
Township of West Milford
Passaic County

Housing Plan Element
Fair Share Plan

May 27, 2010

Prepared by: West Milford Planning Board

In Consultation with Banisch Associates, Inc.

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The original copy has been signed and sealed in accordance with N.J.A.C. 13:41-1.3

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Township of West Milford, Passaic County
Housing Element and Fair Share Plan
May 27, 2010

EXECUTIVE SUMMARY	2
A Note Regarding Terms and Acronyms.....	2
HOUSING ELEMENT	4
Inventory of Municipal Housing Conditions	4
ANALYSIS OF MUNICIPAL DEMOGRAPHIC CONDITIONS.....	9
ANALYSIS OF EXISTING AND FUTURE EMPLOYMENT CHARACTERISTICS.....	14
FAIR SHARE PLAN.....	16
Prior Round Obligation.....	16
Changes from the Second Round Housing Element / Fair Share Plan	17
Third Round New Construction Obligation	26
Components of Third Round Obligation.....	29
Rehabilitation Obligation.....	30
Summary of West Milford Fair Share Plan - Total Third Round Obligation.....	31
Appendix A.....	32
Appendix B.....	34

Township of West Milford, Passaic County
Housing Element and Fair Share Plan
May 27, 2010

EXECUTIVE SUMMARY

The Township of West Milford will fully satisfy its adjusted prior round affordable housing obligation of 98 units with its existing inventory of low and moderate income units. West Milford will likewise meet its third round obligation (January 1, 2004 – December 31, 2018) of 47 new units through the use of municipally-owned properties and with the application of monies in the Township’s Housing Trust Fund. Finally, the Township will continue the rehabilitation program for existing low and moderate income housing, having completed one-third of the total third round obligation of 66 units. It is therefore the intention of the West Milford Planning Board to adopt this Housing Element and Fair Share Plan as part of the West Milford Master Plan and to submit same, with authorization by the West Milford Township Council to the Council On Affordable Housing with a petition seeking substantive certification.

This Housing Element and Fair Share Plan (HE/FSP) for the Township of West Milford in Passaic County fulfills the requirements of the *Municipal Land Use Law*, specifically those pertaining to the preparation of a Housing Plan Element for a municipal Master Plan as set forth in N.J.S.A. 40:55D-28 (3), the *New Jersey Fair Housing Act* (N.J.S.A. 52:27D-301 et seq.), and the procedures established by the Council On Affordable Housing (COAH) as contained in the Third Round Procedural Rules (N.J.A.C. 5:96-1.1 et seq.) and the Third Round Substantive Rules (N.J.A.C. 5:97-1.1 et seq.). Further, as the Township of West Milford is located within the Highlands Region this Housing Element and Fair Share Plan adheres to the specifications found in the Housing Element and Fair Share Plan Instructions issued by the Highlands Council on August 2009 pursuant to the goal, policies and objectives concerning housing and community facilities in the *Highlands Regional Master Plan* (RMP).

West Milford last secured Substantive Certification from COAH on October 6, 1999 for its second round HE/FSP dated January 22, 1997, adopted by the West Milford Planning Board on that same date. Much has changed since then. COAH’s rules have undergone significant revisions resulting in different methodologies and affordable housing projections. West Milford has altered some of its land use policies since 1997, most notably a decision for shift away from a “Town Center” and higher density residential development. And, of course, the adoption of the *Highlands Water Protection and Planning Act* in August 2004 dramatically altered future development particularly for West Milford with the Preservation Area designation.

Three sites designed to include both market and affordable housing included in the 1997 HE/FSP and certified by COAH in anticipation of their eventual development did not go forward. The three “prior round” sites – Valley Ridge, Random Woods and Stanford Village – are discussed in greater detail in the Fair Share herein.

A Note Regarding Terms and Acronyms

This Housing Element and Fair Share Plan rely upon certain terms particular to the subject matter and employs acronyms in the interest of brevity throughout the text. A listing of key terms and acronyms found herein are as follows:

Township of West Milford, Passaic County

Housing Element and Fair Share Plan

May 27, 2010

COAH – Council On Affordable Housing

Family Unit – means a self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters and a private entrance, which is available to the general public and not restricted to any specific segment of the population.

Growth Share – means the affordable housing obligation generated in each municipality both residential and non-residential development from 2004 through 2018 and represented by a ratio of one affordable housing unit among five housing units constructed plus one affordable housing unit for every 16 newly created jobs as measured by new or expanded non-residential construction within the municipality in accordance with chapter Appendix D pursuant to the methodology detailed in N.J.A.C. 5:97-2.

HE/FSP – Housing Element (and) Fair Share Plan

Housing Element – means the portion of a municipality’s master plan, required by the Municipal Land Use Law (MLUL), N.J.S.A. 40:55D-28b(3) and the Act*, that includes all information required by N.J.A.C. 5:97-2 and establishes the municipality’s fair share obligation.

[*Fair Housing Act]

Fair Share Plan – means the plan that describes the mechanisms and the funding sources, if applicable, by which a municipality proposes to address its affordable housing obligation as established in the Housing Element, includes the draft ordinances necessary to implement that plan, and addresses the requirements of N.J.A.C. 5:97-3. (N.J.A.C. 5:97-1.4)

Low Income – means 50 percent or less of the median gross household income for households of the same size within the housing region in which the household is located, based upon the U.S. Department of Housing and Urban Development’s (HUD) Section 8 Income Limits (uncapped) averaged across counties for the housing region.

Moderate Income – means more than 50 percent but less than 80 percent of the median gross household income for households of the same size within the housing region in which the household is located, based upon the U.S. Department of Housing and Urban Development’s (HUD’s) Section 8 Income Limits (uncapped) averaged across counties for the housing region.

MLUL – Municipal Land Use Law

N.J.A.C. – New Jersey Administrative Code

N.J.S.A. – New Jersey Statutes Annotated

Prior Round – cumulative 1987-1999 fair share obligation

RMP – Highlands Regional Master Plan

Substantive Certification – a determination by the Council approving a municipality’s Housing Element and Fair Share Plan in accordance with the provisions of the Act, this chapter and N.J.A.C. 5:96. A grant of substantive certification may run for a period of 10 years beginning on the date that a municipality files its Housing Element and Fair Share Plan

Township of West Milford, Passaic County
Housing Element and Fair Share Plan
May 27, 2010

with the council in accordance with N.J.S.A. 52:27D-313, but shall not extend beyond December 31, 2019.

Third Round – is the municipal affordable housing obligation for the period of January 1, 2004 through December 31, 2018.

Very low income housing – means housing affordable according to federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs and occupied or reserved for occupancy by households with a gross household income equal to 30% or less of the median gross household income for households of the same size within the housing region in which the housing is located.

HOUSING ELEMENT

Inventory of Municipal Housing Conditions

The primary source of information for the inventory of the Township’s housing stock is the 2000 U.S. Census, with the data reflecting conditions in 2000. According to the 2000 Census, the Township had 9,909 housing units, of which 9,190 (93%) were occupied. Table 1 identifies the units in a structure by tenure; as used throughout this Plan Element, "tenure" refers to whether a unit is owner-occupied or renter-occupied. While the Township largely consisted of one-family, detached dwellings (88% of the total, compared to 43% in the County), there were 1,208 units in attached or multi-family structures. The Township had a lower percentage of renter-occupied units, 11%, compared to 43% in Passaic County and 32% in the State.

Table 1
Units in Structure by Tenure

Units in Structure	Vacant Units	Occupied Units		
		Total	Owner	Renter
1, detached	608	8,093	7,514	579
1, attached	20	432	395	37
2	14	207	46	161
3 or 4	17	83	11	7
5+	48	368	257	111
Other	0	0	0	0
Mobile home or trailer	2	7	7	0
Total	719	9,190	8,230	1,047

Source: 2000 U.S. Census, Summary Tape File 3 (STF-3) for Township, QT-H10 and DP-4.

Table 2 indicates the year housing units were built by tenure, while Table 3 compares the Township to Passaic County and the State. The Township has seen a steady increase of housing units since 1950. Housing built since 1950 total 62% of the owner-occupied units 54% renter occupied.

Township of West Milford, Passaic County
Housing Element and Fair Share Plan
May 27, 2010

Table 2
Year Structure Built by Tenure

Year Built	Vacant Units	Occupied Units		
		Total	Owner	Renter
1990-2000	74	1,072	1,030	42
1980-1989	16	1,168	1,053	115
1970-1979	83	1,069	1,023	46
1960-1969	104	1,963	1,803	160
1950-1959	148	1,918	1,719	199
1940-1949	163	916	747	169
Pre-1940	131	1,084	855	229

Source: 2000 U.S. Census, STF-3 for Township, QT-H7.

Table 3 compares the year of construction for all dwelling units in the Township to Passaic County and the State. The Township had a much larger percentage of units built between 1960 and 1969 than the County or State, and a smaller percentage of units built between before 1940.

Table 3
Comparison of Year of Construction for Township, County, and State

Year Built	%		
	West Milford Township	Passaic County	New Jersey
1990 – 2000	11.6	5.3	10.5
1980 – 1989	11.9	6.2	12.4
1970 – 1979	11.6	8.6	14.0
1960 – 1969	20.9	16.9	15.9
1940 – 1959	31.7	36.9	27.1
Pre-1940	12.3	26.1	20.1
Median Year	1963	1954	1962

Source: 2000 U.S. Census, SF-3 for Township, County, and State, DP-4.

The 2000 Census documented household size in occupied housing units by tenure, and the number of bedrooms per unit by tenure; these data are reported in Tables 4 and 5, respectively. Table 4 indicates that renter-occupied units generally housed smaller households, with 60% of renter-occupied units having 2 persons or fewer compared to 47% of owner-occupied units. Table 5 indicates that renter-occupied units generally had fewer bedrooms, with 61% having two bedrooms or fewer, compared to 27% of owner-occupied units.

Township of West Milford, Passaic County
Housing Element and Fair Share Plan
May 27, 2010

Table 4
Household Size in Occupied Housing Units by Tenure

Household Size	Total Units	Owner-occupied Units	Renter-occupied Units
1 person	1,536	1,233	303
2 persons	2,930	2,658	272
3 persons	1,826	1,661	165
4 persons	1,742	1,618	124
5 persons	824	769	55
6 persons	241	218	23
7+ persons	91	75	16
Total	9,190	8,232	958

Source: 2000 U.S. Census, SF-3 for Township, H-17.

Table 5
Number of Bedrooms per Unit by Tenure

Number of Bedrooms	Total Units	(%)	Vacant Units	Occupied Units		
				Total	Owner	Renter
No bedroom	42	.4	7	35	0	35
1 bedroom	718	7.2	170	548	360	188
2 bedrooms	2,467	24.9	238	2,229	1,871	358
3 bedrooms	4,209	42.5	231	3,978	3,717	261
4 bedrooms	2,137	21.6	73	2,064	1,984	80
5+ bedrooms	336	3.4	0	336	298	38

Source: 2000 U.S. Census, SF-3 for Township, QT-H8 and QT-H5.

Table 6 compares the Township's average household size for all occupied units, owner-occupied units, and renter-occupied units to those of the County and State. The Township's average household size is higher than the State but lower than the County.

