STATE OF NEW JERSEY
DEPARTMENT OF COMMUNITY AFFAIRS
COUNCIL ON AFFORDABLE HOUSING
PETITION APPLICATION

This application is a guideline for creating a Housing Element and Fair Share Plan. A completed version of this application must be submitted as part of your petition for substantive certification to COAH. This application will be used by COAH staff to expedite review of your petition. This application can serve as your municipality's Fair Share Plan. A brief narrative component of the Fair Share Plan should be included with this application and can serve primarily to supplement the information included in the application form. Additionally, the narrative section of the Fair Share plan would include a description of any waivers being requested.

This form reflects COAH's newly adopted procedural and substantive rules and the amendments to those rules adopted on September 22, 2008. Footnotes and links to some helpful data sources may be found at the end of each section. To use this document electronically, use the TAB KEY to navigate from field to field. Enter data or use the Right Mouse Button to check boxes.

MUNICIPALITY	Glen Rock Borough	**COUNTY**	Bergen County
COAH REGION	1	**PLANNING AREA(S)**	Area 1
SPECIAL RESOURCE AREA(S)	None		
PREPARER NAME	Janice E. Talley	**TITLE**	Consulting Planner
EMAIL	Talley@H2M.Com	**PHONE NO.**	862-207-5900 x2224
ADDRESS	119 Cherry Hill Road Parsippany, Nj 07054	**FAX NO.**	973-334-0507
MUNICIPAL HOUSING LIAISON	Nancy Spiller	**TITLE**	Planning Board Secretary
EMAIL	Nspiller@Glenrocknj.Net	**PHONE NO.**	670-3965 x4
ADDRESS	175 Rock Road Glen Rock, Nj	**FAX NO.**	_____

Enter the date(s) that COAH granted Substantive Certification or that the Court granted a Judgment of Compliance (JOC) on the Housing Element and Fair Share Plan.

History of Approvals	COAH	JOC	N/A
First Round	2/25/1990	____	☐
Second Round	10/2/96	____	☐
Extended Second Round	____	____	☐

Does the Petition include any requests for a waiver from COAH Rules? ☒Yes ☐No
If Yes, Please note rule section from which waiver is sought and describe further in a narrative section:5:97-3.9

FILING/PETITION DOCUMENTS (N.J.A.C. 5:96-2.2/3.2 & N.J.A.C. 5:97-2.3/3.2)

All of the following documents must be submitted in order for your petition to be considered complete. Some documents may be on file with COAH. Please denote by marking the appropriate box if a document is attached to the Housing Element and Fair Share Plan or if you are using a document on file with COAH from your previous third round submittal to support this petition. Shaded areas signify items that must be submitted anew.

Included	On File	Required Documentation/Information
☒		Certified Planning Board Resolution adopting or amending the Housing Element & Fair Share Plan
☒		Certified Governing Body Resolution endorsing an adopted Housing Element & Fair Share Plan and either (check appropriate box): ☐Petitioning ☐Filing ☐Re-petitioning ☒Amending Certified Plan
☒		Service List (in the new format required by COAH)
☒		Adopted Housing Element & Fair Share Plan narrative (including draft and/or adopted ordinances necessary to implement the Plan)
☒ ☐N/A		If applicable, Implementation Schedule(s) with detailed timetable for the creation of units and for the submittal of all information and documentation required by N.J.A.C. 5:97-3.2(a)4
☐ ☒N/A	☐	If applicable, Litigation Docket No., OAL Docket No., Settlement Agreement and Judgment of Compliance or Court Master's Report
☒	☐	Municipal Master Plan (most recently adopted; if less than three years old, the immediately preceding, adopted Master Plan)
☒	☐	Municipal Zoning Ordinance (most recently adopted)[1] Date of Last Amendment: ____ Date of Submission to COAH: ____
☐	☐	Municipal Tax Maps (most up-to-date, electronic if available) Date of Last Revision: ____ Date of Submission to COAH: ____
☐	☐	Other documentation pertaining to the review of the adopted Housing Element & Fair Share Plan(list): _____

FOR OFFICE USE ONLY

Date Received _____ Affidavit of Public Notice _____ Date Deemed Complete/Incomplete _____ Reviewer's Initials _____

[1] Pursuant to N.J.S.A. N.J.S.A. 52:27D-307, as amended by PL 2008 c.46, any residential development resulting from a zoning change made to a previously non-residentially-zoned property, where the change in zoning precedes or follows the application for residential development by no more than 24 months, shall require that a percentage be reserved for occupancy by low or moderate income households.

HOUSING ELEMENT

(N.J.A.C. 5:97-2 & N.J.S.A. 40:55D-1 et seq.)

The following issues and items must be addressed in the Housing Element for completeness review. Where applicable, provide the page number(s) on which each issue and/or item is addressed within the narrative Housing Element.

1. The plan includes an inventory of the municipality's housing stock by[1]:

   ☒ Age;
   ☒ Condition;
   ☒ Purchase or rental value;
   ☒ Occupancy characteristics; and
   ☒ Housing type, including the number of units affordable to low and moderate income households and substandard housing capable of being rehabilitated

   ☒ Yes, Page Number: 10 ☐ No (incomplete)

2. The plan provides an analysis of the municipality's demographic characteristics, including, but not necessarily limited to[2]:

   ☒ Population trends
   ☒ Household size and type
   ☒ Age characteristics
   ☒ Income level
   ☒ Employment status of **residents**

   ☒ Yes, Page Number: 5 ☐ No (incomplete)

3. The plan provides an analysis of existing and future employment characteristics of the **municipality**, including but not limited to[3]:

   ☒ Most recently available in-place employment by industry sectors and number of persons employed;
   ☒ Most recently available employment trends; and
   ☒ Employment outlook

   ☒ Yes, Page Number: 15 ☐ No (incomplete)

4. The plan includes a determination of the municipality's present and prospective fair share for low and moderate income housing and an analysis of how existing or proposed changes in zoning will provide adequate capacity to accommodate residential and non-residential growth projections. AND

The analysis covers the following:

- ☒ The availability of existing and planned infrastructure;
- ☒ The anticipated demand for the types of uses permitted by zoning based on present and anticipated future demographic characteristics of the municipality;
- ☒ Anticipated land use patterns;
- ☒ Municipal economic development policies;
- ☒ Constraints on development including State and Federal regulations, land ownership patterns, presence of incompatible land uses or sites needing remediation and environmental constraints; and
- ☒ Existing or planned measures to address these constraints.

☒ Yes, Page Number: 18 ☐ No (incomplete)

5. The plan includes a consideration of lands that are most appropriate for construction of low and moderate income housing and of the existing structures most appropriate for conversion to, 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.

☒ Yes, Page Number: 21 ☐ No (incomplete)

6. The plan relies on household and employment projections for the municipality as provided in Appendix F of COAH's rules (if yes check the yes box below and check no in lines 6a-8).

☐ Yes, Page Number: _____ ☒ No (go to 6a)

6a. The Plan relies on higher household and employment projections for the municipality as permitted under N.J.A.C. 5:97-2.3(d) (optional - see Fair Share Plan section starting on page 7 of this application).

☐ Yes (go to 7 and 8) ☒ No (go to 6b)

6b. The Plan relies on a request for a downward adjustment to household and employment projections for the municipality as provided in N.J.A.C. 5:97-5.6 (optional - see Fair Share Plan section starting on page 7 of this application).

☒ Yes, Page Number: 24 ☐ No

7. If the municipality anticipates higher household projections than provided by COAH in Appendix F, the plan projects the municipality's probable future construction of housing for fifteen years covering the period January 1, 2004 through December 31, 2018 using the following minimum information for residential development:

☐ Number of units for which certificates of occupancy were issued since January 1, 2004;

☐ Pending, approved and anticipated applications for development;

☐ Historical trends, of at least the past 10 years, which includes certificates of occupancy issued; and

☐ The worksheet for determining a higher residential growth projection provided by COAH. (Worksheets are available at www.nj.gov/dca/coah/planningtools/gscalculators.shtml)

☐ Yes, Page Number: _____

☐ No (incomplete)

☐ Not applicable (municipality accepts COAH's projections)

8. If the municipality anticipates higher employment projections than provided by COAH in Appendix F, the plan projects the probable future jobs based on the use groups outlined in Appendix D for fifteen years covering the period January 1, 2004 through December 31, 2018 for the municipality using the following minimum information for non-residential development:

   ☐ Square footage of new or expanded non-residential development authorized by certificates of occupancy issued since January 1, 2004;

   ☐ Square footage of pending, approved and anticipated applications for development;

   ☐ Historical trends, of at least the past 10 years, which shall include square footage authorized by certificates of occupancy issued;

   ☐ Demolition permits issued and projected for previously occupied non-residential space; and

   ☐ The worksheet for determining a higher non-residential growth projection provided by COAH.

