

Community Planning
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A S S O C I A T E S , I N C .

2025 HOUSING ELEMENT AND FAIR SHARE PLAN

BOROUGH OF CRESSKILL
BERGEN COUNTY, NEW JERSEY

PREPARED FOR:

MAYOR AND COUNCIL AND THE PLANNING BOARD OF THE BOROUGH OF CRESSKILL
BA# 4135.01

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The original document was appropriately signed and sealed on April 28, 2025 in accordance with Chapter 41 of Title 13 of the State Board of Professional Planners.



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- A-2 Final Unconditional Declaratory Judgement of Compliance and Repose
- A-3 Community Grants, Planning and Housing Monitoring Report
- A-4 Ordinance No. 18-23-1511 A creating the Affordable Housing Site II zone.
- A-5 Ordinance No. 19-21-1503 A rezones Block 181 Lot 1 as Townhouse Residence Zone.
- A-6 Ordinance No. 19-01-1533 allows for construction of deed-restricted accessory apartments.
- A-7 Ordinance No. 17-16-1510 creates mandatory setback provisions in larger developments.
- A-8 Ordinance No. 18-22-1508A establishes Unmet Need Overlay provisions.

INTRODUCTION

It has been over seven years since the Cresskill Planning Board adopted the Borough's Third Round Housing Element and Fair Share Plan. After adoption by the planning board, the Housing Element and Fair Share Plan was presented to the Mayor and Council, who subsequently endorsed the adopted master plan element. Upon endorsement, the Housing Element and Fair Share Plan was the subject of a court hearing with the Honorable Gregg A. Padovano, J.S.C. presiding. After hearing all the testimony, including both a written and verbal report from the Special Adjudicator assigned to Cresskill's case, on February 18, 2021, Judge Padovano granted Cresskill Final Unconditional Declaratory Judgement of Compliance and Repose for and to the locally adopted and endorsed Housing Element and Fair Share Plan.

Significantly, the Final Unconditional Declaratory Judgement of Compliance and Repose issued by Judge Padovano endorsed and approved Cresskill vacant land adjustment analysis. The basis for this judicial finding was Cresskill lacked sufficient land resources to fully satisfy the Prospective Need obligation assigned to Cresskill. This was demonstrated to the Court through mapping and analysis which demonstrated that of the very few vacant parcels located in Cresskill, most were either very small, environmentally constrained, or both.

In 2025, the affordable housing framework bears little resemblance to the Third Round framework Cresskill navigated to secure its Third Round Final Unconditional Declaratory Judgement which is continuing in full force and effect. The main change agent was the adoption of amendments to the Fair Housing Act. These amendments were signed into law by Governor Murphy in March 2024.

The Borough's Historic Response to Its' Affordable Housing Obligations

The Borough of Cresskill has prepared a number of Housing Elements and Fair Share Plans over the years to address its continuing affordable housing obligation. The Council on Affordable Housing ("COAH"), had adopted first in 1987 and again in 1994 a 'fair share' methodology to determine housing-need numbers for all municipalities in the state, and then adopted, combined first and second round housing need numbers for Cresskill covering the years 1987-1999.

The Borough Planning Board adopted its Second Round plan in June 1995 and received substantive certification from COAH in February of 2000. Cresskill subsequently received Third Round substantive certification from COAH on September 8, 2010.

Cresskill's fair share plan certified by COAH in 2010, detailed mechanisms to fully address the Borough's total 1987-2018 affordable housing obligation as that obligation had been determined by COAH.

The Borough's planning response to its affordable housing obligation was to designate the Hoke/Daibes Park site for production of 18 affordable rental units capable of generating 18 rental bonus credits. In addition, the Borough entered into and fully funded two Regional Contribution Agreements ("RCA"), one that transferred 8 units of new construction obligation to Weehawken, the second agreement transferred 26 units to the City of Bayonne. These actions fully satisfied Cresskill's 70-unit new construction affordable housing obligation.

Cresskill also participated in the rehabilitation of 26 dwellings occupied by income qualified households, thus fully satisfying the rehabilitation portion of the Borough's affordable housing obligation.

Cresskill also responded affirmatively to address COAH's Third Round housing cycle. To achieve compliance, Cresskill proposed a number of sites and activities to fully address the prospective need obligation. Cresskill Plaza, Sunrise Assisted Living, Wolfe, North Jersey Community Bank, accessory apartments and rental bonuses were all slated to fully satisfy the Third Round housing obligation as established pursuant to COAH's adopted regulations.

The rules and regulations adopted by COAH in 2008 were challenged, and in an October 2010 decision the Appellate Division invalidated COAH's growth share methodology. Further, the Court directed COAH to adopt Third Round rules consistent with the fair share methodology previously found acceptable by the Court as a way of determining and distributing affordable housing obligations among the municipalities.

COAH ultimately failed to adopt Third Round regulations that could survive judicial review. This led to a March 2015 Supreme Court decision finding that COAH was effectively dysfunctional, and consequently, The Supreme Court returned jurisdiction over matters of affordable housing back to the trial courts where it had resided prior to the passage of the Fair Housing Act and the creation of COAH in 1986.

On July 6, 2015, the Borough filed with the Court a Declaratory Judgement motion. One component of the motion was the recognition that a new HE&FSP, which was intended to address the Borough's third round affordable housing obligation through 2025, would be prepared.

With the aid of a Special Adjudicator, Cresskill was able to successfully negotiate with the Fair Housing Center. This negotiation resulted in a Settlement Agreement which was presented to the Superior Court for its approval. This Court approved Settlement Agreement, formed the foundation upon which Cresskill prepared an updated Third Round affordable housing plan. A copy of this settlement agreement is attached as Appendix A-1.

Both Fair Share Housing Center and more importantly, the Superior Court reviewed and then agreed Cresskill did not have the land capacity to fully satisfy the affordable housing prospective need obligation established for the Borough in the Third Round. This continues to be true today and is the underlying basis as to why Cresskill has prepared an updated Vacant Land Adjustment for the Fourth Round affordable housing cycle.

Fourth Round Affordable Housing Obligation

Recognizing the Third Round affordable housing cycle was drawing to a close, the state legislature drafted, passed and sent Fair Housing Act amendments to the Governor. In March of 2024, Governor Murphy signed these amendments into law.

The adopted amendments to the Fair Housing Act empowered and directed the Department of Community Affairs ("DCA") to calculate each municipality's affordable housing obligations for the Fourth Round. These numbers were published in October 2024. Each municipality was assigned a Present Need obligation which is sometimes called the rehabilitation component. DCA established Cresskill's assigned Present Need obligation at zero (0) housing units.

The remaining obligation established in the October DCA report addressed the municipal Prospective Need. DCA established Cresskill's Prospective Need obligation as 155 affordable housing dwelling units.

Pursuant to the Fair Housing Act amendments, prior to addressing the Fourth Round affordable housing obligation municipalities must review their past affordable housing efforts. The amendments require:

As part of its housing element and fair share plan, the municipality shall include an assessment of the degree to which the municipality has met its fair share obligation from the prior rounds of affordable housing as established by prior court approval, or approval by the council, and determine to what extent this obligation is unfulfilled or whether the municipality has credits in excess of its prior round obligations.

The remaining sections of this document will provide the mandatory components of a housing element and fair share plan. A wealth of information on Cresskill's people, housing stock and employment characteristics will be detailed. Past affordable housing activities and mechanisms will be briefly discussed as will Cresskill's affordable housing status. The document will then provide a pathway by which Cresskill will demonstrate to both the affordable housing program and the county housing judge compliance with all Fourth Round affordable housing cycle requirements. This plan has been designed to achieve a compliance certification from the affordable housing program and continued immunity from builder's remedy lawsuits for the duration of the Fourth

Round affordable housing cycle.

SECTION I: HOUSING ELEMENT

A. COMMUNITY OVERVIEW

The Borough of Cresskill occupies an area of 2.1 square miles (1,200 acres) in the eastern portion of Bergen County. It is bordered by Demarest to the north, Alpine to the east, Tenafly to the south, and Dumont to the west.

Cresskill is predominantly a residential community, with 2,812 residential parcels and just 70 vacant parcels in 2023 as reflected in Table 1 below. Most of the vacant parcels are either small, environmentally constrained or both. Cresskill's development pattern consists primarily of detached single-family dwellings with three apartment developments. Residential development accounts for 92.2% of the Borough's total assessed value. Commercial development is limited to just 74 parcels. There are only 2 industrial parcels in the Borough.

Table 1: 2023 Land Use
Cresskill, New Jersey

Land Classification	# of Parcels	Value
Residential	2,812	\$2,246,386,500
Commercial Parcels	74	\$153,045,200
Industrial Parcels	2	\$11,395,100
Apartment	3	\$9,785,200
Vacant Parcels	70	\$16,102,500
Total	2,961	\$2,436,714,500

Source: NJDCA Division of Local Government Services, 2023 figures and values

The 2024 amendments to the Fair Housing Act require each municipality to perform an analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission.

Regardless of our firm's inability to find a report from, or recommendations of, the Multigenerational Family Housing Continuity Commission, we have examined Cresskill's Zoning Ordinance. This review indicates the Borough's Zoning Ordinance neither specifically discourages nor encourages multigenerational family continuity. We do note that Cresskill's Third Round affordable housing plan and this, the Fourth Round plan, do propose as one of several compliance mechanism, the creation of 9 (nine) accessory apartments. Accessory apartments represent a flexible mechanism to produce affordable housing and in fact, accessory apartments can be used to accommodate aging parents or even young adults in the family homestead. So, the use of accessory apartment as endorsed in this housing plan is one concrete implementation response to encourage multigenerational housing in the Borough.

It is further noted however, that many dwellings in Cresskill are quite large and can and in fact do accommodate family members who might not necessarily fit within the modern definition of a nuclear family. There are many instances of retired parents living with a child and his or her family. There are also numerous examples of older adult children, some with children of their own, who continue to reside in the family home in Cresskill. In this regard multigenerational family continuity is occurring and continues to be practiced in Cresskill even in the absence of specific governmental steps, outside the accessory apartment program, to foster such an environment.

B. INVENTORY OF MUNICIPAL HOUSING STOCK

This section of the Housing Element provides an inventory of the Borough's housing stock, as required by the Municipal Land Use Law. The inventory details housing characteristics such as age, condition, purchase/rental value, and occupancy. It also details the number of affordable units available to low-and moderate-income households and the number of substandard housing units capable of being rehabilitated.

1. Number of Dwelling Units. Beginning in the year 2020, Cresskill has experienced a significant reduction in construction activity as compared to construction activity recorded for earlier years. The housing stock has remained fairly static since 2020, as only 38 new dwelling units have received certificates of occupancy this decade.

