

BOROUGH OF MOUNTAINSIDE

HOUSING ELEMENT AND FAIR SHARE PLAN

Prepared for the
Borough of Mountainside
Planning Board

By

*John T. Chadwick IV, P.P.
3176 Route 27, Suite 1A
Kendall Park, NJ 08824*

Adopted April 24, 2014

This report was signed and sealed in accordance with NJSA45:14A-12

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INTRODUCTION

This plan has been prepared in conjunction with settlement of litigation. The plan is a part of the Borough's petition to the court for a declaration of compliance and repose. A declaration of compliance and repose will encompass the Borough's affordable housing obligation. Due to the lack of vacant land suitable for development provision for a finite number of units is not mandatory.

This plan incorporates various elements and research conducted as part of a Housing Element and Fair Share Plan prepared by Robert Michaels P.P. dated April 13, 2007. That plan was abandoned because of judicial invalidation of COAH rules and regulations, which were an integral to the plan.

HISTORICAL BACKGROUND AND COMPONENTS OF A HOUSING ELEMENT

The 1988 Housing Element and Fair Share Plan was "prepared in compliance with the requirements of the Municipal Land Use Law and the Fair Housing Act as well as the regulations of the Council on Affordable Housing (COAH)." That detailed plan concluded that Mountainside, as a fully developed community was constrained from being able to address its fair share obligations due to a lack of vacant and developable land.

The 1988 Housing Element was included with the Master Plan Update and Background Studies, which were adopted by the Planning Board on January 11, 1989. Besides the Housing Element that comprehensive plan included a Land Use Plan, Traffic Circulation Plan, Community Facilities Plan, Utility Service Plan, Recycling Plan Element and a statement addressing regional considerations. Additionally, the plan included a statement of the community's goals and objectives.

Pursuant to NJSA 52:27D-310, the essential components of a municipality's housing element are:

A municipality's housing element shall be designed to achieve the goal of access to affordable housing to meet present and prospective housing needs, with particular attention to low and moderate income housing and shall contain at least:

- a. An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low and moderate income households and substandard housing capable of being rehabilitated and in conducting this inventory the municipality shall have access, on a confidential basis for the sole purpose of conducting the inventory, to all necessary property tax assessment records and information in the assessor's office, including but not limited to the property record cards;
- b. A projection of the municipality's housing stock, including the probable future construction of low and moderate income housing, for the next ten years, taking into

account, but not necessarily limited to, construction permits issued, approvals of applications of development and probable residential development of lands.

- c. An analysis of the municipality’s demographic characteristics, including but not necessarily limited to, household size, income level and age;
- d. An analysis of the existing and probable future employment characteristics of the municipality;
- e. A determination of the municipality’s present and prospective fair share for low and moderate income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low and moderate income housing; and
- f. A consideration of the lands that are most appropriate for construction of low and moderate income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low and moderate income housing, including a consideration of lands of developers who have expressed a commitment to provided and moderate income housing.

The data and comments presented are in support of the Borough’s Housing Element and Fair Share Plan for the period 1987-2018.

DEMOGRAPHIC, HOUSING AND EMPLOYMENT DATA

Population and Economic Characteristics

The population of Mountainside Borough decreased from 6,657 in 1990 to 6,602 in 2000 and increased to 6,685 in 2010. This represented as a percentage, a slight increase of population (28 persons). During that same period there was a small increase in the number of housing units within the Borough from 2,454 to 2,468 as illustrated on Table 1. This very small housing unit increase represented less than one percent of the Borough’s housing stock.

TABLE 1					
BOROUGH OF MOUNTAINSIDE					
POPULATION AND HOUSING UNITS, 1990, 2000 AND 2010					
	1990	2000	2010	Change	
				Number	Percentage
Population	6657	6602	6685	28	0.4
Housing Units	2454	2478	2468	14	0.5

Source: U.S. Census 1990, 2000 and 2010

Table 2 illustrates the age distribution of residents within the Borough in 1990 and 2010. The median age of Borough residents increased during the 20 year period from 44.5 years to 47.2 years. This demographic change is further evidenced in the age cohort 65 years and older. The percentage of Borough residents in this category increased from 1,318 to 1,585 people. In 2010

almost one quarter of the Borough's population was over 65 years of age. The percentage of residents under the age of 18 remained almost nearly constant.

TABLE 2						
BOROUGH OF MOUNTAINSIDE						
POPULATION BY AGE, 1990, 2000 AND 2010						
Age	1990		2000		2010	
	Number	Percent	Number	Percent	Number	Percent
Under 5	373	5.6	405	6.1	364	5.4
5-24	1356	20.3	1239	18.8	1509	22.7
25-34	728	10.9	545	8.3	390	5.9
35-44	918	13.8	966	14.6	829	12.4
45-54	924	13.9	981	14.9	1109	16.6
55-59	486	7.3	450	6.8	482	7.2
60-64	554	8.3	372	5.6	417	6.2
65 & over	1,318	19.8	1,644	24.9	1585	23.6
Total	6,657	100	6,602	100	6,685	100
Median Age	44.5		46.4		47.2	

Source: U.S. Census 1990, 2000 and 2010.

The number of persons per occupied household slightly dropped from 2.71 to 2.60 persons between 1990 and 2010, as shown in Table 3. As reported in both the 1990 and 2010 Census, approximately forty percent of households in the Borough had two residents. The number of households in this table is less than the housing units reported in Table 1, because the households do not include vacant housing units.