Table 6
Average Household Size for Occupied Units for Township, County, and State

Jurisdiction	All Occupied Units	Owner-occupied units	Renter-occupied units
West Milford Township	2.84	2.88	2.48
Passaic County	2.92	2.99	2.84
New Jersey	2.68	2.81	2.43

Source: 2000 U.S. Census, SF-1 for Township, County, and State, DP-1.

Township of West Milford, Passaic County
Housing Element and Fair Share Plan
May 27, 2010

The distribution of bedrooms per unit, shown in Table 7, indicates that the Township contained fewer small units (0-1 bedroom) than the County or State in 2000, and more large units (four or more bedroom) than either the County or State.

Table 7
Percentage of All Units by Number of Bedrooms

Jurisdiction	None or one	Two or Three	Four or More
West Milford Township	7.6	67.4	25
Passaic County	19.5	63.1	17.4
New Jersey	18.3	59.2	22.6

Source: 2000 U.S. Census, SF-3 for Township, County, and State, QT-H4.

In addition to data concerning occupancy characteristics, the 2000 Census includes a number of indicators, or surrogates, which relate to the condition of the housing stock. These indicators are used by the Council on Affordable Housing (COAH) in calculating a municipality's deteriorated units and indigenous need. In the first Two Rounds of COAH's fair share allocations (1987-1999), COAH used seven indicators to calculate indigenous need: age of dwelling; plumbing facilities; kitchen facilities; persons per room; heating fuel; sewer; and, water. In the Round Three rules, COAH has reduced this to three indicators, which in addition to age of unit with more than 1 person per room (Pre-1940 units in Table 2), are the following, as described in COAH's rules.

Plumbing Facilities

Inadequate plumbing is indicated by either a lack of exclusive use of plumbing or incomplete plumbing facilities.

Kitchen Facilities

Inadequate kitchen facilities are indicated by shared use of a kitchen or the non-presence of a sink with piped water, a stove, or a refrigerator.

Table 8 compares the Township, County, and State for the above indicators of housing quality. The Township had fewer units with inadequate plumbing and kitchen facilities than the County and State.

Table 8
Housing Quality for Township, County, and State

Condition	------%-----		
	West Milford Township	Passaic County	New Jersey
Inadequate plumbing ¹	.3	1	0.7
Inadequate kitchen ¹	.3	1.1	0.8
Overcrowding	1.7	4.3	5

Notes: ¹The universe for these factors is all housing units.

Source: 2000 U.S. Census, SF-3 for Township, County, and State QT-H4.

Township of West Milford, Passaic County
Housing Element and Fair Share Plan
May 27, 2010

The last factors used to describe the municipal housing stock are the housing values and gross rents for residential units. With regard to values, the 2000 Census offers a summary of housing values, seen in Table 9, which indicate that 48% of all residential properties in the Township were valued between \$100,000 and \$199,999. The median housing value for the Township was \$171,200.

Table 9
Value of Owner Occupied Residential Units

Value	Number of Units	%
\$0 – 50,000	.4	.4
\$50,000 – 99,999	319	4.2
\$100,000 – 149,999	2,218	29.2
\$150,000 – 199,999	2,568	33.9
\$200,000 – 299,999	1,962	25.9
\$300,000 – 499,999	393	5.2
\$500,000 – 999,999	80	1.1
\$1,000,000 +	9	.1

Source: 2000 U.S. Census, SF-3 for Township, County, and State, DP-4.

The data in Table 10 indicate that in 2000 virtually all housing units rented for more than \$500/month (81%) with the largest percentage, 31.4%, found between \$1,000 and \$1,499 per month, and 4.3% of the units renting for over \$1,500/ month.

Table 10
Gross Rents for Specified Renter-Occupied Housing Units

Monthly Rent	Number of Units	%
Under \$200	16	1.7
\$200 – 299	0	0
\$300 – 499	65	6.8
\$500 – 749	279	29.3
\$750 – 999	159	16.7
\$1,000 – 1,499	299	31.4
\$1,500 or more	41	4.3
No Cash Rent	92	9.7

Note: Median gross rent for West Milford Township is \$835.

Source: 2000 U.S. Census, SF-3 for Township, QT-H12.

The data in Table 11 indicate that in 2000 there were 429 renter households making less than \$35,000 annually. At least 331 of these households were paying more than 30% of their income for rent; a figure of 30% is considered the limit of affordability for rental housing costs.

Township of West Milford, Passaic County
Housing Element and Fair Share Plan
May 27, 2010

Table 11
Household Income in 1999 by Gross Rent
as a Percentage of Household Income in 1999

Income	Number of Households	Percentage of Household Income					
		0 – 19%	20 – 24%	25 – 29%	30 – 34%	35% +	Not computed
< \$10,000	63	0	0	0	7	48	8
\$10,000 – 19,999	159	0	9	0	0	133	17
\$20,000 – 34,999	207	7	19	15	9	134	23
\$35,000 +	522	283	47	83	31	26	52

*Note: The universe for this Table is specified renter-occupied housing units.
Source: 2000 U.S. Census, SF-3 for Township, QT-H13.*

ANALYSIS OF MUNICIPAL DEMOGRAPHIC CONDITIONS

As with the inventory of the municipal housing stock, the primary source of information for the analysis of the demographic characteristics of the Township's residents is the 2000 U.S. Census. The Census data provide a wealth of information concerning the characteristics of the Township's population in 2000.

The 2000 Census indicates that the Township had 26,410 residents, or 908 more residents than in 1990, an increase of 4%. The Township's 4% increase in the 1990's compares to a 12% increase in Passaic County and an 8% increase in New Jersey.

The age distribution of the Township's residents is shown in Table 12. The age classes remain relatively evenly split between males and females with a predominance of males in the age range of 0-19 and a female predominance in the 19+ age groups.

Table 12
Population by Age and Sex (%)

Age	Total Persons	Male	Female
0-4	7.1	7.1	7
5 – 19	22.2	23.2	21.1
20 – 34	16.7	16.2	17.3
35 – 54	36.6	37.2	36
55 – 69	11.7	11.8	11.6
70 +	5.7	4.5	7

Source: 2000 U.S. Census, SF-1 for Township, QT-P1.

Township of West Milford, Passaic County
Housing Element and Fair Share Plan
May 27, 2010

Table 13 compares the Township to the County and State for the same age categories. The principal differences among the Township, County, and State occurs the age categories 35-54 where the Township had more residents and 70+ age group where the Township had a lower percentage of population.

Table 13
Comparison of Age Distribution for Township, County, and State (% of persons)

Age	West Milford Township	Passaic County	New Jersey
0 – 4	7.1	7.4	6.7
5 – 19	22.2	21.3	20.4
20 – 34	16.7	21.7	19.9
35 – 54	36.6	29.1	30.9
55 – 69	11.7	11.6	12.4
70 +	5.7	8.9	9.7
Median	37	34.8	36.7

Source: 2000 U.S. Census, SF-1 for Township, County, and State. QT-P1.

Table 14 provides the Census data on household size for the Township, while Table 15 compares household sizes in the Township to those in Passaic County and the State. The Township had a lower percentage of households with 1 person but a higher percentage of households with 2 to 3 persons than the County or State.

Table 14
Persons in Household (%)

Household Size	Number of Households
1 person	16.7
2 persons	31.9
3 persons	19.9
4 persons	19
5 persons	9
6 persons	2.6
7 or more persons	1

Source: 2000 U.S. Census, STF-1 for Township, QT-P10.

Township of West Milford, Passaic County
Housing Element and Fair Share Plan
May 27, 2010

Table 15
Comparison of Persons in Household for Township, County, and State
(% of households)

Household Size	West Milford Township	Passaic County	New Jersey
1 person	16.7	22.2	24.5
2 persons	31.9	27.3	30.3
3 persons	19.9	17.7	17.3
4 persons	19	16.6	16.0
5 persons	9	8.8	7.5
6 persons	2.6	3.8	2.7
7 or more persons	1	3.5	1.7
Persons per household	2.84	2.92	2.68

Source: 2000 U.S. Census, SF-1 for Township, County, and State, QT-P10.

Table 16 presents a detailed breakdown of the Township's households by type and relationship. There were 7,186 family households in the Township and 2,004 non-family households; a family household includes a householder living with one or more persons related to him or her by birth, marriage, or adoption, while a non-family household includes a householder living alone or with non-relatives only. In terms of the proportion of family and non-family households, the Township had more family households than the County or State (78% for the Township, 73% for the County, and 70.3% for the State).

Table 16
Household Type and Relationship

	Total
In family Households:	7,186
Married	6,189
Child	3,830
In Non-Family Households:	2,004
Male householder:	1,042
Living alone	779
Female householder:	962
Living alone	757
In group quarters:	301
Institutionalized:	109
Non-institutionalized	192

Source: 2000 U.S. Census, SF-3 for Township, QT-P11 and QT-P12.

Table 17 provides 1999 income data for the Township, County, and State. The Township's incomes were higher than the County and State. The definitions used for households and

Township of West Milford, Passaic County
Housing Element and Fair Share Plan
May 27, 2010

families in Table 17 are similar to those identified in the description of Table 16, so that the households figure in Table 17 includes families.

Table 17
1999 Income for Township, County, and State

Jurisdiction	Per Capita Income (\$)	Median Income (\$)	
		Households	Families
West Milford Township	28,612	74,124	80,264
Passaic County	21,370	49,210	56,054
New Jersey	27,006	55,146	65,370

Source: 2000 U.S. Census, SF-3 for Township, County, and State, DP-3.

Table 18 addresses the lower end of the income spectrum by providing data on poverty levels for persons and families. The determination of poverty status and the associated income levels are based on the cost of an economy food plan and ranged from an annual income of \$8,501 for a one-person household to \$28,967 for an eight-person family for the year 1999.

According to the data in Table 18, the Township had proportionately fewer persons and families qualifying for poverty status than the County and State. The percentages in Table 18 translate to 1,085 persons and 192 families in poverty status. Thus, the non-family households had a larger share of the population in poverty status.

Table 18
Poverty Status for Persons and Families for
Township, County, and State (% with 1999 income below poverty)

Jurisdiction	Persons (%)	Families (%)
West Milford Township	2.6	4.1
Passaic County	12.3	9.4
New Jersey	8.5	6.3

Source: 2000 U.S. Census, SF-3 for Township, County, and State, DP-3.

The U.S. Census includes a vast array of additional demographic data that provide insights into an area's population. For example, Table 19 provides a comparison of the percent of persons who lived in the same house since 1995; this is a surrogate measure of the mobility/stability of a population. The data indicate that the percentage of Township residents residing in the same house as in 1995 was more than that of the State and County.

Table 19
Comparison of 1995 Place of Residence for Township, County, and State

Jurisdiction	Percent living in same house in 1995
West Milford Township	68.2
Passaic County	59.4
New Jersey	59.8

Source: 2000 U.S. Census, SF-3 for Township, County, and State, QT-H7.

Township of West Milford, Passaic County
Housing Element and Fair Share Plan
May 27, 2010

Table 20 compares the educational attainment for Township, County, and State residents. The data indicates that more Township residents achieved a high school diploma or higher or a bachelor's degree or higher than the County.