Table 2: Year Structure Constructed (1960 to 2024)
Borough of Cresskill, New Jersey

Year	Total Dwelling Units	Percent Change
1960	532	-
1970	216	16.6
1980	266	6.7
1990	90	2.8
2000	377	11.8
2010	262	8.2
2020	12	0.3
2021	1	0.03
2022	5	0.1
2023	19	9.5
2024 (through Nov.)	1	

Sources: 2003 Bergen County Data Book, U.S. Census – 1990 & 2000,

*American Community Survey 5-Year Estimates. 2020- 2024 DCA Construction Reporter.

The following table provides additional detail regarding the tenure and occupancy of the Borough's housing stock. As shown below, nearly 81% of Cresskill's housing stock was estimated to be owner-occupied in 2023, a slight decrease from the 84.8% recorded in 2010, and down from the 89.1% recorded in 2000. The number of rental units in the community has increased from 287 in 2000, increasing to 479 in 2010 before further increasing by 118 to 597 dwelling units in 2023.

Table 3: Housing Units by Tenure and Occupancy Status (2000 to 2023)
Borough of Cresskill, New Jersey

Category	2000		2010		2023	
	No. Units	Percent	No. Units	Percent	No. Units	Percent
Owner-Occupied Units	2,343	89.1%	2,667	84.8%	2,488	80.6
Renter-Occupied Units	287	10.9%	479	15.2%	597	19.4%
Vacant Units	72	2.7%	153	4.6%	115	3.6%
Total Units	2,702	100.0%	3,299	100.0%	3,200	100.0%

Sources: U.S. Census – 1990 & 2000, American Community Survey 5-Year Estimates.

2. Housing Characteristics. The following tables provide additional information on the characteristics of the Borough's housing stock, including data on the number of units in structures and the number of bedrooms. As shown below, the housing stock is predominantly characterized by single-family detached units, which represented nearly 80% of all dwelling units in 2023. This is a slight decrease from previous periods and reflects the creation of additional multi-family units in varied housing types since 2000. Nearly 70% of the dwellings in Cresskill contain either 3 or 4 bedrooms. An additional 10% of dwellings contain 5 or more bedrooms.

Table 4: Units in Structure (2000 to 2023)
Borough of Cresskill, New Jersey

Units in Structure	2000		2010		2023	
	Number	Percent	Number	Percent	Number	Percent
1-unit, detached	2,416	89.4%	2,749	83.3%	2,551	79.7%
1-unit, attached	105	3.9%	201	6.1%	181	5.7%
2 units	87	3.2%	67	2.0%	47	1.5%
3 or 4 units	49	1.8%	17	0.5%	48	1.5%
5 to 9 units	21	0.8%	26	0.8%	0	0.0%
10 to 19 units	0	0.0%	92	2.8%	58	1.8%
20 or more units	16	0.6%	147	4.5%	310	9.7%
Mobile home	8	0.3%	0	0.0%	5	0.2%
Boat, RV, van, etc.	0	0.0%	0	0.0%	0	0.0%
Total	2,702	100.0%	3,299	100.0%	3,200	100.0%

Sources: U.S. Census – 1990 & 2000, American Community Survey 5-Year Estimates.

Table 5: Number of Bedrooms in Housing Units (2000 to 2023)
Borough of Cresskill, New Jersey

Number of Bedrooms	2000		2010		2023	
	Number	Percent	Number	Percent	Number	Percent
Zero	14	0.5	38	1.2%	104	3.3%
One	110	4.0	137	4.2%	245	7.7%
Two	279	10.32	323	9.8%	293	9.2%
Three	1,318	48.77	1,385	42.0%	1,081	33.8%
Four	679	25.12	898	27.2%	1,154	36.1%
Five or More	302	11.71	518	15.7%	323	10.1%
Total	2,702	100%	3,299	100.0%	3,147	100.0%

Sources: U.S. Census – 1990 & 2000, American Community Survey 5-Year Estimates.

3. Housing Age. The following table details the age of the Borough's housing stock. As shown, just 1.1% of the Borough's housing units were constructed since 2020. The Census data reports 44.2% of the Borough's housing stock was constructed prior to 1960.

Table 6: Year Structure Built
Borough of Cresskill, New Jersey

Year Built	Number of Units	Percent
2020 to 2024	38	1.1%
2010 to 2019	262	8.2%
2000 to 2009	377	11.8%
1990 to 1999	90	2.8%
1980 to 1989	266	8.3%
1970 to 1979	216	6.8%
1960 to 1969	532	16.6%
1950 to 1959	644	20.1%
1940 to 1949	376	11.8%
1939 or earlier	392	12.3%
Total	3,200	100.0%

Sources: U.S. Census – 2014 American Community Survey 5-Year Estimates.

4. **Housing Conditions.** An inventory of the Borough's housing conditions is presented in the following tables. The first table identifies the extent of overcrowding in the Borough, defined as housing units with more than one occupant per room. The data indicates that the number of occupied housing units considered overcrowded is negligible (0.5%) but has fluctuated since 2000. It is noted in 2023, only 0.5% of the dwellings, representing just 14 housing units had more than 1.01 occupants per room.

Table 7: Occupants Per Room (2000 to 2023)
Borough of Cresskill, New Jersey

Occupants Per Room	2000		2010		2023	
	Number	Percent	Number	Percent	Number	Percent
1.00 or less	2,547	96.8%	3,137	99.7%	3,071	99.5%
1.01 to 1.50	55	2.1%	0	0.0%	14	0.5%
1.51 or more	28	1.1%	9	0.3%	0	0.0%
Total	2,630	100.0%	3,146	100.0%	3,085	100.0%

Sources: U.S. Census 2000, American Community Survey 5-Year Estimates.

The table below presents other key characteristics of housing conditions, including the presence of complete plumbing and kitchen facilities and the type of heating equipment used. As shown, the percentage of units lacking complete kitchen and plumbing facilities has remained a nearly insignificant percentage of occupied housing units between 2000 and 2023. All dwellings in Cresskill were equipped with standard heating systems.

Table 8: Equipment and Plumbing Facilities (2000 to 2023)
Borough of Cresskill, New Jersey

Facilities	2000		2010		2023	
	Number	Percent	Number	Percent	Number	Percent
<u>Kitchen:</u> With Complete Facilities	2,621	99.7%	3,134	99.6%	3,064	99.3%
Lacking Complete Facilities	9	0.3%	12	0.4%	21	0.7%
<u>Plumbing:</u> With Complete Facilities	2,630	100%	3,124	99.3%	3,085	100%
Lacking Complete Facilities	0	0.0%	22	0.7%	0	0.0%
<u>Heating Equipment:</u> Standard Heating Facilities	2,630	100%	3,146	100.0%	3,085	100%
Other Means, No Fuel Used	0	0.0%	0	0.0%	0	0.0%

Sources: U.S. Census –2000, American Community Survey 5-Year Estimates.

5. Purchase and Rental Values. As shown in the following table, 24.2% of Cresskill's rental housing stock had monthly rents under \$1,000 in 2000. By 2023, only 1.2% of renters were paying less than \$1,000 rent per month. In 2023, over 41% of renters were paying \$3,000 per month or more for rent. Interestingly, there has been a reported doubling in the number of households that paid no cash rent from 2010 to 2023.

Table 9: Gross Rent of Renter-Occupied Housing Units (2000 to 2023)
Borough of Cresskill, New Jersey

Gross Rent	2000		2010		2023		
	Number	Percent	Number	Percent	Gross Rent	Number	Percent
Less than \$200	0	0.0%	0	0.0%	Less than \$500	0	0.0%
\$200 to \$299	0	0.0%	0	0.0%	\$500-\$999	7	1.2%
\$300 to \$499	0	0.0%	20	4.3%	\$1,000 to \$1,499	142	24.9%
\$500 to \$749	8	2.8%	12	2.6%	\$1,500 to \$1,999	52	9.1%
\$750 to \$999	61	21.4%	0	0.0%	\$2,000 to \$2,499	135	23.7%
\$1,000 to \$1,499	59	20.7%	132	28.3%	\$2,500 to \$2,999	0	0%
\$1,500 or More	141	49.4%	302	64.8%	\$3,000 and up	234	41.1%
No Cash Rent	16	5.6%	13	--%	No cash rent	27	--%
Total	285	100.0%	466	100.0%		570	100.0%
Median Gross Rent	\$1,571		\$2,000		\$2,311		
Bergen County Median Gross Rent	\$872		\$1,236		\$2,455		

Sources: U.S. Census --2000, American Community Survey 5-Year Estimates.

Table 10 on the next page shows that less than 7% of Cresskill's owner-occupied units had a value of \$499,000 or less in 2023. By far the largest segment of Cresskill homes (72%) are worth between \$500,000 and \$999,999. Over 20% of owner-occupied dwellings in Cresskill were worth over \$1,000,000 in 2023. This is by far the second largest value range in Cresskill. This is just around double the percentage of homes that were worth over \$1,000,000 just 13 years earlier in 2010, whereas in 2000, only slightly more than 11% of Cresskill's owner-occupied units had a value of \$500,000 or more. This substantial increase is in part a function of the increase in values that occurred throughout the region prior to the recession in 2008. The median value of Cresskill's owner-occupied housing stock is now significantly higher than

Bergen County as a whole.

Table 10: Value of Owner-Occupied Housing Units (2000 to 2023)
Borough of Cresskill, New Jersey

Value Range	2000		2010		2023	
	Number	Percent	Number	Percent	Number	Percent
Less than \$50,000	60	2.7%	33	1.2%	5	0.2%
\$50,000 to \$99,999	8	0.4%	7	0.3%	0	0.0%
\$100,000 to \$149,999	33	1.5%	0	0.0%	0	0.0%
\$150,000 to \$199,999	181	8.1%	0	0.0%	0	0.0%
\$200,000 to \$299,999	1,049	46.9%	19	0.7%	11	0.4%
\$300,000 to \$499,999	646	28.9%	853	32.0%	150	6.0%
\$500,000 to \$999,999	127	5.7%	1,472	55.2%	1,809	72.7%
\$1,000,000 or More	133	5.9%	283	10.6%	513	20.6%
Total	2,237	100.0%	2,667	100.0%	2,488	100.0%
Median Value	\$281,100		\$592,800		\$764,800	
Bergen County Median Value	\$250,300		\$482,300		\$650,000	

Sources: U.S. Census 2000, American Community Survey 5-Year Estimates.

6. Number of Units Affordable to Low- and Moderate-Income Households. Cresskill is within affordable housing Region No. 1, which consists of Bergen, Passaic, Hudson and Sussex Counties. Based on generally recognized regional income limits updated on April 12, 2024, the median household income for a three-person household in Region 1, is \$108,371. A three-person moderate-income household, defined as 80% of the median income, would have an income not exceeding \$86,697.

Pursuant to applicable New Jersey affordable housing regulations, N.J.A.C. 5:80-26.6 Price restrictions for ownership units, a moderate-income household should not be spending more than 28% of eligible monthly income on taxes, mortgage, homeowner association and private mortgage insurance fees. An affordable sales price for a three-person moderate-income household earning 80% of the median income is estimated at approximately \$303,439. In 2023, the last year for which data has been published, the percentage of housing units in the Borough valued at less than \$300,000 was 0.6%. According to the data, there were 16 homes in Cresskill with a value of \$300,000 or less.

