trust fund revenues from the Borough's Trust Fund account. Distribution of funds from the affordable housing trust fund shall occur after authorization from the Closter Governing Body. The fund request will need to identify: (1) the type of proposed project or service, (2) the cost of the proposed project, service or improvement, and (3) the subject property.

The Borough of Closter anticipates the potential need to update and modify its Spending Plan during the compliance period, based on the actual development fees collected and expenditures made, interest amounts, and potential inflation costs.

## **3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS**

(a) **Accessory Apartment Ordinance**

- The Borough of Closter will adopt an accessory apartment ordinance for creation of up to ten (10) low and moderate Affordable Accessory Apartments subject to ten (10) year deed restrictions in exchange for a \$20,000 per unit subsidy from the Borough to the Owner.
- The Borough will dedicate a minimum of \$200,000 toward the Accessory Apartment program.

**(b) Municipally Sponsored – 100% Affordable Development**

- The Borough will dedicate up to \$290,000 (depending on actual development fees collected) to assist with either hard or soft costs for construction of the 35 unit, 100% affordable Village School development. These trust fund monies will be used for any construction related costs that are not covered by the anticipated outside funding sources.
- The Borough used a bond to finance the purchase of the Village School property. The Borough will also use trust fund monies to pay down the cost of the bond.

**(c) Affordability Assistance (N.J.A.C. 5:97-8.8)**

At least 30% of the 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 municipality's Fair Share Plan. One-third of the affordability assistance portion shall be used to provide affordability assistance to very low income households. Trust Fund fees shall only be used for affordable units.

Closter proposes a variety of mechanisms to provide for the affordability assistance requirements, as follows:

- The Borough of Closter shall make trust fund monies available for down payment and rental assistance, as well as assistance with security deposits, homeowners association and condominium fees, special assessment fees, and for assistance with emergency repairs for low and moderate income households. With this program, priority will be given to very low income households for compliance with the requirement that one-third of the affordability assistance requirement be used for the very low income population. Depending on actual development fees collected, the Borough's trust fund could provide \$345,000 toward this funding option.
- The Borough shall develop a program to provide Lump Sum payments to the developers of inclusionary developments in Zone Districts #3A (New Business District), #4 (Commercial District) and #5 (Industrial District) to make units more affordable for low and very low income households. The developer of low income units will be offered a payment for the difference between a low and a very low income unit. In exchange, that particular unit would be deed restricted as a unit that is affordable to a very low income household. Closter's program will include guidelines for a Lump Sum payment to a provider of affordable lower income housing, based on calculation of the present value of the difference in permitted rent over a 30 year term between a low income unit and a very low income unit. Depending

on actual development fees collected, the Borough's trust fund could provide \$415,000 toward the Lump Sum program.

- The Borough of Closter shall develop a program to assist affordable households and developments with repairs of water heaters and furnaces. Depending on actual development fees collected, the Borough's trust fund could provide a minimum of \$40,000 to replace water heaters or furnaces in existing affordable units that are more than ten years old. New water heaters are more energy efficient and could potentially reduce water bills; similarly, new furnaces would be more efficient and could assist the household with a reduction in utility costs. The Borough will target the existing very low income developments (Spectrum and Vantage developments) for compliance with the requirement that one-third of the affordability assistance requirement be used for the very low income population.
- The Borough shall develop a program to fund green building techniques, such as one/more solar panel installations, at any of the 100% affordable developments (Village School, Spectrum for Living, or Vantage Health). Solar panels could provide affordability assistance by reducing the building's utility expenses. The Borough would target the Spectrum for Living and Vantage Health properties because they serve the very low income population; this would assist with compliance that one-third of the affordability assistance requirement be used for the very low income population. Depending on actual development fees collected, funding for the solar panel installation would also be available at the Village School development, to assist with lowering the utility costs at the 100% affordable development. Depending on actual development fees collected, the Borough's trust fund could provide \$350,000 to fund green building techniques.
- If the municipality demonstrates that there are no units for which affordability assistance programs can be offered, the Borough will request a waiver of this requirement pursuant to N.J.A.C 5:97-8.8c. In that situation, any unused funds that were anticipated to be used for Affordability Assistance shall instead be used to cover construction costs at the Village School project (if needed), or, paying down the cost of the Village School bond.

(d)

<b>AFFORDABILITY ASSISTANCE CALCULATION</b>		
Actual fees thru 7/31/2018		<b>2,310,383.00</b>
Actual interest thru 7/31/18	+	<b>142,197.49</b>
Projected Development Fees, 2018 -2025	+	<b>1,338,000.00</b>
Projected Trust Fund Interest, 2017 through 2025	+	<b>41,118.00</b>
Less housing Activity thru 7/31/2018	-	<b>0.00</b>
Total	=	<b>3,831,698.49</b>
30% Requirement	x .30	<b>1,149,509.55</b>
Less Affordability assist. expenditures thru 7/31/18	-	
Projected Min. Afford Asst, 8/1/18 thru 12/31/2025	=	<b>1,149,509.55</b>
Proj Min Afford. Asst for Very Low Income, 2018 through 2025	x 1/3	<b>383,169.85</b>

(e) **Administrative Expenses (N.J.A.C. 5:97-8.9)**

<b>ADMINISTRATIVE EXPENSE CALCULATION</b>		
Actual fees and interest thru 7/31/2018		<b>2,452,580.49</b>
Projected Development Fees and interest 2018 through 2025	+	<b>1,379,118.00</b>
Payments-In-Lieu of construction	+	<b>0.00</b>
Less RCA expenditures	-	<b>520,000.00</b>
Total For Admin. Calculation, through 2025	=	<b>3,311,698.49</b>
20% Maximum for Admin Expense	x .20	<b>662,339.70</b>
Less Admin thru 7/31/18	-	<b>303,581.63</b>
Available for Admin through 2025	=	<b>358,758.07</b>

The Borough projects that \$358,758.07 will be available from the affordable housing trust fund to be used for administrative purposes. Projected administrative expenditures, subject to the 20% cap, are as follows:

1. Expenditures for consultant and professional fees in connection with future revisions and amendments to the Housing Element and Fair Share Plan.
2. Preparation of this Spending Plan and revisions thereto as required by any future reviewing body.
3. Preparation and revision of the affordable housing ordinances necessary to implement the Borough's Housing Element and Fair Share Plan.
4. Additional expenses for the Municipal Housing Liaison.
5. Expenditures for the provision of Administrative Agent services.

6. Expenditures for consultant and professional fees in connection with planning, development and implementation of affordable housing sites and developments.
7. Expenditures for consultant and professional fees to further any section or proposal from the adopted Housing Element and Fair Share Plan, and revisions and amendments thereto.
8. Expenditures for professional fees for annual affordable housing monitoring and required reviews.
9. Municipal Housing Liaison and Administrative Agent training and on-going certification.
10. Research and preparation of the annual trust fund and affordable housing activity monitoring as required by the Settlement Agreement.
11. Preparation of the very-low income monitoring every three years as required by the Settlement Agreement.
12. Preparation of the mid-point realistic opportunity review as described in the Settlement Agreement.

#### 4. EXPENDITURE SCHEDULE

The Borough of Closter intends to use affordable housing trust fund revenues to assist with construction of Village School, to fund the accessory apartment program, and to provide affordability assistance. The schedule of expenditures is provided as follows:

PROJECTS/PROGRAM (# Units)	Projected Expenditure Schedule 2018-2025								
	2018	2019	2020	2021	2022	2023	2024	2025	TOTAL
100% Affordable /Municipal (35)		10,000.00	20,000.00	50,000.00	50,000.00		80,000.00	80,000.00	290,000.00
Accessory Apartment (10)		20,000.00	20,000.00	40,000.00	20,000.00	20,000.00	40,000.00	40,000.00	200,000.00
Affordability Assistance									
Payment Assistance		10,000.00	70,000.00	65,000.00	80,000.00	15,000.00	60,000.00	45,000.00	345,000.00
Lump Sum Assistance		40,000.00	50,000.00	85,000.00	60,000.00	30,000.00	85,000.00	65,000.00	415,000.00
Water Heater/Furnace			4,000.00	6,000.00	6,000.00	6,000.00	10,000.00	8,000.00	40,000.00
Green Building			50,000.00	90,000.00	50,000.00	50,000.00	60,000.00	50,000.00	350,000.00
Administration	25,000.00	15,000.00	20,000.00	25,000.00	15,000.00	35,000.00	35,000.00	35,000.00	205,000.00
<b>Total</b>	<b>25,000.00</b>	<b>95,000.00</b>	<b>234,000.00</b>	<b>361,000.00</b>	<b>281,000.00</b>	<b>156,000.00</b>	<b>370,000.00</b>	<b>323,000.00</b>	<b>\$ 1,845,000.00</b>



## **5. EXCESS OR SHORTFALL OF FUNDS**

Implementation of the programs in the Spending Plan help to increase and improve the Borough's affordable housing stock. The table below indicates a balance of approximately \$43,000 in the year 2025, which will be used to continue to capture future opportunities for affordable housing, pay down the bond for the Village School project, and to plan for and fund the Borough's Round 4 affordable housing obligations. Of course, the actual balance depends upon actual development fees collected, interest earned, and trust fund monies expended.

