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Village of Ridgefield Park

IN THE MATTER OF THE PETITION
FOR APPROVAL OF THE HOUSING
ELEMENT AND FAIR SHARE PLAN
AND SPENDING PLAN PURSUANT
TO THE FAIR HOUSING ACT,
N.J.S.A. 52:27D-313, AND THE
NEW JERSEY CONSTITUTION, BY THE
VILLAGE OF RIDGEFIELD PARK,
a municipal Corporation of the State of
New Jersey,

Plaintiff/Petitioner.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY
DOCKET NO. BER-L-

Civil Action
(Mount Laurel)

COMPLAINT FOR
DECLARATORY JUDGMENT

Plaintiff/Petitioner VILLAGE OF RIDGEFIELD PARK ("Plaintiff," "Petitioner,"
"Ridgefield Park" or the "Village") by way of Complaint for Declaratory Judgment, hereby
says:

Background and Jurisdiction

1. The Village of Ridgefield Park is a municipality organized under the laws of the State of New Jersey, with its offices at 234 Main Street, Ridgefield Park, New Jersey 07660.
2. Ridgefield Park's population is 12,729 according to the 2010 census.
3. Ridgefield Park is bordered by the municipalities of Bogota, Hackensack, Leonia, Little Ferry, Palisades Park, Ridgefield and Teaneck.

4. Ridgefield Park has an aging housing stock with average for-sale and rental prices that largely fall within COAH's guidelines as "affordable" to either low- or moderate-income families.
5. This declaratory judgment action has been filed in accordance with the New Jersey Supreme Court's March 10, 2015 Decision and Order in the case captioned *In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing*, seeking a judicial determination that Ridgefield Park has complied with its constitutional obligation to provide a realistic opportunity for development of its fair share of present and prospective regional affordable housing need.
6. This Court has jurisdiction over this declaratory judgment action pursuant to the *Declaratory Judgments Act*, N.J.S.A. 2A:16-52 and N.J.S.A. 52:27D-313.
7. All known interested parties, as set forth on the Notice List attached as Exhibit "A," will be provided notice of this action pursuant to N.J.S.A. 2A:16-56 and the New Jersey Supreme Court's March 10, 2015 Decision and Order, once this Complaint has been filed by the Court.

Ridgefield Park's Participation in COAH's Administrative Process

8. In 1975 the Supreme Court of New Jersey in *South Burlington County N.A.A.C.P. v. Township of Mount Laurel*, 67 N.J. 151 (1975), ruled that the developing municipalities in the State of New Jersey exercising their zoning power, in general, had a constitutional obligation to provide a realistic opportunity for the construction of their fair share of the region's low and moderate income housing needs.

9. In 1983, the Supreme Court refined that constitutional obligation in *South Burlington County N.A.A.C.P. v. Township of Mount Laurel*, 92 N.J. 158 (1983), to apply to those municipalities having any portion of their boundaries within the growth area as shown on the State Development Guide Plan.
10. In 1985, the New Jersey Legislature adopted, and the Governor signed, the *Fair Housing Act* (“FHA”) *N.J.S.A. 52:2D-301 et seq.* which transformed the judicial doctrine which became known as the “Mount Laurel doctrine” into a statutory one and provided an alternative administrative process in which municipalities could elect to participate in order to establish a Housing Element and Fair Share Plan (“HEFSP”) that would satisfy its constitutional obligation by creating an administrative agency known as the Council on Affordable Housing (“COAH”) to develop regulations to define the obligation and implement it.
11. COAH proceeded to adopt regulations for First Round obligations applicable from 1987 to 1993 and Second Round obligations that created a cumulative obligation from 1987 to 1999.
12. The Village of Ridgefield Park has a long history of participation in COAH’s administrative process and pro-active compliance with its affordable housing obligations.
13. Ridgefield Park received Substantive Certification under COAH’s First Round regulations on December 11, 1989.
14. Ridgefield Park received Substantive Certification under COAH’s Second Round regulations on May 1, 1996, and under the extended Second Round on February 9, 2005.