For renter-occupied housing, an affordable monthly rent for a three-person household is estimated at approximately \$2,167, approximately 30% of the household's gross monthly

income. According to the most recent U.S. Census data, just over 35.2% of the Borough's rental units had a gross rent less than \$2,000. There were 201 rental units in Cresskill at or below this price point.

7. Substandard Housing Capable of Being Rehabilitated. The number of units in a community that are in need of rehabilitation and are not likely to experience "spontaneous rehabilitation" has been provided by the New Jersey Department of Community Affairs in its October 2024 report. Cresskill's rehabilitation obligation has been estimated to be zero (0) units.

C. POPULATION ANALYSIS

The MLUL requires that a Housing Element provide data on the municipality's population, including population size, age and income characteristics.

1. Population Size. As seen in the table below, the Borough experienced its greatest population growth in the 1950s and 1960s. Cresskill's population then declined for twenty years before rebounding in 2000. Census data from 2020 indicates the Borough had 9,155 residents, representing a 6.8% increase over the 2010 Census figure, while the available estimated data for 2023 reveals this figure has decreased by 54 residents to 9,101 residents in 2023.

Table 11: Population Growth (1920 to 2023)
Borough of Cresskill, New Jersey

Year	Population	Population Change	Percent Change
1920	942	-	-
1930	1,924	982	104.2%
1940	2,246	322	16.7%
1950	3,534	1,288	57.3%
1960	7,290	3,756	106.2%
1970	8,298	1,008	13.82%
1980	7,609	-689	-8.30%
1990	7,558	-51	-0.6%
2000	7,746	188	2.4%
2010	8,573	827	10.6%
2020	9,155	582	6.8%
2023	9,101	-54	-0.58

Sources: U.S. Census

2. Age Characteristics. The Borough's age characteristics are outlined in the table below. As shown, the Borough's population is growing older, consistent with suburban national trends. Cresskill's median age has increased since 2000 from 40.9 to 43.7 years in 2010, before increasing to 45 years in 2023. The number of children under the age of 19 years of age increased between 2000 and 2010 before experiencing a minor drop by 2023. The under 19-age cohort has remained in the 20% of Cresskill's population.

Table 12: Age Characteristics (2000 to 2023)
Borough of Cresskill, New Jersey

Age	2000		2010		2023	
	Number	Percent	Number	Percent	Number	Percent
Under 5 years	530	6.8	372	4.3	366	4.0
5 to 19 years	1,609	20.8	2,098	24.5	2,032	22.3
20 to 24 years	263	3.4	289	3.4	484	5.3
25 to 34 years	680	8.8	457	5.3	525	5.8
35 to 44 years	1,365	17.6	1,313	15.3	1,147	12.6
45 to 54 years	1,204	15.5	1,478	17.2	1,682	18.5
55 to 64 years	787	10.1	1,078	13.8	1,190	12.8
65 to 74 years	644	8.3	635	7.4	809	8.9
75 to 84 years	487	6.3	523	6.1	328	3.6
85 years and over	177	2.3	330	3.8	538	5.9
Total Population	7,746		8,573		9,101	
Median Age	40.9		43.7		45.0	

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

3. Average Household Size. The average household size for the Borough has declined in Cresskill as reflected in Table 13 below. In 1980, the average household size in Cresskill included 3.19 people. Since the 1990 census, the average household size has never exceeded 2.95 and has often been slightly smaller. The American Community Survey data reflects an average household size of 2.90 for the year 2023.

Table 13: Average Household Size (1980 to 2023)
Borough of Cresskill, New Jersey

Year	Total Population	Number of Households	Average Household Size
1980	7,609	2,357	3.19
1990	7,558	2,537	2.95
2010	8,573	3,002	2.84
2020	9,155	3,102	2.84
2023	9,101	3,085	2.90

Sources: U.S. Census – 1980, 2000, 2010 2023 American Community Survey 5-Year est.

4. Household Income. Detailed household income figures are shown in the table below. As shown, nearly 60% of the Borough's households had an income of \$150,000 or more in 2023 which is a significant increase in median income reported for earlier years. The Borough's median household income in 2023 (\$173,293) was substantially greater than the median household income of Bergen County (\$116,709) as a whole.

Table 14: Household Income (1999 to 2023)
Borough of Cresskill, New Jersey

Income Category	1999		2010		2023	
	Number	Percent	Number	Percent	Number	Percent
Less than \$10,000	97	3.6%	116	3.7%	31	1.0%
\$10,000 to \$14,999	41	1.5%	95	3.0%	34	1.1%
\$15,000 to \$24,999	115	4.3%	144	4.6%	23	0.7%
\$25,000 to \$34,999	188	7.1%	182	5.8%	107	3.5%
\$35,000 to \$49,999	220	8.3%	191	6.1%	310	10.0%
\$50,000 to \$74,999	499	18.7%	389	12.4%	295	9.6%
\$75,000 to \$99,999	417	15.7%	335	10.6%	101	3.3%
\$100,000 to \$149,999	547	20.5%	605	19.2%	339	11.0%
\$150,000 to \$199,999	191	7.2%	445	14.1%	506	16.4%
\$200,000 or more	348	13.1%	644	20.5%	1,339	43.4%
Total	2663	100.0%	3,146	100.0%	3,007	100.0%
Median Household Income	\$84,692		\$105,625		\$173,293	
Bergen County Median	\$57,640		\$81,708		\$116,709	

Sources: U.S. Census – 1990 & 2000, American Community Survey 5-Year Estimates.

Note: 1990 Census Survey did not include categories for "\$150,000 to \$199,999" or "\$200,000 or more"

5. Housing cost-burden. Households that pay more than 30% of their income for housing are considered cost burdened and may have difficulty affording other necessities such as food, clothing, transportation and medical care. Data concerning 1999 from the census reveals that approximately 30.1% of owner-occupied households and 47.3% of rental households experienced housing costs of 30% or more. The percentage of cost-burden homeowners in 2023, was estimated to be 38.6%, while for renters living in the Borough, the percentage who are cost burdened is rather high at 59.3%.

Table 15: Housing Cost as Percentage of Income (1999 to 2023)
Borough of Cresskill, New Jersey

Percentage of Income	1999				2023			
	Owner-occupied		Renter		Owner-occupied		Renter	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Less than 20 percent	1062	47.6%	84	32.0%	496	28.8%	102	21.8%
20 to 29 percent	494	22.1%	54	20.6%	562	32.7%	88	18.9%
30 percent or more	673	30.1%	124	47.3%	664	38.6%	276	59.3%
Occupied Units	2,229	100.00%	262	100.00%	1,722	100.00%	466	100.00%

Sources: U.S. Census – 2000, American Community Survey 5-Year Estimates,

D. EMPLOYMENT ANALYSIS

The MLUL requires that the Housing Element include data on employment levels in the community. The following tables present information on the Borough's employment characteristics.

1. Employment Status. The following table provides information on the employment status of Borough residents aged 16 and over. Of those in the labor force in 2023, just 3.2% were unemployed. This figure represents a somewhat higher percentage of the workforce than were unemployed in 2000 or 2010 when the local unemployment rate was just 1.5% or even lower. The number of residents holding civilian employment has climbed steadily through the years, increasing by over 1,100 between 2000 and 2023. This data and the data addressing cost burdened residents identified in Table 15, might suggest that even as residents of Cresskill are experiencing higher salaries, these high salaries may in some instances be overshadowed by the dramatic increase in housing costs, especially for renters.

Table 16: Employment Status, Population 16 and Over (2000 to 2023)
Borough of Cresskill, New Jersey

Employment Status	2000		2010		2023	
	Number	Percent	Number	Percent	Number	Percent
In labor force	3,731	62.7%	4,125	65.2%	4,812	67.8%
Civilian labor force	3,731	62.7%	4,125	65.2%	4,812	67.8%
Employed	3,644	61.2%	4,035	63.8%	4,582	64.6%
Unemployed	87	1.5%	90	1.4%	230	3.2%
% of civilian labor force	2.3%		2.1%		5.0%	
Armed Forces	0	0.0%	0	0.0%	0	0.0%
Not in labor force	2,223	37.3%	2,202	34.8%	2,281	32.2.0%
Total Population 16 and Over	5,954		6,327		7,093	

Sources: U.S. Census – 1990 & 2000, 2023 American Community Survey 5-Year Estimates.

2. Employment Characteristics of Employed Residents. The following two tables detail information on the employment characteristics of employed Cresskill residents. Table 17 details occupation characteristics, while Table 18 details industry characteristics.

Table 17: Employed Residents Age 16 and Over, By Occupation (2000 to 2023)
Borough of Cresskill, New Jersey

Occupation	2000		2010		2023	
	Number	Percent	Number	Percent	Number	Percent
Management, Professional and related occupations	1,955	53.6%	2,303	57.1%	2,852	63.9%
Service Occupation	284	7.8%	246	6.1%	458	10.2%
Sales and Office Occupations	982	26.9%	1,063	26.3%	937	20.9%
Farming, fishing and forestry occupations	0	0.0%	0	0.0%	0	0.0%
Construction, extraction and maintenance	291	8.0%	192	4.8%	90	2.0%
Production, transportation and material moving occupations	132	2.8%	231	5.7%	216	4.8%
Total	3,644	100.0%	4,035	100.0%	4,463	100.0%

Sources: U.S. Census – 1990 & 2000, American Community Survey 5-Year Estimates.

Table 18: Employed Residents Age 16 and Over, By Industry (2000 to 2023)
Borough of Cresskill, New Jersey

Industry	2000		2010		2023	
	Number	Percent	Number	Percent	Number	Percent
Agriculture, forestry, fishing, hunting and mining	0	0.0%	0	0.0%	0	0.0%
Construction	250	6.9%	345	8.6%	224	4.9%
Manufacturing	290	8.0%	343	8.5%	399	8.7%
Wholesale trade	249	6.8%	327	8.1%	214	4.7%
Retail trade	369	10.1%	384	9.5%	242	5.3%
Transportation and warehousing, and utilities	106	2.9%	130	3.2%	93	2.0%
Information	107	2.9%	205	5.1%	146	3.2%
Finance, insurance, real estate and rental and leasing	522	14.3%	458	11.4%	583	12.7%
Professional, scientific, management, administrative and waste management services	335	9.2%	498	12.3%	740	16.2%
Educational, health and social services	888	24.4%	958	23.7%	1,465	32.0%
Arts, entertainment, recreation, accommodation and food services	179	4.9%	223	5.5%	207	4.5%
Other services	223	6.1%	94	2.3%	114	2.5%
Public administration	126	3.5%	70	1.7%	155	3.4%
Total	3,644	100.0%	4,035	100.0%	4,582	100.0%

Sources: U.S. Census – 1990 & 2000, American Community Survey 5-Year Estimates.

