

WYCKOFF TOWNSHIP
Bergen County

2018
Master Plan Land Use Plan Element
Amendment

Presented to the Planning Board

October, 2018



Elizabeth C. McKenzie, AICP, PP

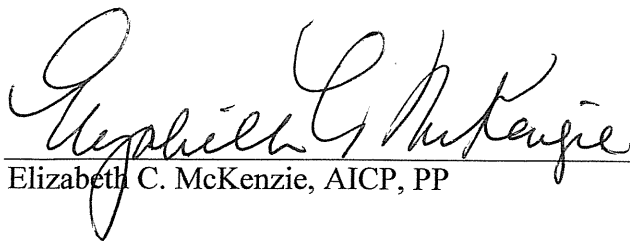
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A handwritten signature in black ink, reading "Elizabeth C. McKenzie". The signature is written in a cursive style with large, flowing letters.

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2018 MASTER PLAN LAND USE PLAN ELEMENT AMENDMENT

Purpose

The purpose of this 2018 Land Use Plan Amendment is to address the means by which the Township of Wyckoff will be able to increase opportunities for the construction of very low, low and moderate income housing within its boundaries while retaining and reinforcing its existing character and local business community and also acknowledging the environmental sensitivity of much of the limited remaining vacant land in the Township. This Land Use Plan Amendment is intended to support the Township's 2018 Third Round Housing Element and Fair Share Plan, which has been prepared in accordance with the Municipal Land Use Law (MLUL) at N.J.S.A. 40:55D-28b(3) to address a settlement with Fair Share Housing Center of the Township's Third Round Fair Share Obligation, a settlement that has already received the approval of The Honorable Menelaos Toskos, JSC, in In the Matter of the Application of the Township of Wyckoff's Housing Element and Fair Share Plan, Docket No.: BER-L-6224-15, pending fulfillment of all conditions of the Order approving the fairness of the settlement.

Overview of the Township's Residential Development Opportunities

The Township of Wyckoff is a nearly fully developed municipality. Development opportunities are limited to a few vacant parcels, many of them small and some of them severely constrained by wetlands or steep slopes, plus sites with the potential for redevelopment. Consequently, the Township is eligible for a vacant land adjustment in the fulfillment of its Third Round Fair Share Obligation. As a result of a Vacant Land Analysis prepared for Wyckoff, the Township's realistic development potential (RDP) has been calculated. The RDP is the portion of the Fair Share Obligation that can be expected to be accommodated during the delivery period (prior to July 1, 2025). A

vacant land adjustment does not reduce the Township's Fair Share Obligation, but it divides it into a number that can realistically be expected to be accommodated prior to July 1, 2025 (the end of the Third Round period) and the remainder number, or Unmet Need, which should be addressed with overlay zones and other mechanisms that may not necessarily bear fruit right away.

Extent of the Fair Share Obligation To Be Addressed in Wyckoff

The Township's 2018 Third Round Housing Element and Fair Share Plan is designed to address a Third Round RDP of 46 and a Third Round Unmet Need of 594 units, as well as a Rehabilitation Share of 33 units.

In addition, but for the build-out of the Abma Farm, which has not yet developed in accordance with its existing inclusionary residential zoning, the Township has fully fulfilled its 221 unit Prior Round (1987-1999) Obligation.

The Third Round Obligation reflects the Township's share of the regional need for affordable housing that arose between 1999 and 2015 (the "gap period") and that is projected to be needed between 2015 and 2025 (the "prospective need"), according to the settlement agreement executed between the Township and Fair Share Housing Center. More specific information concerning the litigation giving rise to the Settlement Agreement and the terms of that settlement agreement is outlined in the 2018 Third Round Housing Element and Fair Share Plan and is not repeated here.

How Wyckoff Addressed its Prior Round Obligation

Wyckoff's 221 unit Prior Round Obligation was fulfilled with a variety of mechanisms, including the transfer of 44 units to other municipalities in the housing region (a mechanism that is now longer permitted to be used, but that was valid at the time), the construction of 23 affordable for sale units available to families in four separate

developments in the Township, the construction of 29 affordable rental units available to families in two developments in the Township, the construction of 36 age-restricted (senior) rental units at Christian Health Care Center, and 12 special needs group home bedrooms in three separate homes. The Township also earned 41 rental bonuses. The remainder of the Prior Round Obligation will be completely satisfied once the Abma Farm is developed.

