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A SUMMARY
OF
BLOOMINGDALE BOROUGH'S
PROPOSED AFFORDABLE HOUSING
STRATEGY

JANUARY 29, 2016

1 - INTRODUCTION AND HISTORY

The Borough of Bloomingdale is currently involved in an effort to receive substantive certification from the Court with regard to its fair share affordable housing obligation in accordance with the dictates of the NJ Fair Housing Act, as well as the Mount Laurel I and subsequent affordable housing decisions, and the provisions of Judge Brogan's Case Management Order of January 20, 2016. This summary report is one step in that process and it outlines the Borough's preliminary affordable housing strategy, which is a combination of the contents of the Borough's 2010 Housing Element and Fair Share Plan, as well as provisions based on the most recent NJ Supreme Court decision (known as "Mount Laurel IV") related to this issue.

The issue of affordable housing in New Jersey has a long and complicated history, which the Supreme Court is trying to resolve with some degree of uniformity and clarity. Clearly, the Court recognizes the complexity of this matter as did the NJ Council On Affordable Housing (COAH), previously, when it attempted, unsuccessfully, to promulgate rules and regulations regarding affordable housing

Given that each municipality has its own unique set of characteristics, constraints and opportunities, it is not unexpected that each municipality will prefer to tailor a strategy to its own specific circumstances. Bloomingdale proposes to do just that and this report will set the stage for its response.

Bloomingdale's strategy needs to be first understood within the context of what has transpired in the past. Bloomingdale diligently addressed its affordable housing obligation in the 1980's and 1990's and obtained substantive certification during the First and Second Rounds, as established and administered by COAH. However, during the timeframe when COAH was unsuccessful in promulgating and revising the Third Round Rules, Bloomingdale became the subject of two builder's remedy lawsuits – for purposes of identification those matters are identified herein as the Meer Tract and Avalon Bay. As a result of those two actions, both sites are now included in the Borough's strategy to achieve compliance with its fair share affordable housing obligation.

During this same general timeframe, that the Borough was involved in the aforementioned litigation, the Planning Board prepared and adopted a new Housing Element and Fair Share Plan (HE-FSP) which was submitted to COAH. However, because of the difficulties associated with COAH at that time, substantive certification was never obtained for this document. Nevertheless, the 2010 HE/FSP is still a valid and relatively recent document upon which the Borough's strategy can be updated, via an addendum that responds to the current court guidelines.

2 - REGIONAL SETTING AND ENVIRONMENTAL CONSTRAINTS

Bloomington is a relatively small municipality with a total population estimated to be just over 8,000, as of 2014. It is located midway between the rural residential portions of Passaic County to the northwest and the more urban and suburbanized parts of Passaic County to the southeast. The population of the Borough has been relatively stable for many years, fluctuating between 7,797 in 1970 and 7,656 in 2010, according to US Census data.

