BOROUGH OF WOODCLIFF LAKE
MAYOR AND COUNCIL MINUTES
NOVEMBER 8, 2017
6:00 PM

CALL TO ORDER

Notice of this meeting, in accordance with the "Open Public Meetings Law, 1975, C. "231", has been posted at the Borough Hall and two newspapers, The Record and The Ridgewood News, have been notified.

ROLL CALL

Mayor Rendo asked for a roll call. Council members Belgiovine, Gadaleta, Herrington and Panso were present. Councilman Piantino arrived at 6:40 PM. Councilwoman Angela Hayes was absent. Borough Attorney Ron Dario was present, as well as Borough Administrator Tomas Padilla and Borough Clerk Debbie Dakin.

PLEDGE OF ALLEGIANCE

All present recited the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion to approve the Minutes of October 30, 2017 was made by Councilwoman Kristy Herrington, seconded by Councilman Corrado Belgiovine and approved by Councilman Belgiovine, Councilwoman Gadaleta, Councilwoman Herrington and Council President Panso. Councilman Piantino and Councilwoman Hayes were absent.

MAYOR'S REPORT

Mayor Rendo stated that yesterday was the election and he wanted to congratulate Brian Singleton and Nancy Gross who are here. They are our new Council members elect and he is looking forward to working with them and moving Woodcliff Lake forward. It was a very good and competitive election so he welcomes them on the Council. On a personal note, he is very happy to be back in Woodcliff Lake for another two years as the Mayor. Not a bad thing. Mayor Rendo stated that when Kim selected him, he said if he wins he is Lieutenant Governor, if he loses

he is still the Mayor. It is a win win situation. He made a lot of good friends and a lot of contacts in the State that will benefit Woodcliff Lake in the future. It was an unbelievable experience. He thanked Kim Guadagno who selected him and noticing Woodcliff Lake and the job we are doing here. It was a pleasure running with her and he congratulated Sheila Oliver and Phil Murphy yesterday for their run. He wishes them the best and hopes that they do the best for New Jersey.

On a local level, Mayor Rendo thanked Council President Tom Panso for serving. He will be done December 31, 2017. He served as a Councilman for three years and always did the right thing by Woodcliff Lake. He ran a tough race. He had everybody against him. Democrats, republicans, republican club members, and sitting council members. Thank you for your hard work and stay involved.

Mayor Rendo introduced Marc Leibman our Planning Board attorney who will give a presentation on the proposed settlement of Fair Share Housing.

Marc Leibman stated that there is a settlement proposal for the Council's consideration which has been the subject of a tremendous amount of work with Mr. Richard Preiss. Council has been involved in it. There has been a mediation committee involved in it. The town COAH committee had some early involvement with it. We have concluded negotiations and we believe we have achieved a highly, favorable settlement agreement. Mr. Leibman stated some highlights. There is going to be a 100% affordable housing complex built on Broadway, north of Highview. Those parcels were acquired when the mayor was Joseph LaPaglia. They acquired those parcels before the governor seized our affordable housing funds to balance the budget. We also had acquired another parcel next to it to create another access site which gave us an opportunity to put an affordable housing project there where it is ideally situated, near transportation, on a county road, with bus lines in the right place, not necessarily where Fair Share wanted us to put it. The proposal there will be a 16 unit structure. The next question will be as to who is going to pay for this and this brings us to another piece. Commonly referred to as the Rosengren site, the 5 lot subdivision approved over 10 years ago. The property owner approached us and wanted to build 43 townhouses and had engineering plans drawn up for it. It was a disaster of a proposal. We pushed back on them, quite hard, and we had negotiated with them. They moved to intervene into the case. They were denied but had the right to appeal and also still had their right to object to our fair share settlement with Fair Share. They are now satisfied with the proposal there which is 15 high-end townhomes on a consolidated lot with structures that look similar to a large family home with buffers of between 50 and 85 feet to the residence that abut that and maintenance of existing plantings and buffers to be installed. The VFW was part of this as well. There is an overlay component to that and the settlement agreement is such that nothing will happen to the VFW site unless until if VFW ceases operation. If that happens, then the Overlay Zone is in place for the creation of an affordable housing project there with a preference for veterans. Those are the highlights of the agreement, except for the component about the $600,000 contribution to come from the owner of the Rosengren site to pay for the affordable housing complex on Broadway should public funds be needed to make that possible. This plan meets our obligation. It provides for a mechanism to pay for it at no expense to the tax payer and it even preserves so numbers for us going forward into the future for what will be the fourth round. This immunity

only takes us to 2025.