Land Use Plan Amendments to Address Third Round Fair Share Obligation

Sites to be Rezoned to Address the Third Round RDP

1. Wyckoff proposes to address a portion of its 46 unit RDP through inclusionary residential zoning and development at a density of up to 12 units per acre on Lots 1 and 2 in Block 259, located adjacent to the railroad tracks, across from Boulder Run Shopping Center. One of these lots is small and contains a gas station. The other is large, but heavily constrained by wetlands to the rear. It is anticipated that if these two lots were developed together, a first floor retail component could also be included in the zoning, with the residential portion of the development confined to the upper level. At a 15 percent set-aside for rental affordable units, these two lots would yield approximately 22 total units, of which **3 would be affordable rental units.**
2. Wyckoff proposes to address a portion of its 46 unit RDP through the rezoning of Block 216, Lots 17.01, 18 and 19, on Greenwood Avenue. These lots, which are currently in separate ownership, total 23,400 square feet or .537 acres of land, with no environmental constraints. These lots, while currently in single-family residential use, are surrounded by non-residential uses. These lots will be rezoned so that, if assembled into one parcel, they could be developed with apartments at a density of 12 units per acre (perhaps along with a small first floor commercial component), yielding a total of six (6) apartments, of which **one (1) would be an affordable rental unit**, based on a 15 percent set-aside rate for rental affordable units.

3. Wyckoff proposes to address a portion of its 46 unit RDP through the rezoning of what was formerly Block 216, Lots 12.01 and 13.04 (now Block 216, Lots 13.08, 13.09 and 13.10), encompassing a total of 2.39 acres of land. The original two lots were assembled and then re-subdivided for single-family residential development as a result of a 2008 settlement agreement with their owner, who was, at least at the time, also the owner of the Boulder Run Shopping Center. That settlement agreement resulted in 16 affordable family rental units being developed on the Boulder Run Shopping Center property (Block 216.01, Lot 24.01). The single-family lots across the street have remained undeveloped, however, and it is now proposed that they will be rezoned to allow apartments to be developed above an appropriately sized commercial component, instead of the single-family homes for which they are currently zoned. The lots have no environmental constraints, but the permitted residential density will be subject to the limitations imposed by the size of the commercial use and its parking demands, which will constrain the overall size of the building that can be built, and this will determine how many apartments can be provided on the upper levels. It is currently anticipated that the yield would be about 12-18 apartment units, in addition to the ground floor commercial component, thus ***producing at least two (2) and perhaps as many as three (3) affordable rental units***, using the 15 percent set-aside rate for affordable rental units.

4. Canterbury Development Corp. ("Canterbury") is the owner of the Maple Lake property off Cedar Hill Avenue (Block 320, Lots 10.02 and 11). Canterbury intervened before the Court in the Township's declaratory judgment action seeking the Court approval of Wyckoff's Third Round Housing Element and Fair Share Plan. Mediation ensued, with the assistance of a Court-appointed Special Master, and a settlement was ultimately reached as to the disposition of the Maple Lake property.

Most of the property will be acquired by the Township as permanent public open space. The southernmost portion of property, closest to Cedar Hill Avenue, and accessed only from Maple Drive, will be rezoned to permit the construction of sixty (60) luxury apartments or condominium units, of which 15% or 9 will be reserved as affordable

family rental units (2 very low, 3 low and 4 moderate, distributed as evenly as possible among the required bedroom mix of 2 three-bedroom units, 1 one-bedroom unit and 6 two-bedroom units. All of this development will occur in a limited and clearly delineated portion of the site.

The settlement with Canterbury resolves a long-standing concern over the eventual disposition of this property, which is severely constrained by steep slopes, wetlands and flood plain areas throughout much of the site. The pockets of "developable land" on the site are not easily accessed without substantial disturbance to environmentally sensitive areas. The decision to allow development in the more accessible and somewhat less constrained southern tip of the site, in exchange for an agreement to sell the balance of the site to the Township as open space, helps the Township to secure most of the site as conservation and passive open space while still addressing the need for affordable housing, particularly affordable rental units for families, in Wyckoff through the development of a small portion of this land.

5. The balance of Wyckoff's proposals for fulfilling its 46 unit RDP do not involve the rezoning of land.

The existing affordability controls on two of the four condominium units at Turtle Creek were extended for another 30 years from the date they were due to expire (January of 2020), earning the Township two credits toward the Third Round Obligation.

A five (5) bedroom group home was recently opened at 832 Mountain Avenue. It is operated by Eastern Christian Children's Retreat (ECCR), which also operates three older group homes in Wyckoff (that were credited to the Prior Round). Despite its name, all of the occupants of the ECCR facilities are aged 18 and over. This group home will yield 5 more credits, one for each bedroom.

