

SUMMARY REPORT AND NARRATIVE
Wyckoff Township, Bergen County

Prepared by Elizabeth C. McKenzie, AICP, PP

November 16, 2015

"Working Estimate" of Fair Share Obligation

The "working estimate" of Wyckoff Township's prospective fair share for affordable housing covers the entire period from 1999 through 2025. For the time being, it has not been separated out into an obligation generated during the "gap period" (1999-2015) and a separate prospective need obligation (2015-2025).

The "working estimate" is for planning purposes only; it is not intended nor shall it be taken as an acknowledgement of the validity (or invalidity) of any particular fair share number or methodology.

The "working estimate" has two components. The first is an estimate of the Township's Realistic Development Potential (RDP) based upon a thorough analysis of all vacant and developable lands remaining within Wyckoff, to which non-vacant sites that are likely to redevelop (with a small "r") in the foreseeable future have been added. The second is an estimate of the Township's potential unmet need, which is the difference between the "working estimate" of the Township's prospective fair share obligation and the number of affordable units that can realistically be expected to be developed in Wyckoff over the next 10 years (the RDP).

The "working estimate" for Wyckoff for planning purposes is 480 units. This number is derived from a simple mathematical analysis taking the cumulative prior round (1987-1999) fair share obligation (for new construction) and dividing it by 12 to get an annual rate of accrual. The 1987-1999 prior round fair share obligation (for new construction) was determined by the Council on Affordable Housing to be 221 units. The annual rate

of accrual was, thus, 18.4 units. Multiplying the annual rate of accrual times 26 (the number of years from 1999 to 2025) yields 478.4 units, just under the 480 "working estimate" stated above. This method of estimating Wyckoff's obligation (for the time being) is no more or less valid than using the methodology developed by the Council on Affordable Housing (COAH) in 1993 and modifying some but not all of its components and assumptions, as proposed by Dr. David Kinsey for Fair Share Housing Center. It is roughly twice as high as the fair share number last proposed by COAH as N.J.A.C. 5:99, but not adopted.

Opportunities for Low and Moderate Income Housing

Wyckoff is a fully developed community. It has little left in the way of vacant developable land. In fact, when Wyckoff's first round plan was approved by the Court in 1992, Wyckoff had been granted a vacant land adjustment. As part of that process, however, all of Wyckoff's remaining large developable parcels of land were rezoned for inclusionary residential development. A few of these parcels ended up being found either to be unsuitable for development or to be needed for other public purposes, and these particular sites did not develop as initially envisioned by the Court.

When COAH issued its new cumulative 12 year municipal fair share allocations in 1993, those allocations covered the entire 1987-1999 first and second round periods (now referred to as the "prior round" period). Wyckoff was assigned a lower 12-year fair share obligation (221 units) than its adjusted first round obligation (271 units) had been, and the Township was still able to present a fully compliant plan to COAH addressing all 221 units (plus the 11 unit rehabilitation obligation) that comprised its cumulative 12 year prior round allocation. COAH granted substantive certification to Wyckoff's second round plan in 1999.

Given the passage of time and the limited amount of vacant developable land left in Wyckoff, I recommended that, as part of the preparation of the Township's 2015 Housing Element and Fair Share Plan, Wyckoff undertake a vacant land analysis to very specifically determine Wyckoff's opportunities and limitations for producing more low and moderate income housing in addition to the low and moderate income units already created or already zoned to be created as a result of Wyckoff's two previously approved Housing Elements and Fair Share Plans.

Vacant Land Analysis Methodology and Outcome of the Analysis

To assess vacant and potentially developable lands within a municipality, the tax parcel base map and corresponding MOD IV assessor's data was first downloaded from the Bergen County Geographic Information System Services website. Data was reviewed for completeness and accuracy with respect to property class codes and, where necessary, updated based on local information and/or aerial photography. Properties were then classified as to their use by property class code and all parcels that were vacant (property class 1), farm assessed or farm qualified (property classes 3A and 3B), vacant publicly owned (property class 15C) or unclassified (no match in the MOD IV tax database) were extracted as a separate data set. ***These data were then compared with local information to eliminate recently developed parcels, parcels in active use for municipal government or utilities purposes, parcels included on the municipality's Recreation and Open Space Inventory (ROSI) on file with the NJDEP, parcels utilized for open space or conservation purposes that are otherwise restricted (but not on the ROSI), and parcels owned by other municipalities, the County or the State.***

COAH's Prior Round rules (at N.J.A.C. 5:93, *et seq.*) pertaining to vacant land adjustment procedures allow certain environmentally constrained areas to be excepted from consideration, including land in 100 year floodplains, wetlands and steep slopes