   ☐ Yes, Page Number: _____ ☐ No (incomplete)

   ☐ Not applicable (municipality accepts COAH's projections)

9. The plan addresses the municipality's :

   ☒ Rehabilitation share (from Appendix B);

   ☒ Prior round obligation (from Appendix C); and

   ☒ Projected growth share in accordance with the procedures in N.J.A.C. 5:97-2.4.

☒ Yes, Page Number: 24 ☐ No (incomplete)

10. If applicable, the plan includes status of the municipality's application for plan endorsement from the State Planning Commission.

☐ Yes, Page Number: _____ ☐ No (incomplete) ☒ Not Applicable

Petition date:_____ Endorsement date:_____

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[1] Information available through the U.S. Census Bureau at http://factfinder.census.gov/servlet/ACSSAFFHousing?_sse=on&_submenuId=housing_0

[2] Information available through the U.S. Census Bureau at http://factfinder.census.gov/home/saff/main.html.

[3] Information available through the New Jersey Department of labor at http://www.wnjpin.net/OneStopCareerCenter/LaborMarketInformation/lmi14/index.html

FAIR SHARE PLAN (N.J.A.C. 5:97-3)

Please provide a summary of the Fair Share Plan by filling out all requested information. Enter N/A where the information requested does not apply to the municipality. A fully completed application may serve as the actual Fair Share Plan. A brief narrative should be attached to supplement the information included in the application form. Additionally, the narrative section of the Fair Share plan would fully describe, under a separate heading, any waivers that are being requested.

Determining the 1987-2018 Fair Share Obligation

The following tables will assist you in determining your overall 1987-2018 fair share obligation. For each cycle of the affordable housing need and rehabilitation share, please use the "need" column to enter the number of units addressed in the municipal petition. Where the municipality has received and/or is proposing any adjustments to its rehabilitation share, prior round and/or growth share obligation, use the footnotes providing rule references and follow the procedures for determining the municipal need and/or for calculating any adjustments applicable to the municipality. Enter the affordable housing need as provided by COAH or that results from the adjustment under the "Need" column.

Line		Need
1	○Rehabilitation Share (From N.J.A.C. 5:97 Appendix B) **OR**	11
2	○Optional Municipally Determined Rehabilitation Share (If a municipally determined rehabilitation share is being used, attach the survey results as an exhibit to this application and indicate that it is attached as Exhibit_____.)	_____
		Need
3	○Prior Round (1987-1999) Affordable Housing Obligation (From N.J.A.C. 5:97 Appendix C)	118
	○Prior Round Adjustments:	
	○20% Cap Adjustment	_____
	○1000 Unit Cap Adjustment	_____
4	Total Prior Round Adjustments	0
5	**Adjusted Prior Round Obligation:** (Number in Appendix C **minus** Total Prior Round Adjustment(s))	118
	○Prior Round Vacant Land Adjustment (Unmet Need)	118
6	Realistic Development Potential(RDP)[1]	0

[1] RDP = Adjusted Prior Round Obligation minus Vacant Land Adjustment

Determining the Growth Share Obligation

All municipalities must complete the "COAH projections" table below. Only municipalities that anticipate higher projections or that are seeking a growth projection adjustment based on a demonstration that insufficient land capacity exists to accommodate COAH projections need complete the corresponding additional table. COAH has published three workbooks in Excel format to assist with preparing this analysis. All municipalities must complete Workbook A. Workbook B must be used when the municipality anticipates that its growth through 2018 is likely to exceed the growth through 2018 that has been projected by COAH and the municipality wants to plan accordingly. Workbook C must be used by municipalities seeking a downward adjustment to the COAH-generated growth projections based on an analysis of municipal land capacity. Workbooks may be found at the following web location:
www.nj.gov/dca/coah/planningtools/gscalculators.shtml.

The applicable workbook has been completed and is attach to this application as Exhibit B.

Line	○ ***Required 2004-2018 COAH Projections and Resulting Projected Growth Share***				
	Household Growth (From Appendix F)	123	Employment Growth (From Appendix F)	-91	
	Household Growth After Exclusions (From Workbook A)	123	Employment Growth After Exclusions (From Workbook A)	-91	
	Residential Obligation (From Workbook A)	24.60	Non-Residential Obligation (From Workbook A)	0.00	
7	Total 2004-2018 Growth Share Obligation				25.00

	○ ***Optional 2004-2018 Municipal Projections Resulting in Higher Projected Growth Share***				
	Household Growth After Exclusions (From Workbook B)	_____	Employment Growth After Exclusions (From Workbook B)	_____	
	Residential Obligation (From Workbook B)	_____	Non-Residential Obligation (From Workbook B)	_____	
8	Total 2004-2018 Projected Growth Share Obligation				_____

	○ ***Optional Municipal Adjustment to 2004-2018 Projections and Resulting Lower Projected Growth Share***				
	Household Growth After Exclusions (From Workbook C)	49	Employment Growth After Exclusions (From Workbook C)	0	
	Residential Obligation (From Workbook C)	49.00	Non-Residential Obligation (From Workbook C)	0.00	
9	Total 2004-2018 Growth Share Obligation				10.00

10	**Total Fair Share Obligation** (Line 1 or 2 + Line 5 or 6 + Line 7, 8 or 9)	10

Summary of Plan for Total 1987-2018 Fair Share Obligation

(For each mechanism, provide a description in the Fair Share Plan narrative. In the table below, specify the number of completed or proposed units associated with each mechanism.)

	Completed	Proposed	Total
Rehabilitation Share			11
Less: Rehabilitation Credits			
Rehab Program(s)		11	11
Remaining Rehabilitation Share			0
Prior Round (1987-1999 New Construction) Obligation			118
Less: Vacant Land Adjustment (If Applicable)			
(Enter unmet need as the adjustment amount. Unmet need = Prior round obligation minus RDP):			
Unmet Need			118
RDP			0
Mechanisms addressing Prior Round			
Prior Cycle Credits (1980 to 1986)			
Credits without Controls			
Inclusionary Development/Redevelopment			
100% Affordable Units			
Accessory Apartments			
Market-to-Affordable			
Supportive & Special Needs			
Assisted Living			
RCA Units previously approved			
Other			
Prior Round Bonuses			
Remaining Prior Round Obligation			0
Third Round Projected Growth Share Obligation			10
Less: **Mechanisms addressing Growth Share**			
Inclusionary Zoning	0	2	2
Redevelopment			
100% Affordable Development			
Accessory Apartments			
Market-to-Affordable Units			
Supportive & Special Need Units	15		15
Assisted Living: post-1986 Units			
Other Credits	1		1
Compliance Bonuses			
Smart Growth Bonuses			
Redevelopment Bonuses			
Rental Bonuses	2		2
Growth Share Total			20
Remaining (Obligation) or Surplus			10

PARAMETERS[1]

Prior Round 1987-1999			
RCA Maximum	_____	RCAs Included	_____
Age-Restricted Maximum	_____	Age-Restricted Units Included	_____
Rental Minimum	_____	Rental Units Included	_____

Growth Share 1999-2018			
Age-Restricted Maximum	2	Age-Restricted Units Included	0
Rental Minimum	3	Rental Units Included	15
Family Minimum	5	Family Units Included	3
Very Low-Income Minimum[2]	2	Very Low-Income Units Included	15

[1] Pursuant to the procedures in N.J.A.C. 5:97-3.10-3.12

[2] Pursuant to N.J.S.A. 52:27D-329.1, adopted on July 17, 2008, at least 13 percent of the housing units made available for occupancy by low-income and moderate income households must be reserved for occupancy by very low income households.

Summary of Built and Proposed Affordable Housing

Provide the information requested regarding the proposed program(s), project(s) and/or unit(s) in the Fair Share Plan. Use a separate line to specify any bonus associated with any program, project and/or unit in the Plan. As part of completeness review, all monitoring forms must be up-to-date (i.e. 2007 monitoring must have been submitted previously or included with this application) and all proposed options for addressing the affordable housing obligation must be accompanied by the applicable checklist(s) (found as appendices to this application). Enter whether a project is proposed or completed and attach the appropriate form or checklist for each mechanism as appendices to the plan. Please note that bonuses requested for the prior round must have been occupied after December 15, 1986 and after June 6, 1999 for the third round.