TABLE 3						
BOROUGH OF MOUNTAINSIDE						
PERSONS BY HOUSEHOLD, 1990, 2000 AND 2010						
Household Size	1990		2000		2010	
	Number	Percentage	Number	Percentage	Number	Percentage
1 Person	334	14	436	17.9	596	25.5
2 Persons	964	40.3	967	39.7	745	31.8
3 Persons	481	20.1	436	17.9	285	12.2
4 Persons	379	15.8	387	15.9	481	20.6
5 Persons	175	7.3	152	6.2	171	7.3
6 Persons	39	1.6	46	1.9	60	2.6
7 or more Persons	22	0.9	10	0.4	0	0
Total	2,394	100	2,434	100	2,338	100
Average Persons per Household	2.71		2.6		2.6	

Source: U.S. Census 1990, 2000 and 2010

Table 4 illustrates the tenure of the housing units in the Township as reported in the 1990, 2000 and 2010 Census. The housing in the Borough is characterized by being owner occupied. The small growth in housing over the past twenty years shows no significant change of tenure.

TABLE 4						
BOROUGH OF MOUNTAINSIDE						
HOUSING UNIT TENURE, 1990, 2000 AND 2010						
Household Size	1990		2000		2010	
	Number	Percent	Number	Percent	Number	Percent
Owner Occupied	2,302	93.8	2,303	92.9	2,244	90.9
Renter Occupied	92	3.7	131	5.3	224	9.1
Vacant	60	2.4	44	1.8	NA	-
Total	2,454	100	2,478	100	2,468	100

Source: U.S. Census 1990, 2000 and 2010

The value of owner occupied housing in the Borough in 1990, 2000 and 2010 is illustrated in Table 5. The median value of homes in the Borough has increased. Nearly 70 percent of the owner occupied dwellings (the largest single category), were valued over \$300,000.

TABLE 5						
BOROUGH OF MOUNTAINSIDE						
OWNER OCCUPIED HOUSING VALUES, 1990, 2000 AND 2010						
Value	1990		2000		2010	
	Number	Percent	Number	Percent	Number	Percent
Less than \$50,000	5	0.2	0	0.0	0	0.0
\$50,000 to \$99,999	15	0.7	0	0.0	0	0.0
\$100,000 to \$149,999	70	3.2	36	1.6	44	1.9
\$150,000 to \$199,999	187	8.7	87	3.9	96	4.1
\$200,000 to \$299,999	933	43.3	546	24.2	563	24.4
\$300,000 to \$399,999	592	27.5	995	44.1	1003	43.5
\$400,000 to \$499,999	174	8.1	326	14.5	333	14.5
\$500,000 to \$999,999*	178	8.3	250	11.1	250	10.9
\$1,000,000 or more	0	0.0	15	0.7	15	0.7
Total	2,154	100	2,255	100	2,304	100
Median Value	\$286,500		\$346,100			

Source: U.S. Census 1990, 2000 and 2010

*In 1990, 179 dwelling units were reported with values of \$500,000 or more.

Table 6, illustrates the contract rents paid for renter occupied housing in 1990, 2000 and 2010. The median monthly rent paid dropped from \$952 to \$916 between 1990 and 2000. In 2000, just over 33 percent of the renter occupied housing paid between \$750 and \$999 per month, while in

1990 over 37 percent paid \$1,000 or more in monthly rent. This unexpected phenomenon of lower rents is probably reflective of the new assisted living units becoming available in the Borough in the 1990's. The increase in contract rents in 2010 is simply a reflection of inflation.

Value	1990		2000		2010	
	Number	Percentage	Number	Percentage	Number	Percentage
Less than \$300	1	1.1	0	0	0	0
\$300 to \$499	7	7.9	23	17.7	0	0
\$500 to \$749	17	19.1	21	16.2	0	0
\$750 to \$999	13	14.6	43	33.1	30	23.8
\$1,000 to \$1,499*	33	37.1	11	8.5	69	54.8
\$1,500 or more			22	16.9	13	10.3
No Cash Rent	18	20.2	10	7.7	14	11.1
Total	89	100	130	100	126	100
Median Rent	\$952		\$916		\$1,100	

Source: U.S. Census 1990 and 2000

*In 1990, 33 dwelling units were reported with rents of \$1,000 or more.

The household incomes for Borough residents increased over the decade of the 1990's (Table 7). Household incomes for 1989 and 1999 were reported in the 1990 and 2000 Censuses respectively. The 2010 municipal data are not available. The median household incomes increased in Mountainside from \$74,629 in 1989 to \$97,195 in 1999. The largest single category of incomes reported in both periods was household incomes of \$100,000 to \$149,999 with 18.9% in 1989 and 23.1% in 1999. Almost half of the households in the Borough reported incomes greater than \$100,000 in 1999 while 33.4% in 1989 had incomes that high.

Income	1989		1999		2010	
	Number	Percent	Number	Percent	Number	Percent
Less than \$10,000	71	3.0	73	3.0		
\$10,000 to \$14,999	66	2.8	73	3.0		
\$15,000 to \$24,999	121	5.1	140	5.7		
\$25,000 to \$34,999	171	7.2	153	6.3		
\$35,000 to \$49,999	358	15.1	191	7.8		
\$50,000 to \$74,999	404	17.0	303	12.4		
\$75,000 to \$99,999	387	16.3	314	12.9		
\$100,000 to \$149,999	449	18.9	562	23.3		
\$150,000 to \$199,999*	344	14.5	301	12.4		
\$200,000 or more			326	13.4		
Total	2,371	100	2,436	100		
Median Household Income	\$74,629		\$97,195			

Source: U.S. Census 1990 and 2000 & 2010 ACS 5-Year Estimates

*In 1990, 179 dwelling units were reported with values of \$500,000 or more.