The Spending Plan will assist with the Borough's proposed 100% affordable development and accessory apartment ordinance, as well as providing affordability opportunities for the Borough's affordable housing as proposed in the Fair Share Plan. A funding shortfall will not impact the Borough's ability to implement its Housing Element and Fair Share Plan. The Closter Governing Body has adopted a resolution to bond in the event of a funding shortfall for the Village School project.

## **6. BARRIER- FREE ESCROW**

Collection and distribution of barrier free funds shall be consistent with the Borough of Closter's Affordable Housing Ordinance and in accordance with N.J.A.C. 5:97-8.

### **SUMMARY**

The Borough intends to spend affordable housing trust fund revenues pursuant to N.J.A.C. 5:97-8.7 through 8.9 and consistent with the housing programs outlined in the Housing Plan Element & Fair Share Plan.

The Borough of Closter has a balance of \$508,998.86 as of July 31, 2018 and estimates a total of \$1,379,118 in revenue and interest to be collected between August 1, 2018 and December 31, 2025. This projected amount, when added to the Borough of Closter's trust fund balance as of July 31, 2018, results in anticipated total revenue of \$1,888,116 available to fund and administer its affordable housing plan. The municipality will dedicate \$290,000 toward the Village School project and \$200,000 for the accessory apartment ordinance. Closter also will dedicate 1,150,000 toward affordability assistance to render units more affordable, and \$205,000 for administrative costs. The amount indicated for affordability assistance exceeds the 30% requirement.

The Spending Plan summary is provided below.

<b>SPENDING PLAN SUMMARY</b>		
Balance as of July 31, 2018		<b>508,998.86</b>
<b>PROJECTED REVENUE 8/2018 - 2025</b>		
Development fees	+	<b>1,338,000.00</b>
Payments in lieu of construction	+	<b>0.00</b>
Other funds	+	<b>0.00</b>
Interest	+	<b>41,118.00</b>
<b>TOTAL AVAILABLE FUNDS</b>		
	=	<b>1,888,116.86</b>
<b>PROJECTED EXPENDITURES 2018-2025</b>		
Funds used for Rehabilitation		<b>0.00</b>
<b>Funds used for New Construction</b>		
1. Accessory Apartment	+	<b>200,000.00</b>
2. Village School	+	<b>290,000.00</b>
3.	+	<b>0.00</b>
4.	+	<b>0.00</b>
Affordability Assistance*	+	<b>1,150,000.00</b>
Administration **	+	<b>205,000.00</b>
Excess Funds or Remaining Balance Reserved for Additional Affordable Housing Activity	=	<b>0.00</b>
1. Round 4 Affordable Housing Obligation	-	\$
2. Payment of Village School Bond.	-	\$
<b>TOTAL PROJECTED EXPENDITURES</b>		
	=	<b>1,845,000.00</b>
<b>REMAINING BALANCE</b>		
	=	<b>43,116.86</b>

THE BOROUGH OF CLOSTER, NJ  
BERGEN COUNTY, NJ

WHEREAS, the claims listed below have been authorized and approved by the Chairman of the Committee, examined by the Finance Committee, and found correct. Therefore

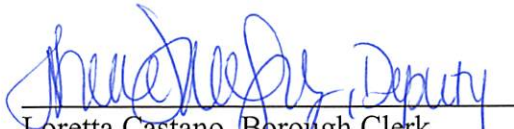
BE IT RESOLVED, that the Mayor and Council hereby authorize the payment of these claims, and that warrants be drawn therefore when funds are available.

<b>Budgeted</b>	<b>Amount</b>
Northern Valley High School      October 18'	\$1,163,272.40
2018 Budget Appropriations – Operating Expenses	\$1,537,979.66
Payroll 10/15/18	\$268,360.93
Payroll 10/30/18	\$268,197.72
Current Treasury Account October 11, 2018 – November 5, 2018	\$3,237,810.71

<b>Capital and Trust</b>	<b>Amount</b>
Capital	\$170,688.49
Escrow Trust	\$10,953.98
Recreation	\$2,755.25
Housing Trust	\$2,092.50
Food Locker	\$2,850.00

The foregoing resolution was adopted at a meeting of the Mayor and Council held on November 5, 2018

Attest:

  
Loretta Castano, Borough Clerk

Approved:

  
John C. Glidden, Jr., Mayor

Range of Checking Accts: 01CURRENT to 01CURRENT Range of Check Dates: 10/11/18 to 11/05/18  
Report Type: All Checks Report Format: Super Condensed Check Type: Computer: Y Manual: Y Dir Deposit: Y

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void Ref Num
01CURRENT		CURRENT TREASURY ACCOUNT		
12379	10/15/18	STOPS015 STOP & SHOP	295.41	4365
12380	10/16/18	ROCKL015 ROCKLAND ELECTRIC COMPANY	470.17	4367
12381	10/16/18	UNITE020 SUEZ WATER NEW JERSEY	14,231.59	4367
12382	10/16/18	VERIZ015 VERIZON COMMUNICATIONS	142.14	4367
12383	10/16/18	ROCKL015 ROCKLAND ELECTRIC COMPANY	8,610.26	4368
12384	10/23/18	CLOST070 CLOSTER PUBLIC LIBRARY	59,836.75	4375
12385	10/23/18	BERGE095 BERGEN COUNTY UTILITIES AUTH.	252,229.00	4376
12386	10/23/18	DIREC000 DIRECT ENERGY BUSINESS	2,716.44	4378
12387	10/23/18	SPECTR00 SPECTROTEL	2,202.53	4378
12388	10/24/18	CODYW010 CODY WATKINS	1,264.63	4379
12389	10/26/18	TRUST000 TRUST ESCROW FUND	2,810.42	4381
12390	11/05/18	ALFON000 ALFONSO DIASPARRA	245.33	4388
12391	11/05/18	ALPHO000 ALPHONSO H. YOUNG JR.	2,504.57	4388
12392	11/05/18	ANDRE010 ANDREW ORLICH	980.37	4388
12393	11/05/18	CHIEF000 DAVID BERRIAN	733.64	4388
12394	11/05/18	DAVID050 DAVID HOLLENDER	756.85	4388
12395	11/05/18	DONAL010 DONALD NICOLETTI	2,504.57	4388
12396	11/05/18	DONDE000 DONN DEEGAN	2,197.85	4388
12397	11/05/18	DONOV000 DONOVAN BLADES	502.15	4388
12398	11/05/18	ELVIR000 ELVIRA TESTA CAPUTO	245.33	4388
12399	11/05/18	JAMES000 JAMES B. WINTERS	2,504.57	4388
12400	11/05/18	JAMES035 JAMES GORDON	394.01	4388
12401	11/05/18	JAMES080 JAMES G. GABETTIE	245.33	4388
12402	11/05/18	JEROM000 JEROME IKALOWYCH	2,504.57	4388
12403	11/05/18	JOSEP020 JOSEPH CORVELLI	743.35	4388
12404	11/05/18	KEVIN000 KEVIN M. DOERR	2,504.57	4388
12405	11/05/18	MICHA026 MICHAEL DILUZIO	245.33	4388
12406	11/05/18	NORMA010 NORMA T. KETLER	245.33	4388
12407	11/05/18	RICHA040 RICHARD D'AMICO	756.85	4388
12408	11/05/18	ROBER015 ROBERT C. TALMO	463.01	4388
12409	11/05/18	RONAL010 RONALD GAFFNEY	240.83	4388
12410	11/05/18	THOMA025 THOMAS MCNAMARA	463.01	4388
12411	11/05/18	WILLI050 WILLIAM KUNZE	245.33	4388
12412	11/05/18	WILLI060 WILLIAM T. BREWSTER	519.34	4388
12413	11/05/18	WMCLO000 W. MCLOUGHLIN	2,504.57	4388
12414	11/05/18	AAAEM000 AAA EMERGENCY SUPPLY CO INC.	2,715.00	4389
12415	11/05/18	AIRGA000 AIRGAS USA, LLC	28.00	4389
12416	11/05/18	AMERI000 AMERICAN HOSE AND HYDRAULICS	25.00	4389
12417	11/05/18	AMERI018 AMERICAN PAPER TOWEL	384.40	4389
12418	11/05/18	APPRAO00 APPRAISAL SYSTEMS, INC.	27,600.00	4389
12419	11/05/18	ATLAN000 ATLANTIC TOMORROWS OFFICE	299.00	4389
12420	11/05/18	ATLAN015 STEWART&STEVENSON POWER	198.72	4389
12421	11/05/18	BEATT000 BEATTIE PADOVANO, LLC	1,350.00	4389
12422	11/05/18	BEYER000 BEYER BROS. CORP.	1,424.89	4389
12423	11/05/18	CUSTO001 CUSTOM BANDAG INC	1,429.20	4389
12424	11/05/18	DECOT000 DECOTIIS, FITZPATRICK, COLE &	400.00	4389
12425	11/05/18	DELAC001 IDENTIFICATION SIGNS LLC	725.00	4389
12426	11/05/18	DEUNI000 D & E UNIFORMS	773.65	4389
12427	11/05/18	DOGWA005 DOG WASTE DEPOT	265.98	4389