Table 20
Educational Attainment for Township, County, and State Residents
(Persons 25 years and over)

Jurisdiction	Percent (%) high school graduates or higher	Percent (%) with bachelor's degree or higher
West Milford Township	89.3	27.2
Passaic County	73.3	21.2
New Jersey	82.1	29.8

Source: 2000 U.S. Census, SF-3 for Township, County, and State, DP-2.

The 2000 Census also provides data on the means of transportation which people use to reach their place of work. Table 21 compares the Census data for the Township, County, and State relative to driving alone, carpooling, using public transit, and using other means of transportation. The Township had a relatively high percentage of those who drive alone, and a relatively low percentage of workers who carpool or use public transit. Of the 5.7% of workers who resided in the Township and used other means of transportation to reach work, 563 workers worked at home and 190 workers walked to work.

Table 21
Means of Transportation to Work for Township, County and State Residents
(Workers 16 years old and over)

Jurisdiction	Percent who drive alone	Percent in carpools	Percent using public transit	Percent using other means
West Milford Township	82.4	9.7	2.2	5.7
Passaic County	71.2	13.5	8.1	7.2
New Jersey	73	10.6	9.6	0.9

Source: 2000 U.S. Census, SF-3 for Township, County, and State, DP-3.

Township of West Milford, Passaic County
Housing Element and Fair Share Plan
May 27, 2010

ANALYSIS OF EXISTING AND FUTURE EMPLOYMENT CHARACTERISTICS

Table 22 shows that in 2003 employment by industry reported through the Department of Labor within the Township.

Table 22
Employment by Industry

INDUSTRY	ANNUAL AVG. UNITS	EMPLOYMENT				AVERAGE	WAGES	
		MARCH	JUNE	SEPT.	DEC.		WEEKLY	ANNUAL
Agriculture, forestry, fishing and hunting	4	8	10	10	10	10	\$286	\$14,893
Construction	168	519	572	532	522	533	\$776	\$40,357
Manufacturing	26	239	242	232	256	239	\$834	\$43,356
Wholesale trade	47	166	174	166	169	168	\$1,073	\$55,798
Retail trade	71	671	698	655	687	679	\$522	\$27,168
Transportation and warehousing	18	26	27	30	28	27	\$517	\$26,872
Information	9	24	22	26	24	24	\$1,259	\$65,450
Finance and insurance	26	267	277	291	263	274	\$785	\$40,821
Real estate and rental and leasing	19	45	66	61	53	58	\$391	\$20,319
Professional and technical services	71	235	236	236	250	245	\$691	\$35,944
Administrative and waste services	59	141	172	159	166	165	\$548	\$28,490
Educational services	4	8	8	6	10	8	\$473	\$24,617
Health care and social assistance	48	530	534	537	548	538	\$433	\$22,490
Arts, entertainment, and recreation	12	30	117	108	40	72	\$395	\$20,527
Accommodation and food services	45	362	420	377	390	386	\$229	\$11,906
Other services, except public administration	61	232	236	212	205	226	\$462	\$24,040
Unclassified entities	28	18	29	31	38	28	\$437	\$22,700
PRIVATE SECTOR MUNICIPALITY TOTAL	716	3,522	3,848	3,678	3,669	3,685	\$588	\$30,555
FEDERAL GOVT MUNICIPALITY TOTAL	5	40	41	41	40	41	\$836	\$43,456
LOCAL GOVT MUNICIPALITY TOTAL	7	1,056	1,060	997	1,075	962	\$973	\$50,576

Detailed statistics regarding employment trends are only provided on a regional basis. Passaic County is within the (Bergen Hudson Passaic) New York-Wayne-White Plains, NY-NJ region. Table 23 demonstrates the trend by industry type. The table portrays the national economic downturn has also impacted the regions.

Township of West Milford, Passaic County
Housing Element and Fair Share Plan
May 27, 2010

Table 23
Current Employment within the (Bergen Hudson Passaic)
New York-Wayne-White Plains, NY-NJ region.

Industry	Apr-09	Mar-09	Apr-08	Change - Month-	Change - Year-
Total Nonfarm	880.7	879.5	906.2	1.2	-25.5
Total Private	751.6	750.8	782	0.8	-30.4
Goods Producing	89.9	90.4	101.8	-0.5	-11.9
Service-Providing	790.8	789.1	804.4	1.7	-13.6
Private Service Providing	661.7	660.4	680.2	1.3	-18.5
Natural Resources and Mining and Construction	26.5	26.1	32.1	0.4	-5.6
Manufacturing	63.4	64.3	69.7	-0.9	-6.3
Durable Goods	28.7	28.9	30.2	-0.2	-1.5
Non-Durable Goods	34.7	35.4	39.5	-0.7	-4.8
Trade, Transportation, and Utilities	204.2	207.6	209.3	-3.4	-5.1
Wholesale Trade	67.6	69.2	69.5	-1.6	-1.9
Retail Trade	96.2	97.5	98	-1.3	-1.8
Transportation Warehousing and Utilities	40.4	40.9	41.8	-0.5	-1.4
Information	21.7	21.7	23.5	0.0	-1.8
Finance	71.6	70.3	74.9	1.3	-3.3
Professional and Business Services	130.2	129.2	137.1	1	-6.9
Educational and Health Services	136.7	135.6	134.5	1.1	2.2
Leisure and Hospitality	58.3	57.5	62	0.8	-3.7
Other Services	39	38.5	38.9	0.5	0.1
Government	129.1	128.7	124.2	0.4	4.9
Federal Government	10	9.9	10.4	0.1	-0.4
State Government	16.5	16.5	16.5	0.0	0.0
Local Government	102.6	102.3	97.3	0.3	5.3

FAIR SHARE PLAN

Prior Round Obligation

COAH's recalculated prior round obligation for West Milford is 98 units including a mandatory rental obligation which equates to 25 units (see calculations, below). Rental bonus credits for the prior round cannot exceed the actual number of required rental units hence the maximum rental bonus credits eligible for the prior round are capped at 25. West Milford will apply 73 credits for units and bedrooms and a rental bonus credit of 25 to provide the required obligation of 98 as detailed in Table 24, below.

A. Rental Unit Obligation

The rental obligation for the prior round is calculated in accordance with N.J.A.C. 5:97-3.10(b)1 as follows:

- Rental requirement = 25 percent (prior round obligation[98] – prior cycle credits[0] – impact of 20 percent cap[0] – impact of the 1,000 unit limitation[0])
- $0.25(98 - 0 - 0 - 0) = 24.5$ rounded up to 25 units

25 rental units required

B. Age-Restricted Units – Maximum

The maximum number of age restricted units eligible for credit in the prior round is calculated in accordance with N.J.A.C. 5:97-3.10(c)1 as follows:

Age-restricted maximum = 25 percent (prior round obligation[98] + rehabilitation share[66] – prior cycle credits[0] – rehabilitation credits[20] – impact of 20 percent cap[0] – impact of the 1,000 unit limitation[0] – transferred or proposed RCA units addressing the prior round obligation[0])

- $0.25(98 + 66 - 0 - 20 - 0 - 0 - 0)$
- $0.25(144) = 36$

36 age-restricted units eligible for credit

C. Rental Bonuses

The Township is eligible for one bonus credit per unit of non-age restricted rental housing and a bonus credit of 0.33 per unit of age-restricted rental housing in accordance with N.J.A.C. 5:97-3.5. The maximum amount of rental bonus credits is capped at the number of the Township's prior round rental obligation which is 25.

Maximum number of rental bonus credits: 25

Township of West Milford, Passaic County
Housing Element and Fair Share Plan
May 27, 2010

Table 24
Units / Bedrooms / Credits Addressing
Prior Round Obligation of 98

Name	Block	Lot	# Units / Bedrooms	Type
Lincoln Hill	6401	6.02	13	Age-restricted
Bald Eagle Manor	5621	1, 2, 3	11	Age-restricted
Bald Eagle Manor	5301	21, 33	12	Congregate care
12 Meadow Trail*	7521	8	1	Family
2 Kushaqua Trail**	3008	1	1	Family
Advo Serve	2202	5.01	***20	Group home
Wehrlen House	9404	14	***5	Group home
Center For Humanistic Change	9101	45	3	Group home
Puerto Rican Federation Services	1611	20	3	Group home
ALFA Development 22 Vine Street	5604	1	3	Group home
ALFA Development 240 Germantown Road	13812	13	1	Group home
Sub-total			73	
Rental bonus credits**			25	
Total			98	

* Sold by Township to Salt & Light Co. Ord. 2002-17

** Sold by Township to Salt & Light Co. Ord. 2001-8

*** **Rental Bonus:** The prior round rental bonus cannot exceed the actual rental obligation which is 25 units/bedrooms. Thus the maximum number of rental bonus credits is capped at 25.

Age-restricted units: The maximum number of age-restricted units eligible for credit in the prior round is capped in accordance with the formula set forth in N.J.A.C. 5:97-3.10, which calculates to **38 units**.

Changes from the Second Round Housing Element / Fair Share Plan

West Milford received substantive certification from COAH on October 6, 1999 (Resolution Granting Substantive Certification No. 138-99) for its second round obligation as addressed in the Housing Element and Fair Share Plan (HE/FSP) dated January 22, 1997. At that time the Township's affordable housing obligation was 187 units, comprised of 98 new construction component and 89 in the rehabilitation component.

To address this obligation the Township had established a "Town Center" in its Master Plan in accordance with the criteria established by the NJ State Development and Redevelopment Plan (SDRP) and was in the process of seeking Plan Endorsement of this concept from the State Planning Commission. The HE/FSP stated, in part:

Township of West Milford, Passaic County
Housing Element and Fair Share Plan
May 27, 2010

The Township is entirely located within Planning Area 5, as designed by the State Planning Commission. The Township is currently processing an application through the office of State Planning for center designation. All of the inclusionary zoning sites and the WMSHC senior housing project are situated within the proposed Town Center.

The Township is proposed to provide for low/moderate income housing through inclusionary zoning within Town Center. This zoning will include several properties previously zoned for inclusionary development. The densities on two of these previously included sites are to be reduced based upon an intensive land use analysis and reflected in the proposed zoning. However, these two sites are currently protected by the Permit Extension Act at higher densities.¹

A total of 224 affordable housing units were anticipated from seven development projects as set forth in the *Inclusionary Zoning* matrix presented on page 15 of the HE/FSP. These were as follows:

	Development	Number of Affordable Units
1	Stanford Village	31
2	Valley Ridge	11
3	Bald Eagle Manor	23
4	Williamsburg	29
5	Random Woods	15
6	Town Center	15
7	Corp. Sponsored Senior Housing	100
TOTAL		224

A footnote was appended to the Williamsburg development stating: “*The Housing Plan includes the agreed upon voluntary developers contribution in lieu of the 29 inclusionary units.*” As such, the total number of units would have been reduced by 29 for a total of 195 affordable units. Elsewhere in the HE/FSP this point was further addressed wherein it stated: “*The property was the subject of a previous approval and the applicant entered into a voluntary developers contribution agreement to provide \$450,000 contribution in lieu of affordable housing.*” “*The low and moderate income inclusionary component is 29 units should the previously agreed to contribution not be honored.*”²

In its Resolution granting substantive certification, COAH referred to “...*four inclusionary sites that will yield 82 affordable units...*” In the COAH Compliance Report³ (CCR) dated September 20, 1999 the four sites in question were:

¹ **Housing Element and Fair Share Plan**, January 22, 1997, pages 13; 14

² **Housing Element and Fair Share Plan**, January 22, 1997, pages 17.