15. Ridgefield Park filed its petition seeking Substantive Certification under the Third Round regulations on December 31, 2008.
16. Ridgefield Park's Third Round Petition included a Housing Element and Fair Share Plan prepared by Dean Boorman & Associates. That Housing Element sought a vacant land adjustment for the Village requesting a reduction of the Village's obligation by 90 units.
17. Ridgefield Park's petition was deemed complete on May 12, 2009.
18. No objections were received during the public comment period.
19. Ridgefield Park's petition was not acted on by COAH prior to the New Jersey Supreme Court's March 10, 2015 Decision, which transferred jurisdiction over the approval of a municipality's compliance with its constitutional affordable housing obligation from COAH to the Superior Court.
20. Due to recent substantial changes to the two largest development projects in the Village ("Skymark" and "Challenger Road") since the filing of its Third Round Petition with COAH, the Village Planner is in the process of preparing a revised Housing Element and Fair Share Plan and Spending Plan that will demonstrate the Village's full compliance with its constitutional affordable housing obligations. A copy of the Scope of Work that is presently being undertaken by the Village Planner is attached hereto as Exhibit "B."
21. Pursuant to the New Jersey Supreme Court's March 10, 2015 Decision and Order, Petitioner, as a "participating municipality" under the March 10 Decision, brings the present Declaratory Judgment Action seeking legal protections during the preparation

of its HEFSP and Spending Plan and ultimately, judicial approval of these documents , including all appropriate presumptions and legal protections accompanying same.

FIRST COUNT

GRANTING FIVE MONTHS TO PREPARE HOUSING ELEMENT AND FAIR SHARE
PLAN AND SPENDING PLAN

22. Petitioner hereby repeats every allegation above as if set forth more fully herein at length.
23. The Supreme Court, in issuing its March 10, 2015 Decision and Order, declined to establish a specific methodology or formula to calculate a municipality's third round affordable housing obligation and instead placed the burden for same on the Superior Court, advising, however, that the methodology or formula established should be similar to that employed in the first and second round rules.
24. The March 10, 2015 Decision and Order authorized the Superior Court to grant municipalities a five-month period within which to prepare a compliant HEFSP in accordance with the methodology approved by the Court.
25. On April 9, 2015, the Appellate Division issued a Decision divesting COAH of jurisdiction to administratively effect a forfeiture of Affordable Housing Trust Funds not spent or committed in accordance with the requirements of the FHA and enjoining COAH from taking any such administrative action. *In re Failure of Council on Affordable Housing to Adopt Trust Fund Commitment Regulations*, 2015 WL 1582908 (App. Div. 2015).
26. In the April 9, 2015 Decision, the Appellate Division further transferred jurisdiction over such actions and matters to the 15 Mount Laurel Judges designated to hear the

Declaratory Judgment Actions regarding compliance with affordable housing obligations as set forth in the 2015 Case.

27. On information and belief, COAH has taken the position that it no longer has jurisdiction to approve Spending Plans that are pending before it.
28. The Village is proceeding in good faith in seeking a judicial determination that it has complied with its constitutional affordable housing obligations.
29. The Village Planner is currently in the process of revising the Village's Housing Element and Fair Share Plan pursuant to the Scope of Work attached hereto as Exhibit "B."
30. The Village Planner, in addition to preparing a constitutionally-compliant HEFSP, will be preparing a Spending Plan intended to implement the HEFSP.
31. The HEFSP will be prepared in accordance with the Supreme Court's March 10, 2015 Decision and Order and all applicable regulations.
32. The HEFSP will be "designed to achieve the goal of access to affordable housing to meet present and prospective housing needs, with particular attention to low and moderate income housing."
33. Petitioner's Spending Plan will be adopted in accordance with the substantive and procedural requirements of the *Municipal Land Use Law*, N.J.S.A. 40:55D-1 et seq., the *Fair Housing Act*, N.J.S.A. 52:27D-301 et seq., and applicable law.
34. Petitioner's Spending Plan will satisfy the requirements of the *Fair Housing Act* and its implementing regulations, and specifically N.J.S.A. 52:27D-329.2 and N.J.A.C. 5:97-8.7 through -8.9.

WHEREFORE, Petitioner Village of Ridgefield Park requests judgment as follows:

- A. Granting Petitioner an initial period of five months from the date that a methodology or formula is approved by this Court to prepare a constitutionally compliant HEFSP that incorporates the approved formula and methodology;
- B. Granting Petitioner an initial period of five months from the date that a methodology or formula is approved by this Court to prepare a constitutionally compliant Spending Plan that incorporates the approved formula and methodology; and
- C. Granting Petitioner such other relief as the Court deems just and equitable under the circumstances.