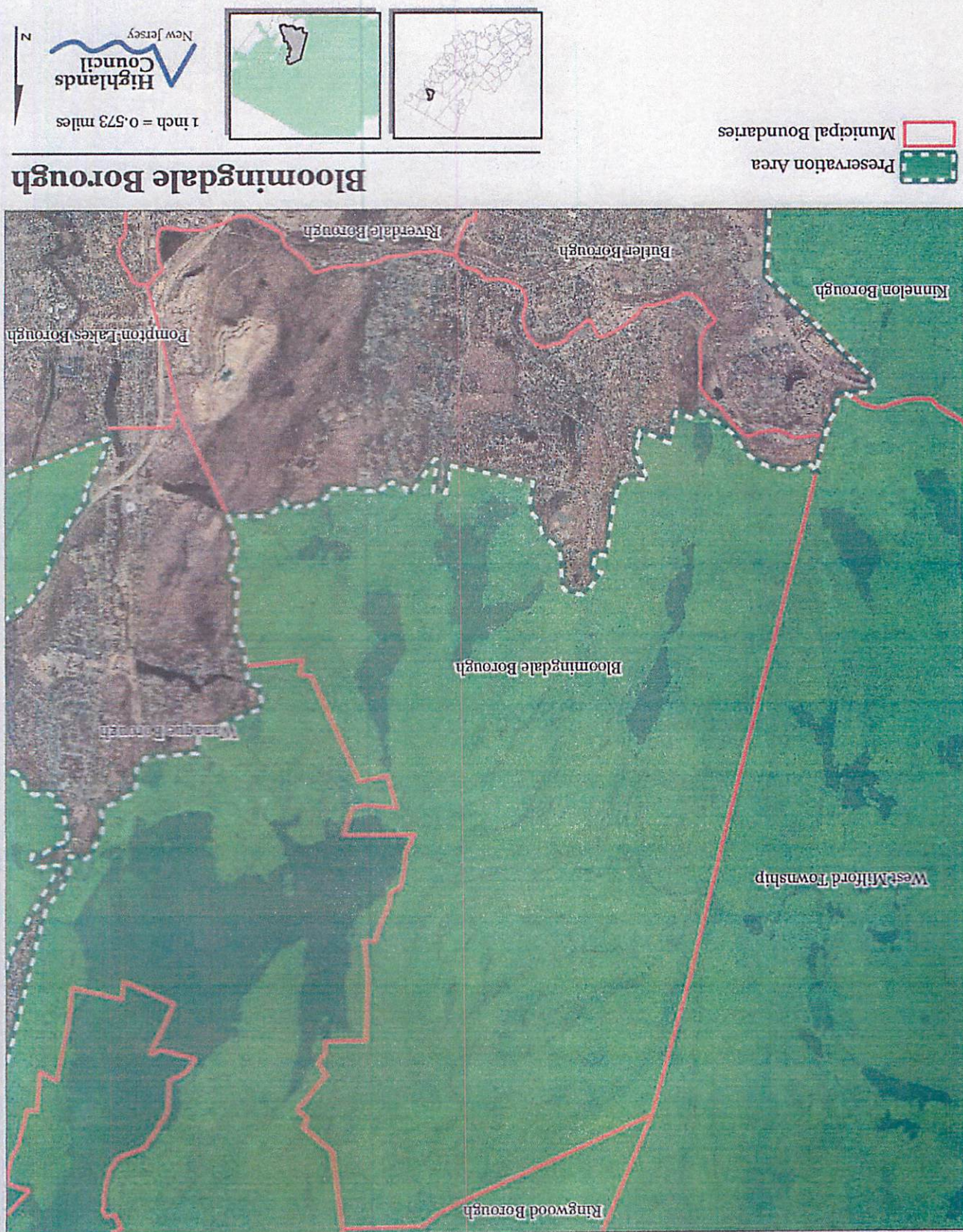
In terms of its physical size, this is where the comment made earlier, herein, about a community's unique set of characteristics is directly relevant. Bloomington is a "Highlands" municipality. It is one of those municipalities in the northern part of New Jersey that has been affected by the legislation, which established the Highlands Council that subsequently prepared and adopted the Highlands Regional Master Plan (RMP). See the map on the following page, which depicts how Bloomington is divided between the Highlands Protection Area and the Highlands Planning Area. However, unlike many other municipalities that have been only marginally affected by the Highlands regulations, nearly 70% of Bloomington is in the Highlands Protection Area, with the balance of the Borough in the Planning Area. In terms of acreage, this means that of the approximately 9.2 square miles * (5,917 acres), within Bloomington's borders, 4,155 acres are in the Preservation Area and 1,762 acres are in the Planning Area.

Consequently, as a result of the Highlands Council's regulations, the future development potential of a large portion of Bloomington is severely constrained. It should also be noted that Norvin Green State Forest (approximately 2,500 acres), as well as several other protected open space areas are located within Bloomington. Some development does exist in the Protection Area but a substantial portion of it is associated with lake communities that are effectively "fully developed". With respect to the Planning Area portion of the Borough, although Bloomington has not been formally deemed compliant by the Highlands Council (a petition was submitted by Bloomington in 2011), pursuant to many state and local regulations, the Borough is effectively compliant with the goals and objectives of the Highlands Council

Furthermore, with respect to the Planning Area portion of the Borough, this is where most of the existing development within the community is located. This developed area consists of approximately 1,000 acres. Most of this existing development is residential in nature, with a limited amount of commercial development located adjacent to Hamburg Turnpike and Union Ave. Although there are still some undeveloped tracts in this portion of Bloomington, most of them are unavailable for development, because they are either protected open space areas or are constrained by various environmental conditions (steep slopes, wetlands etc). Furthermore, according to the Highlands Council, the Planning Area of the Borough has a substantial water supply deficit. The map on the following page depicts the development pattern in the Planning Area portion of Bloomington. Other maps available on the Highlands web site provide graphic information about the various environmental constraints in the Borough.