³ **COAH Compliance Report – West Milford Township / Passaic County**, September 20, 1999, page 4

Township of West Milford, Passaic County

Housing Element and Fair Share Plan

May 27, 2010

-
- Stanford Village (31 affordable units)
 - Valley Ridge (11 affordable units)
 - Random Woods (15 affordable units)
 - Bald Eagle Manor (25 affordable units plus 4 rental bonus credits)

The four projects would thus generate 82 affordable units and 4 rental bonus credits for a total of 86 credits. The CCR appears to have assumed the 25 rental units would all be generated by Bald Eagle Manor whereas the HE/FSP, on page 11, indicated that Bald Eagle Manor would have 12 rental units and the Township sponsored senior housing project would generate another 13. Adding to the confusion, the HE/FSP noted that Bald Eagle Manor had 11 affordable units already in place.

The other sites identified in the HE/FSP i.e. ‘Williamsburg’, ‘Town Center’ and ‘Corp. Sponsored Senior Housing’ were not deemed eligible by COAH for credit in the second round for the reasons set forth in the following excerpt from the CCR:

West Milford originally selected seven sites that were to yield affordable units or development fees. The Town Center site and the Williamsburg site were the focus of mediation. Based on an unsigned mediation agreement, the Town Center site may be developed as a commercial site and will not be subject to the development of affordable units or the payment of a development fee. The Williamsburg site, which was originally paying a fee in lieu of construction of affordable units, was removed from the plan by the township. However, West Milford may zone the Williamsburg site to satisfy a future obligation in the form of affordable units or a fee in lieu of construction of affordable units. No agreement was achieved in mediation on this site. Additionally, an age-restricted site to be developed on township land by the West Milford Senior Housing Corporation will be used to address a future obligation and will not be included as part of the second round certification.⁴ (Emphasis added.)

The CCR cited the fact that the inclusionary sites would be located within the proposed Town Center, as follows:

As noted, the four sites which will yield low and moderate income housing in West Milford’s fair share plan are in PA5. The township has applied for center designation and West Milford’s application is under review. All of the sites will be within the center boundaries.⁵

Some two years after securing substantive certification, West Milford reconsidered the Town Center concept and in Resolution No. 2001-36, adopted by the Township Council on February 15, 2001, the Township declared its intention to advise the Office of State Planning that it no longer desired the designation of a Town Center in accordance with the SDRP. In

⁴ Ibid. Page 3

⁵ Ibid. Page 3.

Township of West Milford, Passaic County

Housing Element and Fair Share Plan

May 27, 2010

June 2001 the Township advised COAH that it would not pursue the Town Center designation.

In August 2004 the Highlands Water Protection and Planning Act took effect and West Milford became one of five of the 88 municipalities in the Highlands Region to fall entirely within the restrictive *Preservation Area*. Of the four inclusionary sites in the certified second round HE/FSP, only Bald Eagle Manor proceeded to construction. Stanford Village, Valley Ridge and Random Woods have not been developed.

On December 8, 2005 the West Milford Planning Board adopted a third round HE/FSP which was subsequently amended on November 29, 2007 which did not proceed through the substantive certification process. It did, however address the prior round sites as follows:

The Township's Round Two Substantive Certification consisted of four inclusionary sites, and one mediated site zoned commercial for which the owner agreed to provide an "in lieu" contribution. One inclusionary site and the mediated commercial site never proceeded with a development application. Furthermore, the two sites exhibit extreme environmental constraints that prohibit the development previously anticipated. Two other inclusionary sites, Valley Ridge Gardens and Random Woods, are not expected to develop. Valley Ridge has been denied its final approval from the Township Planning Board and has had its Highlands exemption revoked by DEP. Random Woods has not pursued its final subdivision approval with the Township Planning Board and has not received the necessary highlands approvals.

The Township seeks to have these four sites removed from its Third Round Fair Share Plan, in accordance with the provisions outlined in the Third Round Rules, 5:94-4.5(a)3.⁶

The current COAH rules regarding prior round sites are set forth in 5:97-6.5, "Status of sites addressing the 1987 through 1999 obligation", presented below. As indicated in subsection (c), the question regarding sites that have yet to be built is one of "*realistic opportunity*". COAH defines "realistic opportunity" as follows:

Realistic opportunity means a reasonable likelihood that the affordable housing in a municipality's Housing Element and Fair Share Plan will actually be constructed or provided during the 10-year period of certification based upon a careful analysis of the elements in the municipality's plan, including the financial feasibility of each proposed mechanism and the suitability of specific sites as set forth in N.J.A.C. 5:97-3.13.⁷

⁶ **Housing Element and Fair Share Plan**, adopted December 8, 2005, amended November 29, 2007, page 11.

⁷ Chapter 5:97, New Jersey Council On Affordable Housing, Third Round Substantive Rules, N.J.A.C. 5:97-1.4, Definitions, with amendments through April 6, 2009.

5:97-6.5 Status of sites addressing the 1987 through 1999 obligation

(a) A municipality that zoned one or more sites for inclusionary development to address the 1987 through 1999 housing obligation and included the site(s) in a previously certified fair share plan or judgment of compliance shall retain such zoning in the third round fair share plan if:

1. The Council determines that the site continues to present a realistic opportunity pursuant to (c) below; and
2. The site meets one of the following conditions:
 - i. The site was subject to an agreement pursuant to the Council's mediation process or part of a negotiated settlement in court; or
 - ii. The developer of the site has filed a development application with the municipality prior to the expiration of the second round substantive certification period or the municipal petition for substantive certification for the 1999 through 2018 period, whichever is later.

(b) Notwithstanding the provisions of (a) above, pursuant to N.J.S.A. 52:27-311(g), a municipality that has received substantive certification for the 1987 through 1999 period and which has effected the construction of its entire affordable housing obligation of that period may amend its fair share plan or zoning ordinances with respect to sites being used to address its 1987 through 1999 affordable housing obligation. Prior to amending the fair share plan or zoning ordinances, the municipality shall obtain a determination from the Council as to whether the municipality has effected construction of its entire affordable housing obligation. To make such a determination, the Council shall require the municipality to submit the filed deeds with the appropriate deed restrictions, certificates of occupancy for units constructed and evidence of the transfer of RCA funds, if applicable.

(c) A zoned but unbuilt site that was included in a housing element and fair share plan that received prior round substantive certification or a judgment of compliance shall be evaluated by the Council at the time the municipality petitions for the third round to determine if the site continues to present a realistic opportunity for the construction of affordable housing. The municipality shall submit all decisions on applications for development on any unbuilt sites included in the prior round certified fair share plan. In evaluating an unbuilt site, the Council shall consider whether the site meets all of the following criteria:

1. The site is a suitable site pursuant to N.J.A.C. 5:97-3.13; and

Township of West Milford, Passaic County
Housing Element and Fair Share Plan
May 27, 2010

2. Market conditions create a realistic opportunity for the affordable housing to be constructed.

(d) Sites that no longer present a realistic opportunity shall not be eligible to address a portion of the fair share obligation. If the Council determines that the site continues to present a realistic opportunity, but can realistically accommodate a lower number of units than proposed in the fair share plan, the municipality may continue to utilize the site, but at the lower number of units.

(e) Sites that address the prior round obligation and are found to present a realistic opportunity pursuant to the provisions above shall be reviewed during plan evaluation pursuant to N.J.A.C. 5:96-10. If a site has not developed, a municipality may be required to amend its plan to address the shortfall.

COAH's method of determining "site suitability" is set forth in Section 3.13, presented in full, below. The provisions of interest with respect to Stanford, Valley Ridge, and Random Woods are highlighted in bold text:

5:97-3.13 Site suitability criteria and consistency with the State Development and Redevelopment Plan

(a) Sites designated to produce affordable housing shall be available, approvable, developable and suitable, according to the following criteria:

1. The site has a clear title and is free of encumbrances which preclude development of affordable housing;
2. The site is adjacent to compatible land uses and has access to appropriate streets;
3. **Adequate sewer and water capacity, as defined under N.J.A.C. 5:97-1.4, shall be available to the site or the site is subject to a durational adjustment pursuant to N.J.A.C. 5:97-5.4; and**
4. The site can be developed consistent with the Residential Site Improvement Standards, N.J.A.C. 5:21, where applicable. Deviations from those standards are to be done in accordance with N.J.A.C. 5:21-3.

(b) Sites designated to produce affordable housing shall be consistent with the State Development and Redevelopment Plan and shall be in compliance with the rules and regulations of all agencies with jurisdiction over the site, including, but not limited to:

Township of West Milford, Passaic County
Housing Element and Fair Share Plan
May 27, 2010

1. Sites that are located in Planning Areas 1 or 2 or located within a designated center or located in an existing sewer service area are the preferred location for municipalities to address their fair share obligation.
2. **Municipalities or developers proposing sites located in Planning Areas 3, 4, 4B, 5 or 5B that are not within a designated center or an existing sewer service area** shall demonstrate to the Council that the site is consistent with sound planning principles and the goals, policies and objectives of the State Development and Redevelopment Plan. The Council may seek a recommendation from the Executive Director of the Office of Smart Growth on the consistency of the site with sound planning principles and the goals, policies and objectives of the State Development and Redevelopment Plan.
3. **Sites within the areas of the State regulated by the Pinelands Commission, Highlands Water Protection and Planning Council, Land Use Regulation Division of DEP and the New Jersey Meadowlands Commission, shall adhere to the land use policies delineated in** The Pinelands Comprehensive Management Plan, N.J.A.C. 7:50; **The Highlands Water Protection and Planning Act rules, N.J.A.C. 7:38;** the Coastal Permit Program Rules, N.J.A.C. 7:7; the Coastal Zone Management Rules, N.J.A.C. 7:7E; and the Zoning Regulations of the New Jersey Meadowlands Commission, N.J.A.C. 19:3, where applicable.
4. The portions of sites designated for construction shall adhere to wetland constraints as delineated on the New Jersey DEP Freshwater Wetlands Maps; or as delineated on-site by the U.S. Army Corps of Engineers or DEP, whichever agency has jurisdiction as regulated pursuant to the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et seq.) or Section 404 of the Federal Clean Water Act (33 U.S.C. §§ 1251 through 1375); Category One waterway constraints pursuant to N.J.A.C. 7:9B, 7:8, 7:13 and 7:15; flood hazard constraints as defined in N.J.A.C. 7:13; and steep slope constraints in excess of 15 percent if the municipality has an ordinance in place that uniformly regulates steep slope development throughout the municipality.
5. Historic and architecturally important sites and districts listed on the State or National Register of Historic Places shall be reviewed by the New Jersey State Historic Preservation Office for a recommendation pertaining to the appropriateness and size of buffer areas that will protect the integrity of the site. The review and written recommendation by the New Jersey Historic Preservation Office shall be included in the Housing Element and Fair Share Plan that is the subject of any petition before the Council. Within historic

Township of West Milford, Passaic County

Housing Element and Fair Share Plan

May 27, 2010

districts, a municipality may regulate low- and moderate-income housing to the same extent it regulates all other development.