Housing Stock Characteristics

The age of the housing stock in Mountainside Borough is examined in two ways. Table 8, which has data taken from the 2010 Census, identifies the year residential structures were built for both Mountainside Borough and Union County. Table 9 shows building permit activity since 1990, which is a good indicator of the number of new dwelling units constructed on an annual basis.

Year Structure Built	Mountainside Borough		Union County	
	Number	Percentage	Number	Percentage
2005 or Later	9	0.4	3,073	1.5
2000 to 2004	26	1.1	5,742	2.9
1990 to 1999	14	0.6	6,393	3.2
1980 to 1989	119	4.8	9,101	4.6
1970 to 1979	138	5.7	19,726	9.9
1960 to 1969	436	17.9	28,808	14.6
1950 to 1959	1145	47.2	51,295	25.8
1940 to 1949	368	15.2	29,576	14.9
1939 or earlier	172	7.1	44,955	22.6
Total	2,427	100	198,668	100
Median Year Structure Built				

Source: U.S. Census 2006-2010 ACS 5-Yr Estimates

The median year that residential dwellings were built within the Borough was 1956, which is only slightly younger than 1953 for Union County. More than half of the homes in Mountainside were built in the decades of the 1950's and 1960's. According to the Census data there were 101 dwellings constructed during the 1990's. This does not conform to the data illustrated in Table 9, which shows fifteen (15) residential building permits issued from 1990 to 2000. Even if the thirteen (13) building permits issued in 1989 are included (they are not shown in Table 9), they do not approach the 101 new dwellings reported. It is assumed that those units are counted as residences but were not counted as individual new residential units when there permits were issued.

An examination of Table 9 shows that there has been very little new residential construction in the twenty one years from 1990 to 2010. A number of years there were no building permits issued and the most for any single year was fifteen (15), which occurred in 2005.

TABLE 9	
BOROUGH OF MOUNTAINSIDE	
RESIDENTIAL BUILDING PERMITS 1990-2010	
Year	New Single-Family Dwellings
1990	0
1991	0
1992	0
1993	1
1994	0
1995	0
1996	0
1997	1
1998	4
1999	6
2000	3
2001	6
2002	3
2003	4
2004	7
2005	15
2006	5
2007	7
2008	10
2009	5
2010	7
Total	84

Source: New Jersey Department of Labor and N.J. Construction Reporter.

The Census data does not provide a direct assessment of the number of dwelling units within a community that are deteriorated and in need of repair. There are some physical characteristics that are reported in the Census that are surrogates for determining the amount of housing that is substandard. The three (3) characteristics often used, which are illustrated in Table 10, are units lacking complete plumbing facilities, units lacking complete kitchen facilities and units with more than 1.01 persons per room. The latter standard is a sign of overcrowding, which is often associated with deterioration. Although it cannot be determined directly from the Census, often a dwelling unit will have more than one of these characteristics.

The quality of the housing stock within the Borough is very good as the indicators in Table 10 illustrate. Over 99 percent of the Borough’s housing has complete plumbing facilities, and that number changed only slightly from 1990 to 2000. The only anomaly from the Census data is the increase in units lacking complete kitchen facilities between 1990 and 2000. This is attributed to the introduction of the assisted living development that was constructed and occupied during the

decade. Most of those living units do not have complete kitchen facilities and the residents take their meals in a congregate setting. The number of dwelling units that would be considered overcrowded increased from five (5) to ten (10), which could be considered a high percentage increase, but still very low in real numbers.

TABLE 10		
BOROUGH OF MOUNTAINSIDE		
HOUSING DEFICIENCY SURROGATES, 1990 AND 2000		
	1990	2000
Units Lacking Complete Plumbing Facilities	7	8
Units Lacking Complete Kitchen Facilities	7	53
Units with more than 1.01 persons per room	5	10

Source: U.S. Census 1990 and 2000 (2010 data not comparable to prior decades).

Employment

Historical employment data and trends for Mountainside Borough are illustrated in Tables 11 and 12. Those tables report data on covered employment within the Borough. Covered employment, which is jobs both in the private and public sectors that are covered by unemployment insurance, is reported by the New Jersey Department of Labor on a quarterly basis. These are jobs found within the Borough and should not be confused with data for employed individuals residing in Mountainside.

Table 11 depicts the number of covered jobs in the Borough by major industry group, by quarter and averaged for the year 1999. This is the last full year with municipal level data available. It should be noted that the Department of Labor has suppressed the data for two industry groups- agriculture, forestry, fishing and mining and transportation, communications and utilities – for privacy reasons. The total jobs reported in Table 12 include those that are in the suppressed industry groups. The largest employment sector within the Borough is services, which covers a wide range of jobs including medical, educational, professional and management. Almost 36 percent of the covered jobs within the Borough were in this category. The second highest category was manufacturing with an annual average of 978 jobs comprising eighteen (18) percent of the total. Employment in retail trade accounted for the third highest total with 791 jobs and 14.6 percent of the total covered jobs.

TABLE 11						
BOROUGH OF MOUNTAINSIDE						
COVERED EMPLOYMENT 1999						
Industry	March	June	September	December	Annual Average	
					Number	Percent
Agriculture, Forestry, Fishing, Mining	*	*	*	*	*	*
Construction	400	440	458	487	447	8.2
Manufacturing	1,009	961	969	1,001	978	18
Transportation, Communications and	*	*	*	*	*	*

Utilities						
Wholesale Trade	571	557	553	595	568	10.5
Retail Trade	716	749	947	920	791	14.6
Finance, Insurance and Real Estate	238	207	206	194	215	4
Services	1,862	1,870	1,851	2,020	1,937	35.6
Government	514	519	502	505	499	9.2
Total	5,310	5,303	5,486	5,722	5,435	100

Source: U.S. Census 2000

Table 12 illustrates the trends in covered employment in the Borough between 1997 and 1999. The data in that table is partitioned into private sector employment and government sector employment. There was a growth in jobs within the Borough between 1997 and 1999, fueled by an increase in private sector jobs. Between 1998 and 1999 the total number of covered jobs increased by 7.6 percent while the private sector jobs grew by 9.5 percent, and there was a loss of 48 jobs in the government sector.