* All acreage figures and related data were derived from Highlands Council material

Figure 1: Preservation Area



3. BLOOMINGDALE'S AFFORDABLE HOUSING OBLIGATION

As already noted, Bloomingdale participated in COAH's Round One and Round Two certification process and obtained substantive certification in 1988 for Round One and 1995 for Round Two. In the Third Round the Borough was the subject of two builder's remedy lawsuits before it had the opportunity to seek substantive certification, because of the lag by COAH to establish the Third Round Rules. Following the builder's remedy lawsuits and upon the adoption of the COAH regulations the Borough prepared the 2010 HE- FSP for submission, in an effort by Bloomingdale to comply with its fair share affordable housing obligation. The 2010 Plan was required, as per COAH's rules, to base the Borough's obligation partly on a growth share formula devised by COAH. Obviously, the growth share approach has been invalidated but in considering the growth potential of the Borough in 2010, the build out analysis derived from Highlands Council's efforts concluded that the Borough's growth potential (ie: its Realistic Development Potential - RDP) and hence its affordable housing obligation were not substantial.

In response to the NJ Supreme Court decision in March 2015 ("Mount Laurel IV") the Borough filed a Declaratory Judgement action on July 8, 2015 and simultaneously filed a motion for a period of temporary immunity, which the Court has granted. The Borough also joined the consortium that retained Econsult Solutions to determine the affordable housing obligations of the participating municipalities. The Borough is relying on the December 30, 2015 Econsult Solutions report entitled "New Jersey Affordable Housing Need and Obligations" regarding its fair share affordable housing obligation. The numbers, for Bloomingdale, are reasonable, fair and accurate and are in keeping with New Jersey's affordable housing goals, as well as the goals of the Highlands Council.

Econsult has presented three separate obligation numbers for each municipality. They can be summarized as follows:

Prior Round Obligation – This figure represents the obligation of the municipality prior to the Third Round

Present Need – This figure theoretically represents the units that exist in Bloomingdale, that are occupied by low and moderate residents, which need to be rehabilitated

The Prospective Need – This figure represents the portion of the regional need in the future for low and moderate income housing and the portion or share of that need allocated to Bloomingdale.

Table E-1 on page 175, of the December 30, 2015 Econsult Solutions report provides the numbers related to Bloomingdale's affordable housing obligation. Those numbers are presented in the table below. It is important to note that the Econsult Solutions Prospective Need number is similar to what was included in the 2010 HE-FSP (9 units), which was based on the build out analysis derived from the Highlands Council data.

Prior Round Obligation	168 units
Present Need	57 units
Prospective Need.....	<u>14 units</u>
Total	239 units

4. BLOOMINGDALES'S PRELIMINARY COMPLIANCE STRATEGY

As previously noted, the Borough has been engaged in the affordable housing process from its inception. During that time frame, however, the recognition about the environmental sensitivity of much of Bloomingdale has been documented by the NJ Highlands Council. Consequently, the portion of the Borough in the Highlands Preservation Area needs to be recognized as acreage where little if any development can occur in the future. With respect to the Planning Area portion of the Borough, some affordable housing has already been accommodated in that part of the community and there will be opportunities for more such housing there in the future. Included, herein, as Appendix A is a vacant land list for the Planning Area portion of the Borough, which will be discussed in further detail, in the Addendum to the HE-FSP.

The 2010 HE-FSP identified several projects - components that were aimed at addressing the Borough's obligation at that time. Those projects, without the bonus provisions identified, are listed as follows:

TABLE 1

Component	Description	Afford. Units	Built-Not Built
Meer Tract	Court Order / condos	72	Not Built
Avalon Bay	Court Order / rentals	9 *	Built
The Health Center at Bloomingdale	Assist. Living	60	Built
Humanistic Change	Group Home	5	Built
B1-A Zoning	Apts.Over Commercial	5	Not Built

* Avalon Bay also provided a \$100,000 contribution to the Borough's Housing Trust fund

In addition to the above referenced projects - components the Borough will also include several others not identified in the 2010 HE-FSP, including but not limited to a group home and an inclusionary project (Mountain Top), developed in 1988 and not previously identified as being eligible for credits. Additionally, the existing assisted living facility is proposed to be expanded by as many as ten extra units. Finally, the Borough will be making some adjustments to the B-1A Zone that should increase the number included in the 2010 HE-FSP by five units.