- (c) The Council may seek a recommendation from the appropriate regulating agency on the suitability of a proposed site. In taking such action, the Council may require the municipality to submit all necessary documentation to the agency so that a review and decision regarding the suitability of any site may be completed.

Stanford Village, Valley Ridge and Random Woods are all situated within the Protection overlay zone in the Highlands Preservation Area. The RMP describes this zone as follows:

The Protection Zone consists of high natural resource value lands that are important to maintaining water quality, water quantity and sensitive ecological resources and processes. Land acquisition is a high priority in the Protection Zone and development activities will be extremely limited; any development will be subject to stringent limitations on consumptive and depletive water use, degradation of water quality, and impacts to environmentally sensitive lands.

Stanford Village and Random Woods do not meet (a) 3 as they were not included in an existing sewer service area. Valley Ridge was included in the Olde Milford sewer service area but will no longer be part of that system in accordance with the Highlands Water Protection and Planning Act and the goals and policies of the Highlands Regional Master Plan. There are no designated Centers within West Milford per (b) 2 and now that the entire municipality falls within the Preservation Area, there will be no opportunity to establish a Center pursuant to the Highlands Water Protection and Planning Act (N.J.S.A. 13:30-7.d) which reads as follows:

The preservation area shall not include any land located within the boundaries of any regional center or town center designated by the State Planning Commission pursuant to the "State Planning Act" P.L. 1985, c. 398 (C.52:18A-196 et al.) as of the date of enactment of this act, except to the extent necessary as set forth in the boundary description of the preservation area in subsection b. of this section to reflect appropriate and nearest practicable, on-the-ground, and easily identified reference points.

With regard to (b) 3, it would be inconsistent with the goals and policies of the Highlands Regional Master Plan to expand sewer and potable water systems to the sites in question, as noted below:

Goal 2I: Limitation of the expansion of water and wastewater infrastructure in the Preservation Area.

Policy 2I1: To prohibit the expansion or creation of public water supply systems, public wastewater collection and treatment systems and community on-site treatment facilities in the Preservation Area unless approved through

Township of West Milford, Passaic County

Housing Element and Fair Share Plan

May 27, 2010

a Highlands Applicability Determination (HAD) or a HPAA with waiver pursuant to N.J.A.C. 7:38 and Policy 7G1.

Objective 2I1a: Designated sewer service areas in the Preservation Area shall be restricted to the Existing Areas Served as of August 10, 2004, except to serve development that is approved through a HAD or a HPAA with waiver pursuant to N.J.A.C. 7:38 and Policy 7G1.

Further, as indicated in (b) 3, the Highlands Water Protection and Planning Act Rules set forth in N.J.A.C. 7:38-1.1 et seq. make it very clear that NJDEP will be guided by the Highlands Regional Master Plan with regard to review and approval of decisions regarding new sanitary sewer and potable water systems as evidenced in N.J.A.C. 7:38 1.1, subsections (g) and (k) which read as follows:

(g) For all decisions in or affecting the planning area or the preservation area, the Department shall give great consideration and weight to the RMP, to be incorporated by reference in (l) below, when adopted by the Highlands Council, and shall apply this in accordance with (h), (i), (j) and (k) below.

(k) For both the planning area and preservation areas, the Department shall review the Highlands Council regional master plan and consider amending the appropriate areawide Water Quality Management Plans to maintain consistency with the regional master plan. The Department shall approve a Water Quality Management Plan amendment only after receiving from the Highlands Council a determination of consistency with the Regional Master Plan to be incorporated by reference in (l) below, when adopted by the Highlands Council. Pending completion of the Regional Master Plan, the Department shall not approve a Water Quality Management Plan amendment for a project proposed in the planning area or preservation area without first obtaining a recommendation from the Highlands Council.

STANFORD VILLAGE [Block 7702, Lot 4]

Preliminary site plan approval was granted in 1986 for a total of 461 residential townhouse units including 42 affordable units, however; the 1997 HE/FSP anticipated a zoning change with a shift towards single family detached dwellings. As a result the total project was expected to yield 208 residential dwellings including 31 affordable units. Stanford Village, a component of the proposed Town Center which was later withdrawn, did not progress past the preliminary approval and by the time of the January 1997 HE/FSP was no longer referenced and was no longer part of the Township's affordable housing plan.

VALLEY RIDGE [Block 8002, Lot 4]

As mentioned in the November 2007 HE/FSP, the development known as Valley Ridge was denied Final site plan approval by the Township's Planning Board at the public hearing on September 28, 2006, however; that denial was reversed at the Law Division level in a decision rendered on December 1, 2006. The Township was unsuccessful in its appeal of

Township of West Milford, Passaic County

Housing Element and Fair Share Plan

May 27, 2010

same resulting the Appellate Division Court's finding on July 24, 2008 affirming the trial court's decision. Notwithstanding the Court's decision, this development did in fact have its Highlands exemption revoked by the NJDEP on August 28, 2007. This site has since been removed from the Olde Milford sewer service area in the Interim Wastewater Management Plan in accordance with the regulations and policies of the Highlands Water Protection and Planning Act and the Highlands Regional Master Plan.

RANDOM WOODS [Block 8001, Lot 1]

This development was granted a Default Approval on November 5, 1990, effective as of May 31, 1990, as a result of legal action taken by the applicant against the Planning Board in Superior Court for failure to act on the application within the required time period set forth in the Municipal Land Use Law. As indicated in the Township's second round HE/FSP, this development was scheduled to have 150 total units of which 15 were to be affordable. It is described in the aforementioned CCR as follows:

This site was granted approval for 104 single family lots in 1987. However, the owner did not seek an extension of the approval after the expirations of the Permit Extension Act, so that approval has expired. West Milford has rezoned this site to permit clustering of 150 units with a setaside of 15 affordable units. This site will have to provide its owner sanitary sewer and potable water until the Town Center treatment plant is operational.⁸

The absence of a Highlands exemption and other factors including the Township's decision to not move ahead with the Town Center brought about a decision by the property owner to sell the 100 acre tract to the municipality which West Milford did purchase in 2008 with assistance through the Passaic County Open Space Trust Fund and the NJ Green Acres program.

Third Round New Construction Obligation

Overview

The Township of West Milford has a third round affordable housing obligation of 47 units and a rehabilitation obligation of 66 units. To date, 14 affordable units (including bedrooms in a group home) are in place and 20 residential dwellings have undergone major rehabilitation work to qualify for credit. As such the Township must address a balance of 33 units of new construction and 46 units in the rehabilitation program.

Impact of Highlands

The Township of West Milford is situate entirely within the Highlands Preservation Area. In recognition of the limits imposed on new development with the adoption of the *Highlands Water Protection and Planning Act* in August 2004, the need for COAH to adjust population

⁸ COAH Compliance Report – West Milford Township / Passaic County, September 20, 1999, page 4

Township of West Milford, Passaic County
Housing Element and Fair Share Plan
May 27, 2010

and employment growth projections in the Highlands Region became quite evident and, following Executive Order 114 issued by Governor Corzine on September 5, 2008, COAH and the Highlands Council adopted a Memorandum of Understanding on October 30, 2008. That document established the basis for COAH and the Highlands Council to develop “...adjusted growth projections within the Highlands Region, consistent with the RMP, to be utilized by municipalities that conform to the RMP.”

The RMP refers to the Highlands Regional Master Plan. West Milford, by virtue of having its entire jurisdiction within the Preservation Area, is required to conform to the RMP and did complete the requirements for Basic Plan Conformance with the RMP in 2009. Among the tasks undertaken as part of Basic Plan Conformance was a future “build-out” analysis to ascertain the adjusted growth projections called for in Executive Order 114 and the aforementioned Memorandum of Understanding. The results of that analysis are contained in a report entitled *West Milford Township Municipal Build-Out Report*, dated July 2009. As noted in the Final Build-Results section of the Report, the total residential growth projected for West Milford is 19 units which now serve as the basis for determining the Township’s third round affordable housing obligation. A total of four affordable units will be required based on this adjusted growth projection. These four units must be added to the “actual” growth obligation generated by residential and nonresidential development that has secured certificates of occupancy since January 1, 2004. Based on the this development there is an actual growth share obligation of 43 units which, combined with the projected growth share obligation of four units equals the total third round new construction obligation of 47 units.

The combination of Highlands-adjusted growth projections and the “actual growth” to date generate the third round new construction obligation of 47 units. By way of comparison, COAH’s pre-Highlands third round growth projections for West Milford called for 98 affordable units.

Fair Share Strategy

As mentioned above there are 14 existing affordable units and bedrooms that can be counted towards the 47 unit obligation. These are comprised of 12 age-restricted units at Lincoln Hill and 2 bedrooms in a group home, now known as a “supportive and special need” facility (Table 25).

Table 25
Existing Affordable Units & Bedrooms
To Be Applied to Third Round Obligation

Block	Lot	Address	Ownership	# Units/ Bedrooms	Type
6401	6.02	15 Lincoln Ave.	Lincoln Hill Village Urban Renewal	12	Age-restricted
13812	13	240 Germantown Road	ALFA Development	2	Supportive/special needs
Total				14	

Township of West Milford, Passaic County

Housing Element and Fair Share Plan

May 27, 2010

This Fair Share Plan will satisfy the remaining 33 units with the implementation of three “mechanisms” set forth in Subchapter 6 of the third round Substantive Rules, as follows:

- a) Municipally sponsored and 100 percent affordable developments (5:97-6.7);
- b) Supportive and special needs housing (5:97-6.10); and
- c) Accessory apartment program (5:97-6.8).

West Milford will utilize its inventory of Township-owned properties in partnership with qualified non-profit organizations to implement (a) and (b). A total of 16 underdeveloped sites consisting of properties owned by the Township have been selected as suitable for infill development. A primary criterion in selecting such sites, apart from avoiding obvious environmental constraints such as steep slopes, wetland and streams, is to be reasonably certain that development can proceed without being classified as a “Major Highlands Development”. This allows the sites in question to qualify for the Highlands exemption (2) pursuant to Chapter 13:20-28, thus reducing certain obstacles and expense in actually getting the properties developed for the intended purposed. Highlands Exemption (2) reads as follows:

[T]he construction of a single family dwelling on a lot in existence on the date of enactment of this act, provided that the construction does not result in the ultimate disturbance of one acre or more of land or a cumulative increase in impervious surface by one-quarter acre or more

A number of the sites in question do exhibit environmental constraints, however; it is anticipated that sufficient unencumbered area is present to allow residential construction within the one acre disturbance/one-quarter acre maximum impervious coverage per the above-cited exemption. In order to meet the 33 unit new construction obligation, it is anticipated that some of the properties in question will be developed for single family units, others with duplex units and supportive and special needs residences. Two of the 33 new construction units will be addressed with accessory apartments, as described below. The remaining 31 unit obligation will be addressed through a combination of the aforementioned configurations. At this time the Fair Share Plan proposes the following:

- 8 single family dwellings (8 credits)
- 8 duplex units (16 credits)
- 2 supportive and special needs residences with a combined total of 7 bedrooms (7 credits)

A list of the sites in question is provided in Appendix A. Aerials of each site are provided in Appendix B.