Please make sure that a corresponding mechanism checklist is submitted for each mechanism being employed to achieve compliance. Separate checklists for each mechanism are available on the COAH website at /www.nj.gov/dca/coah/planningtools/checklists.shtml.

Table 1. Projects and/or units addressing the Rehabilitation Share

Project/Program Name	Proposed (use Checklists) or Completed(use Rehabilitation Unit Survey Form)	Rental, Owner Occupied or Both	Checklist or Form Appendix Location[1]
1. County Progra	Proposed	Both	D
2.			
3.			

[1] If all completed units have already been reported to COAH as part of 2007 monitoring or subsequent CTM updates, there is no need to re-submit Rehabilitation Unit Survey Forms. If additional units have been completed subsequent to 2007 monitoring, the municipality may submit updated forms. If the plan relies only on completed units previously reported via 2007monitoring, enter "on file" in this column.

Table 2. Programs, Projects and/or units addressing the Prior Round.

	Project/Program Name	Mechanism or Bonus Type	Proposed (use checklists) or Completed (use Project/Unit Program Information Forms)	Units Addressing Obligation (Note with "BR" where Special Needs bedrooms apply)	Number Addressing Rental Obligation)	Number Subject to Age-Restricted Cap	Checklist or Form Appendix Location[1]
1.		_____	_____	_____	_____	_____	_____
2.		_____	_____	_____	_____	_____	_____
3.		_____	_____	_____	_____	_____	_____
4.		_____	_____	_____	_____	_____	_____
5.		_____	_____	_____	_____	_____	_____
6.		_____	_____	_____	_____	_____	_____
7.		_____	_____	_____	_____	_____	_____
8.		_____	_____	_____	_____	_____	_____
9.		_____	_____	_____	_____	_____	_____
10.		_____	_____	_____	_____	_____	_____
11.		_____	_____	_____	_____	_____	_____
12.		_____	_____	_____	_____	_____	_____
13.		_____	_____	_____	_____	_____	_____
14.		_____	_____	_____	_____	_____	_____
15.		_____	_____	_____	_____	_____	_____

Subtotal from any additional pages used	_____
Total units (proposed and completed)	_____
Total rental	_____
Total age-restricted	_____
Total very-low	_____
Total bonuses	_____

Please add additional sheets as necessary.

[1] If all completed units have already been reported to COAH as part of 2007 monitoring or subsequent CTM updates, there is no need to re-submit monitoring forms. If additional units have been completed subsequent to 2007 monitoring, the municipality may submit updated forms. If the plan relies only on completed units previously reported via 2007monitoring, enter "on file" in this column.

Table 3. Programs, Projects and/or Units Addressing the Third Round.

Project Name	Mechanism or Bonus Type	Proposed (use checklist(s)) or Completed (use Project/Unit Program Information Form)	Units Addressing Obligation (Note with "BR" where Special Needs bedrooms apply	Units Addressing Rental Obligation	Units Addressing Family Obligation	Units Subject to Age-restricted Cap	Checklist or Form Appendix Location[1]
16. Trafalgar Square	Growth Share Zoning	Proposed	2		2		
17. Glen Rock Annex Apartment	Municipally Sponsor	Completed	1	1	1		
18. Life Opportunities Unlimited	Alternative Living	Proposed	3 BR	3			
19. Spectrum Living (Lincoln Ave)	Alternative Living	Completed	6 BR	6			
20. Spectrum Living (Highwood Ave)	Alternative Living	Completed	6 BR	6			
21.							
22.							
23.							
24.							
25.							
26.							
27.							
28.							
29.							
30.							

Subtotal from any additional pages used		**Total units (proposed and completed)**	18
Total family units	3	Total rental units	16
Total age-restricted units	0	Total family rental units	1
Total Supportive/Special Needs units	15	Total very-low units	15
Total Special Needs bedrooms	15	Total bonuses	2

Please add additional sheets as necessary.

[1] If all completed units have already been reported to COAH as part of 2007 monitoring or subsequent CTM updates, there is no need to re-submit monitoring forms. If additional units have been completed subsequent to 2007 monitoring, the municipality may submit updated forms. If the plan relies only on completed units previously reported via 2007monitoring, enter "on file" in this column.

Please answer the following questions necessary for completeness review regarding the municipality's draft and/or adopted implementing ordinances.

AFFORDABLE HOUSING TRUST FUND (N.J.A.C. 5:97-8)

1. Does the municipality have an affordable housing trust fund account? **(Note: Pursuant to P.L. 2008 c.46, municipalities that do not submit a fully executed escrow agreement will forfeit the ability to retain development fees.**)

   ☒ Yes, Bank Name_____

   (Choose account type) ☒ Separate interest-bearing account

   ☐ State of New Jersey cash management fund

   ☐ No (**Skip to the Affordable Housing Ordinance section**)

2. Has an escrow agreement been executed? ☒Yes ☐No
   (**If no, petition is incomplete. Submit an executed escrow agreement.**)

3. Is all trust fund monitoring up-to-date as of December 31, 2007? ☒Yes ☐ No
   (**If no, petition is incomplete. Submit an updated trust fund monitoring report.**)

DEVELOPMENT FEE ORDINANCES (N.J.A.C. 5:97-8.3)

1. Does the Fair Share Plan include a proposed or adopted development fee ordinance? **(Note: Pursuant to P.L. 2008 c.46, municipalities that do not submit a development fee ordinance will forfeit the ability to retain non-residential development fees)**

   ☒ Yes,

   ☐ Adopted **OR** ☒Proposed

   ☐ No **Skip to the next category; Payments-in-Lieu**

2. If adopted, specify date of COAH/Court approval here:_____

   - Have there been any amendments to the ordinance since COAH or the Court approved the ordinance?

     ☐Yes, Ordinance Number._____ Adopted on[1]_____

     ☒ No (**Skip to the next category; Payments-in-Lieu**)

   - If yes, is the amended ordinance included with your petition?

     ☐ Yes

     ☐ No, (**Petition is incomplete. Submit ordinance with governing body resolution requesting COAH approval of amended ordinance**)

3. Does the ordinance follow the ordinance model **updated September 2008** and available at www.nj.gov/dca/coah/round3resources.shtml? If yes, skip to question 5.

☒ Yes ☐ No

4. If the answer to 3. above is no, indicate that the necessary items below are addressed before submitting the Development Fee ordinance to COAH:

Information and Documentation

The ordinance imposes a residential development fee of ____% and a Non-residential fee of 2.5 %

☐ A description of the types of developments that will be subject to fees per N.J.A.C. 5:97-8.3(c) and (d);

☐ A description of the types of developments that are exempted per N.J.A.C. 5:97-8.3(e)

☐ A description of the amount and nature of the fees imposed per N.J.A.C. 5:97-8.3(c) and (d)

☐ A description of collection procedures per N.J.A.C. 5:97-8.3(f)

☐ A description of development fee appeals per N.J.A.C. 5:97-8.3(g)

☐ A provision authorizing COAH to direct trust funds in case of non-compliance per N.J.A.C. 5:97-8.3(h)

☐ If part of a court settlement, submit court ordered judgment of compliance, implementation ordinances, information regarding period of time encompassed by the judgment of compliance and a request for review by the court

5. Does the ordinance include an affordability assistance provision per N.J.A.C. 5:97-8.8 (**Note: must be at least 30 percent of all development fees plus interest**)?

☐ Yes (Specify actual or anticipated amount) $_____

☐ No **Submit an amended ordinance with provisions for affordability assistance along with a governing body resolution requesting COAH approval of the amended ordinance.**)

- If yes, what kind of assistance is offered?

_____

_____

_____

- Has an affordability assistance program manual been submitted? ☐ Yes ☐ No

[1] Any amendment to a previously approved and adopted development fee ordinance must be submitted to COAH along with a resolution requesting COAH's review and approval of the amendment prior to the adoption of said amendment by the municipality.

PAYMENTS-IN-LIEU OF CONSTRUCTING AFFORDABLE UNITS ON SITE (N.J.A.C. 5:97-8.4)

1. Does the Fair Share Plan include an inclusionary zoning ordinance that provides for payments-in-lieu as an option to the on-site construction of affordable housing?

   ☐ Yes ☒ No (**Skip to the next category; Barrier Free Escrow)**

2. Does the plan identify an alternate site and/or project for the payment-in-lieu funds? **(Optional)**

   ☐ Yes (**attach applicable checklist**)
   ☐ No (identify possible mechanisms on which payment in lieu will be expended in narrative section of plan.)