The Township has been working with United Way/Madeline Corporation to fund the establishment of a new six (6) bedroom group home on Block 238, Lot 2, a lot located at

370 Clinton Avenue and previously owned by the Township of Wyckoff. This project is already under construction, and will earn the Township

The Township has negotiated with Christian Health Care Center (CHCC) to place new UHAC-compliant 30 year deed restrictions on 24 units of independent living senior citizens housing on which the prior HUD contract had expired in 2009. This is in exchange for allowing CHCC to develop additional market-rate age restricted housing elsewhere on the CHCC campus (Vista project). Not all of these senior housing credits will be eligible for inclusion in meeting the current fair share obligation, however, as they will exceed the limit on the use of age-restricted housing to address affordable housing Fair Share Obligations. Based on a 46 unit RDP, a maximum of 25 percent or 11 of these units could be credited. However, the Township will be claiming credit for only 6 age-restricted units now in order to maintain the required ratio of family and non-family (age-restricted and group home) units in its Plan. The remaining units will help to address the Township's substantial Unmet Need.

The Township will also be eligible for 12 rental bonuses on the units in its Plan.

Sites to Receive Overlay Zoning to Address the Third Round Unmet Need

The RDP of 46, subtracted from the total Third Round Obligation of 640 units, results in an Unmet Need of 594 units, which Wyckoff proposes to partially address through overlay zoning in four locations in the Township, all of which were specifically identified as part of the Court-approved settlement:

1. Overlay zoning on several lots (Block 224, Lots 1.01, 2.01, 3, 4, 6.01, and 7, which are currently developed, and Block 224, Lot 5.01, which is vacant), all located along the south side of West Main Street. The developed lots contain small industrial uses and parking that, in combination with vacant Lot 5.01, might well be ready for privately initiated inclusionary residential redevelopment assuming the assemblage of

some, several or all of these parcels. The lots to the west of these parcels are all residentially developed. The West Main Street lots together total 4.0 net developable acres (nearly half of Lot 5.01 is constrained by flooding). With overlay zoning permitting consolidation and redevelopment at a density of 12 units per acre, the total yield of all of these lots, taken together, would be about 48 units, 10 of which would be affordable (based on a 20 percent set-aside, rounded up).

To achieve this development and also accommodate required parking, it will be necessary to permit parking within the building on the ground floor level with two stories of apartments above. It is intended that the third story be created within the roof space over the second floor to reduce the appearance of height without sacrificing roof pitch, in consideration of the single-family homes to the west, although it is acknowledged that these homes already sit at a higher elevation than the West Main Street lots.

2. Overlay zoning on the Bergen Brick and Tile Property (Block 202, Lot 78.01) that would permit mixed use development, with ground floor retail uses plus one story of apartments above that facing Wyckoff Avenue, and one level of parking within the building plus two stories of apartments in the rear. With overlay zoning permitting a gross residential density of 15 units per acre, it is anticipated that this 2.0 acre site will yield a total of 30 apartments, of which 6 will be affordable, based on a 20 percent set-aside.

3. Overlay zoning on three properties, including a Chevrolet dealership and two large industrial properties located in the southwest corner of the Township (Block 517, Lot 3.01, and Block 516, Lots 6.03 and 6.04). Currently, the two industrial lots are actively used for industrial purposes (they are owned by Maarten's Farm, LLC, and Precision Multiple Controls), but in the future, they may no longer be so.

If these sites were to be redeveloped for inclusionary residential development at a gross residential density of 16 units per acre, it is estimated that they would yield up to 270

total units, of which 54 would be affordable, based on a 20 percent set-aside. Wyckoff will place an overlay zone on these properties to ensure that when redevelopment of these properties is ready to occur, inclusionary development with affordable housing available to families will be produced. It is intended that Block 517, Lot 3.01, currently developed with the Chevrolet dealership, will include non-residential development on the ground floor facing Goffle Road.

It is intended that building heights within this overlay zone will be varied such that two or two and a half story buildings will be constructed adjacent to existing single-family dwellings at the perimeter of the overlay zone and that three story buildings will be permitted to be constructed internally to the overlay zone.

Intrinsic to the ability to redevelop these sites without undermining the surrounding single-family residential neighborhoods will be the incorporation into the overlay zoning standards of a strong set of buffering standards and a prohibition against access through any of the abutting residential cul-de-sac streets.

4. Overlay zoning on the Wyckoff Shopping Center property (Block 235, Lot 3). The rear of this 2.42 acre site is committed for use as parking for the adjacent park. If this property were permitted to have a full second story added to its roughly 28,000 square foot ground floor, with such second floor to be used only for apartments, it is estimated that 22 apartments could be created on the second floor, keeping the ground floor for the retail and service businesses that are currently permitted. A total of 22 apartments translates to a gross residential density of 10 units per acre calculated on just the 2.16 acre portion of the site that is used for commercial purposes (i.e., excluding the public parking area). An affordable housing yield of 5 affordable units is anticipated (based on a 20 percent set-aside, and rounding up). Wyckoff will place an overlay zone on this property to ensure that should the owner/developer decide to add a full second story to the existing building or to a replacement building of similar size, inclusionary residential development with family affordable housing will be produced.