Mechanism (c), the creation of accessory apartments in conformance with 5:97-6.8 will provide two affordable units and two credits. COAH’s Substantive Rules requires the municipality to assume a minimum subsidy of \$20,000 per unit for each moderate-income accessory apartment and \$25,000 per unit for each low-income accessory apartment. West

Township of West Milford, Passaic County
Housing Element and Fair Share Plan
May 27, 2010

Milford has a current balance of \$50,695.44 in its Housing Trust Fund as of April 23, 2010. This is sufficient to cover the anticipated subsidies for two accessory apartment units.

Components of Third Round Obligation

The third round growth share obligation must include at least fifty percent of the total as family units, 25 percent of the total as rental units, and of those rental units at least fifty percent must be available for family occupancy. The affordable housing obligation must provide for an equal distribution of low and moderate-income households and ensure that at least 13 percent of the total is available to households qualifying as “very low income”. In addition, no more than 25 percent of the total growth share may be age-restricted housing and all bonus credits are capped at 25 percent of the total growth share.

Rental Bonus

Rental bonus credits are awarded differently in the third round. In the prior round a municipality earned up to one bonus credit for each rental unit that addressed the minimum rental unit obligation. In the current period rental bonus credits are available for those units/bedrooms that exceed the minimum rental unit obligation. In other words, for West Milford the prior round rental unit obligation was 25 units which, when satisfied, enabled the Township to claim up to one credit per unit for a total of 25 rental bonus credits.

In contrast, the third round rules require that a municipality first provide its minimum rental unit obligation before bonus credits are available. In addition, the third round rules impose a maximum cap on all bonus credits equal to 25 percent of the municipality’s growth share obligation. For West Milford, the rental unit obligation is 12 units and the maximum number of bonus credits available for this period is also 12. (The calculations showing how these figures are derived are presented below.)

This Fair Share Plan does not rely upon bonus credits to achieve the third round obligation at this time as there are only six rental units in place, leaving a deficit of six rental units to satisfy the 12 unit requirement. Because fifty percent of that 12 unit obligation must be available to families, we cannot apply other units in the age-restricted Lincoln Hill facility or the bedrooms in the ALFA Development supportive and special needs facility. When the 12 unit rental obligation is satisfied, the Township may seek to claim bonus credits for these units and bedrooms through an amended HE/FSP.

Third Round Growth Share Obligation: 47 units to be distributed as follows:

- Family housing obligation: $47 \times .5 = 23.5$ units (round up to 24 units)
- Rental obligation: $47 \times .25 = 11.75$ units (round up to 12 units)
- Family rental obligation: $12 \times .5 = 6$ units
- Very low income obligation: $47 \times .13 = 6.1$ units (round to 6 units)

Permitted

- Maximum bonus credits: $47 \times .25 = 11.75$ credits (round up to 12 credits)

Township of West Milford, Passaic County
Housing Element and Fair Share Plan
May 27, 2010

- Maximum age restricted: $47 \times .25 = 11.756.75$ units (round up to 12 units)

I. Family Unit Obligation

- Required: 24 units
- Existing: None

Remaining Balance: 14 units

II. Rental Unit Obligation

- Required: 12 units/bedrooms
- Existing: 6 units (Lincoln Hill)

Remaining Balance: 6 units (must be family units)

III. Family Rental Unit Obligation

- Required: 6 units
- Existing: None

Remaining Balance: 6 units

IV. Very Low Income Unit Obligation

- Required: 6 units/bedrooms
- Existing: 2 (ALFA Dev.)

Remaining Balance: 4 units/bedrooms

V. Maximum Age Restricted

- Permitted: 12 units
- Existing: 12 units: Lincoln Hill Senior Housing

VII. Third Round Maximum Bonus Credits

- Permitted: 12 credits
- Not included at this time

Rehabilitation Obligation

West Milford has a rehabilitation obligation of 66 units for the third round. To date 20 units have been funded through the Passaic County Department of Community Development program. The Township will disseminate information about the County program through the Township's website, mailings with property tax bills, and notices and/or news articles in local circulation newspapers. Table 26 outlines the proposed schedule to address the remaining rehabilitation obligation of 46 units.

Township of West Milford, Passaic County
Housing Element and Fair Share Plan
May 27, 2010

Table 26
Proposed Schedule for West Milford
Housing Rehabilitation Program

Year	2010	2011	2012	2013	2014	2015	2016	2017	2018	Total
# Units	3	3	4	4	6	6	6	7	7	46

Summary of West Milford Fair Share Plan - Total Third Round Obligation

West Milford has a new construction obligation of 47 units for the third round. To date there are a total of 14 affordable units and bedrooms in place comprised of 12 units in the age-restricted facility known as Lincoln Hill and two bedrooms in the supportive and special needs facility owned and operated by ALFA Development as presented in Table 25. (Actually there are three bedrooms in that facility, however; one of the three is applied to the prior round obligation as indicated in Table 24.) This Fair Share Plan will utilize municipally-owned properties in cooperation with experienced and qualified non-profit entities to facilitate construction of the remaining affordable housing obligation.

Appendix A

List of properties owned by the Township of West Milford identified as potential affordable housing sites:

1. Block 5301, Lot 34
(25.6 acres) (R-4 zone)
Utilize northerly portion of property with frontage on Morsetown Road for residential unit(s).
2. Block 6002, Lot 18
(115 acres) (SED zone)
Utilize westerly portion of property with frontage on Moore Road for residential unit(s).
3. Block 8002, Lot 1
(63.2 acres) (SHD/R-2 zone)
Utilize westerly portion of property with frontage on Camelot Drive for residential unit(s).
4. Block 8505, lots 1-11; 13-18.
(2 acres) (SHD/R-2 zone)
Propose merging parcels to create one residential lot with frontage on Dockerty Hollow Road for residential unit(s).
5. Block 8509, Lot 1
(1.7 acres) (R-2 zone)
Utilize easterly portion of property with frontage on Dockerty Hollow Road for residential unit(s).
6. Block 8509, Lot 37
(0.5 acre) (SHD/R-2)
Utilize property with frontage on Rock Ledge Road for residential unit(s).
7. Block 8510, Lot 9
(6.9 acres) (SHD/R-2 zone)
Utilize northerly portion of property with frontage on Rock Ledge Road for residential unit(s).
8. Block 8701, Lot 8
(1.8 acres) (R-2 zone)
Utilize southerly portion of property with frontage on Carriage Lane for residential unit(s).
9. Block 11302, Lot 2
(0.16 acres) (LR zone)
Utilize property with frontage on Upper Mountain Glen Lake Drive for residential unit(s).

Township of West Milford, Passaic County
Housing Element and Fair Share Plan
May 27, 2010

10. Block 11501, Lot 6
(22.7 acres) (R-4 zone)
Utilize easterly portion of property with frontage on Hilltop Road for residential unit(s).

11. Block 12309, Lot 2
(1.4 acres) (R-4 zone)
Utilize northerly portion of property with frontage on Setting Sun Terrace for residential unit(s).

12. Block 11601, lots 7.03 & 8
(1 acre – combined) (LR zone)
Combine lots 7.03 and 8 with frontage on Otterhole Road for residential unit(s).

13. Block 10508, Lot 12
(2.5 acres) (LR zone)
Utilize northerly portion of property with frontage on Schofield Road for residential unit(s).

14. Block 10508, Lot 11
(3.15 acres) (R-4 zone)
Utilize easterly portion of property with frontage on Baldwin Drive (to be extended) for residential unit(s).

15. Block 10507, Lot 1.01
(3.8 acres) (R-4 zone)
Utilize westerly portion of property with frontage on Shore Drive for residential unit(s).

16. Block 11101, Lot 1
(169 acres) (R-3 & R-4 zones)
Utilize northeasterly portion of property with frontage on Snake Den Road for residential unit(s); and/or: Utilize northwesterly portion of property with frontage on West Brook Road for residential unit(s).

Appendix B

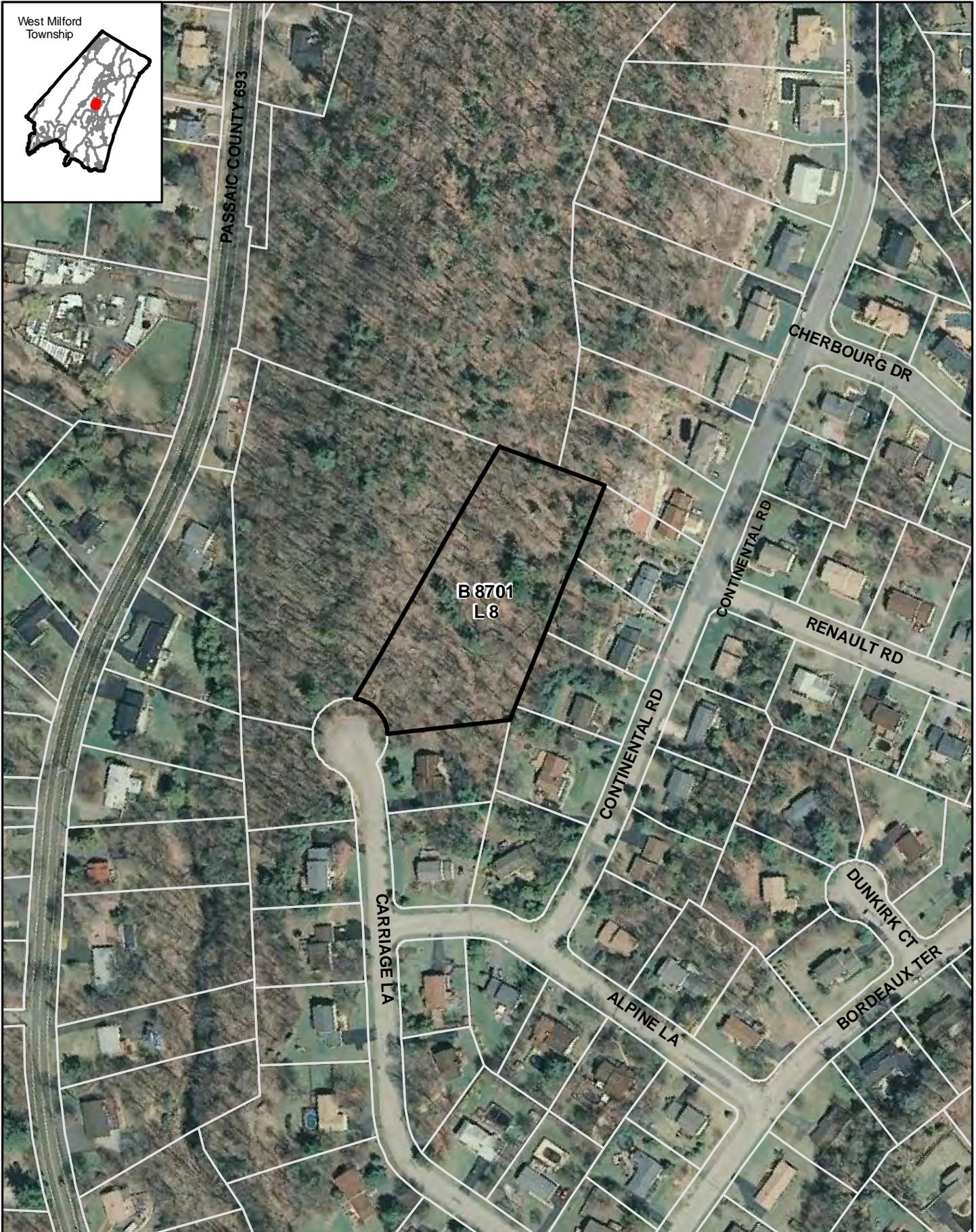
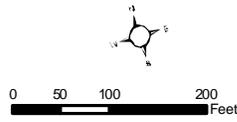
DRAFT