(over 15%). Data for these three environmental constraints were available from FEMA and NJDEP and were downloaded and clipped to municipal boundaries. Since, in most cases, constrained land tends to be affected by more than one environmental limitation (particularly floodplains and wetlands), the areas subject to each of type of constraint were merged to arrive at a single data set representing environmentally constrained areas with the overlap eliminated. Environmentally constrained lands were then clipped to the boundaries of parcels considered vacant or otherwise available for development and the area of environmentally constrained land was calculated and summarized for each parcel. ***Parcels that were entirely constrained were removed from the inventory of vacant developable land, while parcels considered developable or partially developable were left in. A parcel previously confirmed by the NJDEP to be virtually entirely constrained by environmental and regulatory prohibitions not appearing on the GIS mapping was also eliminated. Parcels where the environmentally constrained areas prohibited any access to the developable portion of a property were removed from consideration, as well.***

Finally, any remaining parcels or developable portions of parcels that were too small to support the development of five (5) or more units were also eliminated from consideration.

The following three maps are provided: a) a map identifying current land use by property tax class code; and b) a map identifying the original universe of vacant (property class 1), farm assessed or farm qualified (property classes 3A and 3B), vacant publicly owned (property class 15C) or unclassified (no match in the MOD IV tax database) parcels and showing the extent of the environmental constraints affecting the universe of parcels considered vacant and developable or partially developable; and c) a map showing the "short list" of vacant developable parcels after eliminating the parcels described in the bold italicized type in the two preceding paragraphs.

The data are summarized for each parcel on a spreadsheet showing each vacant and developable parcel by block and lot, the total area of each parcel, ownership information and street address, the sum of the area of each constraint factor (slopes greater than 15%, wetlands and areas of 100 year floodplain) along with a calculation of the total constrained area after eliminating for overlap. Due to the elimination of overlap, the total constrained area identified on each parcel is not necessarily the sum of all areas of slopes greater than 15%, wetlands and 100 year floodplain areas. On farm qualified properties, where a single family dwelling is present, an area equal to the minimum required lot area for the zoning district in which the parcel is located was subtracted from the area considered "developable". One municipally owned parcel, partially developed with a firehouse and its parking lot, but containing approximately two acres of vacant land in the rear, was *included* in the "short list".

Appropriate densities that would support inclusionary residential development (densities ranging from 6 to 16 units per acre) were then assigned to each of the parcels on the "short list" to obtain the total number of dwelling units each parcel can support. An affordable housing set-aside of 20 percent of the total number of units calculated was used to determine the RDP. ***Wyckoff's RDP, based on the vacant developable land analysis, was initially determined to be 16.1 units (or 16 units), but this is not the end of the analysis.***

An evaluation was next undertaken of any additional developed or partially developed parcels of land that, if favorably zoned, might redevelop (with a small "r") for inclusionary residential purposes and yield affordable housing. Those parcels are described in the next few paragraphs, and the RDP that will be generated by each of these sites is estimated below and is added to the initially calculated RDP to obtain a final RDP:

1. Three lots located adjacent to Block 224, Lot 5.01 (which is vacant), including Block 224, Lots 3, 4 and 6.01, all located along the south side of West Main Street. These lots are developed industrial lots that, in combination with Lot 5.01, might well be ready for privately initiated inclusionary residential redevelopment with some assemblage of parcels. These three lots together total 1.7 net developable acres. If added to the .46 acres in Lot 5.01 and redeveloped at a density of 12 units per acre, the total yield would be about 25 units, 5 of which would be affordable (based on a 20 percent set-aside). Adding just Lots 3, 4 and 6.01 to the RDP (since Lot 5.01 is already included), yields 20 of the total number of units, and 4 of the affordable units.

These three lots are proposed to be added to the RDP calculation, increasing the RDP by 4 units.

2. Block 259, Lot 2. This lot is occupied by a gas station, but is adjacent to a larger parcel that is in the "short list" (Block 259, Lot 1). While Block 259, Lot 2, is small (about one quarter acre), it adds valuable street frontage and a small additional amount of unconstrained acreage to Block 259, Lot 1. Together, these two lots encompass 3.35 acres, of which 1.85 acres are free of environmental constraints (in this case, wetlands).

Block 259, Lot 2, if developed at a density of 12 units per acre (the same density assigned in the RDP analysis to Block 259, Lot 1), would add perhaps one additional affordable unit to the RDP.