In summary, Bloomingdale will satisfy its Present Need obligation as required and will be applying credits from existing units and proposed units, as well as the bonus credits that apply, to its Prior Need and Prospective Need obligations as identified in the matrices in Appendix B

APPENDIX A

Borough of Bloomingdale

Vacant Properties In Highlands Planning Area

Block	Lot	Qual	Property Location	Owner's Name	Acreage
3005	1		MACOPIN ROAD	BUTLER PRINTING & LAMINATING INC.	11.430
3007	5		MACOPIN ROAD	BUTLER PRINTING & LAMINATING, INC	5.150
3007	17		MACOPIN ROAD	GUERRERO, CYBELLE	0.288
3007	18		OFF MACOPIN ROAD	BUTLER PRINTING & LAMINATING INC.	0.110
3007	21		OFF MACOPIN ROAD	GARGANO, ANDREW & BETH	2.000
3007	22		MACOPIN ROAD	GUERRERO, CYBELLE	0.300
3009	3		250 HAMBURG TURNPIKE	IRON BRIDGE INTERESTS C/O POER	0.500
3012	9		237 HAMBURG TURNPIKE	FOGG PROPERTIES LLC	0.420
3012	10		241 HAMBURG TURNPIKE	WATERFALL VILLAGE, LLC	0.390
3015	5		UNKNOWN	UNKNOWN	0.000
3016	4		47 HIGHLAND AVENUE	BOLLINGER, FREDERIC & AMY	3.160
3016	9		HIGHLAND AVENUE	ALCOCK, MARY ORR	0.860
3022	53		54 ELIZABETH STREET	MORSE, JANELLE M	0.404
3022	57		WILLIAM STREET	GABRIELE, JEFFREY & JANE	0.410
3022	58		WILLIAM STREET	GABRIELE, JEFFREY & JANE	0.370
3025	19		UNKNOWN	ROBERT SETON KOCHKA	0.000
3034	3		OFF FICHTER STREET	PARISI FRANK	0.370
3035	22		88 HAMBURG TURNPIKE	PARISI FRANK	0.840
3037	10		138 OLD RIDGE ROAD	FADIL, CYNTHIA R	0.870
3037	16		OFF STAR LAKE ROAD	DELFD GARDNS INC C/O WEILS, J&L LLP	7.190
3038	1		2 GLADE ROAD	ACKERMAN, MARLENE	7.830
3046	38		OFF GLENWILD AVENUE	PADULA, MARLENE C/O A. MC ENTTEE	0.717
3046	39		44 REAR WOODWARD AVENUE	STORMS, JAMES & NICOLE MARIE	0.190
4049	18.01		MC CUE ROAD	LAKE PROPERTIES INC	0.006
5058	14		VALLEY VIEW STREET	PECHKO, JUDITH	0.115
5057	1		REEVE AVENUE	LORENG & BRUGALETTA W&J REALTY C/O	0.070
5057	4		REEVE AVENUE	BORSI, ARTHUR & STEPHANIE	0.550
5060	8		31 MAIN STREET	KRISHA REALTY LLC	0.300
5060	20		NEAR SLOAN PARK	PASSAIC VALLEY WATER COMM	1.260
5060	28		113 MAIN STREET	VMC REALTY HOLDINGS LLC	0.226
5066	25		UNKNOWN	UNKNOWN	0.000
5066	30		UNKNOWN	UNKNOWN	0.000
5066	31		UNION AVENUE	HAGUE, CLINTON & KELLY	0.020
5066	37		OAK ST & UNION	CRUM, CLAUD V.	0.198
5069	1.01		29 FOREST DRIVE	MOUNTAINTOP DEVELOPMENT ASSOC LLC	1.740
5071	84		79 KNOLLS ROAD	PLATKIN FAMILY, LLC	0.300
5073	57		267 UNION AVENUE	BLOOMINGDALE URBAN RENEWAL LLC	12.710
5073	57	BLDG	267 UNION AVENUE	BLOOMINGDALE URBAN RENEWAL LLC	0.000
5073	71		UNION AVENUE	VOLPE, JOSEPH W	0.083
5073	75		231 UNION AVENUE	SOUTH MORRIS DEVELOPING, LLC	0.373
5073	76		OFF UNION AVENUE	SOUTH MORRIS DEVELOPING, LLC	0.480
5073	77		OFF UNION AVENUE	SOUTH MORRIS DEVELOPING, LLC	0.481
5073	78		OFF UNION AVENUE	SOUTH MORRIS DEVELOPING, LLC	0.257
5073	79		OFF UNION AVENUE	SOUTH MORRIS DEVELOPING, LLC	0.255
5073	101		147 UNION AVENUE	BENDEL, KERRY MR & BENDEL, KEVIN MR	0.360
5092	9.01		BALLSTON STREET	BRICE, ERNEST & KAREN	0.144
5096	20		OAK STREET	CRUM, CLAUD, KENNY, GREG & MARY P	0.130
5104	4		UNION AVENUE	ALICE HOLDINGS LLC	0.129
5104	7		UNION & VAN DAM AVENUE	WILKES, H & ROUGHGARDEN, F JR	5.250
5104	10		137 VAN DAM AVENUE	BEATTY MARK & KATHLEEN	0.300
5105	14		OFF VAN DAM & UNION AVE	MEER BLOOMINGDALE EST C/O H MEER	180.000
5105	16		28A VAN DAM AVENUE	BALLAZHI, XHELIL	0.172
5105.01	84		UNKNOWN	TILCON NEW YORK INC	0.000
5106	1		AT SLATERS POND	SHOTMEYER, ALBERT	11.250