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
01	CURRENT	CURRENT TREASURY ACCOUNT	Continued		
12428	11/05/18	DOORW007 DOOR WORKS, INC.	50.00		4389
12429	11/05/18	DYKES000 DYKES LUMBER COMPANY, INC	137.19		4389
12430	11/05/18	EAGLE000 EAGLE POINT GUN SHOP	4,001.50		4389
12431	11/05/18	EMPTY000 EMPTY VASE	30.00		4389
12432	11/05/18	GARDE015 GARDEN STATE HIGHWAY	1,183.75		4389
12433	11/05/18	GOLDT000 GOLD TYPE BUSINESS MACHINES	6,526.00		4389
12434	11/05/18	HACKE000 HACKENSACK AUTO SPRING	123.00		4389
12435	11/05/18	HOMET000 HOMETOWN HARDWARE INC.	787.04		4389
12436	11/05/18	INTER065 INTERSTATE WASTE SERVICES OF	20,213.70		4389
12437	11/05/18	JESCO000 JESCO INC.	805.98		4389
12438	11/05/18	LOCOM012 LOCOMOTION POWER SPORTS INC	1,950.00		4389
12439	11/05/18	LUPAR000 LUPARDI'S NURSERY INC.	2,704.00		4389
12440	11/05/18	MEDTR000 PHYSIO-CONTROL CORP.	194.00		4389
12441	11/05/18	MGLPR000 MGL PRINTING SOLUTIONS	870.00		4389
12442	11/05/18	MODER005 MODERN GROUP LTD	1,929.91		4389
12443	11/05/18	NORTH010 NORTH JERSEY MEDIA GROUP	451.50		4389
12444	11/05/18	NORTH025 NORTHEAST FIRE & SAFETY EQUIP.	420.40		4389
12445	11/05/18	NORTH086 NORTHERN VALLEY PRESS	52.00		4389
12446	11/05/18	PALIS001 PALISADES SALES CORPORATION	493.00		4389
12447	11/05/18	PARTS003 PARTS AUTHORITY, INC.	105.27		4389
12448	11/05/18	PAYTO000 PAYTON ELEVATOR COMPANY, INC.	475.08		4389
12449	11/05/18	PESH-000 PESH-E-LECTRIC, INC.	915.00		4389
12450	11/05/18	PGAUT006 P&G AUTO INC.	96.75		4389
12451	11/05/18	POWER005 POWER PLACE INC	2,415.37		4389
12452	11/05/18	PREMI005 PREMIERE PRODUCTIONS LLC	80.00		4389
12453	11/05/18	RACHL000 RACHLES/MICHELE'S OIL CO., INC	5,792.05		4389
12454	11/05/18	REBEL005 REBEL 76 SOCCER, LLC	225.00		4389
12455	11/05/18	RIDGE015 RIDGEWOOD PRESS	347.00		4389
12456	11/05/18	ROXBU005 ROXBURY AUTO INC	3,125.00		4389
12457	11/05/18	RUGGE000 SMITTY'S PRODUCTIONS INC	2,458.74		4389
12458	11/05/18	SNAP-010 SNAP-ON INDUSTRIAL	381.50		4389
12459	11/05/18	STAPL000 STAPLES	1,108.88		4389
12460	11/05/18	SUNSE000 SUNSET CAR WASH	40.00		4389
12461	11/05/18	SUPER015 SUPERIOR DISTRIBUTORS CO., INC	2,783.99		4389
12462	11/05/18	TENAF015 TENAFLY MOWER SERVICE, INC.	869.85		4389
12463	11/05/18	TRI-C005 TRI-COUNTY TERMITE & PEST	200.00		4389
12464	11/05/18	VANDI000 VAN DINES MOTOR'S INC	4,433.10		4389
12465	11/05/18	WBMAS000 W. B. MASON CO., INC.	746.07		4389

Checking Account Totals	Paid	Void	Amount Paid	Amount Void
Checks:	87	0	477,200.46	0.00
Direct Deposit:	0	0	0.00	0.00
Total:	87	0	477,200.46	0.00

Report Totals	Paid	Void	Amount Paid	Amount Void
Checks:	87	0	477,200.46	0.00
Direct Deposit:	0	0	0.00	0.00
Total:	87	0	477,200.46	0.00

---

Totals by Year-Fund Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
CURRENT FUND	8-01	477,200.46	0.00	0.00	477,200.46
Total of All Funds:		<u>477,200.46</u>	<u>0.00</u>	<u>0.00</u>	<u>477,200.46</u>

---

Range of Checking Accts: 04CAPITAL to 13 DEV ESCROW 2 Range of Check Dates: 10/11/18 to 11/05/18  
Report Type: All Checks Report Format: Super Condensed Check Type: Computer: Y Manual: Y Dir Deposit: Y

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
04CAPITAL CAPITAL ACCOUNT					
1001	10/16/18	PACON005 P.A. CONTRACTORS, INC.	30,450.56	10/16/18 VOID	4366
1002	10/16/18	PACON005 P.A. CONTRACTORS, INC.	33,991.30		4371
1003	10/26/18	TRUST000 TRUST ESCROW FUND	3,696.46		4382
1004	10/26/18	NEWJE027 NEW JERSEY MOTOR VEHICLE	180.00		4387
1005	11/05/18	ACACI005 ACACIA FINANCIAL GROUP, INC.	3,000.00		4390
1006	11/05/18	BOSWE000 BOSWELL MCCLAVE ENGINEERING IN	1,099.72		4390
1007	11/05/18	DECOT000 DECOTIIS, FITZPATRICK, COLE &	258.43		4390
1008	11/05/18	JDHOD005 JD HODGES PLUMBING &	8,811.18		4390
1009	11/05/18	L3COM000 L3 MOBILE-VISION INC.	5,330.50		4390
1010	11/05/18	PROTE005 PROTECH WELDING & HYDRAULICS	7,904.90		4390
1011	11/05/18	WINNE000 WINNER FORD	106,416.00		4390

Checking Account Totals	<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>
Checks:	10	1	170,688.49	30,450.56
Direct Deposit:	0	0	0.00	0.00
Total:	<u>10</u>	<u>1</u>	<u>170,688.49</u>	<u>30,450.56</u>

12 COAH ACCOUNT COAH ACCOUNT INVESTORS					
75	11/05/18	CHRIS037 CHRISTOPHER P. STATILE, P.A.	2,092.50		4391

Checking Account Totals	<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>
Checks:	1	0	2,092.50	0.00
Direct Deposit:	0	0	0.00	0.00
Total:	<u>1</u>	<u>0</u>	<u>2,092.50</u>	<u>0.00</u>

13 DEV ESCROW ESCROW MUNIDEX CHECKING 1					
1684	11/05/18	SONNE005 SONNENBERG, SAVID & SHOSHANA	13.50		4392

Checking Account Totals	<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>
Checks:	1	0	13.50	0.00
Direct Deposit:	0	0	0.00	0.00
Total:	<u>1</u>	<u>0</u>	<u>13.50</u>	<u>0.00</u>

13 DEV ESCROW 2 ESCROW EDMUNDS CHECKING 2					
3115	11/05/18	ATZIN005 ATZI, NASHER & ZIGLER	3,107.50		4393
3116	11/05/18	BEATT000 BEATTIE PADOVANO, LLC	3,400.00		4393
3117	11/05/18	BOSWE000 BOSWELL MCCLAVE ENGINEERING IN	2,424.00		4393
3118	11/05/18	CORES010 CORESTATES, INC.	888.80		4393
3119	11/05/18	HEIDE005 HEIDENBERG CLOSTER ASSOCIATES	54.99		4393
3120	11/05/18	LHCON005 L&H CONTRACTORS INC.	44.24		4393
3121	11/05/18	NAMIP005 NAMI PROPERTIES LLC	309.00		4393
3122	11/05/18	RANDE005 RANDESI, JERA M.	355.00		4393
3123	11/05/18	RANDE010 RANDESI CONSTRUCTION	14.75		4393
3124	11/05/18	REISS005 REISS, IRIT & GIDEON	155.00		4393
3125	11/05/18	WINNE005 WINNE BANTA BASTRALIAN & KAHN	187.20		4393

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
13 DEV ESCROW 2 ESCROW EDMUNDS CHECKING 2 Continued					
Checking Account Totals			<u>Amount Paid</u>	<u>Amount Void</u>	
		<u>Paid</u>		<u>Void</u>	
	Checks:	11	10,940.48	0	0.00
	Direct Deposit:	0	0.00	0	0.00
	Total:	11	10,940.48	0	0.00
Report Totals					
		<u>Paid</u>	<u>Amount Paid</u>	<u>Amount Void</u>	
	Checks:	23	183,734.97	1	30,450.56
	Direct Deposit:	0	0.00	0	0.00
	Total:	23	183,734.97	1	30,450.56



---

Totals by Year-Fund Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
GENERAL CAPITAL FUND	C-04	170,688.49	0.00	0.00	170,688.49
HOUSING TRUST FUND	T-12	2,092.50	0.00	0.00	2,092.50
Total of All Funds:		<u>172,780.99</u>	<u>0.00</u>	<u>0.00</u>	<u>172,780.99</u>