Potential COAH Site - Block 8701 Lot 8
West Milford Township
Passaic County, New Jersey

May 2010

Data Sources:
NJDEP, Passaic County,
West Milford Township
BANISCH
ASSOCIATES, INC.
Planning and Design

 Parcels in Question selection
 Parcel



Potential COAH Site - Block 11101 Lot 1
West Milford Township

Passaic County, New Jersey

May 2010

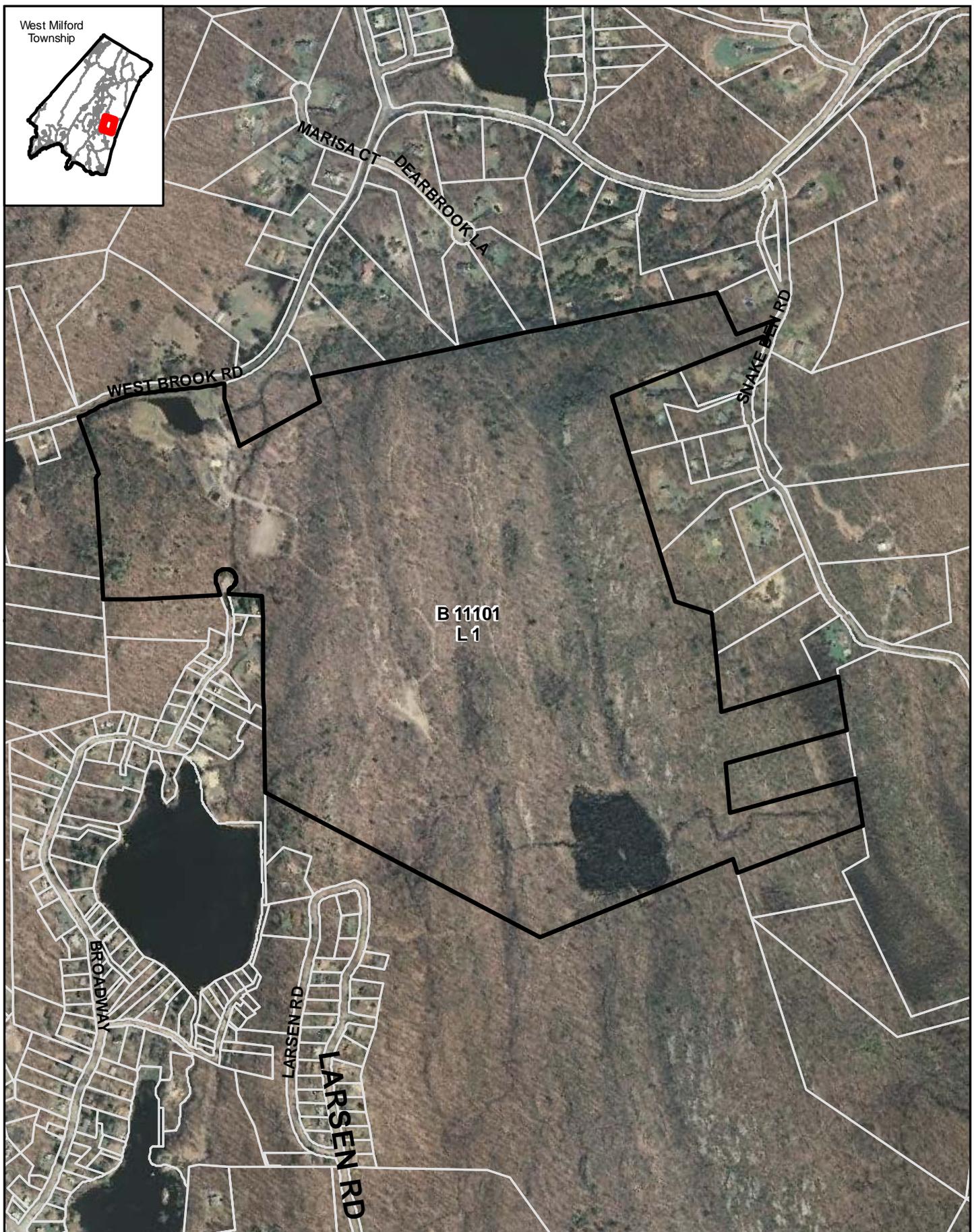
Data Sources:
NJDEP, Passaic County,
West Milford Township

BANISCH
ASSOCIATES, INC.
Planning and Design

 Parcel in Question
 Parcel



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Feet



Potential COAH Site - Block 11302 Lot 2
West Milford Township

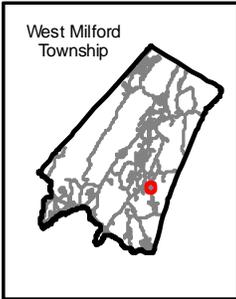
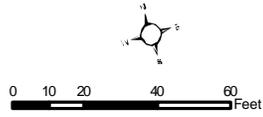
Passaic County, New Jersey

May 2010

Data Sources:
NJDEP, Passaic County,
West Milford Township

BANISCH
ASSOCIATES, INC.
Planning and Design

 Parcel in Question
 Parcel



Potential COAH Site - Block 11501 Lot 6
West Milford Township

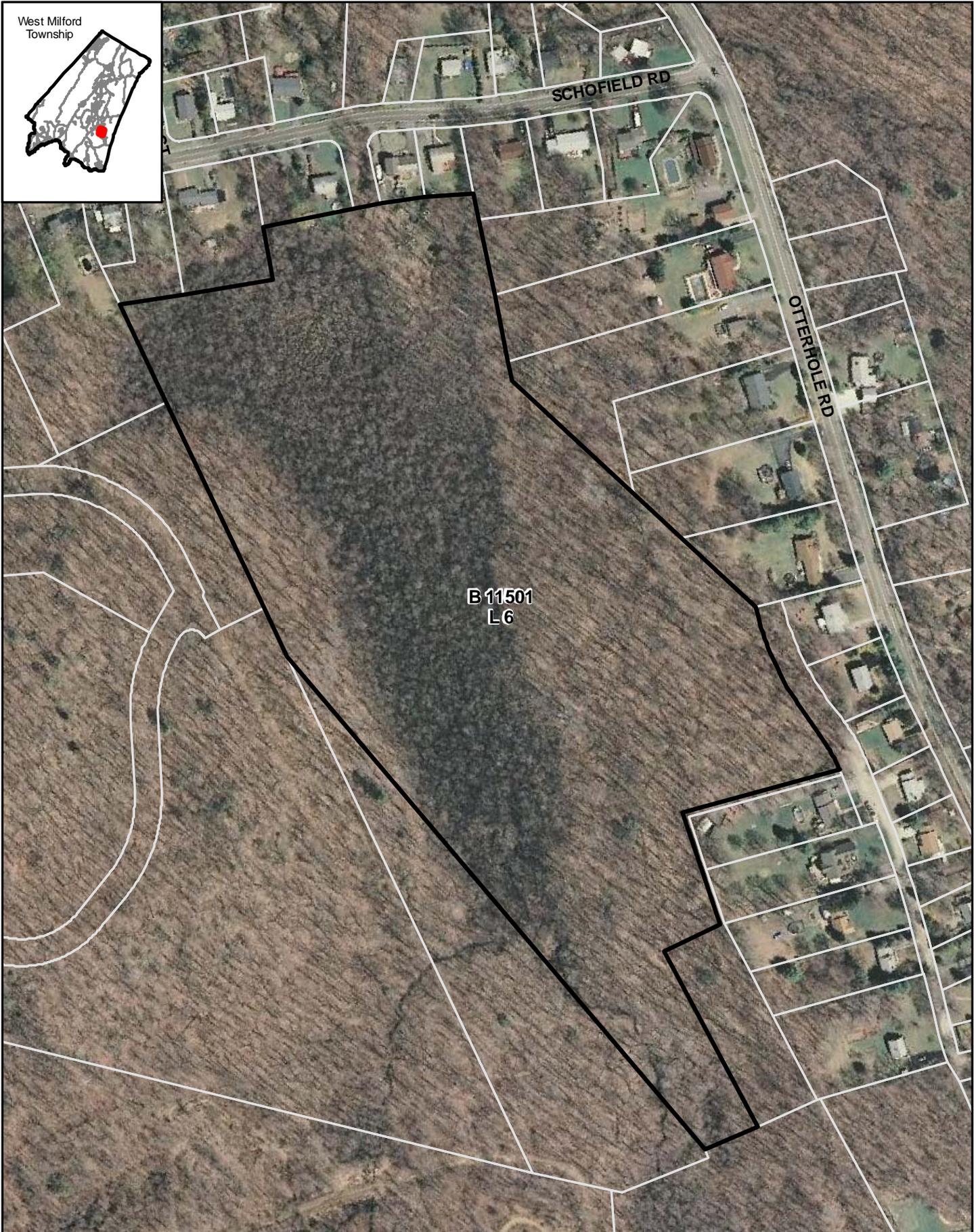
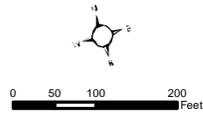
Passaic County, New Jersey

May 2010

Data Sources:
NJDEP, Passaic County,
West Milford Township

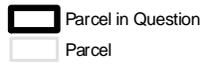
BANISCH
ASSOCIATES, INC.
Planning and Design

 Parcel in Question selection
 Parcel



Potential COAH Site - Block 11601 Lots 7.03 and 8
West Milford Township

Passaic County, New Jersey

 Parcel in Question
Parcel



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May 2010

Data Sources:
NJDEP, Passaic County,
West Milford Township
B A N I S C H
ASSOCIATES, INC.
Planning and Design