APPENDIX B

MATRIX FORMS NARRATIVE

Bloomington's affordable housing strategy, as outlined on Forms 1 (Summary), 2 (Built) and 3 (Proposed), includes several built projects, one large proposed inclusionary project and a zoning ordinance provision that allows residential apartments over commercial uses.

The built projects include a condominium project, a rental complex, an assisted living facility and two group homes. The proposed inclusionary project is proposed to be condominiums only.

The proposed inclusionary project has been applied primarily to the Borough's Prior Round obligation but a small portion has also been applied to the Borough's Prospective Need obligation. One group home has been applied to the Prior Round obligation and one to the Prospective Need. In addition, a small portion of the assisted living facility credits have been applied to the Prospective Need but most of the credits associated with this facility have been applied to the Prior Round obligation.

Bonus credits have been applied accordingly as permitted. There has been no attempt, at this time, to determine if the Borough is entitled to any credits beyond its Prior Round and Prospective Need obligations.

**SUMMARY OF PLAN
FOR
TOTAL FAIR SHARE OBLIGATION**

MUNICIPALITY:
COUNTY:

Bloomingtondale

Passaic

	EST. OBLIG.	COMPLETED UNITS	PROPOSED UNITS	LOW	MOD	VERY LOW	TOTAL UNITS
Rehabilitation Share (per 2010 Census)	57						
Rehabilitation Credits							
Rehab Program(s)			57				57
Remaining Rehabilitation Share							0
1987-1999 Prior Round Obligation (1)	168						168
Vacant Land Adjustment (if applicable)							
Unmet Need							
RDP							
Mechanisms (2)							
Prior Cycle Credits (4/1/80-12/31/86)							
Credits without Controls							
Inclusionary Zoning		14	78	45	44	3	92
100% Affordable							
Accessory Apartments							
Write Down-Buy Down/Market-to-Affordable							
Alternative Living/Supportive & Special Needs		5		5			5
Assisted Living		40		20	15	5	40
RCA Units (previously approved)							
Compliance Bonus							
Rental Bonuses		31					31
Total Prior Round Credits							168
Units Addressing 1987-1999 Prior Round							
.2015-2025 Third Round Obligation (1)	14						14
Mechanisms (2)							
Vacant Land Adjustment (if applicable)							
Unmet Need							
RDP							
Inclusionary Zoning			5	3	2		5
Redevelopment							
100% Affordable							
Accessory Apartments							
Market-to-Affordable							
Supportive & Special Needs/ Alternative Living		4		4			4

Assisted Living		4		3	2		4
Extended Affordability Controls							
Other (describe on a separate sheet)							
Smart Growth Bonuses							
Redevelopment Bonuses							
Rental Bonuses		1					
<i>Total Third Round Credits</i>							14
Units Addressing 2015-2025 Fair Share							

(1) Identify the basis for asserting this number

as the municipal obligation.