Adding all of these lots to the RDP increases it from 16 units to 21 units. The Township is prepared to fully address the 21 unit RDP, as indicated on the Summary Form and as further explained in this report.

Addressing the Unmet Need

Subtracting the 21 unit RDP from the 480 unit "working estimate" of the fair share obligation, leaves an Unmet Need of 459 units.

1. The Unmet Need is proposed to be partly addressed through the addition of two lots, both located in the southwest quadrant of Wyckoff Township: Block 516, Lots 6.03 and 6.04. Currently, these lots are actively used for industrial purposes, but they may, in the future, no longer be so. If at such time, these sites were to be redeveloped for inclusionary residential development at a density of 16 units per acre, they would yield a total of about 250 units, of which 50 would be affordable, again, based on a 20 percent set-aside. Wyckoff will place an overlay zone on these properties to ensure that when redevelopment of these properties does occur, family affordable housing will be produced.

2. Block 235, Lot 3, is the site of the Wyckoff Shopping Center. If this property were ever to be redeveloped, retaining the stores on the ground floor level but allowing, as well, apartments above the stores at a residential density of 6 units per acre, this site could yield about 13 apartments, of which up to 3 would be affordable (based on a 20 percent set-aside). Wyckoff will place an overlay zone on this property to ensure that when redevelopment does occur, family affordable housing will be produced.

Together, the foregoing proposals address about 53 units of the 459 unit Unmet Need remaining from the "Working Estimate" of the fair share obligation. Depending on how high the Unmet Need is ultimately determined to be, Wyckoff may well have to find other sites with which to address more of an Unmet Need or, in the absence of any other potentially suitable sites, institute a "blanket overlay" zoning provision designed to

capture an affordable housing set-aside (for family households) whenever unanticipated residential development or redevelopment occurs.

Proposals for Compliance with Third Round RDP

Wyckoff proposes to address a portion of its 21 unit RDP through inclusionary residential development at a density of up to 12 units per acre on four lots located in Block 224 (Lots 3, 4, 5.01 and 6.01), all located along the south side of West Main Street. Three of these lots (Lots 3, 4 and 6.01) are developed industrial lots that, in combination with Lot 5.01 (which is vacant) could produce about 25 total dwelling units, **yielding about 4 affordable units** (using a 15 percent set-aside, on the assumption that the affordable units will all be rental units).

Wyckoff also proposes to address a portion of its 21 unit RDP through inclusionary residential development at a density of up to 12 units per acre on Lots 1 and 2 in Block 259. It is anticipated that the development of Lots 1 and 2 in Block 259 will also include a first floor retail component, 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 **at least 3 would be affordable**.

Assuming these units are developed as rental units, which is likely, the Township may also be eligible for rental bonuses on these units, as well, although no credit is being taken for rental bonuses at this time. **(7 units/credits)**

Additionally, it is anticipated that the Township will identify a special needs housing provider to develop two four-bedroom group homes on the Township-owned vacant land behind the firehouse (Block 462, Lot 75) for 8 additional units. **(8 units/credits)**

The Township is actively working to extend the affordability controls on 2 units of affordable housing in the Turtle Creek Condominium development. **(2 units/credits)**

Another four bedroom group home was recently opened at 832 Mountain Avenue. It is operated by Eastern Christian Children's Retreat (ECCR), which also operates three other group homes in Wyckoff. Despite its name, all of the occupants of the ECCR facilities are aged 18 and over **(4 bedrooms/credits)**.

The Township has negotiated with Christian Health Care Center (CHCC) to place new COAH-compliant 30 year deed restrictions on 24 units of independent living senior citizens housing on which the prior HUD contract had expired. 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 credits will be eligible for inclusion in meeting the current fair share obligation, however, as they would exceed the 25 percent cap on age-restricted housing. Assuming a 21 unit RDP, only 5 of these units could be credited at this time. **(5 bedrooms/credits)**

The sum of the foregoing proposals for meeting the 21 unit RDP would actually create 26 units of affordable housing in various forms, prior to adding in any rental bonuses for which the Township may become eligible and not counting 19 of the 24 age-restricted units at Evergreen Court (CHCC) that will have new affordability controls.

As indicated in the discussion of Unmet Need, the Township proposes to address at least part of its Unmet Need (53 units) by placing overlay zoning over two areas: the Wyckoff Shopping Center and two industrial properties (Maarten's Farm, LLC, and Precision Multiple Controls) located in the southwest quadrant of the Township. These are existing developed areas that may eventually redevelop. The Township will create overlay zoning that will provide sufficient incentives to attract inclusionary residential development to the two industrial sites and to attract residential development over the

existing (or redeveloped) retail uses on the ground floor of the Wyckoff Shopping Center property.