---

Project Description	Project No.	Project Total
679 CDR	030-691000	13.50
234 CLOSTER DOCK RD	2010047799	54.99
596 HIGH STREET	2010047823	309.00
19 VER VALEN ST	2010048128	888.80
160 ALPINE DRIVE	2010049068	355.00
597 PIERMONT ROAD	2010049118	3,107.50
7 PRIMROSE LANE	2010049209	44.24
19 VER VALEN ST	2010054977	187.20
130 CRESCENT STREET	2010055172	155.00
160 ALPINE DRIVE	2010055677	14.75
597 PIERMONT RD	2010057008	2,440.00
597 PIERMONT RD	2010057009	2,424.00
95 HIGH STREET	2010057024	560.00
131 WEST STREET	2010057034	200.00
43 JANE ST	2010057038	200.00
Total Of All Projects:		<u>10,953.98</u>

October 29, 2018  
09:29 AM

BOROUGH OF CLOSTER  
Check Register By Check Date

Page No: 1

Range of Checking Accts: 14RECREATION to 15ANIMALCONTROL Range of Check Dates: 10/11/18 to 11/05/18  
Report Type: All Checks Report Format: Super Condensed Check Type: Computer: Y Manual: Y Dir Deposit: Y

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
14RECREATION		SPECIAL RECREATION ACCOUT			
492	11/05/18	ADMAN000 AD MANUFACTURING CORP.	145.00		4394
493	11/05/18	MIDCG000 MID COUNTY OFFICIALS ASSOC.	2,600.00		4394

Checking Account Totals	<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>
Checks:	2	0	2,745.00	0.00
Direct Deposit:	0	0	0.00	0.00
Total:	2	0	2,745.00	0.00

14SP REC MANUAL		SPECIAL RECREATION MANUAL			
810181	10/18/18	CURRE000 CURRENT TREASURY FUND	10.25		4374

Checking Account Totals	<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>
Checks:	1	0	10.25	0.00
Direct Deposit:	0	0	0.00	0.00
Total:	1	0	10.25	0.00

Report Totals	<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>
Checks:	3	0	2,755.25	0.00
Direct Deposit:	0	0	0.00	0.00
Total:	3	0	2,755.25	0.00

---

Totals by Year-Fund Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
RECREATION TRUST	T-14	2,755.25	0.00	0.00	2,755.25
Total of All Funds:		<u>2,755.25</u>	<u>0.00</u>	<u>0.00</u>	<u>2,755.25</u>

---

October 29, 2018  
09:30 AM

BOROUGH OF CLOSTER  
Check Register By Check Date

Page No: 1

Range of Checking Accts: 17FOODLOCKER to CURRENT-MANUAL Range of Check Dates: 10/11/18 to 11/05/18  
Report Type: All Checks Report Format: Super Condensed Check Type: Computer: Y Manual: Y Dir Deposit: Y

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
17FOODLOCKER		FOOD LOCKER ACCOUNT			
55	11/05/18	SHOPR010 SHOP-RITE OF EMERSON	2,850.00		4395

Checking Account Totals	Paid	Void	Amount Paid	Amount Void
Checks:	1	0	2,850.00	0.00
Direct Deposit:	0	0	0.00	0.00
Total:	1	0	2,850.00	0.00

CURRENT-MANUAL	CURRENT - MANUAL			
810111	10/11/18	CHASE010 CHASE MANHATTAN/DTC	1,060,675.00	4364
810101	10/16/18	PAYR0000 PAYROLL AGENCY ACCOUNT	12,572.20	4369
810103	10/16/18	BOR00000 BORO OF CLOSTER - PAYROLL ACCT	255,788.73	4372
810161	10/16/18	PAYR0000 PAYROLL AGENCY ACCOUNT	101.86	4373
810231	10/23/18	NORTH065 NORTHERN VALLEY HIGH SCHOOL	1,163,272.40	4377
810241	10/24/18	PAYR0000 PAYROLL AGENCY ACCOUNT	2.34	4380
810261	10/26/18	BOR00000 BORO OF CLOSTER - PAYROLL ACCT	258,598.10	4383
810262	10/26/18	PAYR0000 PAYROLL AGENCY ACCOUNT	9,599.62	4384

Checking Account Totals	Paid	Void	Amount Paid	Amount Void
Checks:	8	0	2,760,610.25	0.00
Direct Deposit:	0	0	0.00	0.00
Total:	8	0	2,760,610.25	0.00

Report Totals	Paid	Void	Amount Paid	Amount Void
Checks:	9	0	2,763,460.25	0.00
Direct Deposit:	0	0	0.00	0.00
Total:	9	0	2,763,460.25	0.00

---

Totals by Year-Fund Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
CURRENT FUND	7-01	615.86	0.00	0.00	615.86
CURRENT FUND	8-01	2,759,994.39	0.00	0.00	2,759,994.39
FOOD LOCKER TRUST	T-17	2,850.00	0.00	0.00	2,850.00
Total of All Funds:		<u>2,763,460.25</u>	<u>0.00</u>	<u>0.00</u>	<u>2,763,460.25</u>

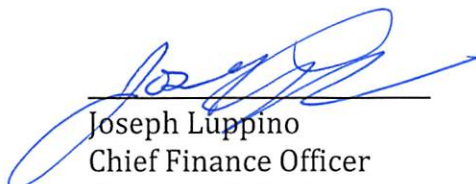
**CHIEF FINANCIAL OFFICER'S CERTIFICATION OF AVAILABILITY OF FUNDS**

Borough of Closter Council

As the Chief Financial Officer of the Borough of Closter, responsible for the maintenance of the financial records of the Municipality, I hereby certify that adequate funds have been appropriated. All funds are available for the aforementioned purpose and that payment of perspective contract price will be charged against and not to exceed the amount appropriated in the:

Northern Valley High School – October 18'	1,163,272.40
2018 Budget Appropriations – Operating	1,537,979.66
Payroll 10/15/18	268,360.93
Payroll 10/30/18	268,197.72
<b>Total Current Treasury 10/11 – 11/05/2018</b>	<b><u>\$3,237,810.71</u></b>

Capital	\$	170,688.49
Escrow Trust Account	\$	10,953.98
Housing Trust	\$	2,092.50
Recreation Trust	\$	2,755.25
Food Locker	\$	2,850.00

  
\_\_\_\_\_  
Joseph Luppino  
Chief Finance Officer  
Borough of Closter

Dated: November 5, 2018

**BOROUGH OF CLOSTER  
COUNTY OF BERGEN, NEW JERSEY**

**RESOLUTION AUTHORIZING PURCHASE AND PLANTING OF SHADE TREES  
(Account T-13-56-000-086-000)**

**WHEREAS**, the Closter Shade Tree Commission, Borough of Closter, Closter, New Jersey has identified the need to plant new trees within the Borough in accordance with the State of New Jersey Community Forestry Plan; and,

**WHEREAS**, the Shade Tree Commission and the Borough Administrator identified the scope of work and requested written proposals with a return date of October 12, 2018; and,

**WHEREAS**, written proposals satisfying the scope of work was received by the Borough of Closter, (Exhibit A); and,

**NOW, THEREFORE BE IT RESOLVED,**

1. The authorization to purchase trees for the 2018 Shade Tree Commission planting is awarded to Victoria’s Nursery, 578 Paramus Road, Paramus, NJ 07652 in the amount of \$13,485.00 (thirteen thousand, four hundred eighty five dollars and no cents) ; and,
2. The authorization to plant the trees for the 2018 Shade Tree Commission planting is awarded to TJ McCaffrey Landscapes, Inc, 70 Anderson Avenue, Closter, NJ 07624 in the amount of \$16,430.00 (sixteen thousand, four hundred thirty dollars and no cents) ; and,
3. That the governing body of the Borough of Closter, authorize expenditures from Trust Account T-13-56-000-086-000 to satisfy scope of work required as per specs for purchase and planting shade trees and that a certified copy of the Resolution be provided to the Borough Administrator and Finance Office.

**CERTIFICATE OF AVAILABILITY OF FUNDS**

I, Joseph Luppino, Chief Financial Officer of the Borough of Closter, hereby certify, pursuant to NJSA 40A:9-140.1, et seq. and NJAC 5:30.4, that funds in Trust Account T-13-56-000-086-000 are available to the Borough of Closter for calendar year 2018, totaling \$29,915.00 (twenty nine thousand, nine hundred and fifteen dollars).

Dated: November 5, 2018

  
Joseph Luppino, CFO

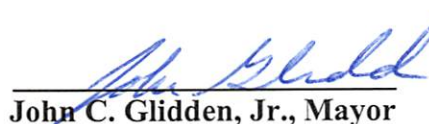
Councilperson	Motion	Second	Yes	No	Absent	Abstain
Councilwoman Amitai			X			
Councilwoman Chung			X			
Councilman Devlin			X			
Councilwoman Latner		X	X			
Councilwoman Witko			X			
Councilman Yammarino	X		X			

Adopted: November 5, 2018

**ATTEST:**

  
Loretta Castano, Borough Clerk

**APPROVED:**

  
John C. Glidden, Jr., Mayor

Certified to be a true copy of a Resolution adopted by the Mayor and Council of the Borough of Closter at the Special Meeting held November 5, 2018.