3. Does the ordinance include minimum criteria to be met before the payments-in-lieu becomes an available option for developers? **(Optional)**

   ☐ Yes (indicate ordinance section)_____
   ☐ No

BARRIER FREE ESCROW/OTHER FUNDS (N.J.A.C. 5:97-8.5/8.6)

1. Has the municipality collected or does it anticipate collecting fees to adapt affordable unit entrances to be accessible in accordance with the Barrier Free Subcode, N.J.A.C. 5:23-7?

   ☐ Yes ☒ No

2. Does the municipality anticipate collecting any other funds for affordable housing activities?

☐ Yes (specify funding source and amount) _____

☐ No

SPENDING PLANS (N.J.A.C. 5:97-8.10)

1. Does the petition include a Spending Plan? **(Note: Pursuant to P.L. 2008 c.46, municipalities that do not submit a Spending Plan will forfeit the ability to retain development fees.)**

   ☒ Yes ☐ No

2. Does the Spending Plan follow the Spending Plan model **updated October 2008** and available at www.nj.gov/dca/coah/round3resources.shtml? If yes, skip to next section - Affordable Housing Ordinance.

   ☒ Yes ☐ No

3. If the answer to 1. above is no, indicate that the necessary items below are addressed before submitting the spending plan to COAH:

Information and Documentation

☐ A projection of revenues anticipated from imposing fees on development, based on actual proposed and approved developments and historical development activity;

☐ A projection of revenues anticipated from other sources (specify source(s) and amount(s));

☐ A description of the administrative mechanism that the municipality will use to collect and distribute revenues;

☐ A description of the anticipated use of all affordable housing trust funds pursuant to N.J.A.C. 5:97-8.7;

☐ A schedule for the expenditure of all affordable housing trust funds;

☐ A schedule for the creation or rehabilitation of housing units;

☐ If the municipality envisions being responsible for public sector or non-profit construction of housing, a detailed pro-forma statement of the anticipated costs and revenues associated with the development, consistent with standards required by HMFA or the DCA Division of Housing in its review of funding applications;

☐ If the municipality maintains an existing affordable housing trust fund, a plan to spend the remaining balance as of the date of its third round petition within four years of the date of petition;

☐ The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan;

☐ A description of the anticipated use of excess affordable housing trust funds, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the municipal affordable housing obligation; and

☐ If not part of the petition, a resolution of the governing body requesting COAH review and approval of spending plan or an amendment to an approved spending plan.

AFFORDABLE HOUSING ORDINANCE (N.J.A.C. 5:80-26.1 *et seq.*)

1. Does the Fair Share Plan include an Affordable Housing Ordinance?

   ☒ Yes ☐ No

2. Does the ordinance follow the ordinance model available at www.nj.gov/dca/coah/round3resources.shtml ? ☒ Yes ☐ No

3. If the answer to 1. or 2. above is no, indicate that the required items below are addressed before submitting to COAH. If the required items are addressed in ordinances other than an Affordable Housing Ordinance, please explain in a narrative section of the Fair Share Plan.

Required Information and Documentation

- ☐ Affordability controls
- ☐ Bedroom distribution
- ☐ Low/moderate-income split and bedroom distribution
- ☐ Accessible townhouse units
- ☐ Sale and rental pricing
- ☐ Municipal Housing Liaison
- ☐ Administrative Agent
- ☐ Reference to the Affirmative marketing plan or ordinance (N.J.A.C. 5:80-26.15)

AFFORDABLE HOUSING ADMINISTRATION (As Applicable)

Items that must be submitted with the petition:

- ☐ Governing body resolution designating a municipal housing liaison (COAH must approve)

Items that must be submitted prior to COAH's grant of Substantive Certification:

- ☐ Operating manual for rehabilitation program
- ☐ Operating manual for affordability assistance
- ☐ Operating manual for an Accessory Apartment program
- ☐ Operating manual for a Market-to-Affordable program
- ☐ COAH approved administrative agent if municipal wide

Items that must be submitted prior to any time prior to marketing completed units:

- ☐ COAH approved administrative agent(s) is project specific
- ☐ Operating manual for sale units
- ☐ Operating manual for rental units
- ☐ Affirmative marketing plan or ordinance (N.J.A.C. 5:80-26.15)

CERTIFICATION

I, _____, have prepared this petition application for substantive certification on behalf of _____. I certify that the information submitted in this petition is complete, true and accurate to the best of my knowledge. I understand that knowingly falsifying the information contained herein may result in the denial and/or revocation of the municipality's substantive certification.

_____ _____

Signature of Preparer (affix seal if applicable) Date

_____

Title

N.J.S.A. 2C:21-3, which applies to the certifications, declares it to be a disorderly person offense to knowingly make a false statement or give false information as part of a public record.

Narrative Section

REHABILITATION OBLIGATION

The Borough of Glen Rock will address its rehabilitation obligation of 11 units through the Bergen County Home Rehabilitation Program. The plan projects that the 11 units will be rehabilitated over the next ten years, at the rate of approximately one per year.

PRIOR ROUND OBLIGATION

The Borough of Glen Reock received a vacant land adjustment as part of its second round substantive certification, its realistic development potential (RDP) was reduced to zero with an unmet need of 118 unts. It has been determined that there is no suitable vacant land within the Borough that can be used to fulfill the unmet need of 118 units. Therefore, the prior round obligation is zero.

GROWTH SHARE OBLIGATION

Prior Cycle Credits

Glen Rock will address its 10-unit Growth Share obligation through existing alternative living arrangements, two affordable units associated with a recently approved townhouse development, an existing Borough-owned dwelling unit that wil lbe deed-restricted for affordable housing, and bonus credit.

Alternative Living Arrangements

Pursuant to N.J.A.C. 5:94-4.8, “alternative living arrangements” can be used to address a municipal housing obligation. Alternative living arrangements include, but are not limited to: transitional facilities, residential health care facilities, group homes for the developmentally disabled and mentally ill, and congregate living arrangement. The Township currently provides a total of 15 group home bedrooms. All providers are funded by the New Jersey Department of Human Services Division of Developmental Disabilities (DDD) or Division of Mental Health Services (DMHS). Therefore, the Township is eligible for 3 credits for alternative living arrangements. Documentation in support of the alternative living arrangement credits is provided in Appendix E.

Bonus Credits

N.J.A.C. 5:97-3.2 establishes a bonus cap municipalities addressing their third round obligation. This requirement states that a municipality may not receive more than one type of bonus for each unit (for example, a very-low income bonus or a rental bonus for one unit). In addition, it caps the total credit from bonuses at 25 percent of the projected growth share obligation. In this case, the bonus cap for Glen Rock Borough is 2 units. Glen Rock's Growth Share Fair Share Plan includes a total of 2 bonus credits.

REHABILITATION PROGRAM (N.J.A.C. 5:97-6.2)

General Description

Municipality/County: *Glen Rock Borough*

Program Name: *Bergen County Home Rehabilitation Program*

Number of proposed units to be rehabilitated: 11

Information and Documentation Required with Petition

☒ Determination of Rehabilitation Share

☒ Accept number in N.J.A.C. 5:97 – Appendix B; **OR**

☐ Exterior Housing Survey conducted by the municipality

☒ Information regarding the rehabilitation program on forms provided by the Council. (If relying on previously submitted 2007 monitoring and/or subsequent CTM update, also check here ☐ in lieu of submitting forms.)

☒ Documentation demonstrating the source(s) of funding

☒ Municipal resolution appropriating funds from general revenue or a resolution of intent to bond in the event of a funding shortfall

☒ Schedule illustrating how the rehabilitation share will be addressed within the period of substantive certification

Information and Documentation Required Prior to Substantive Certification

☐ Resolution or executed contract designating an experienced Administrative Agent, and a statement of his/her qualifications, in accordance with N.J.A.C. 5:96-18

☐ Draft or adopted rehabilitation operating manual that includes a description of the program procedures and administration including a copy of sample deed restriction and/or lien.

☐ Affirmative Marketing Plan for the re-rental of rehabilitated rental units, in accordance with UHAC

Rehabilitation Narrative Section

Glen Rock Borough has a rehabilitation obligation of 11 units. To address their obligation, the units will be rehabilitated under the Bergen County Home Improvement Program, which provides resources to rehabilitate existing one- and two- family homes. The program is open to owners and occupants of one and two family homes, based on income, family size and the type of improvement. The program provides deferred loans of up to $17,500 for a one-family home and up to $25,000 for a two-family home at a rate of 3%. Eligible improvements include: plumbing and heating, electrical, insulation, roofs, storm windows, walls and ceilings, doors and windows, exterior and interior painting, steps and porches, bathrooms and kitchens, siding, leaders and gutters, sidewalks and driveways, and wells and septic systems.

