

TOWNSHIP OF WYCKOFF

PUBLIC NOTICE OF FINAL COMPLIANCE HEARING AND REQUEST FOR JUDGMENT OF REPOSE

Please take notice a Final Compliance Hearing requesting entry of a Judgment of Repose will be held on January 25, 2021 before the Honorable Gregg A. Padovano, J.S.C., Superior Court of New Jersey, at 10:00 a.m., via electronic means using the Zoom platform, to consider entry of a Final Judgment of Compliance and Repose in favor of the Township of Wyckoff (the "Township" or "Wyckoff"). You may attend the hearing by joining the meeting from your computer, tablet, or smart phone at the following web address: <https://us02web.zoom.us/j/81990366910>. The Township has previously entered into a Settlement Agreement (the "Settlement Agreement") with Fair Share Housing Center ("FSHC") to settle the declaratory judgment litigation entitled, "In the Matter of the Application of The Township of Wyckoff's Housing Element and Fair Share Plan," pending in the Superior Court of New Jersey, Bergen County, Law Division, bearing Docket Number BER-L-6224-15. A Fairness and Preliminary Compliance Hearing (the "Fairness Hearing") was conducted by the Honorable Menelaos W. Toskos, J.S.C. on July 18, 2018. On July 23, 2018, the Court entered an Order (the "Court Order") approving the Settlement Agreement, and the Court Order preliminarily approved the Township's compliance measures as testified to at the Fairness Hearing. The Court Order determined the Settlement Agreement to be fair to the interest of low- and moderate-income persons consistent with the standards and principles as set forth in Morris County Fair Housing Council v. Boonton Township, 197 N.J. Super. 359 (Law Div. 1984) aff'd o.b. 209 N.J. Super 108 (App. Div. 1986) and East/West Venture v. Borough of Fort Lee, 286 N.J. Super 311 (App. Div. 1996).

In order for the Township to obtain a Final Judgment of Compliance and Repose, the Township has adopted a Housing Element and Fair Share Plan (“HE/FSP”) which details the mechanisms by which the Township’s fair share affordable housing obligation will be satisfied, a summary of which is as follows:

1. Rehabilitation Share. The Township has a rehabilitation (“Present Need”) obligation of thirty-three (33) units. To satisfy its rehabilitation obligation, the Township shall continue to participate in the Bergen County Community Development Rehabilitation Program, a program that is targeted at owner/occupied units, in addition to its intention to establish a new rental rehabilitation program to be administered by an experienced entity to be named by Wyckoff.
2. Prior Round Obligation. The Township’s prior round obligation was two hundred twenty-one (221) units. The Township has met and satisfied its prior round obligation of two hundred twenty-one (221) units.
3. Third Round Prospective Need Obligation. Pursuant to the Settlement Agreement with FSHC, the Township has a third-round obligation of six hundred forty (640) units and a realistic development potential (“RDP”) of forty-six (46) units. When subtracting the RDP from the third-round obligation, that leaves the Township with a third-round unmet need of five hundred ninety-four (594) units. The Township’s Realistic Development Potential of forty-six (46) units is addressed by the following properties:

PROPERTY OR PROJECT NAME	NUMBER OF UNITS
Block 259, Lots 1 and 2 322 and 328 Franklin Avenue	3 family rentals

Turtle Creek Condos Block 293 Lot 16.02	2 family sales
Block 216, Lots 17.01, 18, and 19 433, 435, and 437 Greenwood Avenue	1 family rental
Block 216, Lots 13.08, 13.09, and 13.10 401 and 403 Greenwood Avenue and 343 Godwin Avenue	2 family rentals
Eastern Christian Children's Retreat Group Home	5 special needs bedrooms
United Way/Madeline Block 238, Lot 2	6 special needs bedrooms
Maple Lake Block 320, Lots 10.02 and 11	9 family rentals
Christian Health Care Center Evergreen Court	6 age-restricted rentals (out of 24 total, with new deed restrictions)
SUBTOTALS	34 UNITS
RENTAL BONUSES	12
TOTAL	46 CREDITS, including 12 rental bonuses

4. Unmet Need. The third-round unmet need obligation of five hundred ninety-four (594) units is addressed through the creation of overlay zones and the adoption of a Township-wide mandatory set aside ordinance. Ordinance No. 1890 establishes overlay zone AHO-3 and provides for a maximum density of twelve (12) units per acre. Ordinance No. 1891 establishes overlay zone AHO-2 and provides for a density of sixteen (16) units per acre. Ordinance No. 1892 establishes overlay zone AHO-1 which has a density of fifteen (15) units per acre, and Ordinance No. 1894 establishes AHO-4 which provides for a density of ten (10) units per acre. The following parcels are included in the above-referenced overlay zones:

ADDRESS	ACREAGE	PERMITTED DENSITY	OVERLAY ZONE
West Main Street Block 224, Lots 1.01, 2.01, 3, 4, 5.01, 6.01, and 7	Total of 4 net developable acres	12 units per acre	AHO-3
Goffle Road Block 517, Lot 3.01 Block 516, Lots 6.03 and 6.04	16.9	16 units per acre	AHO-2
Wyckoff Avenue Block 202, Lot 78.01	2.0	15 units per acre	AHO-1
Wyckoff Avenue Block 235, Lot 3	2.16	10 units per acre	AHO-4

Ordinance No. 1865 requires that any multi-family development of five (5) units or more with a density of six (6) dwelling units per acre or higher shall provide an affordable housing set aside of fifteen (15%) percent for rental units or twenty (20%) percent for sale units, where such developments are 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 and the density on a site.