\_\_\_\_\_  
Loretta Castano, Borough Clerk



**Exhibit A**



# BOROUGH OF CLOSTER

295 Closter Dock Road • Closter, New Jersey 07624  
201-784-0600 • Fax: 201-784-9727 • www.closterboro.com

## QUOTE APPROVAL FORM

ALL PURCHASES OVER \$6,000.00 MUST HAVE A MINIMUM OF THREE QUOTES FROM THREE DIFFERENT VENDORS

REQUESTING DEPARTMENT: Closter Shade Tree Commision DATE 10/25/18  
DESCRIPTION OF GOODS/SERVICES: STC Tree Purchasing 2018

### **VENDOR #1**

COMPANY NAME: Victorias Nursery  
CONTACT: Jeff Sandberg  
ADDRESS: 578 Paramus Road, Paramus, NJ 07652

AMOUNT: \$13,485.00 VERBAL OR ATTACHED WRITTEN (CIRCLE 1)

### **VENDOR #2**

COMPANY NAME: William F Hammell Nurseries  
CONTACT: Bill Hammell  
ADDRESS: 125 Lewis Mills Road, Honey Brook PA 19344

AMOUNT: \$17,013.00 VERBAL OR ATTACHED WRITTEN (CIRCLE 1)

### **VENDOR #3**

COMPANY NAME: Woodlawn Nurseries  
CONTACT: Denley Shrock  
ADDRESS: 3171 Ritner Highway, Newville, PA 17241

AMOUNT: Cannot provide all trees requested, delivery additional fee VERBAL OR ATTACHED WRITTEN (CIRCLE 1)

DEPARTMENT HEAD VENDOR RECOMMENDATION: Victorias Nursery

DEPARTMENT HEAD SIGNATURE: *[Signature]* DATE: 10/26/18

ADMINISTRATION APPROVAL: *[Signature]* DATE: 10/26/18

T 13 57 000 096 00



# BOROUGH OF CLOSTER

295 Closter Dock Road • Closter, New Jersey 07624  
201-784-0600 • Fax: 201-784-9727 • www.closterboro.com

## QUOTE APPROVAL FORM

ALL PURCHASES OVER \$6,000.00 MUST HAVE A MINIMUM OF THREE QUOTES FROM THREE DIFFERENT VENDORS

REQUESTING DEPARTMENT: Closter Shade Tree Commision DATE 10/25/18  
DESCRIPTION OF GOODS/SERVICES: STC Tree Planting 2018

### **VENDOR #1**

COMPANY NAME: TJ MCCaffrey Landscaping Inc.  
CONTACT: TJ McCaffrey  
ADDRESS: 70 Anderson Avenue, Closter NJ 07624

AMOUNT: \$16,430.00 VERBAL OR ATTACHED WRITTEN (CIRCLE 1)

### **VENDOR #2**

COMPANY NAME: Mufson Landscape Design LLC  
CONTACT: Nat Mufson  
ADDRESS: 133 Piermont Road, Norwood NJ

AMOUNT: \$23,161.00 VERBAL OR ATTACHED WRITTEN (CIRCLE 1)

### **VENDOR #3**

COMPANY NAME: Scott Landscape Design  
CONTACT: Laura Scott  
ADDRESS: 572 Harriot Avenue, Harrington Park NJ 07640

AMOUNT: Cannot provide quote due to workload this season VERBAL OR ATTACHED WRITTEN (CIRCLE 1)

DEPARTMENT HEAD VENDOR RECOMMENDATION: TJ McCaffrey Landscaping Inc

DEPARTMENT HEAD SIGNATURE: *TJ McCaffrey* DATE: 10/26/18

ADMINISTRATION APPROVAL: *Justin Pearce Wilson* DATE: 10/26/18

10/26/18

**BOROUGH OF CLOSTER**  
**COUNTY OF BERGEN**

**RESOLUTION AUTHORIZING THE CLERK, CHIEF ADMINISTRATIVE OFFICER AND CHIEF FINANCIAL OFFICER TO SIGN THE BEST PRACTICES INVENTORY**

**WHEREAS**, the Division of Local Government Services (DLGS) annually issues a Best Practices Worksheet/Inventory for review, response and certification by certain municipal officials; and

**WHEREAS**, signatures and certifications are required from the Municipal Clerk, Chief Administrative Officer (Borough Administrator) and Chief Financial Officer; and


**WHEREAS**, the Borough must respond to DLGS by November 9, 2018.

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Closter, County of Bergen, State of New Jersey that the Clerk, Borough Administrator and CFO are hereby authorized to respond as required by law and to sign the aforementioned Best Practices Inventory. The Borough Administrator is hereby authorized to file the executed document on or before the due date of November 12, 2018.

COUNCILPERSON	MOTION	SECOND	YES	NO	ABSENT	ABSTAIN
Councilwoman Amitai			X			
Councilwoman Chung			X			
Councilman Devlin						X
Councilwoman Latner	X		X			
Councilwoman Witko		X	X			
Councilman Yammarino			X			

Adopted: November 5, 2018

**APPROVED BY:**

  
 \_\_\_\_\_  
**John C. Glidden, Jr., Mayor**

**ATTEST:**

  
 \_\_\_\_\_  
**Loretta Castano, Borough Clerk**

Certified to be a true copy of Resolution adopted by the Mayor and Council of the Borough of Closter on November 5, 2018.

\_\_\_\_\_  
 Loretta Castano, Borough Clerk

Best Practices Worksheet CY 2018/SFY2019

		Closter Borough (Bergen)			
0207		Please see Color Key at bottom of sheet for limits on answers			
Answer	Question			Comments	
<b>Core Competencies</b>					
1	Yes	Does your municipality maintain an up-to-date municipal website containing at minimum the following: past three years adopted budgets; the current year's proposed budget (including the full adopted budget for the current year when approved by the governing body); most recent annual financial statement and audits; notification(s) for solicitation of bids and RFPs; and meeting dates, minutes and agendas for the governing body, planning board, board of adjustment and all commissions?			
2	Yes	Has your municipality filed a copy of all current shared service agreements and amendments thereto, for which it provides a shared service, along with the estimated savings for each party, with the Division as required by N.J.S.A. 40A:65-4b (excluding cooperative purchasing agreements governed by the Local Public Contracts Law)?			
3	Yes	If a final judgment has been entered against the municipality in a legal matter such as a tax appeal, tort claim, or contractual dispute, and there is no further adjudication, or if the municipality reached a final settlement of a legal matter in the past year, has your municipality satisfied its obligations under the final judgment or settlement in a timely fashion pursuant to its terms? This question cannot be answered "Yes" if your municipality has satisfied a judgment or settlement but additional interest and/or other penalties have been imposed for noncompliance with its terms. This question does not apply to claims adjudicated or settled by the municipality's JIF or insurance carrier.			
4	Yes	The Local Government Ethics Law, designed to ensure transparency in government, requires local government officers to file Financial Disclosure Forms. Compliance by local elected officials is particularly important. <u>Have all of your local elected officials filed their Financial Disclosure Form in 2018 that covers the 2017 calendar year?</u>			
5	N/A	If the amount of a final judgment not covered by a JIF or an insurance carrier exceeds the amount of reserves set aside through prudent fiscal planning, has your municipality submitted a timely refunding bond application to the Local Finance Board in order to satisfy the judgment?			

Best Practices Worksheet CY 2018/SFY2019

Closter Borough (Bergen)						
0207	Please see Color Key at bottom of sheet for limits on answers					
Answer	Question			Comments		
6	Yes	Has your municipality adopted a written vehicle use policy prohibiting personal use of municipal vehicles except for commuting? Only answer "N/A" if your municipality does not have any municipally-owned vehicles.				
7	Yes	Having conducted a review of several LOSAP Programs across the State, on June 30, 2015 the Office of the State Comptroller issued a report raising concerns about LOSAP program oversight and contributions not being made in compliance with applicable rules and regulations. Local Finance Notice 2016-3 discusses the report's findings and provides updated guidance on LOSAP administration. If your municipality administers a LOSAP Program, have relevant officials reviewed LFN 2016-3 to ensure compliance with the LOSAP statute and implementing regulations?				
8	Yes	Did your municipality file its Annual Financial Statement (AFS) with DLGS by the statutory deadline (Which may include the extended deadline of February 26, where applicable)?				
9	Yes	Have all audit findings from the 2017 audit been identified in the corrective action plan? Please list the date the corrective action plan was submitted to DLGS under Comments. Only answer "N/A" if there were no audit findings in the 2017 audit.				
10	No	Have all audit findings from the 2016 audit been and addressed such that they are not repeated in the 2017 audit? If not, please list any repeat findings under Comments. Only answer "N/A" if there were no audit findings in the 2017 audit.			ESCROW ACCOUNTS TO BE CLOSED UPON COMPLETION OF PROJECT.	
11	Yes	Has your municipality received its completed audit for the preceding fiscal year within the statutory timeframe, and confirmed that its auditor has filed a certified duplicate copy of the audit report with the Division? <b>You may only answer this question "N/A" if the Director expressly granted an extension in response to a governing body resolution petitioning for same.</b>				
12	Yes	Did your municipality file its Annual Debt Statement for the preceding fiscal year with the Division no later than January 31 or July 31, as appropriate?				