Councilman Piantino asked Mr. Leibman if we were to litigate this what would be our exposure. Mr. Leibman responded that the exposure is 386 units if we didn't settle. Mr. Leibman stated that we are going to extend the controls on Centennial. There is going to be a payment to the owners there to incentivize them to sign on to another 30 year extension of control and that is part of the settlement agreement also. Councilman Piantino reiterated that we are going to recertify those controls and that portion of the Centennial project comes into the calculation and that saved us an extra 22 units.

Mr. Preiss introduced himself and stated that he was the planner that worked with the Mayor, Council, Planning Board and Marc Leibman on the settlement. He also thanked the participation of two Committees that were convened and had a lot of resident participation as well as former Mayors and Council persons who participated in the mediation and the creation of the plan. Mr. Preiss stated that the reason why this is the first time that the overall plan is being brought to the public is because the mediation with Fair Share Housing had to be conducted confidentially. This is mandated when you file a Declaratory Judgement and the Judge overseeing the mediation requires that all of the mediation, the plan and the various aspects of it are done so completely confidentially. However, Mr. Preiss indicated that he is the planner in a number of communities and he has never seen a community reach out as much as Woodcliff Lake to its residents. The COAH/Affordable Housing Committee that had been convened and chaired by Warren Feldman was brought in and they were a very important component of helping to extend the controls of the Centennial Way project and those 22 units go a long way to satisfy the affordable housing component. In addition, there was a Committee convened called the Affordable Housing Mediation Committee and they were involved in both helping to create the Fair Share Plan. They also met with the representative of Fair Share Housing and the Court appointed Master and were involved in the mediation of the settlement and blessed all of the components that are in the agreement. The final details are up to the Council to decide. It was only at a session last week that the Council authorized the final settlement which was put together as late as this afternoon. Tonight was the first opportunity that the Council and the professionals are able to share the settlement with the residents of Woodcliff Lake. The settlement agreement is 46 pages long with a number of maps and details. Tomorrow morning, what will be posted on the website, is a shorter explanation of the outlines of the settlement agreement, including some maps and figures which provide detail so members of the public will be able to log onto the Borough website and read much more about it.

Mr. Preiss went over the numbers that were facing Woodcliff Lake and why he thinks the settlement agreement is such a good one. There are three components to the affordable housing obligation. One is called the rehab share. The second part of the obligation is what is known as the prior round obligation. This is 170 units. This is the obligation that stem from the first 2 rounds from 1987 to 1999. You have to demonstrate that you met that obligation. In Woodcliff Lake's case the prospective need which is the number of units that have to be provided for a period from 1999 to 2025 was 552 units. By settling, Fair Share agreed to reduce that number by 30%. The obligation was reduced to 86 units. The Fair Share Plan did another Vacant Land

Analysis and adjusted that number down to 29 units. That was a substantial reduction in the number of units that had to be provided directly through zoning mechanisms. There will be 16 units by the north Broadway project. They will all be family affordable rental units and by virtue of doing that it is eligible for an additional 8 units of credit so 24 out of the 29 credits are met by that project. The Borough is going to be offering the residents at Centennial a payment to extend the controls for another 30 years. Five of those credits are going to be credited towards meeting the RDP. We are hoping that all 22 will sign on. We negotiated very strongly with Fair Share Housing that in the future, if it is possible, that the service units, the additional 17 units that would be created through that program would be able to be counted against any future rounds. So if Woodcliff Lake faces this issue again, which inevitably we think it will, then those 17 units of credit will be in place.

