

## 5. HOUSING PLAN ELEMENT

### 5.1 BACKGROUND

The New Jersey Municipal Land Use Law requires the inclusion of a Housing Plan Element in municipal Master Plans. The law went into effect August 1, 1988. The Housing Plan Element serves to address the low and moderate income needs of the municipality, and to maintain a healthy and diverse housing mix to accommodate a growing and changing population. If a Housing Plan Element is not included in the Master Plan, the Township's zoning ordinances could be at risk. In such situations, developers may sue the non-complying municipalities with a process commonly known as the "builder's remedy". This process allows developers to seek to overturn local zoning, increase permitted densities, and build mostly market-rate unit developments that include (and partially subsidize) modest quantities of affordable housing. The Housing Plan Element traditionally forms the basis for Fair Share Housing Plans to be prepared and proposed in accordance with guidelines established by the N.J. Council on Affordable Housing (COAH). Communities may choose to combine these two separate documents into one, however in the case of River Vale, the Fair Share Housing Plan will follow as a separate document later this year.

The N.J. Council on Affordable Housing (COAH), which was created by the Fair Housing Act of 1985, was the response to the Mt. Laurel court decisions that obligates all the municipalities of the State to provide a realistic opportunity of having a fair amount of low and moderate income housing available. COAH is empowered to:

- Define housing regions;
- Estimate low and moderate income housing needs;
- Set criteria and guidelines for municipalities to determine and address their own fair share numbers; and then
- Review and approve housing elements/fair share plans and regional contribution agreements (RCA's) for municipalities.

COAH has been through two rounds of rules before arriving at its current round: the Third Round. The first round (First Round) was the basis for plans implemented from 1987 to 1993. In succession, the second round (Second Round) was implemented from 1993 to 1999. Its most current set (Third Round), which took effect in 2004, will last until 2015.

While the second round plans provided the basis for municipal certification that are currently in effect, each municipality (including River Vale) must adopt the new Third Round fair share housing plans. River Vale is currently governed under extended second round certification (see below).

#### 5.1.1 Background Data for Housing Element

The 2000 US Census provides statistics on existing housing characteristics. Several important characteristics are listed below in Table 3. The 2000 Census confirms that housing in the Township of River Vale continues to be predominately owner occupied (91.0%), which represents an increase of 5.8% between 1990 through 2000. Consequently, renter occupancy decreased from 10% to 8.9% between 1990 through 2000. The statistics also show an increase (22.1%) in dwelling units within structures with 10 or more housing units each. This reflects the increase in multiple dwellings in larger developments built before 2000 such as a part of Pine Lake Village; however, there was a decline in the number of units in small multiple dwellings (structures with 2 to 4 and 5 to 9 housing units). While multiple dwellings showed some increase, the

number of renters declined, reflecting an increase in home ownership in single-family houses, detached houses, and condominiums.

Table 3: Housing Units by Units in Structure for County and Town

1990	Bergen County		River Vale	2000	Bergen County		River Vale	% change in River Vale
	Total Housing Units	Vacant			Total Housing Units	Vacant		
Total Housing Units	324,817	15,937	3,208	Total Housing Units	339,820	9,003	3,312	3.20%
Vacant	15,937	15,937	76	Vacant	9,003	9,003	37	51.00%
Occupied units	308,880		3,132	Occupied units	330,817		3,275	4.60%
Owner occupied	209,876		2,818	Owner occupied	222,273		2,982	5.80%
Renter occupied	99,004		314	Renter occupied	108,544		293	-6.68%
One unit, detached	182,107		2,713	One unit, detached	188,108		2,837	4.57%
One unit, attached	9,151		103	One unit, attached	13,335		104	0.97%
2 to 4 units	66,134		105	2 to 4 units	68,811		93	-11.40%
5 to 9 units	9,666		45	5 or 9 units	10,550		24	-46.66%
10 or more units	52,297		208	10 or more units	57,983		254	22.10%
mobile and other	5,462		34	Mobile home	1,123		0	-100.00%

Source: US Census

According to the 2000 Census, there was an increase in the occupied housing units in River Vale as well as its neighboring communities in the Pascack Valley Region (see Table 4 below). The four other communities have somewhat similar housing trends. The municipality that experienced the highest percentage increase was the Borough of Emerson (7.0%), and the community experiencing the lowest percentage increase was the Township of Washington (4.1%). The Township of River Vale (4.5%) was the second lowest compared to the neighboring communities.