The New Jersey Department of Labor has projected employment by county and region to 2010. These do not include projections on the municipal level. Nevertheless the projections of Union County report an annual increase of 0.6 percent from 2000 to 2010. These were included in a report published by the Department in December 2012. There is no 2010 employment data comparable to historical.

TABLE 12			
BOROUGH OF MOUNTAINSIDE			
COVERED EMPLOYMENT TRENDS 1997-1999			
Year and Category	Number of Jobs	Change from Previous Year	
		Number	Percentage
Private Jobs – 1997	4,471		
Government Jobs – 1997	555		
TOTAL JOBS – 1997	5,026		
Private Jobs – 1998	4,661	190	4.2
Government Jobs – 1998	547	-8	-1.4
TOTAL JOBS – 1998	5,208	182	3.6
Private Jobs – 1999	5,103	442	9.5
Government Jobs – 1999	499	-48	-8.8
TOTAL JOBS – 1999	5,602	394	7.6

Source: U.S. Census 1990 and 2000

LOW AND MODERATE INCOME HOUSING NEEDS

1994 COAH Rules

The 1994 COAH adopted rules included methodology and calculations that determined municipality's housing obligation for the period 1987 through 1999. The first round (1987-1993) obligation was recalculated using the 1990 Census information that was then available.

The Borough of Mountainside's pre-credited need for the period of 1987 through 1999 as determined by the date and methodology in the 1994 regulations was 123 units. COAH also estimated 28 units were existing units within the Borough in need of rehabilitation. The third round growth share as recalculated by COAH but invalidated by decision of the Appellate Court was 74 units with no rehabilitation component.

HOUSING REDUCTIONS AND CREDITS

Pursuant to COAH rules the Borough is entitled to a reduction of its municipal housing obligation as follows:

Alternative Living Arrangement

The Association for Retarded Citizens of Union County (ARC) owns a group home within the Borough of Mountainside that includes three (3) bedrooms and five (5) residents. This property is located on 235 Friar Lane on property know as block 3A lot 134. The Borough seeks three (3) credits for the ARC home as per COAH regulations as an alternative living facility. These credits are for rental units.

RENTAL BONUSES

COAH regulations include a requirement that every municipality provide for a rental obligation of 25% of its affordable housing obligation. The portion of the Borough's obligation that is generated from the first and second rounds of COAH's regulations is subject to those procedural rules. They included a rental bonus for those rental units provided up to the municipality's rental obligation. For non-age restricted housing the municipality may receive two (2) units of credit for each rental unit produced. Three (3) rental bonus credits are claimed for the Friar Lane units.

REHABILITATION

Municipalities may receive credit for the rehabilitation of substandard low and moderate income housing units completed since April 1, 1990 per N.J.A.C. 5:93-3.4(a). A substandard unit is one with health and safety code violations that require repair or replacement of a major system, such as a roof, plumbing, heating, electricity, sanitary plumbing (including septic system) and/or load bearing structural systems. Luxury or cosmetic improvements are not permitted rehabilitation activity.

COAH regulations allow credit for past rehabilitation activity if the following are met:

1. They were rehabilitated up to the applicable code standard and that the average capital cost expended on rehabilitating the housing units was at least \$8,000; and
2. The unit currently occupied by the occupants who resided with the unit at the time of rehabilitation or by other eligible low or moderate income households.

Although County records show rehabilitation projects in the Borough, none of the units met COAH criteria. Current published COAH rehabilitation share for Mountainside is 28 units, although third round publication states zero.

As noted the Borough had no rehabilitation requirement pursuant to third round regulations albeit voided by Appellate Court 2008 decision. Although the 2010 Census does not classify buildings as substandard, it does imply equivalent through surrogates. The 2010 Housing Census indicates very few substandard dwelling units exist. Notwithstanding the Borough will conduct outreach to determine if eligible households exist and reside in substandard housing in the Borough. If found the Borough shall establish method and funding in accordance with applicable COAH rules and regulations.

THE 1987-2018 HOUSING OBLIGATION AND LAND AS A SCARCE RESOURCE

COAH, pursuant to New Jersey's Fair Housing act, is required to define housing regions, estimate the regional need for low and moderate income housing and allocate shares of the regional need to each municipality in the housing region. In 1994, COAH adopted N.J.A.C. 5:93-1 ET SEQ. These rules provided the methodology for determining the Borough's 1987-1999 housing obligation. This methodology resulted in a housing obligation as calculated by COAH of 123 units.

The regional need for low and moderate income housing is substantial. The amount of land in a municipality is finite. The disparity between the COAH calculated municipal housing obligation and the remaining available vacant land in a municipality is a common denominator for highly developed municipalities in New Jersey.

COAH regulations recognize the limits of available land in the community. COAH theorizes and the COAH process contemplates that redevelopment will take place overtime. As redevelopment occurs, municipalities are expected to develop plans to capture a contribution toward addressing the remaining housing obligation.

The first part of the process involves determining the number of low and moderate income housing units that can realistically be expected to be constructed on vacant and underutilized land within the municipality. This calculation is called the *realistic development potential* (RDP).