**Best Practices Worksheet CY 2018/SFY2019**

		<b>Closter Borough (Bergen)</b>			
0207		<i>Please see Color Key at bottom of sheet for limits on answers</i>			
	<b>Answer</b>	<b>Question</b>	<b>Comments</b>		
13	Yes	Is your municipality fully compliant with all outstanding debt disclosure obligations as contained in Local Finance Notice 2014-09?			
14	Yes	The "Director's Ratio" (the average ratio of assessed to true market value) for each municipality as determined by the Director of the Division of Taxation, in the Table of Equalized Valuations promulgated annually pursuant to N.J.S.A. 54:1-35.1. A Director's Ratio of lower than 85 percent generally reflects inequitable assessments and the need for revaluation. N.J.A.C. 18:12A-1.14. If the ratio of assessed values to market values in your municipality is presently less than 85%, has your municipality retained an assessor, issued an RFP for revaluation services, or voted to conduct a revaluation within the next two years?	ROLLONG ASSESSMENTS 2018- 2022		
15	Yes	Effective for CY2017/SFY2018 and CY2018/SFY2019 municipal budgets, the annual maximum contribution a municipality can appropriate for use by its volunteer fire companies or board of fire commissioners pursuant to N.J.S.A. 40A:14-34 is \$150,750. In any municipality where there are more than three volunteer fire companies or fire districts, the governing body may appropriate an additional \$50,000 annually for each additional volunteer company or fire district. At least 50% of the municipality's annual appropriation must be used by a volunteer fire company or board of fire commissioners for the purchase of fire equipment, materials and supplies. N.J.S.A. 40A:14-34 requires the volunteer fire company or fire district to provide the municipal governing body, on an annual basis, an accounting of the use of all municipal funds. See Local Finance Notice 2017-6R for further details. Is your municipality obtaining from each volunteer fire company or fire district an accounting of the use of all municipal funds?			
16	Yes	Did your municipality introduce and adopt its current year budget no later than the dates required by law or extended by the Director in Local Finance Notice 2017-26? This question may only be answered N/A if your municipality is under State Supervision or was instructed by the Division to delay budget adoption.			
17	N/A	Revenue earned from construction code enforcement fees must be dedicated to enforcing the UCC. N.J.A.C. 5:23-4.17 and 4.18 and Local Finance Notice 2017-15 establish detailed parameters governing municipal construction code fees. Can your municipality certify that its UCC enforcement fees do not exceed the level necessary?			

Best Practices Worksheet CY 2018/SFY2019

		<b>Closter Borough (Bergen)</b>			
0207		<i>Please see Color Key at bottom of sheet for limits on answers</i>			
	Answer	Question	Comments		
18	N/A	Bid Prequalification standards can comprise an anti-competitive practice. to ensure a fair and open process, state law requires the Director of the Division of Local Government Services to approve all prequalification regulations enacted by contracting units subject to the Local Public Contracts Law. Is your municipality compliant with the obligations set forth in N.J.S.A. 40A:11-25, including seeking Director approval prior to implementing and enforcing all prequalification regulations? "N/A" is only applicable where the municipality has not adopted any prequalification regulations.			
19	Yes	Does your municipality publish the required notices regarding professional services contracts to keep the public informed about the cost of professional services?			
20	Yes	N.J.S.A. 34:13A-8.2 requires public employers, including municipalities, to file with the Public Employment Relations Commission (PERC) a copy of all contracts negotiated with public employee representatives. This includes, but is not limited to, collective bargaining agreements, memoranda of understanding, contract amendments, and "side letter" or "side bar" agreements. Copies of same may be emailed to <a href="mailto:contracts@perc.state.nj.us">contracts@perc.state.nj.us</a> . <u>Has your municipality filed all current contracts with PERC?</u>			
21	Yes	Has your municipality taken measures to prevent employee discrimination and promote equal pay for all groups protected under the Law Against Discrimination (N.J.S.A. 10:5-1 et seq.) in light of the "Diane B. Allen Equal Pay Act" (P.L. 2018, c. 9), which greatly increases municipal liability for the failure to assure such protections?	AT OUR REORGANIZATION MEETING		
		<b>Additional Best Practices</b>			
22	Yes	Has your municipality explored shared service opportunities with other local governments (including boards of education) within the past year? In the Comments section, please identify all shared service opportunities explored, whether an agreement resulted and, where no agreement was reached, the reason(s) why.	FIRING RANGE AND FUEL		



**Best Practices Worksheet CY 2018/SFY2019**

		<b>Closter Borough (Bergen)</b>		
0207		<i>Please see Color Key at bottom of sheet for limits on answers</i>		
	<b>Answer</b>	<b>Question</b>	<b>Comments</b>	
23	N/A	Have sufficient reserves been allocated towards satisfying any potential final judgment or settlement in a legal matter that is presently ongoing, including toward any deductible requirement imposed by the municipality's JIF or insurance carrier?		
24	Yes	Does your municipality add a fringe benefit value to the gross income reported on the employee's W-2 for employees authorized to use municipal vehicles for commuting to/from work (unless the vehicle meets the "qualified non-personal vehicle" criteria specified by the IRS)? Only answer "N/A" if your municipality does not have any municipally-owned vehicles.		
25	N/A	Within the past year, has your municipality's governing body assessed the authority or authorities it has created to ascertain whether they continue to serve the public interest and are more efficient than other means of providing the same services and/or financing public facilities?	NO AUTHORITIES	
26	N/A	Have the governing body's findings and conclusions from the annual review of its authorities been discussed as a public agenda item at a scheduled governing body meeting?	NO AUTHORITIES	
27	N/A	Has the governing body's findings and conclusion from the annual review of its authorities been incorporated into the publicly available meeting minutes? (Please identify the meeting date under "Comments.")	NO AUTHORITIES	
28	N/A	Payments In Lieu of Taxes (PILOTs) are often used to spur economic development. It is imperative that municipalities monitor PILOT agreements to ensure recipients comply with all agreement terms, including timely payment and reporting. Does your municipality have an appropriate official designated to monitor exemptions granted pursuant to the Long-Term Exemption Law, N.J.S.A. 40A:20-1 et seq., and Five-Year Exemptions/Abatements granted pursuant to N.J.S.A. 40A:21-1 et seq.?		
29	N/A	Does your municipality have a documented process for ensuring compliance with the terms of each PILOT agreement?		
30	No	In the past year, has your municipality analyzed whether changes to its master plan and zoning ordinances could improve flood and storm resiliency? For towns that have experienced repeated or extended power outages in the past few years, please note in the comments whether public utilities have improved a) communications and b) performance in responding to those outages.		

**Best Practices Worksheet CY 2018/SFY2019**

		<b>Closter Borough (Bergen)</b>		
0207		<i>Please see Color Key at bottom of sheet for limits on answers</i>		
	<b>Answer</b>	<b>Question</b>	<b>Comments</b>	
31	No	If your engineer, planner, or land use board has recommended changes as part of the municipality's review of its master plan and zoning ordinances for flood and storm resiliency, is there a plan to implement the recommended changes? Please answer "No" or "Prospective" if your municipality has not reviewed its master plan and zoning ordinances to analyze whether changes could improve flood and storm resiliency.		
32	No	Has your municipality designated at least one staff member or consultant for community and economic development? One example would be a liaison designated to engage with businesses, developers, and investors to solicit redevelopment proposals.		
33	Yes	Does your municipality regularly coordinate planning, zoning, and development review activities (e.g. interdepartmental meetings)?		
34	Yes	Does your municipality actively maintain an inventory of blighted and vacant properties that would benefit from redevelopment?		
35	Yes	Does your municipality have a current community and/or economic development plan with established metrics?	MASTER PLAN	
36	Yes	Does your municipality regularly review and measure progress toward the development goals set forth in its community and/or economic development plan?		
37	Yes	Does your municipality's capital improvement program coordinate the replacement of infrastructure to avoid disturbance of recent capital projects and avoid duplicated efforts?		
38	Yes	Is your municipality dedicating sufficient revenues to fund maintenance, repair and replacement of environmental and transportation infrastructure?		
39	Yes	Municipalities are encouraged to investigate all available grant opportunities; however, certain grants require commitment of matching funds, staffing levels, etc. For each grant accepted within the past year, have each grant's benefits exceeded or are they expected to exceed the actual and/or potential costs of the grant.		