5. Additional Provisions. The Settlement Agreement provides that at least fifty (50%) percent of the units addressing the third-round obligation shall be affordable to very low-income and low-income households with the remainder being affordable to moderate-income households. At least twenty-five (25%) percent of the third-round obligation shall be met through rental units, including at least half in rental units available to families. At least half the units addressing the third-round obligation in total must be available to families. There will be a

cap of twenty-five (25%) percent on age-restricted units. This means that the Township may not claim credit towards its fair share obligation for age-restricted units that exceed twenty-five (25%) percent of all units developed or planned to meet its cumulative prior round and third-round fair share obligation.

All units shall be governed by controls on affordability, bedroom distribution, and affirmative marketing pursuant to the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1, et seq., or any successive regulation with the exception that in lieu of ten (10%) percent of affordable units and rental projects being required to be at thirty-five (35%) percent of median income, thirteen (13%) percent of affordable units and rental projects shall be required to be at thirty (30%) percent of median income, and in conformance with all other applicable law.

The HE/FSP includes and the Township has adopted a Spending Plan which details revenue from development fees and anticipated use of affordable housing funds to be expended on rehabilitation, affordability assistance, and administrative expenses, subject to a twenty (20%) percent limitation or cap.

The Township adopted Ordinance No. 1866 which provides for the collection of development fees in support of affordable housing as permitted by the New Jersey Fair Housing Act and consistent with state regulations.

The Township adopted Ordinance No. 1867 which provides for comprehensive regulations for the administration of affordable housing and addresses the current requirements of the Fair Housing Act and the Uniform Housing Affordability Controls regarding the Township's affordable housing fair share obligations.

On January 1, 2020, the Township adopted Resolution #20-05F appointing Community Grants, Planning & Housing ("CGP&H") as its affordable housing administration professional service due to its significant housing experience with municipal affordable housing planning in the State of New Jersey.

On January 1, 2020, by way of Resolution #20-04, the Township appointed its Township Administrator, Robert J. Shannon, Jr., as its Municipal Affordable Housing Liaison.

Community Grants, Planning & Housing ("CGP&H"), the Township's affordable housing administration professional, prepared an affirmative marketing plan for the Township of Wyckoff's affordable housing. The Township adopted such affirmative marketing plan by way of Resolution.

The Settlement Agreement, HE/FSP, Ordinances, Resolutions, and supporting documents are available for review and inspection on the official website of the Township of Wyckoff at <http://www.wyckoff-nj.com>. From the home page click on "Municipal Records" and select "Affordable Housing Compliance" from the drop-down menu. Or you may simply go to the following web address directly: <http://wyckoff-nj.com/municipal-records/pages/affordable-housing-compliance>. Any interested party, including any low- or moderate-income person residing in the housing region (Bergen, Hudson, Passaic, and Sussex Counties), any organization representing the interests of low- and moderate-income persons, any owners of property in the Township, or any organization representing the interests of property owners in the Township may file comments on, or objections to, the foregoing matters. Such comments or objections together with copies of any supporting affidavits or other documents must be filed in writing on or before January 11, 2021. Written responses by any of the parties to the comments shall be

filed on or before January 18, 2021. Such comments, objections, responses, together with copies of any supporting affidavits or other documents must be filed in writing with the Honorable Gregg A. Padovano, J.S.C. at the Superior Court of New Jersey, located at Bergen County Justice Center, 10 Main Street, Room 331, Hackensack, New Jersey 07601, with copies of all papers being forwarded by mail or email to:

Frank Banisch, P.P., Court Appointed Special Master
Banisch Associates, Inc.
111 Main Street
Flemington, NJ 08822
frankbanisch@banisch.com

Robert E. Landel, Esq., Municipal Attorney
for the Township of Wyckoff
Landel, Bernstein & Kalosieh, LLP
279 Franklin Avenue
Wyckoff, NJ 07052
rlandel@lbklaw.com

Joshua D. Bauers, Esq.
Fair Share Housing Center
510 Park Boulevard
Cherry Hill, New Jersey 08002
joshbauers@fairsharehousing.org

Stuart D. Liebman, Esq., Attorney for Intervenor
Wells, Jaworski, & Liebman, LLP
12 Route 17 North, Suite 310
P.O. Box 1827
Paramus, New Jersey 07653-1827
sliebman@wellsllaw.com

Elizabeth McManus, PP, AICP, LEED AP
Professional Planner for the Township of Wyckoff
Kyle + McManus Associates
PO Box 236
Hopewell, NJ 08525
bmcmanus@kylemcmanus.com

Any person wishing to be heard, whether or not an objection has been filed, shall advise the Court and the above persons on or before January 18, 2021. Failure to provide such written notice will preclude presentation of any evidence, oral presentation, or argument. This Notice is intended to inform all interested parties of the matter set forth herein, including the Township's third round Housing Element and Fair Share Plan, and the possible consequences of Court approval which may ultimately lead to a Final Judgment of Compliance and Repose or the judicial equivalent of a grant of Substantive Certification pursuant to the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, et seq. It does not indicate any view by the Court as to merits of the Township's Mount Laurel declaratory judgment action or whether or not the Township has complied with the Court Order and Settlement Agreement.

By: /s/ Nancy A. Brown
Nancy A. Brown, Acting Municipal Clerk
for the Township of Wyckoff

Dated: December 17, 2020