The process of calculating the realistic development potential begins with an inventory of all vacant sites. Sites or portions of these sites may be eliminated due to: the size of the parcel; deed restrictions that prevent development on the site; restrictions due to environmental features; the need to provide a buffer from historic structures; poor access; plans to devote the site for recreation or open space; and/or incompatible surrounding land uses.

Mountainside Borough is almost completely developed. The rules governing vacant land adjustments require that a municipality determine all lots which are vacant, developable, appropriate for inclusionary residential development and 0.83 acres in size or greater. COAH requires that a presumptive minimum density of 6 dwelling units per acre and a 20% affordable housing set-aside be applied to these lots for the purpose of determining the reduced obligation. COAH does not require that the specific lots be rezoned. The reduced prior round affordable

housing obligation is known as the realistic development potential; the remaining obligation is known as “unmet need”. All of the properties examined are privately owned with the exception of Borough property known as the Barnes Tract. This analysis was completed by an examination of tax records, tax maps, other mapping available in municipal files and field surveys. The results of that analysis show 4 sites would qualify as developable affordable housing sites.

The sites identified are:

- Site 1. Block 3A lots 17 and 18. The site considered available and developable. The site is approximately 5 acres with a pond and single family dwelling. The property fronts Route 22. An agreement of the parties to development has been signed.
- Site 2. Block 14 lot 14. The property is owned by the Borough and is considered available and developable. The site is 5.04 acres and has no significant constraints to development. The property abuts the B (Business zone), the Children’s Hospital and single family homes. Various strategies are under consideration for marketing the property and its development.
- Site 3. Block 15-I lot 48B. A portion of the property is available and developable. The total site is 8.3 acres of which approximately 1/3 is steeply sloped, wetland or flood plain. Approximately 3.2 acres are contiguous and readily developable. The property fronts Route 22 and is adjacent to an assisted living residence and single family homes. An agreement of the parties to development has been signed.
- Site 4. Block 24D, lots 10 and 10D. The property is slightly more than four acres in size. The property is not impacted by wetland or floodplain. An existing small office building exists as well as an abandoned swim club including pool facility. The property is in the same vicinity as multifamily housing on the opposite side of Springfield Avenue in Springfield Township. There is no agreement of the parties to development Site 4 for affordable housing. The site is included in the overlay OB zone.

The above properties are considered the extent of vacant land within the Borough that meets developable criteria.

1. The site has clear title and is free of encumbrances which preclude the development of affordable housing. Site 1 and 3 are the subjects of settlement agreements which will allow the 10 affordable housing units to be constructed. The development is subject to site plan review and approval in accordance with the stipulations contained in the Agreement. Site 2 is owned by the Borough.
2. The sites are adjacent to compatible land uses and have access to appropriate streets. The properties have frontage on major roadways, affording adequate land for ingress/egress to the proposed residential developments. Surrounding land uses include an assisted living residential development adjacent to site 3 and single family dwellings to the north, east and west of sites 1 and 2.

3. The sites have access to adequate water and sewer capacity. Public water and sewer infrastructure is available to service each site.
4. The sites can be developed consistent with the *NJ Residential Site Improvement Standards (RSIS)*. There are no known site constraints that would prohibit development of these sites in conformance with the RSIS.
5. Sites designed to produce affordable housing shall be consistent with the NJ State Development and Redevelopment Plan. The entire Town was designated as a mature suburban area by the State Planning Commission.

Through an analysis of vacant lands in the Borough, the prior round obligation, pursuant to COAH rules (RDP process), is reduced. This reduction is attributable to the lack of vacant, developable land suitable for inclusionary housing development. But for the above nearly all of the vacant lots are small in size (less than 1/5 acre).

This plan proposes to rezone sites 1, 2 and 3 to provide the opportunity to produce affordable housing. The plan also proposes an overlay district again to provide the opportunity to produce affordable housing.

FAIR SHARE PLAN

The Fair Share Plan proposes to satisfy the Borough’s housing obligation of the period 1987-2018 as follows:

Obligations from Rounds 1 & 2	123 units
Credits and bonuses	6 units
1987-2018 Fair Share Obligation	117 units
RDP Calculation	16 units

