

Township of Saddle Brook
Midpoint Realistic Opportunity for Affordable Housing Review
July 1, 2020

This review of the realistic opportunity for affordable housing in the Township of Saddle Brook as of July 1, 2020 has been prepared pursuant to N.J.S.A. 52:27D-313. The Township of Saddle Brook entered into a Settlement Agreement with the Fair Share Housing Center on November 21, 2018. The Bergen County Superior Court held a Fairness Hearing on this Settlement Agreement on February 11, 2019 and a hearing to enter a Preliminary Judgement of Compliance and Repose on November 21, 2019. These actions constitute the judicial equivalent of substantive certification and accompanying protection from builders remedy lawsuits for the period of July 1, 2015 through July 1, 2025. The Fair Housing Act requires that the Township provide a midpoint review of the realistic opportunity for affordable housing during this ten year period of protection.

I Conditions of Compliance with Settlement Agreement

The following conditions of compliance have yet to be completely satisfied:

A. Adoption of Overlay Zoning;

1. Block 102, Lots 19-26 - 20 du/acre - three floors residential
2. B-2 Business Zone Properties in Block 705 - 12 du/acre in mixed use - first floor commercial with second and third floor residential
3. B-2 Business Zone Properties in Blocks 707 and 708 - 8 du/acre in mixed use - first floor commercial with second floor residential
4. Block 101, Lots 2-7 and Block 403, Lots 14 and 15-16 du/acre in mixed use-first floor commercial with second and third floor residential

An ordinance to accomplish the above overlay zoning has been drafted and is awaiting the Court Master's review and approval.

B. Adoption of an Amendment to the Existing AH-5 Affordable Housing District to reference compliance with the March 10, 2015 NJ Supreme Court Decision and COAH's Second Round Rules.

The ordinance amendment has been drafted but not adopted.

C. Adoption of an ordinance requiring a mandatory affordable housing set aside for all new multi-family residential developments of five units or more.

The Township already has a mandatory set aside ordinance (Chapter 48 - Affordable Housing) but the entire ordinance has been redrafted including the mandatory set aside provisions and is awaiting the Court Master's review and approval.

D. Affirmative Marketing Plan

An Affirmative Marketing Plan has been drafted which includes the list of community and regional organizations requested by FSHC in the Settlement Agreement.

The Plan will be finalized when the Township identifies an Administrative Agent.

E. Annual Reporting

The Township did not provide an annual report on the first anniversary of the execution of the Settlement Agreement as the Township was still before the Court awaiting a judgement of compliance and repose on this date.

II Developments That Are Not Completed

A. Prior Round developments that are not completed are as follows:

- Legregni Street Special Needs (Block 511, Lots 19 and 20) sponsored by World Wheat Foundation. This facility has been constructed and received a C.O. earlier this year but has not yet been occupied.
- The Township 100% affordable housing site (Block 1401, Lot 18) has not been completed. The Township has met with Community Investment Strategies which provided the Township with a model MOU to start working on the project. The Township continues to evaluate this offer.
- AH-5 Zone - No development proposals have been advanced to date.

B. Third Round developments that are not completed are as follows:

- The Township 100% affordable housing site (Block 1401, Lot 18). See discussion above.
- Block 402, Lots 3, 4, 5 - this site has been rezoned and Midland Commons prepared conceptual plans in 2019 but has not advanced to preliminary plans or construction.

C. Missed Construction Deadline

There are no projects that have missed construction deadlines.

D. Sewer Service Area

All unbuilt developments are within a sewer service area.

III Rehabilitation Obligation

The rehabilitation program is administered by the County. The Present Need calculated by the Kinsey Report is 38 units. Saddle Brook has two rehabilitation credits. No rehabilitation has occurred since 2015.

IV Unmet Need

Since the settlement agreement was approved, there have been no development proposals, rezonings or redevelopment plans on parcels larger than 0.5 acres. However, by letter dated April 28, 2020 the attorney for the Estate of Christine Berger, Block 1710, Lot 38 expressed interest in “taking steps necessary to have this site included as part of this settlement”. The subject site is occupied by a single-family home and contains 0.73 acres. There are no other changed circumstances that have resulted in additional parcels becoming available for development that were neither previously identified in calculating the Township’s RDP nor included in an inclusionary overlay zone.

No development has occurred or been proposed within any inclusionary overlay zone or zone for which a mandatory set aside ordinance exists.