Summary of Prior Round Compliance

STATUS OF PRIOR ROUND AFFORDABLE HOUSING SITES AND CREDITS

Project Name/Status	Category	L/M Units/Credits
Barrister Farms - completed	Family Sales and RCA	17 family sales units and 25 RCA
Snyder Farms - completed	RCA	9 RCA
Fieldstone Manor (Moss Type) - completed	Family Rentals	13 family rental units plus 13 rental bonuses
Turtle Creek (Cervino) - completed	Family Sales	4 family sales units
Windmill Farms (Passaro Sheep Farm) – completed	RCA	8 RCA
Wyckoff Commons (Jones) - completed	Family Sales and RCA	2 family sales units and 2 RCA
Sarna (undeveloped, previously zoned)	Removed from Plan in 2008 due to prohibitive environmental constraints per NJDEP	0
Rockland Electric (undeveloped, previously zoned)	Removed from Plan in 2008 at COAH's request due to wetlands	0
Abma (undeveloped, zoned)	Zoned Inclusionary	53 sales or 40 rentals, all family units
Hekemian/Boulder Run - completed	Family Rentals	16 family rental units by agreement plus 16 rental bonuses
Total		165-178 (92-105 units plus 44 RCA units plus 29 rental bonuses)

As the foregoing table indicates, with the eventual build out of the Abma Farms site but the elimination of the Rockland Electric and Sarna sites, Wyckoff comes up 43-56 units short of meeting its 221 unit prior round obligation (depending on how the Abma Farms site develops. This shortfall is more than fully addressed with the following other projects that had not been included in the Prior Round Plan but that had developed during the prior round:

**ADDITIONAL CREDITS FROM DEVELOPMENTS
NOT INCLUDED IN SECOND ROUND PLAN**

CHCC - Evergreen Court	Age Restricted Rentals (under previous HUD restrictions)	24 age-restricted rental units (bedrooms)
CHCC - Longview	Assisted Living (Age-Restricted)	12 age-restricted rental units
ECCR - Holly Lodge	Group Home for Dev. Dis. Adults	4 (bedrooms) plus 4 rental bonuses
ECCR - Oak Lodge	Group Home for Dev. Dis. Adults	4 (bedrooms) plus 4 rental bonuses
ECCR - Willow Lodge	Group Home for Dev. Dis. Adults	4 (bedrooms) plus 4 rental bonuses
Total		60 (48 plus 12 rental bonuses)

As a result of the above developments, the Township actually has a 4-17 unit surplus of credits over and above its prior round obligation.

Evaluation of Compliance

Prior Round Plan

The Township's Prior Round Plan with the foregoing modifications satisfies all of COAH's Prior Round requirements.

The maximum of 110 RCA units was not exceeded (only 44 units were transferred by RCA).

The number of age restricted units for which the Township was permitted to claim credit in the Prior Round was 44, and only 36 age-restricted units were counted (all at the Christian Health Care Center).

The Township's rental obligation for the second round (56 units) was satisfied by the 13 affordable family rental units built at Fieldstone and the 16 affordable family rental units

built at Boulder Run as well as by the 12 group home bedrooms (ECCR) and 15 of the Evergreen Court age-restricted rentals (CCHC).

Third Round Plan

Wyckoff Township's Third Round Plan addresses far more than its minimum 6 unit rental obligation, with a total of 19 rental units in the plan, at least 12 of which will respond to the needs of very low income households (albeit occupants of group homes).

Moreover, the 25 percent cap on age-restricted housing is not exceeded.

Wyckoff's Third Round Plan is fully compliant with COAH's Prior Round Rules (set forth at N.J.A.C. 5:93-1, *et seq.*), assuming these Rules continue to be applied to the Third Round.

Wyckoff's Third Round Plan, taken in isolation, falls short of meeting some of the parameters of the now invalidated Third Round Rules, including the 50 percent family housing parameter (from which special needs housing is excluded) and the 50 percent family very low income housing parameter (again due to the exclusion of special needs housing).

When combined with the Prior Round Plan, however, Wyckoff exceeds the 50 percent family parameter by a wide margin.

The Plan also has the potential, via the eventual build-out of the Abma Farms parcel and of the two industrial properties located in the southwest quadrant of the Township

(which will receive overlay zoning) of satisfying the 50 percent family very low income housing parameter, if compliance with this standard is indeed required by the Court.

VACANT LAND ANALYSIS