5. The balance of the Unmet Need will be addressed through the following mechanisms that do not involve new overlay zoning:

The Unmet Need will be partially satisfied with some excess credits from the eventual development of the Abma Farm site under its current inclusionary zoning. The Abma Farm (Block 202, Lot 4) is a 27.5 acre family-owned working farm that was zoned for inclusionary residential development as part of the Township's first round Housing Element and Fair Share Plan. It has retained that zoning to this day. It has sewer and water service. The Abma Farm has not developed in accordance with its zoning, as it is still a working farm. The Abma Farm encompasses farmland, a nursery and greenhouses and provides popular farm-related family entertainment opportunities throughout the year. The property has some environmental constraints to its development, in the form of wetlands and some steep slopes. Nevertheless, it can accommodate a substantial amount of inclusionary residential development, and when the owner is ready to develop it, the inclusionary zoning is already in place. Any excess units created on this site that are not needed to fulfill the balance of the Prior Round Obligation, will be applied to the Unmet Need.

Eighteen (18) units of the 24 CHCC Evergreen Court age-restricted units that will receive new deed restrictions but that are not needed to address the RDP will be available to address the Unmet Need, as long as the number of age-restricted units applied against the Unmet Need does not exceed 25 percent of the portion of the Unmet Need that will be satisfied with other units and credits.

The balance of the Unmet Need will be addressed over time through the adoption of a Mandatory Set-Aside Ordinance designed to capture an affordable housing set-aside (which Wyckoff would require to be for families as opposed to seniors) whenever higher density multi-family residential development or redevelopment occurs. The provisions of the Mandatory Set-Aside Ordinance will provide as follows:

A mandatory set-aside requirement of 20% (if the affordable units will be for sale) and 15% (if the affordable units will be for rent) shall be imposed on any multi-family residential development created through any Township or Board action involving a rezoning, use variance, density variance, redevelopment plan or rehabilitation plan permitting redevelopment that provides an incentive in the form of an increase in the density on a site, which density is at or above six (6) units per acre and results in the construction or creation of five or more new dwelling units. This requirement does not affect the requirements for production of affordable housing on sites that are zoned for inclusionary development as part of the Plan, which shall be developed as provided under the zoning or overlay zoning enacted for those sites. **This requirement does not give any developer the right to any such rezoning, variance or other relief, or establish any obligation on the part of Wyckoff Township to grant such rezoning, variance or other relief, nor does it suggest that a density of six (6) units per acre provides a sufficient financial incentive for inclusionary residential development in all cases.** A property shall not be permitted to be subdivided so as to avoid meeting this requirement.

Availability of Infrastructure

Wyckoff is fully served by both public sewer and public water infrastructure. In fact, it has been asked to provide utility services to adjacent towns to facilitate the development of affordable housing, and it has acceded to such requests.

Anticipated Land Use Patterns, Anticipated Demand for Projected Growth and Economic Impact

Clearly there will be impacts associated with the new development that is proposed as part of this Plan and the higher densities at which such development will occur. These impacts are not entirely negative, however.

The additional residential units that are contemplated by this Plan will help to stimulate the demand for restaurants and retail shops and services, improving the overall

economic climate in the Township. The affordable units that will result from such development, while required to be marketed throughout the housing region, will nevertheless provide a wider range of affordable housing opportunities for households that have a need to live in Wyckoff, including older people, young adults, persons with special needs and local or nearby employees.

Implementation of the Master Plan Land Use Plan Element Amendment

The Township Committee will be presented with a set of as of right and overlay zoning regulations and a revised Zoning Map designed to amend the Zoning Ordinance and implement the recommendations of both this 2018 Master Plan Land Use Plan Element Amendment and the 2018 Third Round Housing Element and Fair Share Plan, which is also a Master Plan Element.

Consistency with Long-Standing Master Plan Goals

Wyckoff has consistently promoted its primary Master Plan goal of maintaining the Township's quiet residential ambience and of protecting its environmental resources. This amendment achieves this goal while still accommodating the Township's constitutionally mandated obligation to provide zoning and other mechanisms that will enable the Township's fair share of lower income housing to be built, so that everyone with a need to live in Wyckoff can find a home.

It is noteworthy that the 1978 Land Use Plan for the Township had suggested that rental dwelling units could be provided above commercial uses in the central business area to provide additional rental housing opportunities.

That same document also recommended cluster development to preserve open space in areas with swamps and lakes and subject to flooding as well as areas needing protection of scenic views or preservation of the environmental, consistent with the approach taken by the Township in the disposition of the Canterbury property.

Third Round Affordable Housing Sites

Township of Wyckoff
Bergen County, NJ

October 2018

Legend

- Sites Addressing Third Round RDP
- Sites Addressing the Unmet Need

Map Scale = 1:24,000
or 1" = 2,000'

0 1,000 2,000 Feet



Data Sources: NJOT Office of Geographic Info. Services