**Best Practices Worksheet CY 2018/SFY2019**

		<b>Closter Borough (Bergen)</b>		
0207		<i>Please see Color Key at bottom of sheet for limits on answers</i>		
	Answer	Question	Comments	
40	Yes	While the issuance and renewal of bond anticipation notes can be a reasonable and prudent financing mechanism, failing to take advantage of low interest rates on permanent financing can cause municipalities to incur unnecessary carrying and issuing costs. Has your municipality evaluated its outstanding bond anticipation notes and developed a strategy to move toward permanent financing?	WITH CFO, FINANCIAL PLANNER AND BOND COUNSEL	
41	Yes	Local Finance Notice 2018-13 discusses the Local Finance Board's recent adoption of regulations permitting all local units, county colleges, and school district boards of education/boards of trustees to use standard electronic funds transfer (EFT) technologies for payments. Has your municipality's chief financial officer and head procurement official reviewed this Notice with the governing body to determine where the use of electronic payment methods could benefit the municipality?		
42	Yes	Has your municipality assessed whether the Local Finance Board's adopted EFT regulations require changes in the municipality's current claims payment procedures as pertain to electronic payment methods?		
43	N/A	Does your municipality have a professional or professionals capable of evaluating and recommending PILOTs assess the utility and value of a PILOT before formalizing negotiations and entering into a PILOT agreement?		
44	Yes	Other states such as California and Florida have enacted Property Assessed Clean Energy (PACE) legislation that authorizes municipalities to establish programs for public or private financing of energy, water and storm resilience projects through the use of voluntary special assessments for certain property owners. There is currently a bill pending before the New Jersey Legislature, S-1611, that would authorize these PACE programs in New Jersey. Is this something that your municipality would take advantage of?		
45	Yes	Does your municipality have a professional planner on staff?		
46	Yes	The New Jersey Infrastructure Bank (NJIB, formerly NJEIT) offers low-cost financing to local governments to reduce the cost of transportation and environmental infrastructure projects. If your municipality will require financing for such projects, will it consider financing through NJIB?		

**Best Practices Worksheet CY 2018/SFY2019**

		<b>Closter Borough (Bergen)</b>		
0207		<i>Please see Color Key at bottom of sheet for limits on answers</i>		
	Answer	Question	Comments	
47	Yes	Have you evaluated the SALT Charitable Contribution Law (P.L. 2018, c.8) and considered its implementation?		
48	Yes	Does your municipality buy hybrid vehicles in all cases except where no hybrid is available that meets the municipality's needs? You may respond "N/A" only if the municipality does not own any vehicles.		
49	No	Does your municipality own any electric vehicles?		
50	Yes	Is your municipality adhering to the mandatory, proven emergency procurement standards to ensure a process that minimizes costs to the municipality?		
51	Yes	Has your municipality adopted and implemented a more restrictive pay-to-play ordinance than the state's pay-to-play laws?		
52	Yes	Does your municipality only provide health care benefits for full time employees and officials (ie: >30 hours per week)? Only answer "yes" if no part-time elected or appointed officials receive health benefits. If your municipality has part-time elected or appointed officials who elect to take State Health Benefits Program (SHBP) health benefits (or receive a waiver for not doing so) by virtue of serving in their position continuously since May 21, 2010, you must answer "No".		
53	Yes	Does your municipality have a policy that fixes the reimbursement rate for full-time employees who waive benefits at the lesser of 25% or \$5,000, after deducting the employee's required contribution from the premium cost?		
54	Yes	The Fair Labor Standards Act (FLSA) is a federal law that establishes minimum wage, overtime pay, recordkeeping, and child labor standards affecting full-time and part-time workers in the private sector and in Federal, State, and local governments. The law requires that overtime pay must be paid for all hours over 40 hours in a work week except for those employees classified as exempt and thus not entitled to overtime. Management employees such as elected officials, managers/administrators, municipal clerks, CFOs, public works superintendents, police chiefs and other department heads are typically classified as having exempt status and thus not entitled to overtime pay. Other municipal employees may also be classified as exempt under the FLSA (you should consult with labor counsel for more detailed guidance). <u>Does your municipality refrain from paying overtime to employees who are classified as exempt under the FLSA?</u>		
55	Yes	Does your municipality ensure that employees complete and file standardized forms to verify all employee time worked (e.g. time cards, electronic time keeping)?		

**Best Practices Worksheet CY 2018/SFY2019**

		<b>Closter Borough (Bergen)</b>			
0207		<i>Please see Color Key at bottom of sheet for limits on answers</i>			
	<b>Answer</b>	<b>Question</b>	<b>Comments</b>		
56	Yes	Does your municipality maintain centralized records accounting for all employee leave time earned and used?			
57	Yes	Are all employee time and attendance documentation reviewed and independently verified before payroll/processing?			
58	Yes	Has your governing body reviewed the municipality's policies on the use of criminal history when making personnel decisions, to ensure that it does not violate Title VII in light of the 2017 amendments to the Local Budget Law (P.L. 2017, c. 183)?			
59	Yes	Does your municipality have an established, documented process requiring department heads to submit notice of outside employment to the municipality prior to undertaking that employment?			
60	Yes	Upon receiving a notice of outside employment from a department head, does your municipality's human resources office or equivalent assess whether a conflict of interest exists?			
61	Yes	Employee personnel manuals serve as a valuable tool to convey a municipality's policies, procedures and benefits. Many insurance carriers encourage the adoption of such a document and offer discounted rates for their use. These publications should review employees' rights and obligations in areas ranging from discrimination, safety, violence, and harassment to vacation and sick days, holidays, use of municipal vehicles, smoking and political activity, among others. <u>Has your municipality adopted or updated an employee personnel manual by resolution or ordinance within the last five years? If yes, please provide in the Comments section the date of the meeting during which the personnel manual was adopted.</u>	9-Apr-14		

Best Practices Worksheet CY 2018/SFY2019

		<b>Closter Borough (Bergen)</b>			
0207		<i>Please see Color Key at bottom of sheet for limits on answers</i>			
	Answer	Question		Comments	
<b>Opportunity Zones Survey</b>					
<b>If your municipality is on the list found in Column K, also answer the questions below. If not, please ignore and proceed to row 223:</b>					
<i>The Opportunity Zones program was enacted as part of the 2017 federal Tax Cuts and Jobs Act and is designed to drive long-term capital investments into low-income rural and urban communities. This federal program provides opportunities for private investors to support investments in distressed communities through participation in Qualified Opportunity Funds.</i>					
<i>This survey is intended to gauge the needs, priorities, and capacities of municipalities with designated Opportunity Zones, to aid the State in helping these communities attract locally-appropriate businesses, investment, and development and make the most of their Opportunity Zone designations.</i>					
		<i>For more information about Opportunity Zones, click the following link:</i>		<a href="https://www.state.nj.us/dca/divisions/lps/opp_zones.html">https://www.state.nj.us/dca/divisions/lps/opp_zones.html</a>	
		<i>For an interactive map of New Jersey Opportunity Zones, click the following link:</i>		<a href="http://njdca.maps.arcgis.com/apps/View/index.html?appid=e2c7f2634ced45cd91c3ca52ab3f9989">http://njdca.maps.arcgis.com/apps/View/index.html?appid=e2c7f2634ced45cd91c3ca52ab3f9989</a>	
62	Select	Has your municipality developed a strategy around attracting businesses and investment to its Opportunity Zones?			
63	Select	<i>If "No", would you like help developing a strategy?</i>			
64	Select	Does your municipality employ a professional or professionals that engage with developers, investors, or businesses and thoroughly review proposed projects?			
65	Select	Has your municipality been approached by developers, investors, or businesses interested in making Opportunity Zone investments (i.e. business development/expansion, property development) within your municipality?			
66		<i>If "Yes", who were you specifically approached by (check all that apply)?</i>			
		<input type="checkbox"/> Local Business Owner			
		<input type="checkbox"/> Other Business Owner			
		<input type="checkbox"/> Local Investor			
		<input type="checkbox"/> Other Investor			
		<input type="checkbox"/> Local Developer			
		<input type="checkbox"/> Other Developer			

**Best Practices Worksheet CY 2018/SFY2019**

		<b>Closter Borough (Bergen)</b>		
0207		<i>Please see Color Key at bottom of sheet for limits on answers</i>		
	<b>Answer</b>	<b>Question</b>	<b>Comments</b>	
67		<i>If approached by a developer or business owner, which category would they fall into?</i>		
		<input type="checkbox"/> Residential developer, real estate development, or property management company		
		<input type="checkbox"/> Retail		
		<input type="checkbox"/> Light industrial		
		<input type="checkbox"/> Heavy industrial		
		<input type="checkbox"/> Restaurant, entertainment, or hospitality		
		<input type="checkbox"/> Professional services		
		<input type="checkbox"/> Information technology		
		<input type="checkbox"/> Other (please describe in column E)		
68		<i>What information were they seeking from your municipality (if applicable)?</i>		
		<input type="checkbox"/> Info on zoning, permitting, and approval process		
		<input type="checkbox"/> Info on local tax incentives and subsidies such as tax abatements, PILOTs, & Redevelopment Area Bonds		
		<input type="checkbox"/> Info on vacant land and available properties		
		<input type="checkbox"/> Info on redevelopment areas		
		<input type="checkbox"/> Info on existing development activity		
		<input type="checkbox"/> Other (please describe in column E)		
69	Select	If your municipality has one or more Areas in Need of Redevelopment, has it reviewed and updated them within the past three years?		
70	Select	In terms of real estate and economic development, which area (if any) is your top priority?		
71	Select	Which is more important, development of vacant sites and land or redevelopment of existing structures?		
72	Select	What type of capital improvement does your municipality see as its top priority?		