SECOND COUNT

GRANTING TEMPORARY IMMUNITY AGAINST EXCLUSIONARY ZONING ACTIONS

- 35. Petitioner hereby repeats every allegation above as if set forth more fully herein at length.
- 36. As part of its March 10, 2015 Decision and Order, the New Jersey Supreme Court directed that during the five-month period granted to municipalities to prepare a constitutionally-compliant Housing Element and Fair Share Plan, “the court may provide initial immunity preventing any exclusionary zoning actions from proceeding.”
- 37. Petitioner is proceeding in good faith in seeking a judicial determination that it has complied with its constitutional affordable housing obligations.
- 38. The Village Planner is currently in the process of revising the Village’s HEFSP and Spending Plan pursuant to the Scope of Work attached hereto as Exhibit “B.”

39. Petitioner is presumptively entitled to immunity against exclusionary zoning actions during the Court's initial review period of Petitioner's HEFSP and Spending Plan.

WHEREFORE, Petitioner Village of Ridgefield Park requests judgment as follows:

- A. Granting Petitioner initial immunity for a period of five months, as may be extended by the Court, against any exclusionary zoning actions pending Petitioner's preparation of its HEFSP and the Court's review of same;
- B. Granting Petitioner initial immunity for a period of five months, as may be extended by the Court, against any exclusionary zoning actions pending Petitioner's preparation of its Spending Plan and the Court's review of same; and
- C. Granting Petitioner such other relief as the Court deems just and equitable under the circumstances.

THIRD COUNT

GRANTING ADDITIONAL TIME AND AN EXTENDED PERIOD OF IMMUNITY TO REVISE, AMEND AND/OR UPDATE HOUSING ELEMENT AND FAIR SHARE PLAN AND SPENDING PLAN, IF NECESSARY

40. Petitioner hereby repeats every allegation above as if set forth more fully herein at length.
41. Petitioner intends that its HEFSP and Spending Plan will fully satisfy the directives of the March 10, 2015 Decision and Order with respect to the methodology of determining the Village's compliance with its constitutional affordable housing obligation.

42. However, in the event that the Court finds the HEFSP and/or Spending Plan to be deficient, it may be necessary for the Village to revise, update and/or amend its HEFSP and Spending Plan consistent with the Court's guidance.
43. In such instance, Petitioner should be granted an additional period of time, to be reasonably determined by the Court, to prepare and submit its amended HEFSP and Spending Plan.
44. During such period, if necessary, the immunity against exclusionary zoning actions granted to Petitioner should be extended to permit Petitioner to submit a constitutionally compliant HEFSP and Spending Plan.

WHEREFORE, Petitioner Village of Ridgefield Park requests judgment as follows:

- A. In the event that the Court directs Petitioner to revise, update and/or amend its Housing Element and Fair Share Plan and Spending Plan, granting Petitioner an additional period of time to do so, such time period to be reasonably determined by the Court;
- B. In the event that the Court directs Petitioner to revise, update and/or amend its Housing Element and Fair Share Plan and Spending Plan, granting Petitioner an additional period of immunity against exclusionary zoning actions for a reasonable time as determined by the Court; and
- C. Granting Petitioner such other relief as the Court deems just and equitable under the circumstances.

FOURTH COUNT

APPROVING HOUSING ELEMENT AND FAIR SHARE PLAN

45. Petitioner hereby repeats every allegation above as if set forth more fully herein at length.
46. Pursuant to the *Declaratory Judgments Act*, N.J.S.A. 2A:16-50 et seq., and the Supreme Court's March 10, 2015 Decision and Order, the Village of Ridgefield Park has a right to a declaratory judgment verifying and confirming the Village's full compliance with its constitutional affordable housing obligations.
47. Further pursuant to that Decision and Order, the Court should "render an individualized assessment of the town's housing element and affordable housing plan based on the court's determination of present and prospective regional need for affordable housing applicable to that municipality."
48. The Housing Element and Fair Share Plan to be prepared by the Village of Ridgefield Park fully satisfies the directives of the March 10, 2015 Decision and Order with respect to the methodology of determining the Village's compliance with its constitutional affordable housing obligation.