Table 4: Total Housing Units in River Vale and Neighboring Pascack Valley Communities

Occupied Housing Units			
	FY1990	FY2000	% change
River Vale	3132	3275	4.56%
Emerson	2217	2373	7.03%
Montvale	2377	2509	5.55%
Park Ridge	2933	3136	6.92%
Washington	3091	3219	4.14%

Source: US Census

The household size of neighboring Pascack Valley communities were also reviewed, and the statistics show a slight decrease in the household size which refers back to a greater increase in housing units than in population (see Community Profile). One-person households within the Township of River Vale seem to comprise a significant percent (19.7%) of the occupied housing units (see Table 5). This trend likely reflects the increase in multi-family units within the Township, particularly housing occupied by senior citizens.

Table 5: Household Size for River Vale and Neighboring Pascaack Valley Communities

Household Sizes				
	1990		2000	
	1 person	2 and more persons	1 person	2 and more persons
River Vale	420	2712	503	2772
Emerson	257	1960	344	2029
Montvale	345	2032	437	2072
Park Ridge	527	2460	673	2488
Washington	331	2760	468	2751

With respect to their household incomes, 47.7% of the total River Vale households in 2000 earned over \$100,000 compared to 25.0% in 1990, which further corresponds to the trend toward larger households (refer to Community Profile – Employment and Family Income). Additionally, River Vale’s median household income of \$66,477 in 1989 increased to \$95,129 in 1999, further indicating that an increasing number of residents occupy the higher income level range.

### 5.1.2 COAH Certification and Housing Plan

In order to be in compliance with the Council of Affordable Housing and to assure protection of River Vale’s zoning powers, the Township must be certified by COAH. The first step towards certification is the submission of a Housing Element (which is required by the Municipal Land Use Law as part of a municipality’s master plan), and a Fair Share Plan to establish realistic opportunities to provide a predetermined amount of units available to low and moderate income households. The new Fair Share Plan (to be developed) will affect the sum of three components included in the new Third Round (also known as “Growth Share methodology”) rules. These components are:

- Rehabilitation share – the number of deficient housing units occupied by low and moderate income household within a municipality and established in accordance with the provisions listed in N.J. A. C 5:94-2.1(b).
- Remaining Prior Round Obligations – the obligation that was previously assigned by COAH for the 1987 through 1999 cumulative period and not fully addressed by the municipality.
- Growth share – the ratio of one affordable housing unit for every eight market rate housing units constructed, plus one affordable housing unit for every 25 newly created jobs, as measured by new or expanded non residential construction within the municipality in accordance with the methodology. The obligation is generated in each municipality by both residential and non-residential development for the period from 2004 through 2014.

Within two years of submitting the Housing Element and the Fair Share Plan, the Township must petition COAH for substantive certification of its plans in order to remain under COAH’s jurisdiction. During the period that the petition is under review, the Township is protected from lawsuits by potential or existing developers. However, while under review, the Township must be prepared to submit additional plans or revisions should such requests for same be made prior to the granting or denial of substantive certification. Once the certification is granted, it becomes valid for ten years and may be withdrawn at anytime if COAH finds that the Township fails to assure the continuation of providing a realistic opportunity to implement its fair share housing obligation.

In compliance with COAH, the Township submitted a petition for Extended Second Round Substantive Certification in December 2004 and is currently awaiting the results. While the Township is being reviewed for re-certification, the Township should develop a new “Fair Share” plan for affordable housing units that observes the current Third Round rules. Should COAH grant the Second Round extension, the Township’s Third Round Fair Share plan will be due December 20<sup>th</sup>, 2005. If the Second Round extension is denied, then the Township must submit their Fair Share plan in accordance with the Third Round Rules immediately. There is no appeal or alternative extension process.

The Township’s current certified Fair Housing Plan includes 121 affordable housing units. Most of these units are in place; however as indicated in Table 6 below, which is an update of an earlier submission to COAH, there is a current shortfall of five units. The Projects identified as #2 and #3 are currently under review, and Project #8 (the Jewish Home) is under construction.