E. HOUSING AND EMPLOYMENT PROJECTIONS

The following section identifies the extent to which recent development has occurred in the community, to assist in the projection of future residential and employment projections.

1. Probable Future Employment and Regional or Community Factors Impacting Upon Future Municipal Employment. Employment has fluctuated over the past years in the Borough, between a low of 1,349 in the COVID-19 year of 2020 to a high of 2,273 in 2015. Generally speaking, Cresskill has experienced stable job growth through the years with COVID-19 disrupting this pattern. It is noted in the 3 years since COVID, job growth has been positive every year. Table 19 displays the number of jobs between the years 2004 and 2023.

Table 19: Covered Employment Trends 2004-2023
Borough of Cresskill, New Jersey

Year	Number of Jobs	Change in Number of Jobs	Percent Change
2004	1,799		
2005	1,861	62	3.4%
2006	1,888	27	1.4%
2007	1,956	68	3.6%
2008	2,013	57	2.9%
2009	2,165	152	7.5%
2010	2,237	72	3.3%
2011	2,177	-60	-2.6%
2012	2,154	-23	-0.9%
2013	2,174	20	0.9%
2014	2,247	73	3.3%
2015	2,273	26	1.15%
2016	2,139	-134	-5.89%
2017	2,125	-14	-0.65%
2018	2,102	-23	-1.08%
2019	2,173	71	3.37%
2020	1,349	-824	-37.9%
2021	1,432	83	6.15%
2022	1,498	66	4.60%
2023	1,523	25	1.66%

Sources: Department of Labor and Workforce Development

- a. Probable Non-Residential Development of Lands. During the years studied, 0 square feet of office space was constructed. During the years studied and for which data is reported, Cresskill saw 0 square feet of retail space constructed. The Borough experienced an average of approximately 6,126 square feet of new non-residential space per year over the past decade. Two-thirds of this space was in the educational and dormitory/MF category. Cresskill anticipates a slower pace of non-residential growth to occur over the next ten-year period as there are few parcels to develop. Table 20 indicates in 7 of the years for which data is provided, there was 5,000 square feet of non-residential space or less added to the Borough's total amount of non-residential development. Truly, Cresskill has experienced very little non-residential development activity during the studied years.

Table 20: Non-Residential Space Authorized by Building Permits (sq. ft.) (2014 to 2023)
Cresskill, New Jersey

Year Issued	Office	Retail	A-2	A-3	Educa- tional	Indus- trial	Storage	Total
2014	0	0	0	0	0	0	0	0
2015	0	0	0	0	0	0	0	0
2016	0	Data not reported	0	0	0	0	0	0
2017	0	0	0	0	0	0	0	0
2018	0	0	0	0	28,033	0	0	28,033
2019	0	0	0	0	0	0	0	0
2020	0	0	0	18,620	0	0	0	18,620
2021	0	0	0	0	0	0	2,208	2,208
2022	0	0	0	0	12,400	0	0	12,400
2023	0	0	0	0	0	0	0	0
Total	0	0	0	18,620	40,433	0	2,208	61,261

Source: New Jersey Department of Community Affairs (DCA) Construction Reporter,

2. Projection of the Municipality's Housing Stock. With limited acreage remaining in the municipality that may be developed for residential use, it is anticipated that the Borough's residential growth shall remain very modest, as reflected in the recent annual data shown below. The data reveal that in the last 15 years, the number of net new dwellings in Cresskill increased by double digits only in 2016. In most years, the number of dwellings increased by a handful, with some years experiencing a net reduction in the number of dwellings. It is noted that since 2010, the Borough's housing stock has increased by a total of 167 dwellings which has been partially offset by 128 demolitions of dwellings. Over the past 15 years, Cresskill has experienced a net increase of 39 new dwellings, on average less than 3 net dwellings per year.

Table 21: Trends in Residential Development
 Analysis of Certificates of Occupancy and Demolition Permits, 2005-2024
 Borough of Cresskill, New Jersey

Year	COs Issued	Demo Permits Issued	Net Growth
2005	13	11	2
2006	92 (15SF/77 mixed-use)	13	79
2007	17	9	8
2008	9	7	2
2009	1	0	1
2010	7	6	1
2011	6	5	1
2012	7	6	1
2013	7	5	2
2014	7	11	-4
2015	12	14	-2
2016	43	9	34
2017	19	13	6
2018	15	20	-5
2019	6	8	-2
2020	3	6	-3
2021	8	10	-2
2022	11	6	5
2023	11 (6 1& 2Fam/5MF)	5	6
2024	5	4	1
15 Tr. Total	167	128	39
15 YR Average	11.13	8.53	2.6

SECTION II: FAIR SHARE OBLIGATION

A. SUMMARY OF FAIR SHARE OBLIGATION FOR THE 4TH ROUND AFFORDABLE HOUSING CYCLE

As a result of the 2024 amendments to the Fair Housing Act, the Department of Community Affairs was empowered and directed to prepare a report to the Governor, Legislature and municipalities detailing the projected 10-year affordable housing obligation of each individual municipality comprising the various housing regions in the State. This ten-year timeframe begins on July 1, 2025 and continues until June 30, 2035.

This report was released in October 2024. With regard to the Borough of Cresskill, the report established the Borough's 10-year affordable housing obligation as:

Present Need	0 Unit.
Prospective Need	155 Units.

In addition to the two categories listed above, the 2024 Fair Housing Act amendments also directed municipalities to review the status of their Third Round housing plan. More specifically, municipalities when preparing Fourth Round housing plans are directed to:

As part of its housing element and fair share plan, the municipality shall include an assessment of the degree to which the municipality has met its fair share obligation from the prior rounds of affordable housing established by prior court approvals, approval by the council, and determine to what extent this obligation is unfulfilled or whether the municipality has credits in excess of its prior round obligations.

With regard to Cresskill's Present Need obligation, the Department of Community Affairs has determined the Borough's obligation for the current ten-year period beginning July 1, 2025 is 0 units. As such, Cresskill is not required to take any additional action addressing Present Need, also called the rehabilitation component, since there is a lack of demonstrated need in the community. Simply put, there is no Present Need affordable housing obligation to satisfy.

Turning attention to Prospective Need, the October report indicates the Borough of Cresskill has a Fourth Round Prospective Need obligation of 155 affordable housing units. DCA came to this conclusion irrespective of the earlier judicial determination that Cresskill is a nearly fully built out community.

B. EARLIER AFFORDABLE HOUSING ACHIEVEMENTS IN CRESSKILL

In order to fully understand Cresskill's approach and response to the 2025-2035 affordable housing obligation as established under the most recent amendments to the Fair Housing Act, it is necessary to examine Cresskill's past efforts, strategies and achievements in meeting its earlier affordable housing obligations.

COAH's second round cycle included the years beginning in 1993 and ending in 1999, which coincides with the beginning of the Third Round housing cycle. Cresskill was active in producing affordable housing and as such has fully satisfied its affordable housing obligation from this housing cycle, including both the new construction obligation and the obligation to rehabilitate construction code deficient existing housing units occupied by income-qualified households.

COAH, recognizing Cresskill affordable housing efforts, granted Cresskill substantive certification of its Housing Element and Fair Share Plan in February 2000. Substantive certification was based on Cresskill's June 1995 housing element.

Likewise, Cresskill was also successful in securing substantive certification from COAH for its initial Third Round plan. The Third Round housing cycle included all the years from 1999-2025. It was of such a length so there would be not be a so-called 'gap period' of affordable housing obligations, years in which affordable housing need that were overlooked.

In 2015, the Supreme Court had an opportunity to issue yet another decision in the on-going affordable housing controversy. One immediate result of the Supreme Court's March 2015 affordable housing decision was the voiding of all Third Round substantive certifications that had been issued by COAH prior to the Supreme Court's decision. Cresskill was one of just a handful of municipalities that had their Third Round substantive certification voided by the Supreme Court's March 2015 decision.

The previously mentioned 2015 Supreme Court decision created significant levels of uncertainty and confusion which took many years to resolve. Ultimately, a court approved methodology was generally accepted by most communities, including Cresskill. Pursuant to this methodology, Cresskill Third-Round affordable housing obligation was determined to include an assigned 51-unit rehabilitation obligation, a fully implemented 70-unit Prior (Second) Round Obligation, and a 230-unit Prospective Need obligation. Cresskill filed the necessary Declaratory Judgement motion.

Cresskill engaged with and negotiated a settlement agreement with the one intervenor in its declaratory judgement action. Fair Share Housing Center, Inc. a private advocacy entity was the only intervenor to Cresskill's declaratory judgement action. Upon reaching a preliminary agreement with Fair Share Housing Center, the draft settlement agreement was presented to the Superior Court. After a noticed and open-to-the public court session, the Superior Court Judge assigned Cresskill's case, the Honorable Gregg A. Napolitano, J.S.C., found the draft settlement agreement was fair and reasonable to lower income households in search of affordable housing, and approved the Settlement Agreement between the Borough of Cresskill and Fair Share Housing Center.

Upon approval of the Settlement Agreement, Cresskill's Planning Board approved the 2018

Housing Element and Fair Share Plan dated February 27, 2018. This plan was subsequently endorsed by the Governing Body. Once the HE&FSP was approved, the Council introduced and adopted the land use ordinances necessary to implement the plan. The Honorable Gregg A. Napolitano held an additional court hearing and at the conclusion issued a Final Unconditional Declaration Judgement of Compliance and Repose dated February 18, 2021. A copy of the Final Unconditional Declaratory Judgement of Compliance and Repose is included in the appendix as Appendix A-2.

Cresskill's judicially approved Third Round plan included Table 24 and Table 25. Table 24 identified the four (4) inclusionary housing developments that were already complete and for which the Borough was claiming Third Round affordable housing credits.

Table 25, in a sense, may have been more important than Table 24. Table 25 included a listing of three (3) proposed and uncompleted projects that Cresskill proposed would bridge the gap and produce the affordable housing credits necessary to achieve full compliance with the Judgement of Compliance and Repose issued by Judge Napolitano.

Table 25 as found on page 33 of the approved Third Round Housing Element and Fair Share Plan is reproduced below;

Third Round Proposed Affordable Housing Activities
Contributing to Satisfaction of the Third Round RDP
Borough of Cresskill, New Jersey

Name of Development	Number of Affordable Units	Status of Development	Available Credits
North Jersey Community Bank	2	Pending	2
S & K Auto	1	Pending	1
Accessory Apartment Program	9	Pending	9
Rental Bonus Credits	11	Pending	11
Total	23		23

The proposed developments listed in Table 25 of the 2018 Cresskill Housing Plan, if fully implemented, would generate 23 affordable housing credits. Table 24, the completed developments, allowed Cresskill to claim 18 total credits. Summed, the number of credits in the two tables would allow Cresskill to claim forty-one (41) affordable housing credits which represented full compliance with and satisfaction of Cresskill's entire Third Round RDP.