WHEREFORE, Petitioner Village of Ridgefield Park requests judgment as follows:

- A. Granting judicial approval of Petitioner's Housing Element and Fair Share Plan;
- B. Declaring that Petitioner has complied with the requirements of the *Fair Housing Act* and its constitutional obligations concerning affordable housing;
- C. Declaring that Petitioner's Housing Element and Fair Share Plan, and the Ordinances implementing same, shall be granted a presumption of validity in all actions challenging same consistent with the protections set forth in N.J.S.A. 52:27D-317;

- D. Granting Petitioner protection and repose against exclusionary zoning litigation; and
- E. Granting Petitioner such other relief as the Court deems just and equitable under the circumstances.

FIFTH COUNT

APPROVING SPENDING PLAN

- 49. Petitioner hereby repeats every allegation above as if set forth more fully herein at length.
- 50. The Village Planner, in addition to preparing a constitutionally-compliant HEFSP, will be preparing a Spending Plan intended to implement the HEFSP.
- 51. Petitioner's Spending Plan will be prepared in accordance with the substantive and procedural requirements of the *Municipal Land Use Law*, N.J.S.A. 40:55D-1 et seq., the *Fair Housing Act*, N.J.S.A. 52:27D-301 et seq., and applicable law.
- 52. Petitioner's Spending Plan satisfies the requirements of the *Fair Housing Act* and its implementing regulations, and specifically N.J.S.A. 52:27D-329.2 and N.J.A.C. 5:97-8.7 through -8.9.


WHEREFORE, Petitioner Village of Ridgely Park requests judgment as follows:

- A. Granting judicial approval of Petitioner's Spending Plan;
- B. Retaining jurisdiction over any amendments to Petitioner's Spending Plan;
- C. Declaring that Petitioner has complied with the requirements of the *Fair Housing Act* and its constitutional obligations concerning affordable housing;
- D. Prohibiting COAH from demanding the forfeiture or transfer of any funds in Petitioner's affordable housing trust fund;

- E. Granting Petitioner protection and repose against exclusionary zoning litigation; and
- F. Granting Petitioner such other relief as the Court deems just and equitable under the circumstances.

Dated: 7-1-15

BOGGIA & BOGGIA, LLC
Attorneys for Plaintiff/Petitioner,
Village of Ridgefield Park



PHILIP N. BOGGIA
Attorney ID: 013391978

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4, notice is hereby given that Philip N. Boggia, Esq., of Boggia & Boggia, LLC, Attorney for the Plaintiff/Petitioner Village of Ridgefield Park is designated as trial counsel in the above captioned matter.


CERTIFICATION PURSUANT TO R. 4:5-1

Pursuant to R.4:5-1, I hereby certify that the matter in controversy is not the subject matter of any other action pending in any Court or of a pending arbitration or administrative proceeding, and that no other action or arbitration or administrative proceeding is contemplated, except that Plaintiff has previously submitted a Petition for Substantive Certification to the New Jersey Council on Affordable Housing, who, as a result of the Supreme Court's March 10, 2015 Decision and Order, has been divested of jurisdiction which has been assumed by this Court as a result of the filing of the within Declaratory Judgment action.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

BOGGIA & BOGGIA, LLC
Attorneys for Plaintiff/Petitioner,
Village of Ridgefield Park

Dated: 7-1-15



PHILIP N. BOGGIA
Attorney ID: 013391978

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SCOPE OF WORK ANALYSIS
VILLAGE OF RIDGEFIELD PARK
THIRD ROUND HOUSING PLAN

INTRODUCTION

This document addresses the affordable housing third round submittals by the Village of Ridgefield Park and the March 10, 2015 New Jersey Supreme Court decision on the New Jersey Council on Affordable Housing regulations.

FIRST TWO ROUNDS

The Village of Ridgefield Park had submitted and received certification from the Council on Affordable Housing from the inception of the program. Both rounds one and two were certified by COAH and the Village had been actively pursuing certification in the Third Round.

HOUSING IMPLEMENTATION

The Village's approach to providing affordable housing was to implement a housing rehabilitation program to improve existing deficient housing occupied by low and moderate households. This program was conducted with the Bergen County Community Development Agency which administered the program. To date the Village has rehabilitated 53 housing units.

In 2003 the Village adopted a development fee ordinance and established a housing trust fund to finance the rehabilitation effort. To date approximately \$173,000 has been collected through the development fee program. Approximately \$49,000 has been expended on residential dwellings through the program and \$123,000 remains in the trust fund.