Fair Share Housing doesn't stop there. Basically, you have to provide additional units through various mechanisms and that is the difference between Realistic Development Potential, which is 29 units, and then the 386 units which are required through the prospective need number that was adjusted. That unmet need is still a very substantial number. It is 357 units that are required. The Borough was able to negotiate with Fair Share Housing to do number of additional mechanisms. With 6 units of surplus credits from Round 2, those units of surplus are going to count against the unmet need. It is possible that the units from Centennial Way will count towards the unmet need if they are not able to be counted against a future fair share number. There is Overlay Zoning which the Borough has to adopt over the vacant TEVA office building. That Overlay Zoning will allow for 100 age-restricted senior units. The VFW property, if it ceases to exist, it is Borough property and the Borough has an opportunity to do 12 units and that could be veteran family housing. Council President Panso asked Mr. Preiss if he is correct that the vacant TEVA building remains an office building for as long as it is a viable project. If and when it doesn't exist anymore as an office building, then the alternative zoning would be 100 senior units. Mr. Preiss stated that he is correct. Councilman Belgiovine stated that the existing zoning remains in place and the overlay allows them an optional zoning.

Mr. Preiss stated that there is an existing affordable housing overlay zone on Broadway over the Comfort Auto Rental project. The overlay zoning has been in place for more than 10 years and it hasn't been redeveloped. But since it is existing, the Borough agreed as part of the Fair Share Plan to maintain that. In the future if somebody decided to do a mixed-use project or a residential project, a portion of those units would be for affordable housing.

The last piece is the Rosengren property. The proposal was to do 43 townhouse units. As a result of the settlement, in place of the 5 single family homes that were going to go onto that site, the road which has already been approved and built but the houses have not been built. Essentially, where each of the single family houses would go, the owner now can built a triplet or a three townhouse units building. Careful consideration was put into that plan to protect the neighbors. There is a limitation on the height that the buildings can reach. It is 35 feet. The maximum floor to ratio that is permitted is a 3,500 sq. ft. unit so that the units are not overly large.

Attached to the settlement and as will be posted on the Borough website tomorrow, there is a

concept site plan that has been negotiated which will give people an idea of where the units will go and how it will be laid out. There is also architectural elevations which have been developed which also will be part of the settlement. In this situation it is not like you do zoning and then some applications show up at the Planning Board and there is a lot of problems with it. The idea is that we negotiated something that is what we think will be acceptable to the Borough and when that particular applicant comes before the Planning Board for their approvals, they will have to go by that particular site plan and the part of the architecture that is shown will have to be adhered to. This project is similar to the Enclave project in Montvale and Saddle River Grand project in Saddle River. The projected sale of these units are north of $1 million and that is a very good ratable for the Borough.

PUBLIC COMMENT

MOTION to open to the public was made by Councilwoman Gadaleta, seconded by Council President Panso and unanimously approved.

Britt Dhawan, Woodcliff Lake, stated that she is a resident of Woodcliff Lake for the past 17 years and that she is an attorney. Ms. Dhawan stated that she sent the Council and the Mayor a letter within the past 6 months after she was walking her dog and noticed some movement on the Rosengren property. She inquired what was going on only to be told that nothing is going on. Now, fast forward, here we are at a town Council meeting and she is hearing that the 5 single homes that have been advertised for months are now 15 homes. She gives a lot of credit for all the behind the scenes work that you have done in coming up with our Fair Share Housing plan and negotiating this deal for Woodcliff Lake. However, it is a very small part of our town. There are a lot of families with small children and she thinks that everyone needs to consider the ramifications of increasing the amount of housing on this property. Her number one concern here is safety. If you look at the Rosengren property and you look at Pascack Road there is a blind spot. Anyone making a left onto Old Pascack Road, on the corner that is closest to Hillsdale, it's a blind curve. Have we talked to a traffic engineer? Have we explored how the increase of three times the amount of people on that property are going to affect her neighborhood and the children playing on her block? She has not heard that. She would also like to know if you come down Pascack Road, closer to her house, there is another blind spot. When her family wanted to change the entrance of their driveway they had to hire a traffic engineer to make that happen and had to get a report and pay for it out of their pockets. She would like to see this Council do the same if this is going to happen on this property. This might be a great ratable for Woodcliff Lake and if it looks like the Saddle River Grand, awesome, that looks like a great property. But let's make sure that everything is put in place so that our children are safe, so this intersection doesn't become more conjected because it already is and she would like to see that happen before this moves forward.