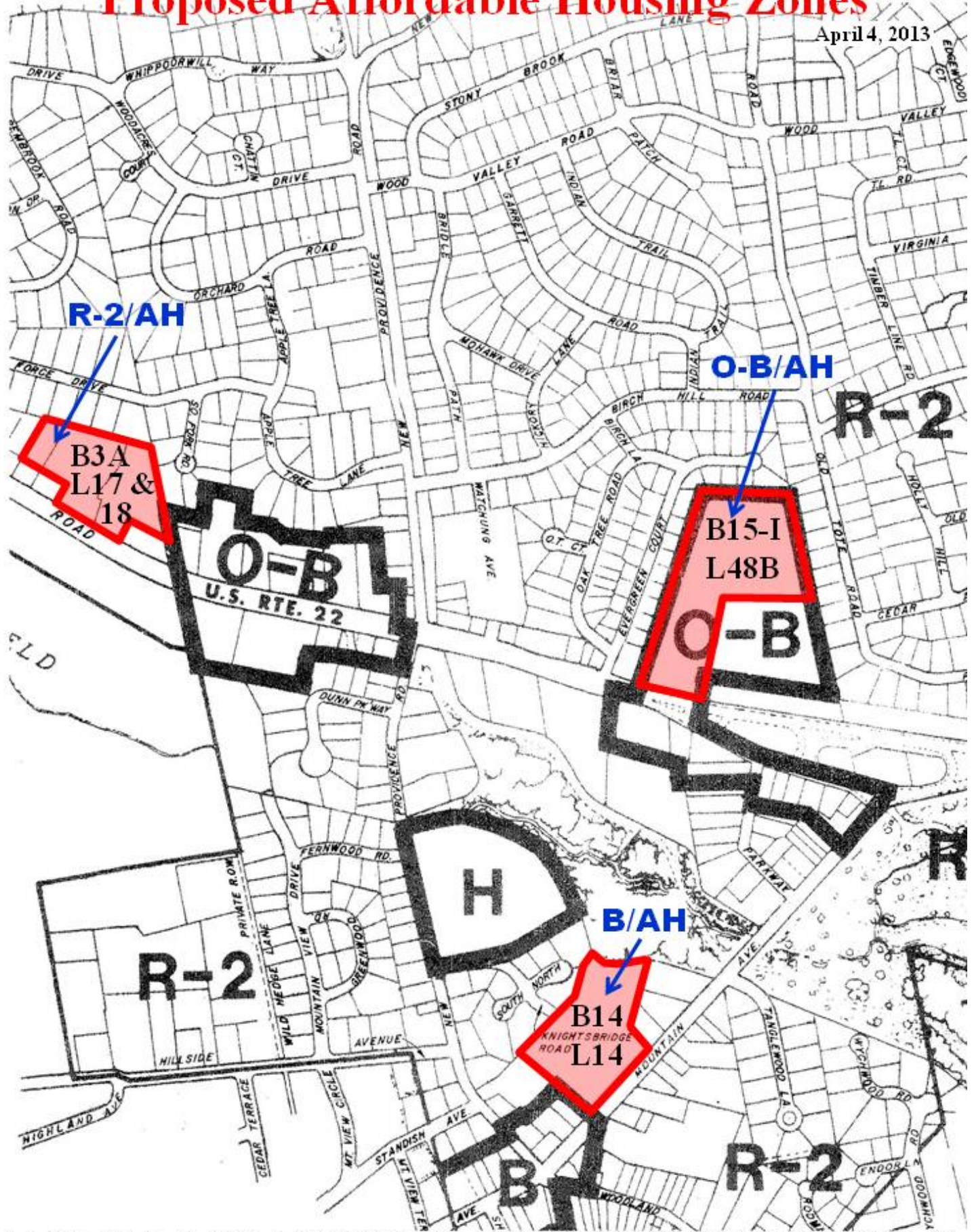
TABLE 13			
BOROUGH OF MOUNTAINSIDE			
SUMMARY OF HOUSING PLAN			
Round	Category	Project	Units
One and Two	Precredited Need		123
	Credit	Friar Lane ARC	-3
	Rental Bonus Credit	Friar Lane ARC	-3
	Total		117
	Rezone B3A L17 & 18	The Ponds	6
	Rezone B14 L14	Barnes Tract (Borough)	6
	Rezone B15-I L48B	AirCon Inc	4
	Overlay Zone to L1/O-B Areas adjacent to Echo Lake Park and Springfield Avenue	Overlay Zone	99
	Remaining Obligation		0

The location of each site is shown on the following map.

* 123/COAH publication 10.20.08; the calculated RDP is 16 affordable units. The RDP calculation results from appropriate density of 6 units per acre times COAH criteria of available developable land as described and identified

Proposed Affordable Housing Zones

April 4, 2013



John T. Chadwick, IV, P.P. 3176 Route 27, Suite 1A, Kendall Park, NJ 08824 ♦ 732-297-7669 ♦ 732-297-8081 fax ♦ PPLic No. 995

In compliance with COAH regulations a minimum of fifty (50%) percent of the Borough's affordable obligation will be provided for low income households.

The Housing Element Fair Share Plan for the Borough is intended to address the Borough's affordable housing obligation through 2018.

This plan proposes four inclusionary developable vacant properties and an overlay zone to address unmet need. Site 1 (block 3A, lots 17 and 18) has presented engineered site plans to the Borough for development as set forth in this plan. This development will be age restricted and will yield six (6) age restricted units. The second inclusionary site (block 14, lot 14) is owned by the Borough and is readily developable. The third site will result in four (4) non-age restricted affordable units on this property. The owners of the fourth site have not committed to providing affordable housing on their properties. The site is included in the overlay zone.

The overlay zone component is located generally adjacent to Echo Lake Park. The area is developed. Notwithstanding, the proposed overlay zone does provide the opportunity for development of affordable housing to address unmet need. The location is ideally suited for reuse for multi-family housing as proposed within this plan.

The Mountainside plan does not assign a number of affordable housing units as its third-round obligation. The absence of developable land makes such a calculation and assignment completely speculative.

The Borough's plan goes to the fundamental objective of the New Jersey Fair Share Housing Act that being to provide real opportunity for development of affordable housing. This plan identifies sites that are available and developable.