COUNTY OF BERGEN
COMMUNITY DEVELOPMENT
One Bergen County Plaza • 4th Floor • Hackensack, N.J. 07601-7076
(201) 336-7200 • FAX (201) 336-7247

Dennis McNerney
County Executive

Joseph Rutch
Director

December 10, 2008

Ms. Sasha Freedman
H2M
119 Cherry Hill Rd – Suite 200
Parsippany NJ 07054

RE: **COAH Report For Glen Rock**

Dear Ms. Freedman:

I am in receipt of your letter requesting information for Glen Rock.

During the period asked (1/1/00 to 12/5/08) there have been no homes in Glen Rock that were rehabilitated.

If I can be of further assistance, please contact my office.

Very truly yours,

Barbara Ruzanski,
Secretary
Home Improvement Program

BR/

Rehabilitation Obligation												
Program	*Year*											*Total*
	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	
Bergen County Home Improvement Program	0	1	2	1	1	1	1	1	1	1	1	**11**
											TOTAL	**11**

MUNICIPALLY SPONSORED AND 100 PERCENT AFFORDABLE DEVELOPMENTS (N.J.A.C. 5:97-6.7)

(Submit separate checklist for each site or project)

General Description

Municipality/County: *Glen Rock Borough / Bergen County*

Project Name: *Glen Rock Annex Apartment*

Block(s) and Lot(s): Block 104, Lot 1_____

Affordable Units Proposed: ___1_____

Family: 1	Sale: _____	Rental: 1
Very low-income units: _____	Sale: _____	Rental: _____
Age-Restricted: _____	Sale: _____	Rental: _____

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): 1

Very low income bonuses as per N.J.A.C. 5:97-3.7[1]: _____

Smart Growth Bonus as per N.J.A.C. 5:97-3.18: _____

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

Date zoning adopted: _____ Date development approvals granted: _____

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

☐ 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.)

Is the municipality providing an implementation schedule for this project/program.

☐ 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.

☐ 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:

☒ Name and address of owner

☒ 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:

☐ 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
- ☐ RFP or Developer's Agreement
- ☐ Construction schedule with a minimum provision to begin construction within two years of substantive certification; including timetable for each step in the development process
- ☐ Pro-forma statement for the project
- ☐ Demonstration that the first floor of all townhouse or other multi-story dwelling units are accessible and adaptable per N.J.A.C. 5:97-3.14
- ☐ Evidence of adequate and stable funding; including municipal bond and/or general revenue funds where applicable

Information and Documentation Required Prior to Marketing the Completed Units

- ☐ Resolution or executed contract designating an experienced Administrative Agent, and a statement of his/her qualifications, in accordance with N.J.A.C. 5:96-18
- ☐ Draft or adopted operating manual that includes a description of program procedures and administration or a statement indicating that the Administrative Agent designated to run the program uses a COAH-approved manual in accordance with UHAC
- ☐ An affirmative marketing plan in accordance with UHAC

MUNICIPALLY SPONSORED AND 100 PERCENT AFFORDABLE DEVELOPMENTS (N.J.A.C. 5:97-6.7)

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 Identification			

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

(B) Site specific information, including the following:

Site Information	Date Supporting Documentation to be Submitted to COAH
Site Description	
Site Suitability Description	
Environmental Constraints Statement	

(C) Financial documentation including, the following:

Financial Documentation	Date Anticipated to be Completed	Date Supporting Documentation to be Submitted to COAH
Documentation of Funding Sources		
Project Pro-forma		

Municipal resolution appropriating funds or a resolution of intent to bond in the event of a shortfall of funds		

100% or Municipally Sponsored Narrative Section

The Borough of Glen Rock's growth share obligation is 10-units. The Borough will help meet this obligation by providing low and moderate-income units through a municipally sponsored or 100 perecent affordable construction program. Glen Rock Borough owns a building (the Annex Building) that contains one apartment that may be used to create low and moderate-income units through a municipally sponsored program. The Annex Building (Block 104, Lot 1) is owned by the Borough and currently contains a two-story building with an assembly hall on the ground floor and a two-bedroom apartment on the second floor. The hall is rented to private organizations to conduct meetings. The Borough also rents the apartment above. The Borough proposes to deed restrict the apartment and make it 100 percent affordable. The Borough can get one (1) credit for this unit with the potential for an additional rental bonus credit.

[1] 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.

ZONING FOR INCLUSIONARY DEVELOPMENT (N.J.A.C. 5:97-6.4)

(Submit separate checklist for each site or zone)

General Description

Municipality/County: *Glen Rock Borough*

Project Name/Zoning Designation: *Trafalgar Square*

Block(s) and Lot(s):Block 43, Lot 1

Total acreage:1.73 Proposed density (units/gross acre): 20units/acre

Affordable Units Proposed: 2

Family:2	Sale:0	Rental:2
Very low-income units:_____	Sale:_____	Rental:_____
Age-Restricted: _____	Sale:_____	Rental:_____

Market-Rate Units Anticipated: 18

Non-Residential Development Anticipated (in square feet), if applicable: _____

Will the proposed development be financed in whole or in part with State funds, be constructed on State-owned property or be located in an Urban Transit Hub or Transit Village? ☐ Yes ☒ No

Bonuses for affordable units, 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): 2

Very low income bonuses as per N.J.A.C. 5:97-3.7[1]: _____

Smart growth bonuses as per N.J.A.C. 5:97-3.18: _____

Redevelopment bonuses as per N.J.A.C. 5:97-3.19: _____

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

Date inclusionary zoning adopted: 2/9/06 Date development approvals granted: _____

Information and Documentation Required with Petition

☒ Project/Program Information Form (previously known as Project/Program Monitoring Form. If relying on previously submitted 2007 monitoring and/or subsequent CTM update, check here ☐ in lieu of submitting forms.)

☒ Draft or adopted zoning or land use ordinance, which includes the affordable housing requirement and minimum presumptive density for the site/zone.

☒ Copies of all decisions made on applications for affordable housing development subsequent to adoption of the current zoning

If payments in lieu of on-site construction of the affordable units is an option, submit:

- ☐ Proposed or adopted ordinance establishing the amount of the payments
- ☐ Spending plan

A general description of the site or zone, including:

- ☒ Name and address of owner
- ☒ Name and address of developer(s)
- ☒ Subject property street location
- ☒ Indicate if urban center or workforce housing census tract
- ☒ Previous zoning designation and date previous zoning was adopted
- ☒ Current zoning and date current zoning was adopted
- ☒ Description of any changes to bulk standards intended to accommodate the proposed densities
- ☒ 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) i.e., 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:

- ☒ 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

Agreements with developers or approvals for development of specific property, which shall include:

- ☒ Number, tenure and type of units
- ☒ Compliance with N.J.A.C. 5:97-9 and UHAC
- ☒ Progress points at which the developer shall coordinate with the Municipal Housing Liaison

Information and Documentation Required Prior to Marketing the Completed Units

- ☐ Resolution or executed contract designating an experienced Administrative Agent, and a statement of his/her qualifications, in accordance with N.J.A.C. 5:96-18
- ☐ Adopted operating manual that includes a description of program procedures and administration or a statement indicating that the Administrative Agent designated to run the program uses a COAH-approved manual
- ☐ An affirmative marketing plan in accordance with UHAC

Zoning Narrative Section

The Borough of Glen Rock has a growth share obligation of 10 units. The two affordable units in the Trafalgar Square (formerly Kara Homes) development is used to help meet that obligation. Trafalgar Square is the only significant development in Glen Rock. The project is unique in nature and is site specific because it is being developed on property that was previously contaminated. This is a 1.73 acre lot located in the A-2T District, which permits a density of eight (8) units per acre for a total of 13 units on the subject property. The site contained an oil sales facility, where a leakage created a contamination problem. The site has been remediated. The Zoning Board of Adjustment approved a development application for this site which granted a density increase to accommodate twenty (20) townhouse units including eighteen (18) market rate units and two (2) affordable units.

[1] 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.