Table 6: Current Status of Affordable Housing Sites

PROJECT #	SITE	ZONE	STATUS	TOTAL UNITS	AFFORD-ABLE UNITS ON SITE	EQUIVALENT UNITS FROM CONTRI-BUTION	TOTAL AFFORD-ABLE UNITS
1	Spectrum for Living	HDD	Complete	30	30	0	60*
2	3, 3A, 4, 4A	MFAH	**	78	8	8	16
3	6 (I-7C)	A	****	11	0	2	2
4	9, 11, 12	SFAH	Complete	47	0	9 (RCA)	9
5	10	SFAH	Complete	6	2	0	2
6	Blk 813 Lot 11	A	Complete	5	0	5	10***
7	Pine Lake	MFAH	Complete	60	8	7	15
8	Blk 2101 Lots 2 & 3 (Jewish Home)	HDD	Complete	0	2	0	2
<b>TOTAL</b>							<b>116</b>

\* 30 units rental bonus

\*\* 18 acres (4 & 4A) acquired for open space; originally 47 affordable housing units assigned to this site; now 16 units; development being reviewed on 3 and 3A

\*\*\* 5 Alternate living units plus 5 units rental bonus

\*\*\*\* development being reviewed

## 5.2 PROPOSED HOUSING PLAN

The capacity for new market rate and/or low and moderate income housing in the Township is limited and reflected in the residential component of the Land Use Plan Element of this Master Plan.

This Master Plan includes several proposals to accommodate additional affordable housing.

1. The parcels recommended for continuing inclusion within River Vale’s MFAH building zone should support several new affordable housing units.
2. The Mesker site (Block 701 Lot 18) is proposed for senior citizen housing. This site is in the Senior Citizen Housing Building Zone, which has an affordable housing component requirement.
3. As part of the Land Use Plan Element update, the Township’s business center (“Four Corners” located at the intersection of Rivervale Road and Westwood Avenue) will include an affordable

housing component, which will be reflected in proposals to include second story apartments over businesses (see Land Use Plan Element Section 3.2).

4. Also as part of the Land Use Plan Element update, the Township's business center will also include a substantial area for mixed-use developments with affordable housing components at the east end of the business area (see section 3.2).

While there are other potentially developable parcels within the Township, none of these are considered appropriate for inclusion as part of the Township's Fair Share Housing Plan. Included among them are United Water Resources holdings, and the northern two golf courses. These parcels currently support viable and regionally valuable land uses, but could potentially be proposed as candidates for residential redevelopment. Additionally, several scattered and undeveloped parcels remain within the SFAH Zone in the Township's southwest corner. While these might appear to be candidate sites for affordable housing, they are all either encumbered by regulated natural resources, or they are deed restricted against future development. Since more appropriate affordable housing opportunities are available as described above, none of these other parcels will be incorporated into the Township's next Fair Share Housing Plan.

Given the established land use pattern in the Township, its future population and job growth will be limited due to (a) the desire to assure that development infill is in scale with current development patterns, (b) the limited availability of developable vacant residential acreage, and (c) the limited opportunities for more non-residential growth. Once the Township determines its new Third Round Fair Housing obligation quantity, it will be clear how many new affordable housing units will be required as part of the Township's future residential development.

More detailed analysis of the Township's specific housing objective will be included in the Township's future 2005 Fair Share Housing Plan.

## 6. COMMUNITY DESIGN ELEMENT

### 6.1 BACKGROUND

When the desire emerges in a local community to encourage good site, landscape architectural and/or architectural design in both new development and redevelopment, a municipality may choose to prepare an optional Community Design Element that addresses any combination, or all, of these features.

The Township of River Vale has never before had a Community Design Element. Rather, River Vale has attempted to influence and positively affect design in the built environment through a few disconnected ordinance provisions. Among others, these include:

- a. Site design standards for communications facilities on municipal property;
- b. Off-street parking and loading design standards;
- c. Design of drives, parking and circulation;
- d. Building design and layout, including site arrangements, visual relationships, lighting, buffering, landscaping, and signs, among others;
- e. General site plan design review;
- f. General subdivision design review;