THIRD ROUND SUBMISSION

The Village made a third round submission to COAH based on then existing round three regulations. The submission included a fair share housing plan and a spending plan. The submission was made in December, 2008 and was listed on the COAH records as complete. Certification was never reached due to challenges to the regulations and subsequent delay in reviewing the submitted housing plan. The Village is considered a "participating" municipality under the Court's ruling. No objections were filed to the Village's petition.

REHABILITATION NEED

The third round submission included a rehabilitation need of 48 units. This was based on the five surrogates defining deficient housing units in the regulations. The third round housing plan discussed the degree of deficient housing occupied by low and moderate income households that have been rehabilitated through the program and the present need. This included a total need of 101 units with a credit from prior round rehabilitation of 53 units.

REALLOCATED PRESENT NEED

No reallocated present need was established as per COAH guidance

PROSPECTIVE NEED

The Village of Ridgefield Park is comprised of two principal geographic sections. The main portion of the Village is an older suburban community which is essentially completely developed. The Main Street retail area serves one and two family homes in this area of the municipality. Several multi-family buildings are scattered throughout this section of the Village representing the older land use patterns of community development. Along Main Street, several multi-family residential developments have been constructed including a senior housing project. A component of these units are for low and moderate income households, particularly at the senior housing development.

The existing residential units are also affordable to low and moderate income families. The 2010 census shows that 50% of households that occupied rental units in the Village, pay more than 30% of their income as gross rent where the median household income is \$60,656.

For owner occupied housing units, 23% have household incomes less than \$50,000 and pay more than 30% of their income for housing. For rental units, 38% of households with income less than \$50,000 pay more than 30% of their income for housing. According to the New Jersey State Department of Treasury the average sales price of a home in Ridgefield Park is \$261,013. This is 50% of the average sales price in Bergen County and the third lowest sales price per municipality for all 70 municipalities in Bergen County. This suggests that there is a significant need to support existing low and moderate income households in the Village.

Because the portion of the Village is developed, no significant growth potential exists here. This is due to the fact that the Village is fully developed and is comprised of small lot development of one and two-family homes. In addition, 47% of the Village's housing stock was built prior to 1940 showing that Ridgefield Park is an older suburban community.

The second principal section of the Village is located west of Overpeck Creek and consists of previous industrial land (Skymark) and landfill areas (Challenger Road). The Challenger Road area lies north of Route 46 and currently consists of office and commercial development between Overpeck Creek and the New Jersey Turnpike. More recently, a hotel has been constructed on Challenger Road and a County Park was completed at the north end of this area.

The Skymark area lies south of Route 46 between Overpeck Creek and the New Jersey Turnpike. This area was the site of a former industrial use and also includes some vacant land. The site is currently vacant.

In the Challenger Road area, the third round plan discussed new residential development in this area and a low and moderate housing obligation of 50 affordable rental units in combination with 456 total residential units. This would result in a 100 unit credit.

The Skymark redevelopment area was earmarked for office and commercial development which would be combined with 175 age restricted residential units. Under the submitted plan, age restricted units are restricted to 25% of the total need which for this project was 44 units. Because the units were also rental units a 2:1 bonus was applied, resulting in a total affordable housing credit of 88 units.

SUPREME COURT DECISION

The recent court decision requires that the third round fair share plans and housing elements revert back to the methodology of the second round regulations, with some inclusions from the third round regulations. As applicable to the Village of Ridgefield Park, these inclusions are:

- Prior round compliance is applicable to the third round
- Reallocation of excess present need is eliminated
- Credit for the extension of expiring affordability controls
- Bonus for very low income housing
- Bonus for Smart Growth Areas (Transit Oriented Development)
- Bonus for affordable housing in redevelopment areas.
- The use of three surrogates for determining substandard housing

As mentioned above, since the Village did submit a Fair Share Housing Plan and Housing Element and a Spending Plan in compliance with the initial round three schedule, the Village is considered a "participating" municipality under the court's ruling.

CIRCUMSTANCES AFFECTING THE THIRD ROUND SUBMISSION

Since the last housing plan was prepared in 2008, a number of changes in data as well as land use/growth potential in the Village have occurred.

2010 CENSUS

The 2008 housing plan was, in part, prepared using the existing census data at the time which was the 2000 year census. This data was used for determining a population and housing profile for the Village and for determining substandard housing conditions.