(2) Provide a description for each mechanism.

TOTALS	#	% OF TOTAL OBLIGATION
LOW/MOD UNITS	141	77
VERY LOW INCOME	9	5
BONUS CREDITS	32	18
AGE-RESTRICTED	23	13
NOT AGE-RESTRICTED	159	87

**Inclusionary/Redevelopment
Summary of Built Projects**

MUNICIPALITY: Bloomingtondale

Total Affordable Units: 168

COUNTY:

Passaic

Total Affordable Credits: 168

(Provide a narrative description on a separate sheet and and specify the number of completed units by affordability on the form below)

Project or Site Name (1)		Block/ Lot(s)	Affordable Units Constructed						Tenure (R- Rental or S- Sale)	Rental Bonuses	
			Low (#/%)		Moderate (#/%)		Very Low (#/%)			AR (2)	NAR (3)
			AR (2)	NAR (3)	AR (2)	NAR (3)	AR (2)	NAR (3)			
Avalon Bay		Union Ave		4		4		1	R		9
Mountain Top		Mountain Ridge Rd		2		3			S		
Center for Humanistic Change		5053/1		5					R		5
Community Options		3039/46		4					R		4
Health Center of Bloomingtondale		Union Ave	10	8	8	6	4	4	R	3	6
TOTALS			10	21	8	10	5	4		2	24

(1) Attach narrative for each site.

(2) Age-Restricted

(3) Not Age-Restricted

**Inclusionary/Redevelopment
Summary of Proposed Projects
and Inclusionary Zoning**

MUNICIPALITY: Bloomingtondale

Total Affordable Unit.

COUNTY: Passaic

Total Affordable Credit.

(Provide a narrative description and specify the number of proposed units associated with each project, site or zone on the form below)

Name of Project, Site or Zone (1)	Implementation Priority	Block/Lot(s)	Gross Acres	Net Acres(2)	Density (3)	Project and Site Suitability Criteria						Total Units	Zoned for Affordable Housing (4) Y-Yes or N-No	Affordable Units						Tenure (Note R-Rental or S-Sale)	Rental Bonuses	
						Approv-able (local/ State approval status?)	Avail-able (clear title?)	Developable			Suit - able			Low (#/%)		Moderate (#/%)		Very Low (#/%)			AR (5)	NAR (6)
								WATER	SEWER	WQMP				AR (5)	NAR (6)	AR (5)	NAR (6)	AR (5)	NAR (6)			
Meer Tract	Court Order	Multiple Union Ave	180	35	>6	Yes	Yes	Yes	Yes	Yes	Yes	350	Yes AH Zone		33		33		6	S		
B1-A Zone	Exist Zoning	Multiple Hamb. Tpke.	80+	N/A	>6	Yes	Yes	Yes	Yes	Yes	Yes	TBD	Yes		5		4		1	R		10
TOTALS																						

(1) Attach narrative for each site. (2) less environmentally sensitive lands and easements. (3) Units/net acre (4) Is affordable housing zoning currently in place? (5) Age-Restricted (6) Not Age-Restricted

“Approvable site” means a site that may be developed for low and moderate income housing in a manner consistent with the rules or regulations of all agencies with jurisdiction over the site. A site may be approvable although not currently zoned for low and moderate income housing. “Available site” means a site with clear title, free of encumbrances which preclude development for low and moderate income housing. “Developable site” means a site that has access to appropriate water and sewer infrastructure, and is consistent with the applicable areawide water quality management plan (including the wastewater management plan) or is included in an amendment to the areawide water quality management plan submitted to and under review by DEP. “Suitable site” means a site that is adjacent to compatible land uses, has access to appropriate streets and is consistent with the environmental policies delineated in N.J.A.C. 5:93-4.

Form #3 - October 6, 2015