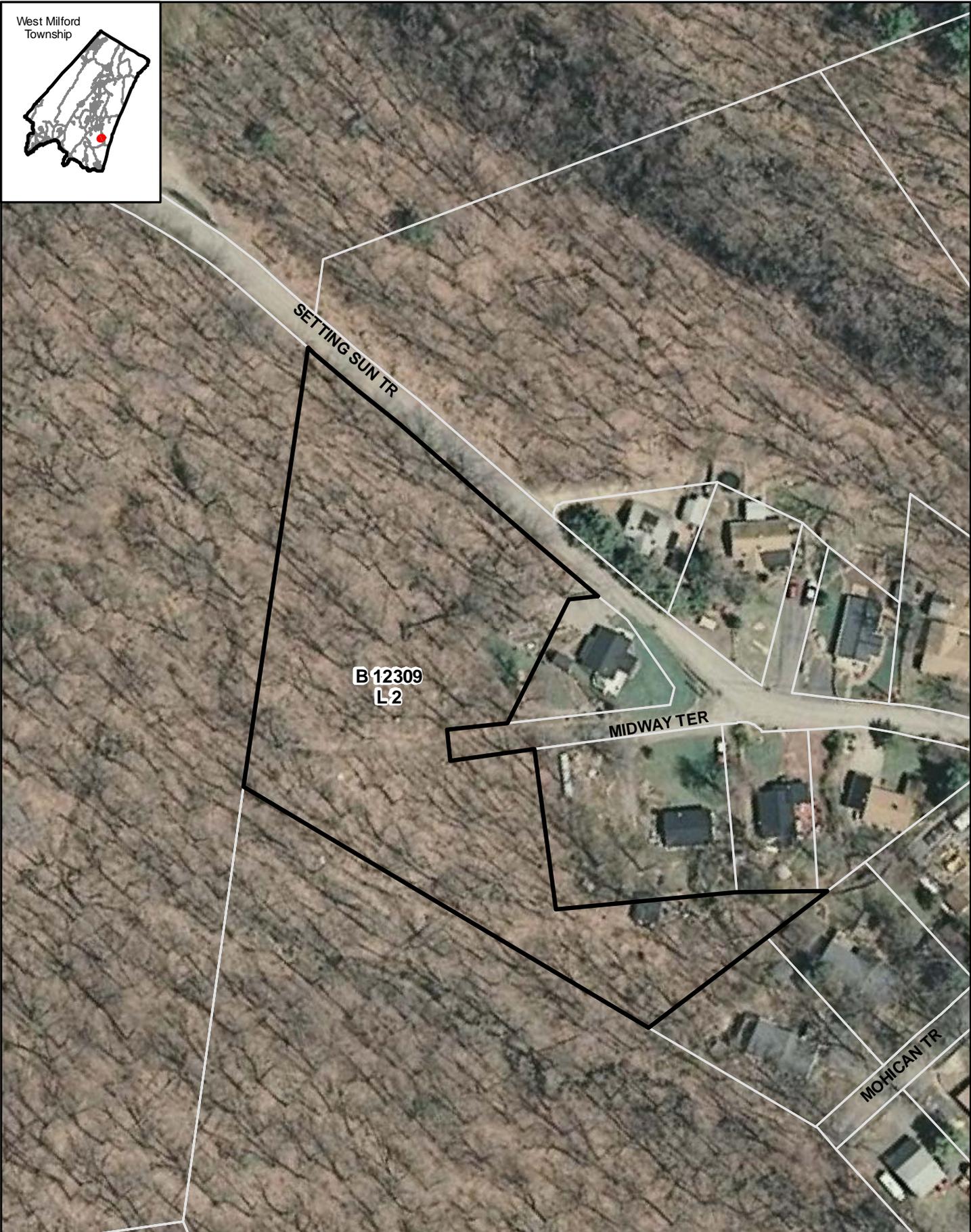
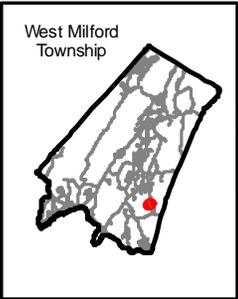
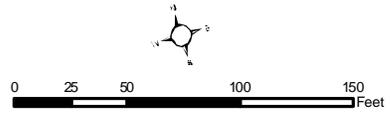


Potential COAH Site - Block 12309 Lot 2
West Milford Township
Passaic County, New Jersey

May 2010

Data Sources:
NJDEP, Passaic County,
West Milford Township
B A N I S C H
ASSOCIATES, INC.
Planning and Design

 Parcel in Question
 Parcel



Potential COAH Site - Block 5301 Lot34

West Milford Township

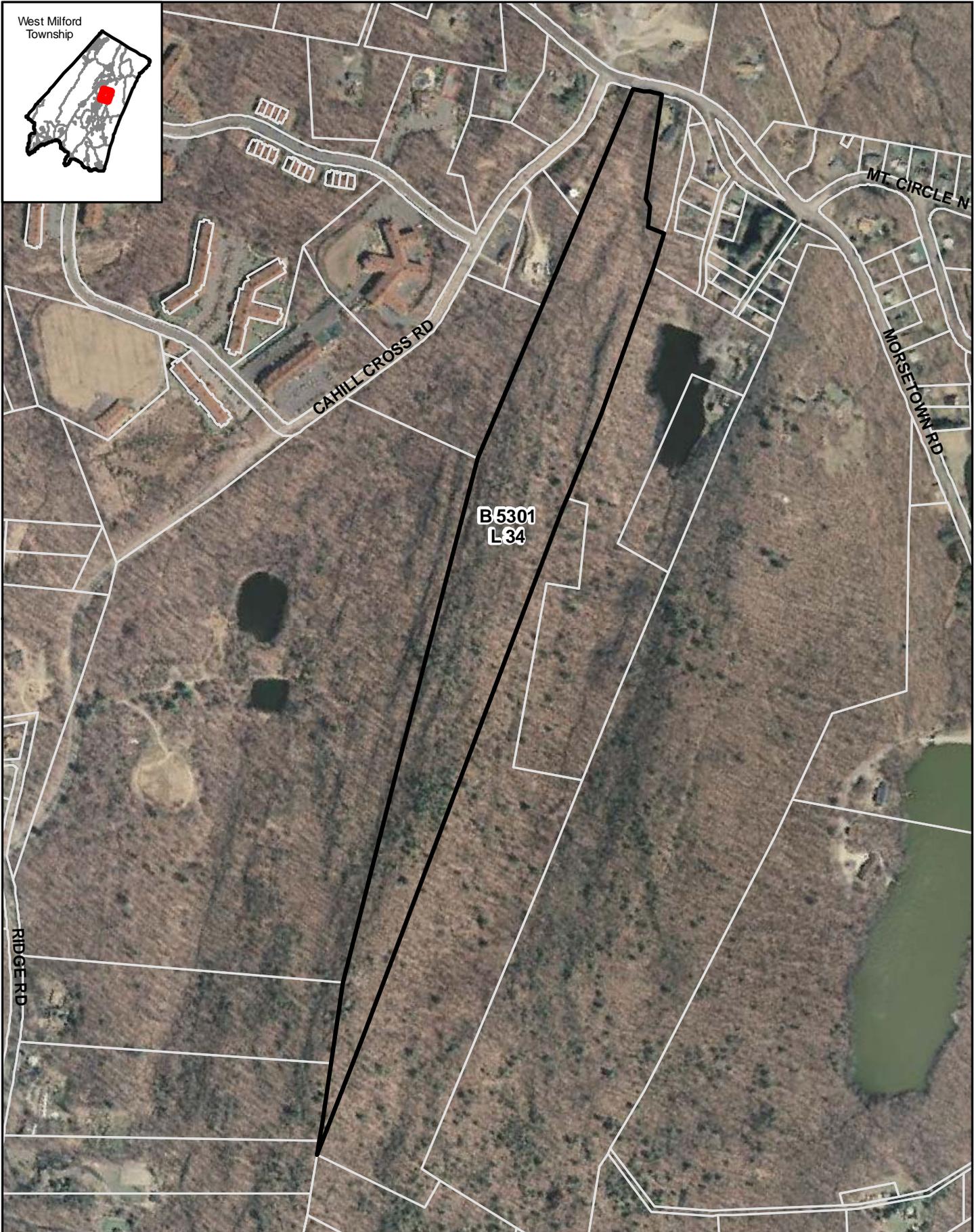
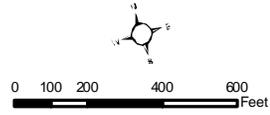
Passaic County, New Jersey

May 2010

Data Sources:
NJDEP, Passaic County,
West Milford Township

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ASSOCIATES, INC.
Planning and Design

 Parcel in Question
 Parcel



Potential COAH Site - Block 6002 Lot18

West Milford Township

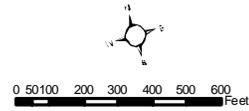
Passaic County, New Jersey

May 2010

Data Sources:
NJDEP, Passaic County,
West Milford Township

BANISCH
ASSOCIATES, INC.
Planning and Design

 Parcel in Question
 Parcel



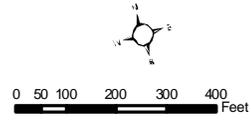
Potential COAH Site - Block 8002 Lot 1
West Milford Township
Passaic County, New Jersey

May 2010

Data Sources:
NJDEP, Passaic County,
West Milford Township

BANISCH
ASSOCIATES, INC.
Planning and Design

 Parcel in Question
 Parcel



Potential COAH Site - Block 8505 Lots 1-11 and 13-18
West Milford Township

May 2010

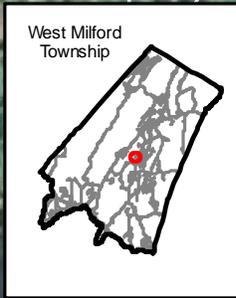
Passaic County, New Jersey

 Parcels in Question
 Parcel



0 12.5 25 50 75 100 Feet

Data Source:
NJDEP, Passaic County
West Milford Township
BANISCH
ASSOCIATES, INC.
Planning and Design



Potential COAH Site - Block 8509 Lot 37
West Milford Township

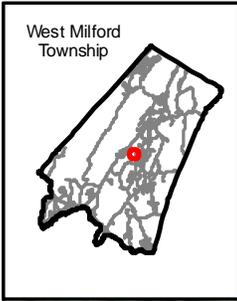
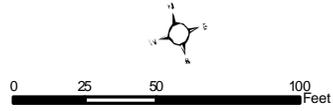
Passaic County, New Jersey

May 2010

Data Sources:
NJDEP, Passaic County,
West Milford Township

B A N I S C H
ASSOCIATES, INC.
Planning and Design

 Parcels in Question selection
 Parcel



Potential COAH Site - Block 8509 Lot 1
West Milford Township

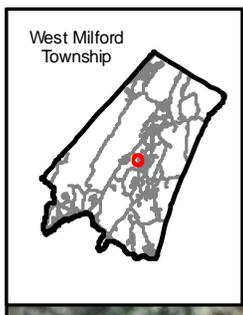
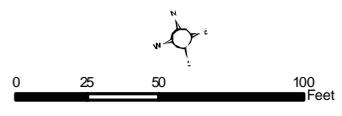
Passaic County, New Jersey

May 2010

Data Sources:
NJDEP, Passaic County,
West Milford Township

BANISCH
ASSOCIATES, INC.
Planning and Design

 Parcel in Question
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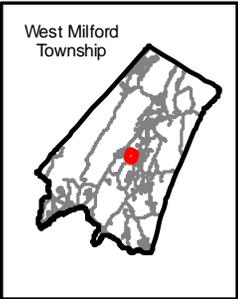
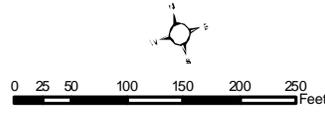


Potential COAH Site - Block 8510 Lot 9
West Milford Township
Passaic County, New Jersey

May 2010

Data Sources:
NJDEP, Passaic County,
West Milford Township
BANISCH
ASSOCIATES, INC.
Planning and Design

 Parcel in Question
 Parcel



Potential COAH Site - Block 10508 Lots 11 and 12 and Block 10507 Lot 1.01
West Milford Township

May 2010

Passaic County, New Jersey

 Parcels in Question
 Parcel



Data Sources:
NJDEP, Passaic County,
West Milford Township
B A N I S C H
ASSOCIATES, INC.
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0 25 50 100 150 200
Feet