PLAN IMPLEMENTATION

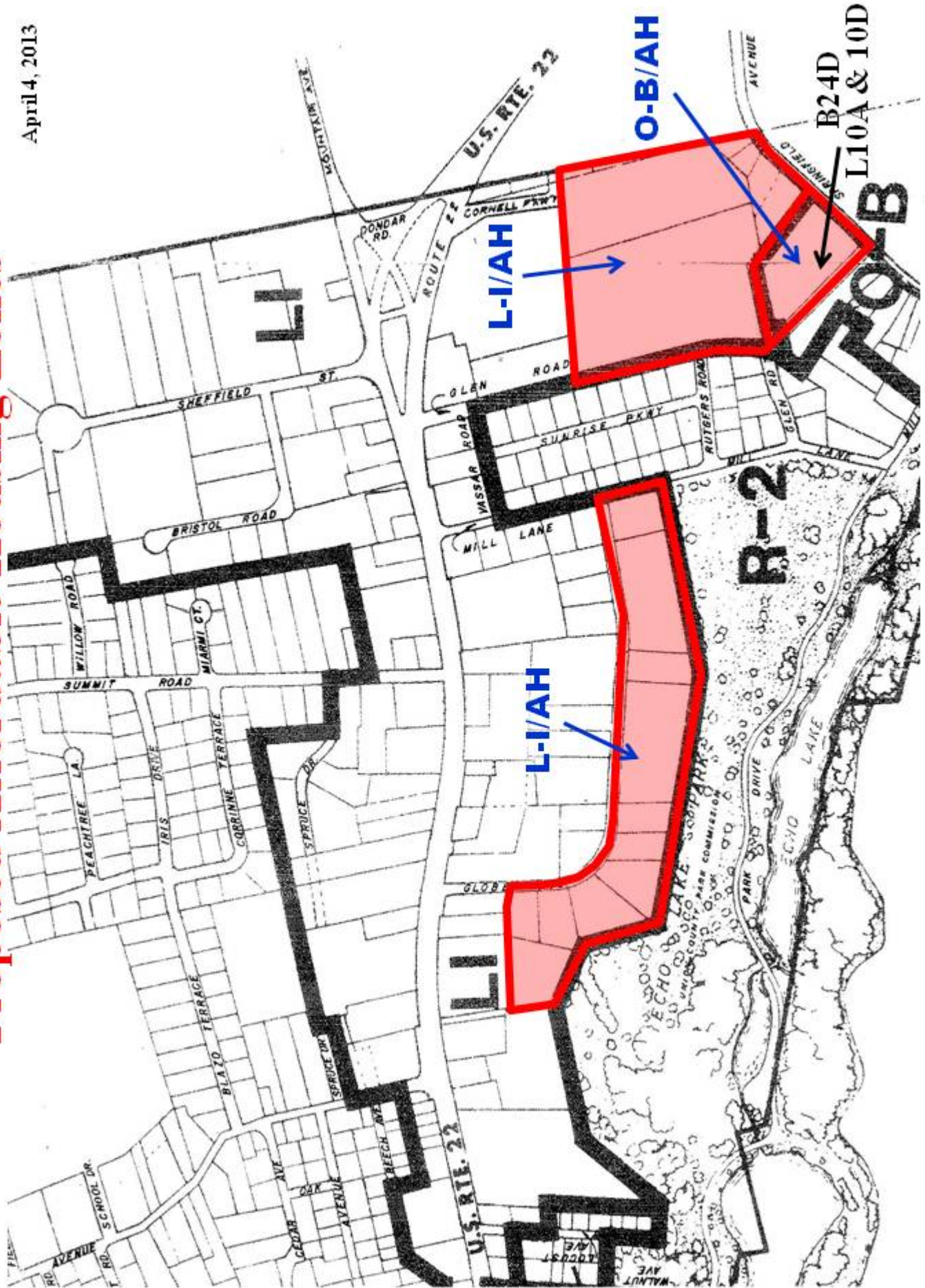
The Borough will implement this Fair Share Plan as described herein in accordance with any terms and conditions of agreements and as imposed by the Court. The plan proposes to satisfy much of its affordable housing obligation by rezoning for new affordable units to be achieved in inclusionary housing developments constructed by private developers on property proposed for rezoning in accordance with this Plan.

DEVELOPMENT FEE

The Borough will adopt a development fee ordinance based upon COAH model ordinance.

Proposed Affordable Housing Zones

April 4, 2013



John T. Chadwick, IV, P.P. 3176 Route 27, Suite 1A, Kendall Park, NJ 08824 ♦ 732-297-7669 ♦ 732-297-8081 fax ♦ PP Lic No. 995

Appendix

1. Vacant Land Inventory & Analysis

VACANT LAND ANALYSIS

A vacant land survey and analysis was conducted in April 2007 by Robert Michaels, PP. That survey and analysis has been updated.

Mountainside Borough is almost completely developed. An analysis has been undertaken to locate vacant lands greater than 0.83 acres in areas that may be considered for the provision of low and moderate income housing. All of the properties examined with one exception are privately owned. This analysis was completed by an examination of tax records, tax maps, other mapping available in municipal files and field visitations. The results of that analysis are as follows:

Property:	Block 3.N, Lots 7.03, 7.04 and 7.05; 1551-1559 Dear Path Map Site #1
Area:	4.2 Acres
Owner:	Raymond John Braun & Associates 232 Dune Avenue Mantoloking, NJ 08738
Zone:	R-1
Comments:	This property is almost exclusively comprised of land with slopes well in excess of fifteen percent (15%). The presence of the steep slopes precludes it from being developed for low and moderate income housing.

Property:	Block 3.A, Lot 6.B; 1562 Route 22 Map Site #2
Area:	2.85 Acres
Owner:	F & R Picut 1562 Route 22 Mountainside, NJ 07092
Zone:	R-2
Comments:	Lot 6.B is 2.85 acres, is vacant, but has a very odd configuration that would make it very difficult to develop. The property is approximately 1,241 feet in length by one hundred (100) feet in width. Its narrow width, steep slopes and lack of access eliminates this parcel for development of low and moderate income housing.

Property:	Block 15.E, Lot 4; 350 New Providence Road Map Site #3
Area:	2.62 Acres
Owner:	Charles Pijanowski 347 New Providence Road Mountainside, NJ 07092
Zone:	R-2
Comments:	This tract has a pond and wetlands over most of the property. The presence of wetlands and open waters make it unsuitable for development of low and moderate income housing.

Property:	Block 10.E, Lot 3; Dunn Parkway Map Site #4
Area:	2.4 Acres
Owner:	Costigan Enterprises P.O. Box 2909 Westfield, NJ 07091
Zone:	R-2
Comments:	This property is on the Westfield border and has a stream, floodplain and some wetlands in part of the tract. The property has been subdivided into 3 lots and is being developed.