RESOLUTION OF THE BOARD OF ADJUSTMENT
THE BOROUGH OF GLEN ROCK

In the matter of:

Kara Homes Development, LLC
471 Doremus Avenue
Block 43, Lot 1
Glen Rock, New Jersey

WHEREAS, Kara Homes Development, LLC ("Applicant") made application to the Zoning Board of Adjustment of the Borough of Glen Rock (the "Board") for use variance, bulk variance and site plan approval in connection with the Property located at 471 Doremus Avenue, Block 43, Lot 1 in the Borough of Glen Rock (the "Property") located in the A-2T Residential Townhouse Zone; and

WHEREAS, at the outset, the Applicant requested that the Application be bifurcated pursuant to N.J.S.A. 40:55D-76b. Accordingly, the Applicant presented testimony and evidence with respect to the requested use variance and bulk variances only. A major site plan application is to be submitted to the Board for its review and approval; and

WHEREAS, the Applicant has filed the appropriate application along with the following:

(a) Plans entitled "Site Plan, Kara Homes Development, Block 43, Lot 1, Borough of Glen Rock, Bergen County, New Jersey", prepared by Medina Consultants, dated July 13, 2005 and consisting of two (2) sheets.

(b) Community Impact Statement for a Proposed Townhouse Development in the Borough of Glen Rock prepared by Phillips, Preiss, Shapiro Associates, Inc., dated October 7, 2005.

188481_1

(c) Traffic Impact Analysis for Kara Homes Development, LLC prepared by Elizabeth Dolan Consulting, LLC dated October 7, 2005; and

WHEREAS, the Applicant has presented satisfactory proof to the Board that all owners of property situated within or without the municipality and within 200 feet of the Property have been given notice to the applicable statute; and

WHEREAS, the Board reviewed this matter at its work sessions on October 5, 2005, November 2, 2005 and November 30, 2005, and at its public hearings on November 2, 2005, November 30, 2005 and December 8, 2005; and

WHEREAS, after due consideration and deliberation at the aforementioned hearings, the Board did vote upon the Application and did instruct the Board Attorney to prepare a Resolution memorializing the vote taken; and

WHEREAS, pursuant to N.J.S.A. 40:55D-10(g), a decision must be reduced to writing and shall include findings of fact and conclusions based thereon; and

WHEREAS, the Zoning Board of Adjustment of the Borough of Glen Rock makes the following findings of fact, based upon the evidence presented at its public hearings:

1. The Applicant is the contract purchaser of the Property located at 471 Doremus Avenue, Block 43, Lot 1 and has presented satisfactory evidence of consent to this Application by the property owner, 471 Doremus Avenue, LLC.

2. The Property is located in the A-2T Residence District which permits single family attached dwellings, i.e. townhouses. The Applicant has proposed a permitted use at the Property.

3. The Property was formerly a commercial use by Home Fuel Oil Corporation. The previous use of the site resulted in environmental contamination which is currently being

remediated by the current property owner, under the direction of the New Jersey Department of Environmental Protection ("NJDEP"), to standards appropriate for residential development.

4. Initially, the Applicant proposed to construct a total of twenty-two (22) dwelling units on the Property, consisting of twenty (20) market rate units and two (2) units of low and moderate income housing in accordance with the requirements of the Council on Affordable Housing (hereinafter referred to as "affordable" units). Accordingly, although the use is permitted the Applicant required variances pursuant to N.J.S.A. 40:55D-70(d)(5) to permit a proposed density at the Property of thirteen (13) units per acre where a maximum of eight (8) units per acre may be permitted, contrary to Section 230-59A(3) and a total of 22 units where a maximum of 14 is permitted contrary to Section 230-59A(4) of the Zoning Ordinance.

5. The Applicant's original development proposal also required the following variances, pursuant to N.J.S.A. 40:55D-70(c):

(a) A minimum lot size of 2 acres is required and a lot of 1.73 acres exists and is proposed to remain contrary to Section 230-59A(1).

(b) The minimum setback required from a private road is 25 feet and a setback of 7 feet from a private road is proposed contrary to Section 230-59E(2).

(c) The minimum space required between the rear of buildings is 50 feet and 37 feet is proposed contrary to Section 230-59E(3).

(d) The minimum rear yard setback of a unit is 30 feet and 18.5 feet is proposed contrary to Section 230-59E(4).

(e) The minimum perimeter setback of the track from a residential use is 30 feet and 20 feet is proposed contrary to Section 230-59E(5).

(f) The maximum permitted impervious coverage is 50% and 68% is proposed contrary to Section 230-59E(6).

(g) The maximum number of units per building permitted is 5 and 7 units per building are proposed contrary to Section 230-59F(1).

(h) The maximum permitted length of a building is 120 feet and a building length of 126 feet is proposed contrary to Section 230-59F(2).

(i) The maximum building height permitted is 2½ stories and 35 feet, and buildings 3 stories and 35 feet in height are proposed contrary to Section 230-59E(1).

(j) Each unit is required to have an enclosed garage and the proposed affordable units do not have enclosed garages contrary to Section 230-59D.

6. In response to concerns expressed by Board members and members of the public, the Applicant revised its development plans. A revised plan, entitled "Site Plan" and containing a revision date of December 5, 2005 was marked as B-1 and is hereinafter referred to as the Concept Plan. The revised development proposal is to construct a total of twenty (20) dwelling units on the Property, consisting of eighteen (18) market rate units and two (2) affordable units. As a result, the variances required pursuant to N.J.S.A. 40:55D-70(d)(5) to permit a density at the Property greater than the Ordinance allows is reduced to twelve (12) units per acre where a maximum of eight (8) units per acre may be permitted, contrary to Section 230-59A(3) of the Zoning Ordinance and the total number of units proposed is reduced to 20 units where a maximum of 14 is permitted contrary to Section 230-59A(4) of the Zoning Ordinance.

7. The revised development proposal includes numerous other modifications resulting in changes to the variances required. Those variances required pursuant to N.J.S.A. 40:55D-70(c) are now as follows:

√ (a) A minimum lot size of 2 acres is required and a lot of 1.73 acres exists and is proposed to remain contrary to Section 230-59A(1). This condition remains unchanged from the original submission.

√ (b) The minimum setback required from a private road is 25 feet and a setback of 7 feet from a private road is proposed contrary to Section 230-59E(2). This condition remains unchanged from the original submission.

(c) The minimum rear yard setback of a unit is 30 feet and 27 feet is proposed contrary to Section 230-59E(4). This condition has been improved over the original submission by increasing the setback by 8.5 feet.

(d) The maximum permitted impervious coverage is 50% and 53% is proposed contrary to Section 230-59E(6). This condition has been improved over the original submission by reducing the total coverage by 15%.

(e) The maximum building height permitted is 2½ stories and 35 feet, and buildings 3 stories and 35 feet in height are proposed contrary to Section 230-59E(1). This condition remains unchanged from the original submission.

(f) The minimum buffer to be provided is 10 feet and a 5 foot buffer is proposed contrary to Section 230-59E(8).

(g) A minimum of 1,500 square feet of living space per unit must be provided and less than 1,500 square feet of living space is provided for in each of the affordable units contrary to Section 230-59F(2). This is a new variance condition.

(h) The minimum distance between drives permitted is 25 feet and 7 feet is the minimum proposed between certain drives contrary to Section 230-33G. This is a new variance condition.

(i) Each unit is required to have an enclosed garage and the proposed affordable units do not have enclosed garages contrary to Section 230-59D. This condition remains unchanged from the original submission.

8. The Applicant was represented by Stephen R. Geller, Esq. of Himelman, Wertheim & Geller, LLC, 1405 Route 18 South, Old Bridge, New Jersey. The testimony of the following individuals was presented in support of the Application:

(a) Richard Vollmar of Medina Consultants;
(b) Todd Gerber of The Whitman Companies;
(c) Nebbia Mijalli, Architect;
(d) Elizabeth Dolan, Traffic Consultant;
(e) Richard Preiss, Professional Planner.

9. Richard Vollmar of Medina Consultants was sworn and accepted by the Board as an expert in the field of civil engineering. At the outset of Mr. Vollmar's testimony, the following exhibits were marked into evidence:

(a) Aerial photo (A-1).
(b) Sheet 2 of 2 of the Site Plan prepared by Medina Consultants and submitted as part of the Application with color highlights (A-2).
(c) The Boundary and Topographic Survey submitted as a part of the Application (A-3).

10. Mr. Vollmar described the existing property conditions. The Property is a flag lot with access from Doremus Avenue. There is an existing townhouse development located to the east of the Property. Single family dwellings are located to the north of the Property. The railroad is located to the south and the Borough's Department of Public Works is to the west.