The 2010 census data will require the use of this data set and not the 2000 year census data. This data will modify the results of the surrogates for determining substandard housing, namely, low and moderate income households in overcrowded conditions, units with lack of complete plumbing and units with a lack of complete kitchen facilities.

This will revise the number of housing units that need to be rehabilitated and that are occupied by low and moderate households. It should be noted that the Village is comprised mostly of single and two family homes that were constructed prior to 1940. Since the census data and surrogates for substandard housing may be misleading with respect to existing deficient housing conditions in the Village, the Village may opt for conducting its own survey of substandard housing conditions.

The Village is a moderate income municipality. With the median household income at \$60,656, 42% of the Village's households have income below the moderate income threshold and 21% of all Village households have income below the low income threshold. That suggests that a substantial degree of the existing housing in the Village is available to low and moderate income households.

EXISTING REHAB AND GROWTH SINCE 2008

The Village has continued to partner with the County Community Development Agency to provide for the rehabilitation of substandard units. Housing units completed after 2008 to date need to be credited and added to the housing plan. In addition, growth since 2008 in the Village needs to be identified and assessed with respect to housing obligations that should be included in the housing plan.

CHALLENGER ROAD RESIDENTIAL REDEVELOPMENT

The Challenger Road Redevelopment Plan has been amended to allow a greater degree of residential development. It is anticipated that a total of 600 residential units may be identified as future growth within this redevelopment area. This would increase the affordable housing obligation for the Village. However, because of the high environmental site remediation and clean-up, the implementation of the affordable housing component within the redevelopment area has not been resolved. It is anticipated that the Challenger Road sites will require a significant number of piles approximately 200 feet in depth, along with active methane mitigation, all of which substantially increases the cost of the project. Due to the economics of the project, the construction of inclusionary affordable housing units may render the project economically infeasible. This change was not considered in the 2008 housing plan as environmental and geotechnical testing had not yet been performed on the site.

SKYMARK REDEVELOPMENT PLAN

This redevelopment area was initially slated for office, commercial and age restricted residential development in the 2008 housing plan. Since then, the redevelopment area has been expanded and the land use plan has been substantially modified. The current adopted redevelopment plan calls for a mixed use community with retail, commercial, office, hotel and residential development. The residential development is a component of the "Town Center" aspect of the redevelopment site together with a multi-story residential building just to the north of Route 46.

A redeveloper has been selected for this project and the Village is currently reviewing the general development plan application. The redevelopment plan will allow for 1,500 residential units in the redevelopment area and the Village's affordable housing

ordinance is applicable to the redevelopment area which may require approximately 200 affordable housing units.

This redevelopment plan will require a complete reassessment of the affordable housing obligation for this site which was not considered in the initial 2008 third round submission. Meetings with the Redeveloper are scheduled to discuss the affordable housing obligation for the site, which will likely also require substantial tax abatements to be financially feasible. The Redeveloper has estimated that the project requires 40 million dollars in infrastructure and roadway improvements, before any funds are expended on the commercial and residential development.

PROPOSED FAIR SHARE HOUSING PLAN

The initial 208 housing plan filed with COAH is no longer applicable with respect to the Village's existing housing conditions and growth potential. The submitted plan needs to be revised and the initial compliance mechanisms need to be reassessed.

DEFINE REHABILITATION NEED BASED ON 2010 CENSUS

As discussed above, new census data will allow for a up to date analysis of existing substandard housing units and together with the revised surrogates for determining substandard units, will provide a more accurate need for housing rehabilitation within the Village.

NO REALLOCATED PRESENT NEED

The reallocation of excess present need will no longer need to be considered in the housing plan for the third round.

PROSPECTIVE NEED

The "growth need" section of the housing plan will require the acknowledgment of the amended redevelopment plans for the Challenger Road and the Skymark areas. The third round regulations will provide bonus credits for affordable housing within the redevelopment areas and for transit oriented development in conjunction with the State's "Smart Growth" policies. In addition, the affordable housing implementation strategies will need to be discussed and potentially revised because of the introduction of residential development on the west side of Overpeck Creek.

Although the residential development is desirable and is important with respect to "Town Center" development and "mixed use" principals, the development of affordable housing in these areas needs to be carefully reviewed. Several issues present themselves in this regard, which include;

- Should the affordable units be inclusionary in each of the redevelopment areas or developed off-site? Should only a percentage of the affordable units be constructed on-site with the remainder constructed in the main portion of the Village? Is there sufficient vacant land to accommodate this approach?
- Much of the community services, both public and private, are located in the town proper. The principal retail corridor of the Village is in this area as are the municipal services, schools, library and personal services. Is it more appropriate to develop the affordable housing in this portion of the Village or can the affordable housing succeed in the redevelopment areas.