**Best Practices Worksheet CY 2018/SFY2019**

		<b>Closter Borough (Bergen)</b>		
0207		<i>Please see Color Key at bottom of sheet for limits on answers</i>		
	<b>Answer</b>	<b>Question</b>	<b>Comments</b>	
<b>73</b>		<b>After people, what are your municipality's distinctive assets?</b>		
		<input type="checkbox"/> Education		
		<input type="checkbox"/> Tourism		
		<input type="checkbox"/> Affordable Housing		
		<input type="checkbox"/> Transit Access		
		<input type="checkbox"/> Industrial Hub		
		<input type="checkbox"/> Transportation Hub		
		<input type="checkbox"/> Business Hub		
		<input type="checkbox"/> Cultural Center		
		<input type="checkbox"/> Entertainment Venue		
		<input type="checkbox"/> Other (please describe in column E)		
<b>74</b>		<b>What are the major challenges to development in your municipality?</b>		
		<input type="checkbox"/> Lack of employment opportunities		
		<input type="checkbox"/> Limited range of housing options		
		<input type="checkbox"/> Lack of developable sites		
		<input type="checkbox"/> Preserving existing community character		
		<input type="checkbox"/> Limited access to public services		
		<input type="checkbox"/> Poor public infrastructure		
		<input type="checkbox"/> Poor access to transportation		
		<input type="checkbox"/> Access to essential services reachable within 10 min. by foot or other mode of transport		
		<input type="checkbox"/> Below average math and language arts proficiency scores		
		<input type="checkbox"/> Lack of child care facilities		
		<input type="checkbox"/> Stranded assets		
		<input type="checkbox"/> Lack of high speed internet connectivity		
		<input type="checkbox"/> Environmental contamination		
		<input type="checkbox"/> Lack of interest from developers and investors		



**Best Practices Worksheet CY 2018/SFY2019**

		<b>Closter Borough (Bergen)</b>		
0207		<i>Please see Color Key at bottom of sheet for limits on answers</i>		
	<b>Answer</b>	<b>Question</b>	<b>Comments</b>	
75		<b>What type of economic development is your municipality actively pursuing?</b> <input type="checkbox"/> Retail <input type="checkbox"/> Light industrial <input type="checkbox"/> Heavy industrial <input type="checkbox"/> Transportation/logistics <input type="checkbox"/> Tourism <input type="checkbox"/> Transit <input type="checkbox"/> Restaurants/entertainment/leisure activity <input type="checkbox"/> Office space <input type="checkbox"/> Tech <input type="checkbox"/> Higher Ed <input type="checkbox"/> Energy <input type="checkbox"/> Not pursuing economic development		
		<b>Do you have an up-to-date list of:</b>		
76	Select	<i>Distinctive community assets</i>		
77	Select	<i>Abandoned and blighted properties</i>		
78	Select	<i>Foreclosed properties</i>		
79	Select	<i>Commercial projects planned to begin within 1 year</i>		
80	Select	<i>Municipal projects planned to begin within 1 year</i>		
81	Select	<i>Planned business expansions</i>		
82	Select	<i>The 10 largest private employers in your municipality</i>		
83	Select	<i>Stalled projects due to funding gaps</i>		

Best Practices Worksheet CY 2018/SFY2019

Closter Borough (Bergen)					
0207		<i>Please see Color Key at bottom of sheet for limits on answers</i>			
	Answer	Question	Comments		
84		If "Yes", provide the name of each project, the full address, a short description that includes the primary developer (if applicable), the estimated value of the development (i.e. total permitted value), and the reason for lack of progress.			
	Name	Address (street number, street name, town, zip code)	Description and Developer	Estimated Value	Reason for Lack of Progress
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
85	Select	Does your municipality have any other known, upcoming development projects within its Opportunity Zone(s)? (See DCA interactive map for zone boundaries):			
		<a href="http://njdca.maps.arcgis.com/apps/View/index.html?appid=e2c7f2634ced45cd91c3ca52ab3f9989">http://njdca.maps.arcgis.com/apps/View/index.html?appid=e2c7f2634ced45cd91c3ca52ab3f9989</a>			

**Best Practices Worksheet CY 2018/SFY2019**

<b>Closter Borough (Bergen)</b>					
0207		<i>Please see Color Key at bottom of sheet for limits on answers</i>			
	<b>Answer</b>	<b>Question</b>	<b>Comments</b>		
86		If "Yes", provide the name of each project, the full address, a short description that includes the primary developer (if applicable), the estimated value of the development (i.e. total permitted value), and its status (if known)			
	<b>Name</b>	<b>Address (street number, street name, town, zip code)</b>	<b>Description and Developer</b>	<b>Estimated Value</b>	<b>Status</b>
1					Select
2					Select
3					Select
4					Select
5					Select
6					Select
7					Select
8					Select
9					Select
10					Select
11					Select
12					Select
13					Select
14					Select
15					Select
16					Select
17					Select
18					Select
19					Select
20					Select
21					Select
22					Select
23					Select
24					Select
25					Select

Best Practices Worksheet CY 2018/SFY2019

		<b>Closter Borough (Bergen)</b>			
0207		<i>Please see Color Key at bottom of sheet for limits on answers</i>			
Answer	Question			Comments	
0	Select				
46	Yes				
5	No				
10	N/A				
0	Prospective				
61	<b>Total Answered:</b>				
56	Score (Yes + N/A + Prospective)				
92%	Score %				
0%	Percent Withheld				
		<b>Chief Administrative Officer's Certification</b>			
		I hereby certify that the information provided in this Best Practices Inventory is accurate to the best of my knowledge.		Certification #(s)	
		<b>ARTHUR BRAUN DOLSON</b>		<b>11/8/2018</b>	
		<b>Chief Financial Officer's Certification</b>			
		I hereby certify that the information provided in this Best Practices Inventory is accurate to the best of my knowledge.		N-0418	
		<b>JOSEPH LUPPINO</b>		<b>11/8/2018</b>	
		<b>Municipal Clerk's Certification</b>			
		I hereby certify that the Governing Body of the BOROUGH OF CLOSTER in the County of BERGEN discussed the CY 2018/SFY 2019 Best Practice Inventory as			
		completed herein at a public meeting on NOVEMBER 5, 2018, with the Inventory results, and the certification thereof by the Chief Administrative and Chief Financial Officers, respectively, to		C-0226	
		be stated in the minutes of said public meeting.			
		<b>LORETTA CASTANO</b>		<b>11/8/2018</b>	

Best Practices Worksheet CY 2018/SFY2019

		<b>Closter Borough (Bergen)</b>			
0207		<i>Please see Color Key at bottom of sheet for limits on answers</i>			
	<b>Answer</b>	<b>Question</b>		<b>Comments</b>	
		Red = Repeat Question; Prospective answers not permitted			
		Blue = Questions where neither "not applicable" nor "N/A" answers are permitted			
		Green = Questions where neither "Prospective" nor "Not Applicable" are permitted			
		No Color = "Yes"; "No"; "Prospective" and "Not Applicable" are all permissible answers			
	<b>Score</b>	<b>Aid Withheld</b>			
	46-61	No aid withholding			
	36-45	25% of final aid payment withheld			
	26-35	50% of final aid payment withheld			
	0-25	100% of final aid payment withheld			
	<b>Question</b>	<b>Table of Weblinks</b>			
	8	<a href="https://www.nj.gov/dca/divisions/dlgs/lfns/17/2017-07.pdf">https://www.nj.gov/dca/divisions/dlgs/lfns/17/2017-07.pdf</a>			
	13	<a href="http://www.nj.gov/dca/divisions/dlgs/lfns/14/2014-09.pdf">http://www.nj.gov/dca/divisions/dlgs/lfns/14/2014-09.pdf</a>			
	15	<a href="https://www.nj.gov/dca/divisions/dlgs/lfns/17/2017-6R.pdf">https://www.nj.gov/dca/divisions/dlgs/lfns/17/2017-6R.pdf</a>			
	16	<a href="https://www.nj.gov/dca/divisions/dlgs/lfns/17/2017-26.pdf">https://www.nj.gov/dca/divisions/dlgs/lfns/17/2017-26.pdf</a>			
	17	<a href="https://www.nj.gov/dca/divisions/dlgs/lfns/17/2017-15.pdf">https://www.nj.gov/dca/divisions/dlgs/lfns/17/2017-15.pdf</a>			
	18	<a href="https://www.nj.gov/dca/divisions/dlgs/lfns/16/2016-12.pdf">https://www.nj.gov/dca/divisions/dlgs/lfns/16/2016-12.pdf</a>			
	41	<a href="https://www.nj.gov/dca/divisions/dlgs/lfns/18/2018-13.pdf">https://www.nj.gov/dca/divisions/dlgs/lfns/18/2018-13.pdf</a>			
	51	<a href="http://www.nj.gov/dca/divisions/dlgs/resources/muni_st_docs/pay_to_play_ordinance-contractor.doc">http://www.nj.gov/dca/divisions/dlgs/resources/muni_st_docs/pay_to_play_ordinance-contractor.doc</a>			
	58	<a href="https://www.nj.gov/dca/divisions/dlgs/lfns/17/2017-27.pdf">https://www.nj.gov/dca/divisions/dlgs/lfns/17/2017-27.pdf</a>			