11. The development proposal originally consisted of a total of four (4) buildings, each containing five (5) market rate units. In addition, the fourth building would also contain two (2) affordable units, for a total of seven (7) units. The number of market rate units in this last building was reduced by two (2) for a total of five (5), including the two affordable units. All of the units are proposed to have two bedrooms except for one affordable unit, which will have one bedroom. All of the units, except for the affordable units, will have a garage.

12. The Residential Site Improvement Standards and New Jersey Stormwater Regulations apply to the development of this site. Mr. Vollmar testified that with respect to the New Jersey Stormwater Regulations, the 1.2 acres of impervious area that existed during Home Fuel Oil's use of the Property would be the Applicant's basis for compliance with the Regulations. The Board's engineer, Albert Roughgarden of Vollmer Associates, questioned the use of the Property as it existed at the time of Home Fuel Oil's occupancy as the basis for compliance with the New Jersey Stormwater Regulations. Mr. Roughgarden has requested an

interpretation of this particular provision of the Regulations from the NJDEP and any approval(s) granted to the Applicant for development of the Property are specifically contingent upon a response from the NJDEP.

13. A single driveway on Doremus Avenue provides ingress to and egress from the Property. The proposed driveway is at 24 feet in width. Questions were raised regarding the adequacy of the driveway as shown on the Concept Plan and interior circulation for access by emergency vehicles. Although the Applicant states that no access or circulation issues exist, any such issues will be a part of a subsequent site plan application to be made by the Applicant.

14. The Applicant does not show any proposed garbage or recycling area on the Concept Plan, the presence of which could impact the parking and/or circulation layout. The Applicant indicated that there would be curbside pickup for each individual unit and a private hauler would be hired with trucks small enough to appropriately access and navigate the site.

16. The next witness to testify was Todd Gerber of The Whitman Companies. Mr. Gerber referenced a drawing of the Property prepared by The Whitman Company, dated October 20, 2005 which was marked as A-4 during his testimony. Mr. Gerber is the Executive Vice President and owner of The Whitman Companies, East Brunswick, New Jersey. He was sworn and accepted by the Board as an expert in environmental remediation.

16. Mr. Gerber indicated that he has been retained by the current owner to remediate the environmental condition of the Property. The current property owner is the responsible party for the remediation. A Memorandum of Agreement was entered into between the present owner and the NJDEP, and the NJDEP approved the cleanup plan in 2002. Remediation activities have taken place since 2003. Mr. Gerber indicated that although invasive activities have been completed, it could be up to an additional two years before a No Further Action Letter is issued

by the NJDEP for the Property. The absence of a No Further Action Letter would not prevent development of the Property.

17. Mr. Nebbia Mijalli, a New Jersey licensed architect and senior architect for Kara Homes was next to testify. In anticipation of Mr. Mijalli's testimony, the following additional exhibits were marked into evidence:

(a) A board with photographs of typical Kara Homes exterior finishes (A-5).
(b) A photoboard of typical Kara Homes exterior finishes (A-6).
(c) A floor plan of the proposed townhouse units (A-7).

18. Mr. Mijalli described the typical three story townhome which is proposed. The typical market rate floor plan will provide for two bedrooms and have between 1,600 and 1,700 square feet of total living area. The exterior will be a combination of siding and stone. The affordable units will have 700 and 900 square feet of living space, respectively. The proposed development is similar to the development constructed by Kara Homes in Old Bridge, New Jersey and Exhibits A-5 and A-6 are photographs of the Old Bridge development. The anticipated purchase price for the units is $475,000.00.

19. Janice Talley, the Board's professional planning consultant, expressed concerns regarding the roof lines as shown on Exhibits A-5 and A-6 and whether they are appropriate for this Property. She also questioned the exterior finishes to the buildings noted in those Exhibits. The Applicant agreed that the Exhibits A-5 and A-6 are for illustrative purposes only and that the final architectural and aesthetic considerations would be a part of the site plan process.

20. Elizabeth Dolan also testified on behalf of the Applicant. Ms. Dolan was sworn and accepted by the Board as an expert in the field of traffic and transportation engineering. Ms. Dolan testified with respect to the report submitted to the Board as part of the Application package by summarizing the findings contained therein. She acknowledged that the findings are

based upon dates that do not take into consideration the traffic conditions when the pool on Doremus Avenue is open and/or the ballfields would be in use. Ms. Dolan concluded that the amount of traffic which is anticipated to be generated by the proposed development would not have a significant impact on existing traffic conditions.

21. The Board's traffic engineer, Louis Luglio of Vollmer Associates addressed Ms. Dolan's findings and made reference to his correspondence of November 2, 2005. Although he concurred with most of Ms. Dolan's findings, he recommended that the Applicant install an automatic traffic counter for seven days to gather additional data. The Applicant agreed, and provided the additional data to the Board by letter dated November 22, 2005.

22. The Board's traffic engineer, having reviewed Ms. Dolan's additional and updated data advised the Board that the data presented is acceptable and adequate. Furthermore, Vollmer Associates agrees with the conclusion that there will be no significant impact from the additional traffic which results from the proposed development.

23. Richard Preiss, a professional planner, was the final witness to testify on behalf of the Applicant. Mr. Preiss was sworn and accepted by the Board as an expert in the field of planning. Mr. Preiss began his testimony by describing the surrounding uses and gave an overview of the proposed development. He then testified in detail as to the proofs in support of each of the requested variances.

24. With respect to the (d) variance for an increase in the permitted density, Mr. Preiss indicated that, in his opinion, there are special reasons to support the density variance and satisfy the positive criteria. Those special reasons are as follows:

(a) The density as proposed more closely complies with the purpose and intent of the 2002 Master Plan of the Borough of Glen Rock. According to Mr. Preiss, the

Master Plan notes a need for housing for older empty nester couples and young single and young married couples. Mr. Preiss made reference to pages 3 and 4 of the Master Plan where it notes that existing housing does not address the need which exists for this type of housing. He noted that the Master Plan calls for one bedroom and studio type units while the Zoning Ordinance requires a minimum of 1,500 square feet of living space. These two provisions are somewhat at odds. If the Applicant was to comply with the permitted density, it would necessarily result in much larger units with a greater number of bedrooms and a higher cost which would not, according to Mr. Preiss, satisfy the previously noted goals of the Master Plan.

(b) The proposed development supports the goals and purposes of Smart Growth and the State's redevelopment plan. Smart Growth principles encourage higher density projects on sites with access to existing infrastructure and located close to mass transit.

(c) The substantial cost associated with remediation of the environmental condition which existed at the Property to NJDEP standards satisfactory for residential development is a valid factor for consideration as a hardship upon the Applicant.

(d) The site is particularly suited to accommodate the particular density as well as the use. Its location, i.e. proximity to downtown and mass transit, surrounding compatible uses, is suited to a higher density development. Furthermore, the size and shape of the Property make it suitable. The proposed number of units and related improvements will create a well functioning development.

(e) The increased density furthers various purposes of the Municipal Land Use Law and, specifically, (a), (e), (g), (h), (i) and (j).

25. Mr. Preiss also testified with respect to the negative criteria. With respect to whether granting the variances would cause a substantial detriment to the public good, for all of

the foregoing reasons, in Mr. Preiss's opinion the proposed development is appropriate for the Property. The development is safe, attractive and will have minimal impact on traffic, utilities and municipal services. Accordingly, there would be no substantial detriment. With respect to the second prong of the negative criteria, whether granting the variances would substantially impair the zone plan or zoning ordinance, Mr. Preiss repeated his conclusion that the proposed development is substantially consistent with the intent and purpose of the 2002 Master Plan. There is, however, some inconsistency with the current zoning ordinance; however, according to the Applicant, the proposed development provides the greatest consistency between the Master Plan goals and the zoning ordinance.

26. Mr. Preiss indicated that the (c) variances fall into three specific categories:

(a) Density;
(b) Exceptional situations affecting the Property;
(c) Affordable units.

27. The density related variances include the minimum setback to a private road, the minimum rear yard setback, minimum distance between driveways and the maximum permitted impervious coverage. None of the foregoing variances present any safety concerns. Traffic and circulation will be looked at more closely during the site plan phase of the proposed development and any safety concerns shall be addressed at that time. The variance for the setback to a private road maintains an adequate separation between the buildings and the road while pulling the units as far away from the existing residential homes as possible. The minimum rear yard setback is a de minimus variance in Mr. Preiss's opinion. There is an adequate rear yard provided for this type of residential housing and, as proposed, the rear yards comply with the intent of the Ordinance provision although not with the precise setback requirement. Finally, the impervious coverage is much improved over the Applicant's original proposal and is a minor increase over

what is permitted. Overall, these variances benefit the adjacent residential properties and have little or no detrimental impact.