Mr. Preiss thanked Ms. Dhawan for coming out. Obviously the reason why you did not hear about this is because as he indicated the mediation had to occur with confidentiality. The Borough is faced with the possibility of having to put many more than 15 units. They proposed 43. Fair Share Housing strongly supported that rezoning. Going forward, even though we signed a

settlement agreement with them, we still have to adopt rezoning for that property and that particular is going to have to come back to the Planning Board and undergo site plan review. Mr. Preiss further stated that he will be doing a review, the engineer will be doing a review, the police and fire departments will be doing a review and all of the issues that you raised will have to be addressed, not only by the applicant but in terms of any off-site problems, including traffic problems, will have to be addressed at that particular time. We will definitely make a note of the concerns of the neighbors and have them included in that review. In terms of the amount of traffic that is generated, townhouses generate fewer car trips than single family homes during peak hours. Ms. Dhawan asked if this application will happen behind closed doors like it did with Fair Share Housing. Mr. Preiss stated that it will be in open session. Ms. Dhawan stated that she really questions the transparency. Mr. Dario stated that Fair Share Housing was litigation. Ms. Dhawan asked if she could be noticed even if she is not within 200 feet. Mr. Leibman told Ms. Dhawan to give him her information and he will make sure that she is made aware of the hearing. Ms. Dhawan asked how anyone is supposed to know about the application if they are not within 200 feet. Councilman Belgiovine stated that Agendas are put up on the website and if you sign-up on the website for any Planning Board or Zoning Board meeting, you will get the Agendas emailed to you. Ms. Dhawan stated that she is well aware of that since her husband is on the Zoning Board. Mr. Preiss stated that the notices are also published in the newspapers and is posted at various places such as the Borough Hall and the Borough website.

Marc Leibman stated that Mr. Preiss has to leave at 7:00 PM and he has to leave by 7:15 PM. Mr. Dario stated that maybe everyone should ask their questions and Marc and Richard could address all at one time.

John Glaser, Woodcliff Lake, asked what the next step is and how fast does it have to be done and do the residents have an opportunity to react to whatever they ask us to do. Mr. Leibman stated that there is a Fairness Hearing scheduled for December 13, 2017. The Court has to hear this. Mr. Preiss has to testify and the Judge has to approve this and issue an order. Mr. Leibman will be sending out a notice tomorrow to about 200 people regarding the hearing. Five months after that we need to adopt an Ordinance. We have plenty of time to get our ducks in a row, do it right, send it to the Planning Board for review and back to the Governing Body for approval and then action. Mr. Leibman stated that we have 6 months to pass the Ordinance on the Rosengren site. Mr. Glaser asked that during that time will there be meetings with the residents or will this happen behind closed doors. Mr. Preiss stated that everything from now on is out in the open. Mr. Glaser stated that he has to comment as to why is everything behind closed doors. For instance, he spoke to members of the Fair Share Committee and they didn't even know about this meeting tonight. Councilman Piantino replied that he is always amazed by those kind of comments, Mr. Glaser. Councilman Piantino asked Mr. Glaser how many years he sat on Council. Mr. Glaser replied 12 years. Mr. Piantino asked Mr. Glaser that in the 12 years that he sat on Council did the issue of litigation ever come up where you were advised by the Borough Attorney that you couldn't comment on matters that were the subject of litigation. Mr. Glaser replied yes. Mr. Piantino asked Mr. Glaser that knowing that for 12 years why do you come before this Board now and ask us why the details of the Fair Share proposal to resolve a litigation matter hasn't been discussed publicly. Mr. Glaser stated that he did not say that. Councilman Piantino stated

that every time you address us the implication is that something is going on behind closed doors that nobody has apprised you of. Councilman Piantino stated that you were a Council member for 12 years and you are aware of the fact that we are prevented from discussing matters that are the subject of litigation. Councilman Piantino stated that the insinuation that there is always something that is not being discussed with you in particular. Mr. Glaser stated that that is not true and not to use those words. Councilwoman Herrington stated that this is not helpful and he is a resident. Mr. Leibman stated that the Ordinance is going to be drafted, it will be sent to the Planning Board for review and comments, it will then go to the Governing Body and they will have the 2 step procedure to adopt it and it will be published.