Community Grants, Planning and Housing is Cresskill's administrative agent. They provided an updated report on Cresskill's progress in fulfilling the Borough's Third Round RDP obligation of 41

units. This report by Community Grants, Planning and Housing is attached as Appendix A-3.

Although the Borough has not yet delivered the nine (9) units of accessory apartments anticipated and included in the Third Round's Table 25, this affordable housing approach remains viable. The Borough will continue to seek nine (9) credits for this acceptable housing mechanism as part of its Fourth Round Housing Element and Fair Share Plan. As detailed in the earlier portion of this Housing Element, this type of affordable housing oftentimes affirmatively addresses multigenerational housing. Cresskill is convinced that given the proper support, this type of multigenerational housing will benefit both individual homeowners and the community at large.

Cresskill's Third Round plan anticipated the construction of one rental affordable housing unit on the S & K Auto site (38 Broadway; Block 182 Lots 18-28). Although this affordable housing unit has not yet been produced, this site has been re-examined and continues to remain viable as an inclusionary housing site. Cresskill continues to support inclusionary housing to be developed on this site during the upcoming Fourth Round housing cycle. Ord. No. 18-23-1511 A, which rezoned this property to allow for a residential inclusionary development is included as Appendix A-4.

The former North Jersey Community Bank site (1 Union Avenue; Block 74 Lot 47) now identified as Connect One Bank has been redeveloped. One rental affordable housing unit and a contribution to Cresskill's affordable housing trust fund was generated from the redevelopment activities. The approved plan is one rental unit short and one bonus credit short of what the Third Round plan anticipated would be developed at this site. Cresskill understands and accepts this affordable housing shortfall and understands these two (2) credits must somehow be affirmatively addressed within the pending Fourth Round plan.

C. IMPLEMENTED AFFORDABLE HOUSING ACTIVITIES TAKEN OUTSIDE THE HE & FSP.

Cresskill took positive steps during the pendency of the Third Round Housing Cycle to generate additional affordable housing. These steps, although not within the approved affordable housing plan, proved to be very effective in creating realistic opportunities for the construction of additional affordable housing. These outside the plan activities allow the Borough to claim additional Third Round affordable housing credits and thus completely fulfill the Third Round affordable housing obligation.

The two (2) credit shortfall from the now-constructed North Jersey Community Bank site will be affirmatively addressed by Cresskill, in full. Cresskill rezoned a fully developed site owned by Creston Electronics (101 Broadway; Block 181 Lot 1) allowing development of either 6 rental units or 8 for-sale units affordable units on this 2.5-acre tract. This rezoning of the tract is at densities that creates realistic opportunities for the construction of affordable housing. Based on current market conditions, we anticipate this site will be developed with rental units, thus generating six (6) Third Round affordable housing credits and a like number of bonus credits that can be applied to both

the Third Round and future affordable housing cycles. Appendix A-5, is a copy of the rezoning ordinance that permits residential inclusionary development to be constructed on this site.

In addition to the above rezoning, Cresskill sponsored a municipal 100% construction rental development with Bergen County United Way on a small and undeveloped property that was formerly owned by Cresskill and was subsequently donated to the sponsor for affordable housing purposes. This development is located along East Madison Avenue adjacent to the Borough's existing senior center. This completed 100% affordable development is comprised of three (3) apartments for developmentally disabled adults, two (2) unrestricted affordable apartments, and a four (4) bedroom rental group home for developmentally disabled adults. Nine credits (9) and an additional nine (9) bonus credits are available to Cresskill as all bedrooms in this development are rental. These credits can be applied as needed to the Third Round or future affordable housing cycles.

Further, Cresskill can claim a total of one (1) additional unit as a result of the implementation of the mandatory setaside ordinance previously adopted by the Governing Body. This credit became available when 478 Knickerbocker Road was redeveloped through a subdivision of a formerly commercially developed property.

A total of thirty-one (31) affordable housing credits and bonus credits are available to Cresskill which more than makes up for the 2-credit affordable housing shortfall generated from the Connect One Bank site.

For the reasons as stated above, both with implementation methods included within the adopted Housing Element and Third Round Plan and those outside the plan, Cresskill has more than fully satisfied the Third Round RDP assigned the Borough by creating realistic opportunities for the construction of affordable housing.

Turning attention to the current ten-year Prospective Need obligation, the Department of Community Affairs has estimated Cresskill has a Prospective Need obligation of 155 units. How this 155-unit affordable housing obligation will be addressed by the Borough will be detailed in the balance of this Housing Element and Fair Share Plan.

D. VACANT LAND ADJUSTMENT

The Borough's affordable housing obligation is also informed by a vacant land adjustment and the imposition of a realistic development potential (RDP) analysis that was undertaken pursuant to the amendments to the Fair Housing Act. As detailed within the amendments, when computing a municipal adjustment regarding lack of available land resources, the municipality shall confirm the following classifications of land were correctly excluded:

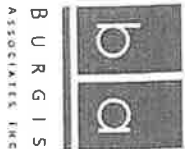
- (a) Any land that is owned by a local government entity for a public purpose other than housing;
- (b) Any land listed in Cresskill's master plan as being dedicated for purposes of conservations, park lands or open space and which is owned, leased, licensed, or in any manner operated by a county, municipality or tax-exempt, nonprofit organization;
- (c) Any vacant contiguous parcels of land in private ownership of a size which would accommodate fewer than five housing units based on appropriate standards pertaining to housing density;
- (d) Historic and architecturally important sites listed on the State Register of Historic Places or National Register of Historic Places prior to the date of filing a housing element and fair share plan;
- (e) Agricultural lands when the development rights to these lands have been purchased or restricted by covenant;
- (f) Sites designated for active recreation that are designated for recreations purposes in the municipal master plan; and,
- (g) Environmentally sensitive lands where development is prohibited by any State or federal agency, including but not limited to, the Highlands Water Protection and Planning Act for lands in the Preservation Area and for lands in the Planning Area for Highlands conforming municipalities.

The vacant land analysis identified all vacant sites of minimally 0.83 acres in size, imposed wetland, steep slope and flood plain information and deductions pursuant to the applicable regulations, and calculated the remaining unconstrained acreage that is to be utilized to determine the Borough's RDP. Pursuant to the amended Fair Housing Act, no municipality shall be required to utilize for affordable housing purposes, land that is excluded from being designated as vacant land.

At the conclusion of Burgis' vacant land analysis, we have determined that there is no property in the Borough which can comply with the requirements for construction of an inclusionary development containing both affordable housing and market rate units. Stated another way, all the vacant land in the borough should be excluded from consideration as affordable housing construction sites. Thus, Cresskill's Realistic Development Potential is 0 affordable housing units. Likewise, Cresskill's Unmet Need is established as 155 affordable housing units.

The Borough's vacant land assessment is presented in the accompanying map and table on the following pages.

Table 22: Vacant Land Assessment
Borough of Cresskill, New Jersey



COMMUNITY PLANNING
LAND DEVELOPMENT AND DESIGN
LANDSCAPE ARCHITECTURE

PRINCIPALS
Joseph J. Burgis III, AICP
Edward J. Smith, Jr., PE, IIA, ASLA

BOROUGH OF CRESSKILL: VACANT LAND ASSESSMENT FOURTH ROUND HOUSING CYCLE

ID#	Block	Lot	Property Location	Comments	Total Area (ac.)	Contributory Area (ac.)	Developable?
1	67	3	Piermont Road	Railroad property	2.20	0.00	No
2	67	1	Piermont Road	Railroad Property	6.81	0.00	No
3	9108	9	Huyler Landing Road	Qualified toward previous round RDP	1.6	0.00	No
4	911	4	Hoover Dr.	Qualified toward previous round RDP	1.04	0.00	No
5	9107	5	Huyler Landing Rd.	Qualified toward previous round RDP	0.92	0.00	No
6	9107	3	Huyler Landing Rd.	Too small with steep slopes	0.94	0.00	No
7	9001	1702	Lambus Lane	Qualified toward previous round RDP	0.62	0.00	No
8	211	5	Eisenhower Dr.	Too small with steep slopes	0.98	0.00	No
9	9109	3	Truman Dr.	Qualified toward previous round RDP	0.93	0.00	No
10	911	5	Vaccaro Dr.	Too small with steep slopes	0.40	0.00	No
11	66	11	7th St.	Too small	0.32	0.00	No
12	9208	38	E. Madison Ave.	Too small	0.43	0.00	No
13	179	61	Palisades Ave.	Too small	0.29	0.00	No
14	13	106	Krickbocker Rd.	Too small	0.26	0.00	No
15	15	7	Brookside Ave.	Too small	0.30	0.00	No
16	67	2	Railroad	Too small	0.22	0.00	No
17	75	14	Westervelt Pl.	Too small	0.17	0.00	No
18	911	3	Pendergast Ct.	Too small with steep slopes	0.29	0.00	No
19	67	303	Piermont Rd.	Too small	0.16	0.00	No
20	32	408	Magnolia	Too small	0.18	0.00	No
21	9103	21201	Lambus Lane	Too small with steep slopes and C-1 stream	0.73	0.00	No
22	101	28	12th St.	Too small	0.13	0.00	No
23	62	1033	6th Street	Too small after constraints removed	0.13	0.00	No
24	154	27	Phelps Ave.	Too small	0.12	0.00	No
25	9203	12	Kerliworth Dr.	Too small with steep slopes	0.13	0.00	No
26	9001	1	Lambus Lane	Too small	0.16	0.00	No
27	139	101	Magnolia Ave.	Too small with steep slopes	0.22	0.00	No
28	34	291	Jefferson Ave.	Too small	0.13	0.00	No
29	1405	1	Krickbocker Rd.	Too small	0.11	0.00	No
30	85	37	Hillside Ave	Too small	0.11	0.00	No