Property:	Block 11, Lots 1 and 2.B; 151 Wild Hedge Lane Map Site #5
Area:	1.9 Acres
Owner:	James and Elaine Slabe 17 Mountainview Drive Mountainside, NJ 07092
Zone:	R-2
Comments:	This property is slightly less than 2 acres in area. Access to the property is via Wild Hedge Lane, which is also identified on the tax maps as Lloyd's Lane and Priscilla Lane. It is identified as a right of way with a width of between 12 and 16 feet. This access is substandard and is not appropriate or safe for higher density development. It is unclear from the tax maps whether this right of way is public or private. The property has been subdivided and is being developed.

Property:	Block 15.I, Lot 48.B; 1360 Route 22 Map Site #6
Area:	8.28 Acres
Owner:	Air Con, Inc. c/o F. Delaney 1148 Route 22 Mountainside, NJ 07092
Zone:	O-B
Comments:	This property is located to the west and north of the Brighton Gardens Assisted Living facility. The tax maps show a streambed almost bisecting the property. The property has open waters with related wetlands. There appear to be steep slopes along the stream corridor and on the western and southeastern borders. The stream exits the site through a culvert under Route 22. There is a detention basin located in proximity to the Route 22 frontage that collects runoff from the adjacent Brighton Gardens development. There is about 260 feet of frontage along Route 22, of which 60 feet is occupied by the headwall of the stream culvert. Most of the remainder of the frontage is blocked by the detention basin. The portion of the site adjacent to Brighton Gardens (approximately 3.5 acres) has the potential for an affordable housing development.

Property:	Block 23.C, Lot 2.01; 1235 Route 22 Map Site #7
Area:	3.5 Acres
Owner:	Storage Assets, LLC 400 South Avenue, Suite 8 Middlesex, NJ 07046
Zone:	LI
Comments:	<p>The property has frontage on Route 22 and is adjacent to a self-storage facility and single-family dwellings. A portion of the rear of the property has steep slopes (in excess of 15%). This area comprises about 20,000 square feet in area. While the property has 206 feet of frontage on Route 22, separate independent access to the site would likely not be permitted by NJDOT and a shared access with the self storage facility would be necessary.</p> <p>The New Jersey Residential Site Improvement Standards (RSIS) in Section 5:21-4.19(b)2 states, <i>“New intersections along one side of an existing street shall, if possible, coincide with any existing intersections on the opposite side of each street. Where provided, offsets shall be at least 150 feet between right-of-way centerlines.”</i></p>

A shared driveway to Route 22 with the public storage facility would likely not meet these offsets.

During the course of a Mt. Laurel litigation involving this property a court appointed Master opined that there were access constraints which in turn raised substantial suitability issues. After receipt of that Master's report, the plaintiff builder dismissed the lawsuit.

Property: Block 7.M, Lot7; Charles Street
Map Site #8

Area: 3.15 Acres

Owner: Elizabethtown Water Company
P.O. Box 788
Westfield, NJ 07091

Zone: R-2

Comments: Although this property is identified as vacant on the municipal tax records it is not. The site houses a potable well and other appurtenances for public water supply. It is not available for development.

Property: Block 24.D, Lots 3, 5 and 8; 102 Mill Lane
Map Site #9

Area: 3.41 Acres

Owner: Robbie Gaglioti
275 Route 22 East
Springfield, NJ 07081

Zone: R-2

Comments: Since the 2007 vacant land analysis done by Robert Michaels, the site has been developed for ten (10) single family homes.

Property: Block 24.D, Lot 16; 1038 Springfield Avenue
Map Site #10

Area: 1.99 Acres

Owner: Ruthal Holding Mt, LLC
940 South Avenue
Westfield, NJ 07090

Zone: O-B

Comments: This property has most recently received site plan approval for a daycare center and is therefore unavailable for development. The site is substantially constrained by wetlands.

Property:	Block 14, Lot 14; 937 Mountain Avenue Map Site #11
Area:	5.039 Acres
Owner:	Borough of Mountainside 1385 Route 22 Mountainside, NJ 07092
Zone:	R-2
Comments:	This property is owned by the Borough and is available for development. It fronts on an appropriate road and appears to have no substantial constraints to development.

The above properties are the extent of vacant sites within the Borough.

Of the sites examined above, site 6, site 11 and sites A and B constitute the available and suitable land for development.

In order to establish whether a site should be designated for zoning for inclusionary development, they have to be found available, suitable, developable and approvable pursuant to the definitions of those terms in the COAH regulations. Those terms are defined as follows in N.J.A.C. 5:93-1:

“Available site” means a site with clear title, free of encumbrances which preclude development for low and moderate income housing.

“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.

“Developable site” means a site that has access to appropriate water and sewer infrastructure and has received water consistency approvals from DEP or its designated agent authorized by law to issues such approvals.

“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.

The new rules include a definition of “suitable site” in Section 5:94-1.2 which is similar to the above with some updates to reflect the New Jersey Residential Site Improvement Standards and the State Development and Redevelopment Plan. That definition is as follows:

“Suitable site” means a site that has clear title and is free of encumbrances which preclude development of affordable housing; is adjacent to compatible land uses; has access to appropriate streets, water and sewer infrastructure; can be developed

consistent with the Residential Site Improvement Standards and the rules or regulations of all agencies with jurisdiction over the site; is consistent with the Memorandum of Understanding (Appendix D) with the State Planning Commission; and is consistent with the site suitability criteria delineated in N.J.A.C. 5:94-4.5. A site may be deemed suitable although not currently zoned for affordable housing.