28. The second category of variances includes the minimum required lot size. This is an existing condition and the Applicant has no reasonable opportunity to purchase additional adjoining property to comply with this provision. Next, is the variance required between the proposed buildings will be three stories instead of 2½ stories. However, all buildings will comply with the overall height requirement of 35 feet. The buildings will have a pitched roof to minimize any visual impact. Furthermore, the height is necessitated, in part, by the fact that most units will have no basement or an exceptionally small basement due to the site constraints from the environmental contamination.

29. Finally, a number of the requested bulk variances are directly related to the two affordable units being provided at the Property. Mr. Preiss reminded the Board that the Council on Affordable Housing requires municipalities to eliminate unnecessary cost generating features in order to comply with their requirement to provide low and moderate income housing. The variation from the minimum unit size and the provision of a garage for the affordable units are reasonable requests in light of the COAH doctrine.

30. The meeting was opened to the public at which time a number of residents spoke out concerning the Application:

(a) Mr. Bill Brown, 675 Lincoln Avenue, read a statement into the record indicating that he did not believe the Application should be approved.

(b) Gabriel Bullaro, 512 Doremus Avenue, also believes the Application should be denied because there will be no benefit to the Borough for the proposed development.

(c) Mr. Seaton, Ferndale Avenue, does not believe any variances should be granted.

(d) Irene Brown, 675 Lincoln Avenue, expressed concerns that the Property would have drainage problems.

(d) Alan Brenner, Doremus Avenue, also does not support the Application.

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment by the Borough of Glen Rock that the Application of Kara Homes Development, LLC with respect to the Property, requesting variance relief in accordance with N.J.S.A. 40:55D-70d(5) to permit a density and total number of dwelling units in excess of what the Ordinance allows be and is hereby APPROVED subject to the terms and conditions hereinafter set forth:

1. The foregoing findings of fact and conclusions of law are incorporated herein as if set forth at length.

2. The Applicant proposed a permitted use at the Property and seeks relief pursuant to N.J.S.A. 40:55D-70d(5) which requires that the Applicant satisfy both the positive and negative criteria. In order to satisfy the positive criteria, the Applicant must show proof of special reasons. Special reasons may be established by showing that (a) the proposed use is inherently beneficial; (b) that the use promotes the general welfare because the site is particularly suited for the use; or (c) that the site cannot be reasonably be developed for a conforming use. In this instance, the Applicant has provided special reasons demonstrating that the use promotes the general welfare because the site is particularly suited for the increased density and the proposed development will promote the purposes of zoning. Specifically, through the testimony of Richard Preiss, the Applicant's professional planner, it has been demonstrated that this Property is suited for the proposed density, and there are a number of purposes of zoning which will be advanced by permitting a density greater than what the Ordinance permits.

3. The Applicant must also satisfy the negative criteria by showing that the requested variance can be granted without substantial detriment to the public good and that

granting of the variance will not substantially impair the intent and purpose of the Zone Plan and the Zoning Ordinance. The Applicant has shown that allowing a greater number of units on the Property will not result in a substantial detriment to the public good. The Applicant has shown that there are no health or safety concerns associated with the Property as a result of the increased density. The Applicant, however, must still submit a major site plan application to the Board for their review and approval and health and/or safety concerns regarding the functioning of the overall site will be considered and addressed at that time. While the Board finds, at this juncture, that the increase in density does not result in a substantial detriment to the public good, this finding is specifically contingent upon the Applicant satisfying the Board and its consultants as to the suitability of site circulation, access, drainage and other site plan factors in connection with the increase in dwelling units.

4. The Applicant has also shown that granting the variance for an increase in density will not substantially impair the intent and the purpose of the Zone Plan and the Zoning Ordinance. In certain instances the Master Plan and the Zoning Ordinance are inconsistent. The development as proposed by the Applicant is consistent with the Master Plan's acknowledgment that there is a need for this type of housing, i.e. more affordable units for young individuals and older empty nesters. The current development plan, as modified by the Applicant during the hearing process, although still requiring a number of bulk variances is more consistent with the Zoning Ordinance than the original submission.

5. The Board finds that granting of the requested variance for an increase in density at the Property will not have a significant negative impact on the surrounding properties. Furthermore, the Board also finds that granting of the variance will not negatively alter the

character of the existing neighborhood such that it would cause a substantial detriment to the public good.

NOW THEREFORE, BE IT FURTHER RESOLVED by the Board of Adjustment by the Borough of Glen Rock that the Application of Kara Homes Development, LLC with respect to the Property, requesting various bulk variances relief in accordance with N.J.S.A. 40:55D-70c to permit various bulk variances from what the Ordinance allows be and is hereby APPROVED subject to the terms and conditions hereinafter set forth:

1. The foregoing findings of fact and conclusions of law are incorporated herein as if set forth at length.

2. The Board is satisfied that the statutory criteria for the grant of variance approval has been met by the Applicant.

3. The Applicant seeks variance approval pursuant to N.J.S.A. 40:55D-70(c)(2).

4. When an Applicant seeks variance relief approval pursuant to N.J.S.A. 40:55D-70(c)(2), the Applicant must show that a particular instance relating to a specific piece of property, the purposes of the Municipal Land Use Law would be advanced by allowing a deviation from the zoning ordinance requirements and that the benefit of any such deviation allowed by the Board would substantially outweigh any detriment.

5. In reviewing the Application, evidence and testimony, the Board finds that the variances requested by the Applicant can be granted in this instance. The Applicant has demonstrated that the proposed development will promote the purposes of zoning set forth at N.J.S.A. 40:55D-2 and, specifically, (a), (e), (g), (h), (i) and (j). The Board in this instance finds that the benefits to be derived from the granting of the variances requested outweigh any possible detriment resulting from the approval of these variances.

6. In addition to the foregoing, an Applicant seeking variances pursuant to N.J.S.A. 40:55D-70(c)(2) must show that the proposed variance relief sought would not have a substantial detriment to the public good and, further, would not substantially impair the intent and purpose of the zone plan and zoning ordinance. The Board also finds that the granting of the requested variances will not have a substantial detriment to the public good and will not substantially impair the intent and purpose of the zoning ordinances of the Borough of Glen Rock, for the reasons substantially set forth hereinabove.

7. The Applicant shall submit a major site plan application to the Board for its review and approval. The approval of the requested variances addressed herein is expressly contingent upon the Application receiving major site plan approval. If during the major site plan approval hearings, the Applicant is unable to comply with any reasonable requests of the Board and/or its consultants, the number of dwelling units approved herein may have to be modified as appropriate.

8. The Applicant shall obtain approval from all other governmental agencies having jurisdiction over the subject Application and development, if any, and provide evidence of approval, waiver or exemption to the Board.

9. The Applicant shall pay all fees due and owing to the Borough of Glen Rock, including the posting of any application fees, review fees, inspection fees and/or escrow fees which may be due. The Applicant shall not be deemed completed to proceed with its major site plan application until all such amounts have been paid.

11. The Applicant shall comply with all applicable rules, regulations, ordinances and statutes of the Borough of Glen Rock, County of Bergen and State of New Jersey with regard to the application. Without limiting the foregoing, this approval is specifically contingent upon the

Applicant complying with the New Jersey Stormwater Regulations and the NJDEP interpretation referenced herein.

12. The Applicant shall revise the driveway to the Property to create a single driveway together with the adjacent DPW driveway.

13. The Applicant shall provide the owner of Lot 2, Block 43 with an easement over such portion of the Applicant's access drive as may be necessary for that adjacent property owner to access the garage on his property.

14. The Applicant shall submit architectural plans to the Board as a part of its major site plan application for review and approval.

15. The Applicant shall comply with the comments and recommendations contained in review letters from Vollmer Associates, H2M Associates, and any and all other Borough representatives, specifically including, but not limited to Borough Fire officials and Emergency Services.

The undersigned certifies that the within Resolution was adopted by the Board and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on February 9, 2006.

Bruce Beal, Chairman

Nancy Spiller

Nancy Spiller, Secretary

OFFERED BY: Ms. Samuels
SECONDED BY: Mrs. Schineller
VOTE: Beal, Samuels, Schineller, Reuter for, No one against.
DATE: February 9, 2006.