ID#	Block	Lot	Property Location	Comments	Total Area (ac.)	Contributory Area (ac.)	Developable?
31	83	108	E. Madison Ave.	Too small	0.11	0.00	No
32	10	93	Gilmore Ave.	Too small	0.15	0.00	No
33	85	89	Center St.	Too small	0.09	0.00	No
34	86	162	E. Madison Ave.	Too small	0.35	0.00	No
35	154	35	Phillips Ave.	Too small	0.08	0.00	No
36	83	90	E. Madison	Too small	1.36	0.00	No
37	91.06	38	Vaccaro Dr.	Too small	0.22	0.00	No
38	80	7	E. Madison	Too small	0.10	0.00	No
39	117	20	Short Pl.	Too small	0.09	0.00	No
40	101	25	Heather Hill Rd.	Too small	0.13	0.00	No
41	154	39	Phelps Ave.	Too small	0.08	0.00	No
42	103	13	Mountain View Rd	Too small with steep slopes	0.19	0.00	No
43	86	110	Center St.	Too small	0.08	0.00	No
44	15	6	Prospect Ave.	Too small with steep slopes	0.28	0.00	No
45	67	304	Piermont Rd.	Too small	0.07	0.00	No
46	134	109	Madison Ave.	Too small	0.13	0.00	No
47	114	27	Highland St.	Too small	0.07	0.00	No
48	154	1	Phelps Ave.	Too small	0.08	0.00	No
49	80	8	E. Madison Ave.	Too small	0.12	0.00	No
50	154	29	Phelps Ave.	Too small	0.07	0.00	No
51	139	22	Knickerbocker Ave.	Too small	0.13	0.00	No
52	154	32	Phelps Ave.	Too small	0.07	0.00	No
53	145	340	10th St.	Too small	0.17	0.00	No
54	159	27	Delmar Ave.	Too small	0.12	0.00	No
55	145	349	10th St.	Too small	0.11	0.00	No
56	2	5	Grant Ave.	Open Space	8.1	0.00	No
57	22	14	Prospect Ave.	Too small	0.11	0.00	No
58	145	343	10th St.	Too small	0.22	0.00	No
59	180	56	Linwood Ave.	Open Space	1.3	0.00	No
60	113	14.01	Highland Ave.	Too small	0.06	0.00	No
61	145	347	10th St.	Too small	0.11	0.00	No
62	22	16	Prospect Ave.	Too small	0.11	0.00	No
63	145	319	11th St.	Too small	0.05	0.00	No
64	102	11	Mountain View Rd.	Too small	0.09	0.00	No
65	182	24	Broadway	Too small	0.13	0.00	No
66	90.01	12.03	Lamb Lane.	Too small	0.14	0.00	No
67	22	18	Prospect Ave.	Too small	0.11	0.00	No
68	101	15	Mountain View Ct.	Too small	0.08	0.00	No

ID#	Block	Lot	Property Location	Comments	Total Area (ac.)	Contributory Area (ac.)	Developable?
69	179	18	E. Madison Ave.	Too small	0.05	0.00	No
70	145	349	10 th St.	Too small	0.10	0.00	No
71	176	1	Ackerman Pl.	Too small	0.11	0.00	No
72	108	29	Linwood Ave.	Too small	0.41	0.00	No
73	179	3101	County Rd.	Too small	0.07	0.00	No
74	146	366	10 th St.	Too small	0.23	0.00	No
75	180	38	County Rd.	Too small	0.13	0.00	No
76	67	301	Piermont Rd.	Too small	0.03	0.00	No
77	28	23	Maple St.	Too small	0.13	0.00	No
78	25	21	Monroe Ave.	Too small	0.11	0.00	No
79	146	372	10 th St.	Too small	0.51	0.00	No
80	102	13	Mountain View Ct.	Too small	0.03	0.00	No
81	103	14	Mountain View Rd.	Too small	0.03	0.00	No
82	14	42.01	Roosevelt St.	Too small	0.04	0.00	No
83	67	302	Piermont Rd.	Too small	0.03	0.00	No
84	130	33	Pheips Ave.	Too small	0.01	0.00	No
85	75	48	Hillside Ave.	Too small with steep slopes and C-1 buffers	0.30	0.00	No
86	207	8	Churchill Rd.	Too small with steep slopes and C-1 buffers	0.51	0.00	No
87	158	11	South St.	Too small	0.28	0.00	No
88	158	55.02	Delmar Ave.	Too small	0.14	0.00	No
89	160	10	Delmar Ave.	Too small, Open Space	0.51	0.00	No
90	163	14	Park Ave.	Too small, Open Space	0.49	0.00	No
91	166	27	Piermont Rd.	Too small, C-1 buffers	0.05	0.00	No
92	17	10	Grant Ave.	Too small, C-1 buffers	0.24	0.00	No
93	173	89	Piermont Rd.	Too small, Open Space	0.38	0.00	No
94	175	2	Dogwood Lane	Open Space	4.83	0.00	No
95	17	9	Grant Ave.	Too small, Open Space	0.70	0.00	No
96	103	35	Heather Hill Rd.	Too small	0.172	0.00	No
97	12	203	Grant Ave.	Too small	0.76	0.00	No
98	188	9	Douglas Dr.	Open Space	4.9	0.00	No
99	204	1	Pierce Ave.	Open Space	6.59	0.00	No
100	20	8	Grant Ave.	Too small with steep slopes	0.56	0.00	No
101	210	22	Hillside Ave.	Open Space	2.75	0.00	No
102	210	7	Eisenhower Dr.	Too small with steep slopes	0.88	0.00	No
103	210	8	Eisenhower Dr.	Open Space	0.94	0.00	No
104	210	9	Eisenhower Dr.	Open Space	1.05	0.00	No
105	22	20	Prospect Ave.	Too small	0.17	0.00	No
106	23	1	Prospect Ave.	Too small	0.40	0.00	No

ID#	Block	Lot	Property Location	Comments	Total Area (ac.)	Contributory Area (ac.)	Developable?
107	28	1	Merritt Ave.	Too small with steep slopes	0.07	0.00	No
108	28	3	Merritt Ave.	Too small	0.72	0.00	No
109	3.01	7	Grant Ave.	Too small, Open Space	0.39	0.00	No
110	34	265	7th St.	Too small	0.172	0.00	No
111	39	21	2nd St.	Too small	0.34	0.00	No
112	40	1	Madison Ave.	Too small	0.15	0.00	No
113	4	1	Merrifield Way	Too small, Open Space	0.67	0.00	No
114	41	3.01	2nd St.	Too small with steep slopes	0.365	0.00	No
115	4	9.01	Merrifield Way	Too small	0.44	0.00	No
116	49	599	4th St.	Too small	0.22	0.00	No
117	50	551	3rd St.	Too small	0.45	0.00	No
118	65	865	Evergreen Ave.	Too small	0.47	0.00	No
119	69	36	Meadow St.	Steep slopes, C-1 buffers	1.55	0.00	No
120	69	49.01	Piermont Rd.	Too small, steep slopes, C-1 buffers	0.34	0.00	No
121	69	49.02	Piermont Rd.	Too small, steep slopes, C-1 buffers	0.34	0.00	No
122	73.01	46	Piermont Rd.	Too small, Open Space	0.27	0.00	No
123	75	18	Westervelt Pl.	Too small	0.24	0.00	No
124	79	232	Hillside Ave.	Too small with steep slopes	0.43	0.00	No
125	83	109	E. Madison Ave.	Too small, qualified under previous round	0.15	0.00	No
126	91.01	1	Engle St.	Too small, C-1 buffer	0.55	0.00	No
127	9	1	Mezzine Dr.	Open Space	3.86	0.00	No

Land Categorization		Acreage
Total Vacant Land (Mapped) (ac.)		65.29 ac
Total Developable Area Qualifying for RDP Analysis		0.00 ac

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COMMUNITY PLANNING
LAND DEVELOPMENT AND DESIGN
LANDSCAPE ARCHITECTURE

PRINCIPALS:
Joseph H. Burgis, III, AICP
Edward Smetun, Jr., PP, LIA, ASLA

B U R G I S
A S S O C I A T E S, I N C.

BOROUGH OF CRESSKILL: VACANT LAND ASSESSMENT FOURTH ROUND HOUSING CYCLE

ID#	Block	Lot	Property Location	Comments	Total Area (ac.)	Contributory Area (ac.)	Developable?
1	67	3	Piermont Road	Railroad property	2.20	0.00	No
2	67	1	Piermont Road	Railroad Property	6.81	0.00	No
3	91.08	9	Huyler Landing Road	Qualified toward previous round RDP.	1.6	0.00	No
4	91.1	4	Hoover Dr.	Qualified toward previous round RDP.	1.04	0.00	No
5	91.07	5	Huyler Landing Rd.	Qualified toward previous round RDP.	0.92	0.00	No
6	91.07	3	Huyler Landing Rd	Too small with steep slopes	0.94	0.00	No
7	90.01	17.02	Lamb's Lane	Qualified toward previous round RDP.	0.62	0.00	No
8	211	5	Eisenhower Dr.	Too small with steep slopes	0.98	0.00	No
9	91.09	3	Truman Dr.	Qualified toward previous round RDP.	0.93	0.00	No
10	91.1	5	Vaccaro Dr.	Too small with steep slopes	0.40	0.00	No
11	66	11	7 th St.	Too small	0.32	0.00	No
12	92.08	38	E. Madison Ave.	Too small	0.43	0.00	No
13	179	61	Palisades Ave.	Too small	0.29	0.00	No
14	13	106	Knickerbucker Rd.	Too small	0.26	0.00	No
15	15	7	Brookside Ave.	Too small	0.30	0.00	No
16	67	2	Railroad	Too small	0.22	0.00	No
17	75	14	Westervelt Pl.	Too small	0.17	0.00	No
18	91.1	3	Pendergast Ct.	Too small with steep slopes	0.29	0.00	No
19	67	3.03	Piermont Rd.	Too small	0.16	0.00	No
20	32	408	Magnolia	Too small	0.18	0.00	No
21	91.03	212.01	Lamb's Lane	Too small with steep slopes and C-1 stream	0.73	0.00	No
22	101	28	12 th St.	Too small	0.13	0.00	No
23	62	1033	6 th Street	Too small after constraints removed	0.13	0.00	No
24	154	27	Phelps Ave.	Too small	0.12	0.00	No
25	92.03	12	Kenilworth Dr.	Too small with steep slopes	0.13	0.00	No
26	90.01	1	Lamb's Lane	Too small	0.16	0.00	No
27	139	101	Magnolia Ave.	Too small with steep slopes	0.22	0.00	No
28	34	291	Jefferson Ave.	Too small	0.13	0.00	No
29	14.05	1	Knickerbucker Rd.	Too small	0.11	0.00	No
30	85	37	Hillside Ave.	Too small	0.11	0.00	No