- Can the number of affordable housing units required within each redevelopment area be supported by the overall development? The financial health of the redevelopment areas also affects the Village's financial health and funding. This should be considered when the redevelopment areas are faced with substantial environmental and infrastructure costs.
- Would it be more appropriate to exact development fees from the redevelopment areas and construct the affordable housing on land areas in the main portion of the Village? This would require a detailed assessment of any land that may be available for housing together with Master Plan and Zoning Amendments to provide for the appropriate incentive to construct affordable housing in the main portion of the Village.
- If the housing strategy is directed toward a strong development fee component, then the implementation options, including bonus credits, need to be carefully considered in order to meet the affordable housing mandate.

CONCLUSION

Based on the above discussion of the current status of the Village of Ridgefield Park's housing element and fair share housing plan together with the significant changes to the land use plan and redevelopment areas within the Village, it would be necessary to have the appropriate time to revise and complete the affordable housing documents for submittal to the Court. This is particularly important concerning how the Village addresses the growth in the redevelopment areas and the issues involving land use issues, the availability of land for affordable housing and community issues.

It is certified that all copies of this document are in conformance with the one that was signed and sealed by Kenneth Ochab, P.P., License No. 2149.

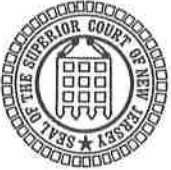


Prepared by:



Kenneth Ochab, P.P. (#2149)

Date: June 26, 2015

Appendix XII-B1

	<h2 style="margin: 0;">CIVIL CASE INFORMATION STATEMENT (CIS)</h2> <p style="margin: 5px 0 0 0;">Use for initial Law Division Civil Part pleadings (not motions) under <i>Rule 4:5-1</i> Pleading will be rejected for filing, under <i>Rule 1:5-6(c)</i>, if information above the black bar is not completed or attorney's signature is not affixed</p>		<p>FOR USE BY CLERK'S OFFICE ONLY</p> <p>PAYMENT TYPE: <input type="checkbox"/> CK <input type="checkbox"/> CG <input type="checkbox"/> CA</p> <p>CHG/CK NO. _____</p> <p>AMOUNT: _____</p> <p>OVERPAYMENT: _____</p> <p>BATCH NUMBER: _____</p>			
	ATTORNEY / PRO SE NAME Philip N. Boggia, Esq.		TELEPHONE NUMBER (201) 641-0006		COUNTY OF VENUE Bergen 	
	FIRM NAME (if applicable) Boggia & Boggia, L.L.C.		DOCKET NUMBER (when available) BER-L-			
	OFFICE ADDRESS 71 Mt. Vernon Street Ridgefield Park, New Jersey 07660		DOCUMENT TYPE Complaint			
			JURY DEMAND <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
NAME OF PARTY (e.g., John Doe, Plaintiff) The Village of Ridgefield Park, Plaintiff/Petitioner		CAPTION In the Matter of the Petition for Approval of the Housing Element & Fair Share Plan and Spending Plan Pursuant to the Fair Housing Act, N.J.S.A.52:27D-313, & the NJ Constitution, by the Village of Ridgefield Park, a municipal Corporation of the State of New Jersey				
CASE TYPE NUMBER (See reverse side for listing) 303	HURRICANE SANDY RELATED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53 A -27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.				
RELATED CASES PENDING? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, LIST DOCKET NUMBERS				
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) <input type="checkbox"/> NONE <input checked="" type="checkbox"/> UNKNOWN				
THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.						
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION						
DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, IS THAT RELATIONSHIP: <input type="checkbox"/> EMPLOYER/EMPLOYEE <input type="checkbox"/> FRIEND/NEIGHBOR <input type="checkbox"/> OTHER (explain) <input type="checkbox"/> FAMILIAL <input type="checkbox"/> BUSINESS				
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO						
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION						
 DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION				
WILL AN INTERPRETER BE NEEDED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, FOR WHAT LANGUAGE?				
I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with <i>Rule 1:38-7(b)</i> .						
ATTORNEY SIGNATURE: 