Bert Taylor, Woodcliff Lake, stated he heard we have $300,000 in the Affordable Housing Trust fund, another $600,000 will be added from the Rosengren development and what is the anticipated total amount for the development on north Broadway. Mr. Preiss responded that we do not know the total amount that will be needed for the 16 unit affordable housing development. Essentially, the process is that the Borough is going to have to solicit through a request for proposals and qualifications. Sometimes donating the land is sufficient and sometimes there is additional costs beyond that. Mr. Taylor suggested that the Borough take a look at Habitat for Humanity. Mr. Preiss stated that they are on the list of people that will be solicited.

Josephine Higgins, Woodcliff Lake, stated that if it correct that we will be getting $600,000 from the Rosengren property to use for affordable housing. Mr. Preiss stated that it is officially called a payment in lieu of providing affordable housing.

MOTION to close to the public was made by Councilman Belgiovine, seconded by Councilwoman Gadaleta and unanimously approved by voice call vote.

RESOLUTION

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Belgiovine		X	X			
Gadaleta			X			
Hayes						X
Herrington			X			
Piantino			X			
Panso	X		X			
Mayor Rendo						

RESOLUTION AUTHORIZING MARC E. LEIBMAN, ESQ. TO EXECUTE A SETTLEMENT AGREEMENT WITH THE FAIR SHARE HOUSING CENTER IN THE MATTER OF THE APPLICATION OF THE BOROUGH OF WOODCLIFF LAKE, COUNTY OF BERGEN, DOCKET NUMBER BER-L-6221-15

RESOLUTION NO. 17-199
NOVEMBER 8, 2017

WHEREAS, by Resolution No. 15-128, the Borough of Woodcliff Lake engaged counsel to commence a declaratory relief action to establish the Borough's affordable housing obligation and obtain a judgment of repose through such litigation; and

WHEREAS, the Borough has engaged it's Planner, Richard M. Preiss, PP to undertake a study to assess the Borough's compliance with the State's affordable housing obligations; and

WHERAS, the Borough's counsel and planner have engaged in extensive negotiations with Fair Share Housing Center and mediation with Frank Banish, PP, Special Master appointed by the Court in this matter and an attempted intervenor; and

WHEREAS, the Governing Body believes that settlement of the within litigation is in the best interest of the Borough and its citizens and provides for measured development as well as a viable source of funding to promote adequate affordable housing opportunities in the Borough at little to no cost to the taxpayer.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Woodcliff Lake, County of Bergen, State of New Jersey hereby direct authorize and confirm that Marc E. Leibman, Esq. shall execute the proposed Settlement Agreement on behalf of the Borough in the form attached hereto as Exhibit "A"; and

BE IT FURTHER RESOLVED that the Settlement Agreement shall be adhered to and the Borough's professionals shall take such steps as to effectuate the requirements of the Borough, including but without limitation the extension of controls on Block 302, Lots 1.1 – 1.22, commonly known as Centennial Court, and the adoption of all necessary Amendments to the Borough's Master Plan, Housing Element and Borough Ordinances; and

BE IT FURTHER RESOLVED that the Borough Clerk shall make a copy of this Resolution and attachments thereto available to the public on the Borough website.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Mayor and Council at the meeting of November 8, 2017.

Deborah Dakin

DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK

ADJOURNMENT

MOTION to adjourn was made by Councilman Belgiovine, seconded by Councilman Piantino and unanimously approved by voice call vote.

Meeting was adjourned at 7:20 PM.

Respectfully submitted,

Deborah Dakin

Deborah Dakin, RMC, CMR
Borough Clerk

BOROUGH OF WOODCLIFF LAKE

188 PASCACK ROAD, WOODCLIFF LAKE, NEW JERSEY 07677

Carlos Rendo, Mayor
Tomas J. Padilla, Borough Administrator

201-391-4977
Fax 201-391-8830

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Belgiovine		X	X			
Gadaleta			X			
Hayes						X
Herrington			X			
Piantino			X			
Panso	X		X			
Mayor Rendo						

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