ID#	Block	Lot	Property Location	Comments	Total Area (ac.)	Contributory Area (ac.)	Developable?
31	83	108	E. Madison Ave.	Too small	0.11	0.00	No
32	10	93	Gilmore Ave.	Too small	0.15	0.00	No
33	85	89	Center St.	Too small	0.09	0.00	No
34	86	162	E. Madison Ave.	Too small	0.35	0.00	No
35	154	35	Phillips Ave.	Too small	0.08	0.00	No
36	83	90	E. Madison	Too small	1.36	0.00	No
37	91.06	38	Vaccaro Dr.	Too small	0.22	0.00	No
38	80	7	E. Madison	Too small	0.10	0.00	No
39	117	20	Short Pl.	Too small	0.09	0.00	No
40	1.01	25	Heather Hill Rd.	Too small	0.13	0.00	No
41	154	39	Pheips Ave.	Too small	0.08	0.00	No
42	1.03	13	Mountain View Rd	Too small with steep slopes	0.19	0.00	No
43	86	110	Center St.	Too small	0.08	0.00	No
44	15	6	Prospect Ave.	Too small with steep slopes	0.28	0.00	No
45	67	3.04	Piermont Rd	Too small	0.07	0.00	No
46	134	109	Madison Ave.	Too small	0.13	0.00	No
47	114	27	Highland St	Too small	0.07	0.00	No
48	154	1	Pheips Ave.	Too small	0.08	0.00	No
49	80	8	E. Madison Ave.	Too small	0.12	0.00	No
50	154	29	Pheips Ave.	Too small	0.07	0.00	No
51	139	22	Kickerbocker Ave	Too small	0.13	0.00	No
52	154	32	Pheips Ave.	Too small	0.07	0.00	No
53	145	340	10 th St.	Too small	0.17	0.00	No
54	159	27	Delmar Ave.	Too small	0.12	0.00	No
55	145	349	10th St.	Too small	0.11	0.00	No
56	2	5	Grant Ave.	Open Space	8.1	0.00	No
57	22	14	Prospect Ave	Too small	0.11	0.00	No
58	145	343	10 th St.	Too small	0.22	0.00	No
59	180	56	Linwood Ave.	Open Space	1.3	0.00	No
60	113	14.01	Highland Ave.	Too small	0.06	0.00	No
61	145	347	10 th St.	Too small	0.11	0.00	No
62	22	16	Prospect Ave.	Too small	0.11	0.00	No
63	145	319	11 th St.	Too small	0.05	0.00	No
64	102	11	Mountain View Rd	Too small	0.09	0.00	No
65	182	24	Broadway	Too small	0.13	0.00	No
66	90.01	12.03	Lairds Lane.	Too small	0.14	0.00	No
67	22	18	Prospect Ave	Too small	0.11	0.00	No
68	101	15	Mountain View Ct.	Too small	0.08	0.00	No



ID#	Block	Lot	Property Location	Comments	Total Area (ac.)	Contributory Area (ac.)	Developable?
69	179	18	E. Madison Ave.	Too small	0.05	0.00	No
70	145	349	10 th St.	Too small	0.10	0.00	No
71	176	1	Ackerman Pl.	Too small	0.11	0.00	No
72	108	29	Linwood Ave.	Too small	0.41	0.00	No
73	179	3101	County Rd.	Too small	0.07	0.00	No
74	146	366	10 th St.	Too small	0.23	0.00	No
75	180	38	County Rd.	Too small	0.13	0.00	No
76	67	301	Piermont Rd.	Too small	0.03	0.00	No
77	28	23	Maple St.	Too small	0.13	0.00	No
78	25	21	Monroe Ave.	Too small	0.11	0.00	No
79	146	372	10 th St.	Too small	0.51	0.00	No
80	102	13	Mountain View Ct.	Too small	0.03	0.00	No
81	103	14	Mountain View Rd.	Too small	0.03	0.00	No
82	14	42.01	Roosevelt St.	Too small	0.04	0.00	No
83	67	3.02	Piermont Rd.	Too small	0.03	0.00	No
84	130	33	Phelps Ave.	Too small	0.01	0.00	No
85	75	48	Hillside Ave.	Too small with steep slopes and C-1 buffers	0.30	0.00	No
86	207	8	Churchill Rd.	Too small with steep slopes and C-1 buffers	0.51	0.00	No
87	158	11	South St.	Too small	0.28	0.00	No
88	158	55.02	Delmar Ave.	Too small	0.14	0.00	No
89	160	10	Delmar Ave.	Too small, Open Space	0.51	0.00	No
90	163	14	Park Ave.	Too small, Open Space	0.49	0.00	No
91	166	27	Piermont Rd.	Too small, C-1 buffers	0.05	0.00	No
92	17	10	Grant Ave.	Too small, C-1 buffers	0.24	0.00	No
93	173	89	Piermont Rd.	Too small, Open Space	0.38	0.00	No
94	175	2	Dogwood Lane	Open Space	4.83	0.00	No
95	17	9	Grant Ave.	Too small, Open Space	0.70	0.00	No
96	103	35	Heather Hill Rd.	Too small	0.172	0.00	No
97	12	2.03	Grant Ave.	Too small	0.76	0.00	No
98	188	9	Douglas Dr.	Open Space	4.9	0.00	No
99	204	1	Pierce Ave.	Open Space	6.59	0.00	No
100	20	8	Grant Ave.	Too small with steep slopes	0.56	0.00	No
101	210	22	Hillside Ave.	Open Space	2.75	0.00	No
102	210	7	Eisenhower Dr.	Too small with steep slopes	0.88	0.00	No
103	210	8	Eisenhower Dr.	Open Space	0.94	0.00	No
104	210	9	Eisenhower Dr.	Open Space	1.05	0.00	No
105	22	20	Prospect Ave.	Too small	0.17	0.00	No

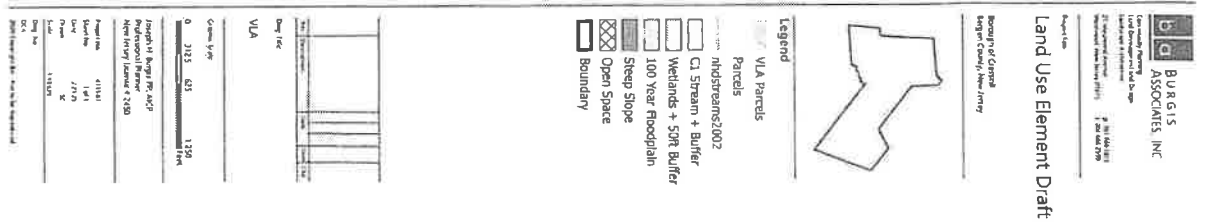
ID#	Block	Lot	Property Location	Comments	Total Area (ac.)	Contributory Area (ac.)	Developable?
106	23	1	Prospect Ave.	Too small	0.40	0.00	No
107	28	1	Merritt Ave.	Too small with steep slopes	0.07	0.00	No
108	28	3	Merritt Ave.	Too small	0.72	0.00	No
109	3.01	7	Grant Ave.	Too small, Open Space	0.39	0.00	No
110	34	265	7 th St.	Too small	0.172	0.00	No
111	39	21	2 nd St.	Too small	0.34	0.00	No
112	40	1	Madison Ave.	Too small	0.15	0.00	No
113	4	1	Merrifield Way	Too small, Open Space	0.67	0.00	No
114	41	3.01	2 nd St.	Too small with steep slopes	0.365	0.00	No
115	4	9.01	Merrifield Way	Too small	0.44	0.00	No
116	49	599	4 th St.	Too small	0.22	0.00	No
117	50	551	3 rd St.	Too small	0.45	0.00	No
118	65	865	Evergreen Ave	Too small	0.47	0.00	No
119	69	36	Meadow St.	Steep slopes, C-1 buffers	1.55	0.00	No
120	69	49.01	Piermont Rd.	Too small, steep slopes, C-1 buffers	0.34	0.00	No
121	69	49.02	Piermont Rd.	Too small, steep slopes, C-1 buffers	0.34	0.00	No
122	73.01	46	Piermont Rd.	Too small, Open Space	0.27	0.00	No
123	75	18	Westervelt Pl.	Too small	0.24	0.00	No
124	79	232	Hillside Ave.	Too small with steep slopes	0.43	0.00	No
125	83	109	E. Madison Ave.	Too small, qualified under previous round	0.15	0.00	No
126	91.01	1	Engle St.	Too small, C-1 buffer	0.55	0.00	No
127	9	1	Mezzine Dr.	Open Space	3.86	0.00	No

Land Categorization		Acreage	
Total Vacant Land (Mapped/ac)		65.29 ac	
Total Developable Area Qualifying for RDP Analysis		0.00 ac	

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Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community



SECTION III: FAIR SHARE PLAN

A. FOURTH ROUND PLAN SUMMARY

The HE&FSP identifies the manner in which the Borough's fair share affordable housing obligations – inclusive of an assigned 0-unit rehabilitation obligation, a fully implemented 41-unit Prior Round obligation, and a 155-unit DCA assigned prospective need Fourth Round housing obligation – are to be addressed. This is summarized below.

1. Rehabilitation Share. Cresskill has been assigned a zero (0) rehabilitation or Present Need obligation for the Fourth Round. Since there is no obligation to be met, Cresskill need not do anything to address Fourth Round Present Need.
2. Prior Round Obligation. The Prior Round new construction affordable housing obligation assigned to Cresskill by means of the Court-approved Settlement Agreement was 230-units of new affordable housing. This affordable housing obligation was subsequently adjusted downward based on a Court-approved vacant land adjustment. After completing the vacant land adjustment, Cresskill's Court approved Realistic Development Potential was forty-one (41) affordable housing units. The Borough has more than fully satisfied this affordable housing obligation through a combination of activities both within and outside its Court approved Housing Element and Fair Share Plan. These activities included construction of several inclusionary housing developments, a municipally sponsored 100% affordable development and implementation of the Borough's mandatory setaside ordinance.

Even though the accessory apartment program has not borne fruit yet, and one development produced one less affordable unit than projected, Cresskill still achieved compliance with its Court approved forty-one (41) unit RDP.

Construction of a limited number of deed-restricted accessory apartments continues to remain a viable affordable housing option. In a community with as little vacant and developable land as Cresskill, new affordable housing construction opportunities are extremely limited. With this continuing and significant limitation in mind, Cresskill proposes to continue the accessory apartment program in the Fourth Round. The Borough will continue to earmark funds in its Spending Plan to continue this program. Cresskill continues to seek nine (9) units of affordable housing credits. The existing accessory apartment ordinance, Ord. No. 18-22-1508A which is to be continued is included as Appendix A-6 at the end of this document. Credits earned from the accessory apartment ordinance may be assigned to solve future affordable housing obligations.

3. Fourth Round Prospective Need Housing Obligation. The October report generated by DCA assigned Cresskill a Prospective Need obligation of 155 affordable units for the next ten (10)

year housing cycle. In response to this affordable housing obligation, Burgis on behalf of the Borough prepared a Vacant Land Assessment in accordance with the applicable affordable housing regulations. Based on Cresskill's Vacant Land Assessment, the Borough's RDP is established at zero (0) units. This analysis also establishes the Borough's Unmet Need obligation to be 155 units.

4. To fully comply with the Unmet Need obligation, Cresskill will fully maintain each of the programs established during the Third Round housing cycle. These include a mandatory setaside program requiring the establishment of deed restricted affordable dwellings whenever five (5) or more market-rate housing units are proposed. A copy of this adopted ordinance is included as Appendix A-8.
5. The Borough will also continue the existing overlay zoning provisions drafted and adopted during the prior housing cycle. The previously adopted zoning ordinance, Ord. No.19-01-1533, is included as Appendix A-9 to this Housing Element and Fair Share plan.

As detailed above, the HE&FSP can accommodate the entirety of the community's adjusted housing obligation through 2035 in a manner that affirmatively addresses affordable housing needs while at the same time maintaining the overall character and environment attributes of the community. Each of the mechanisms used to achieve compliance with the affordable housing obligation is identified below.

It is recognized that the amendments to the Fair Housing Act are new and untested. These amendments establish new substantive and procedural requirements on how municipalities achieve constitutional compliance. Understanding the unsettled nature of affordable housing, this plan may require adjustment and refinement prior to the end of the Fourth Round housing cycle.

C. PLAN COMPONENTS

This section of the plan details the projects, mechanisms and funding sources which will be used to meet the Borough's affordable housing obligations, as discussed above.

1. Rehabilitation Share. The Borough has been assigned a rehabilitation share or Present Need obligation by the Department of Community Affairs. This obligation is zero (0) units. Therefore, there is no Present Need obligation upon the Borough.
2. Prior Round Obligation. As previously identified in this plan, a number of affordable developments were completed in accordance with the Borough's Third Round Plan.

The existing and proposed plan components addressing the Borough's 41-unit Prior Round RDP obligation are identified in the table below.

3. Prior Round RDP Obligation. The Borough satisfied its 41-unit Prior Round RDP with a combination of completed and proposed projects. To date, four projects containing affordable housing dwellings have been completed and are listed in Table 24 below.

Table 23:
Completed Developments Contributing to
Satisfaction of the Prior Round RDP
Borough of Cresskill, New Jersey

Name of Development	Number of Affordable Units	Status of Development	Available Credits
Cresskill Plaza	6	Complete	6
Wolfer Mixed Use	1	Complete	1
Riverview Associates	1	Complete	1
North Jersey Community Bank (now Connect One Bank)	1	Complete	1
Sunrise Assisted Living	10	Complete	10
Total	19		19

To achieve 41 affordable housing credits during the Prior Round housing cycle, Cresskill proposed to rely upon proposed developments, bonus credits and an accessory apartment program. These authorized mechanisms are detailed in the table on the following page.

Table 24:
Proposed Affordable Housing Activities
Contributing to Satisfaction of The
Third Round RDP
Borough of Cresskill, New Jersey

Name of Development	Number of Affordable Units	Status of Development	Available Credits
S&K Auto	1	Pending	1
Accessory Apartment Program	9	Pending	9
Rental Bonus Credits	11	Pending	11
Total	21		21

The S&K Auto site is a large and underutilized site that has been rezoned into a new Affordable Housing II zone. This zone will permit 15 dwelling units per acre, require a 15% or 20% affordable housing setaside depending on ownership model and be structured so no more fewer than 50% of the affordable housing units are available to low-income households, with 13% of all affordable units being available to very low-income households. This rezoning represents a realistic opportunity to create on-site affordable housing. The Affordable Housing II zone will be retained as currently exists for the duration of the Fourth Round housing cycle.

The Borough through its Administrative Agent will market and fund an accessory apartment program using a portion of its development fee money. Pursuant to N.J.A.C 5:93-5.9 (a)2, Cresskill will provide a minimum subsidy of \$10,000 for each accessory apartment created under this program that is appropriately affirmatively marketed, appropriately priced and deed restricted for a minimum of 10 years. Cresskill's Spending Plan earmarks \$30,000 on average to fund the creation of accessory apartments.

Due to the multiple factors that must be taken into account with each proposed accessory apartment, the Borough recognizes that while some apartments may be created at a lesser cost, some may require additional subsidy. The plan will provide spending flexibility, subject to the sound discretion of the Administrative Agent and Borough, to provide additional subsidy, if necessary and cost-effective. This accessory apartment program is projected to fund a maximum of nine (9) accessory apartments during the Fourth Round housing cycle.

4. Unmet Need. Cresskill undertook several actions to address its affordable housing Unmet

Need obligation as that obligation was determined for the Third Round. Cresskill adopted an amendment to its land use ordinance requiring all approved residential developments containing five or more dwelling units to reserve 20% of the development for deed restricted affordable housing. This mandatory setaside ordinance did effectuate the construction of a single affordable housing at 478 Knickerbocker Road. Without having the mandatory setaside ordinance in place, this affordable housing unit would not have been constructed. Cresskill will maintain this ordinance during the balance of the Fourth Round housing cycle. A copy of the approved ordinance is attached as Appendix A-7.

To create additional realistic opportunities for the creation of affordable housing to be allocated toward fulfillment of its Unmet Need obligation, Cresskill rezoned several parcels for inclusionary development. Each of these parcels subject to an affordable housing rezoning are in or adjacent to Cresskill's central business district and well-buffered from existing single-family neighborhoods. Further, future residents of these areas subject to rezoning will enjoy proximity and easy access to stores, restaurants, government services and other amenities of modern life likely minimizing the traffic generating potential and future parking needs of households occupying the affordable housing.

Consistent with applicable rules, each of these selected sites proposed will have a maximum density of 15 units per acre and a uniform 20% affordable housing setaside for sale units and a 15% affordable housing setaside for affordable rental units. Affordable units will be deed restricted and affirmatively marketed throughout the region. Project sponsors will be required to comply with bedroom distribution ratios pursuant to the Uniform Housing Affordability Controls (N.J.A.C.5:80-26.1 et seq.). Table 25 below provides a list of the selected sites.

In addition, to maximize opportunities to address the unmet need obligation, Cresskill will consider establishing a market-to-affordable program or a municipally sponsored group home through either purchase of an existing dwelling(s) using affordable housing trust fund money for the purposes of conversion to a group home for special needs residents. At the time Cresskill uses affordable housing trust fund money to establish one or more group homes or implements a market-to-affordable program, full compliance with provisions of the New Jersey Barrier Free Subcode will be required prior to the issuance of a certificate of occupancy for the dwelling. All such programs will be run by the Borough's Administrative Agent.

Cresskill includes both mechanisms in this HE&FSP to better respond to local housing needs and local market conditions, recognizing that it may implement one or the other program or both or neither. Cresskill anticipates the market-to-affordable program will target existing apartments or condominium units for acquisition. If a group home is purchased a home with

three (3) or four (4) bedrooms will be targeted. Borough officials will consider a dwelling for group home purchase with fewer bedrooms if the property has expansion potential. The Spending Plan allocates \$500,000 for supportive and special needs housing and an additional \$600,000 for the potential market-to-affordable program. Cresskill recognizes it may spend more, it may spend less or it may not spend any development fee money in support of these programs. Cresskill reserves the right to fund one program or the other and, upon motion to the Court, to amend the Spending Plan to shift funds among the two programs, if desirable.

Funding for these potential programs will draw only from the affordable housing trust fund. The general revenues of the Borough will not be used to fund either a group home or market-to-affordable program.

Cresskill has adopted various operating manuals to guide and regulate the accessory apartment program, the marketing of affordable housing units, tenant selection, price and rents levels and other aspects of implementing an affordable housing program. All of these approvals and adoptions will continue and be effective through the end of the Fourth Round. Cresskill will retain an Administrative Agent to ensure compliance with all applicable regulations. The Municipal Housing Liaison will also continue to have responsibilities for initial contact with affordable housing developers and potential occupants of affordable housing dwellings. The Municipal Housing Liaison is also responsible for the submission of annual reports.

Cresskill's affirmative marketing plan has been designed to reach income eligible households throughout the four counties comprising Region 1. This regional marketing strategy will continue to be implemented by the Administrative Agent and is designed to target those potentially eligible households least likely to apply for affordable housing units in the region. It remains an on-going and continuing program. A multi-media approach to capture the attention of the targeted audience will be implemented.

Table 25: Plan Components to Address Unmet Need
Borough of Cresskill, New Jersey

Property/ Approach	Lot Size	Density	Zone Type
Block 181 Lot 1	2.57 ac	15/DU/Ac.	New zone
Block 182 Lots 18-28	0.50	15 DU/Ac	New Zone
Block 182 Lots 29 & 30	1.29 ac.	15DU/Ac.	Overlay zone
Block 184 Lots 1,	0.32 ac.	15DU/Ac.	Overlay zone
Commercial Zone	Varies	15DU/Ac	Amended zone, affordable units limited to 2 nd floor only.
Group Home(s)	N/A	Existing	N/A
Market-to-Affordable Program	N/A	Existing	N/A

Appendix 1: Settlement Agreement between Cresskill and Fair Share Housing Center

SETTLEMENT AGREEMENT BETWEEN FAIR SHARE HOUSING CENTER AND
THE BOROUGH OF CRESSKILL

**RE: In the Matter of the Borough of Cresskill, County of Bergen
Docket No. L-6274-15**

The following memorializes the terms of an agreement reached between the Borough of Cresskill (the "Borough" or "Cresskill"), the declaratory judgment plaintiff, and Fair Share Housing Center (FSHC), a Supreme Court-designated interested party in this matter in accordance with In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015) (Mount Laurel IV) and, through this settlement, a defendant in this proceeding.

Background

Cresskill filed the above-captioned matter on July 6, 2015 seeking a declaration of its compliance with the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq. in accordance with In re N.J.A.C. 5:96 and 5:97, supra. The Honorable Menelaos W. Toskos, J.S.C. granted the Borough Initial immunity from builder remedy lawsuits and appointed Shirley M. Bishop, P.P., LLC to serve as Special Master. The Borough and FSHC agreed to settle the litigation and to present that settlement to the trial court with jurisdiction over this matter to review, recognizing that the settlement of Mount Laurel litigation is favored because it avoids delays and the expense of trial and results more quickly in the construction of homes for lower-income households.

Settlement Terms

The Borough and FSHC hereby agrees to the following terms:

1. Cresskill, through the adoption of a revised Housing Element and Fair Share Plan including a spending plan, an Affordable Housing Ordinance including other necessary ordinances, Affirmative Marketing Plan and Resolution of Intent to Bond within 120 days, and the implementation of the Plan and this agreement, satisfies its obligations under the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq., for the Prior Round (1987-1999) and Third Round (1999-2025). The revised Housing Element and Fair Share Plan will delete the Townhouse Residence zone as applied to Block 88 Lots 2 & 3 and apply the former zone designation. The revised plan will take this action as these lots no longer represent a realistic opportunity for the construction of low-and moderate-income housing.
2. At this time and at this particular point in the process resulting from the Supreme Court's Mount Laurel IV decision, when fair share obligations have yet to be definitively determined, it is appropriate for the parties to arrive at a settlement regarding a municipality's Third Round present and prospective need instead of doing so through plenary adjudication of the present and prospective need.

3. FHSC and Cresskill hereby agree that Cresskill's affordable housing obligations are as follows:

Rehabilitation Share (per Structural Conditions Survey)	4
Prior Round Obligation (pursuant to N.J.A.C. 5:93)	70
Third Round Prospective Need (per Kinsey Report, as adjusted through this settlement agreement)	230

FHSC and Cresskill agree that Cresskill does not accept the basis of the methodology or calculations proffered by FSHC's consultant, David N. Kinsey PhD, P.P., F.A.I.C.P. The parties agree to the terms in this Agreement solely for the purposes of settlement of the within action. Although Cresskill does not accept the basis of the methodology or calculations proffered by FSHC's consultant, FHSC contends (and is free to take the position before the Court) that the 230 unit obligation should be accepted by the Court because it is based on the Prior Round methodology and reflects the 30% reduction of Dr. Kinsey's calculation of Cresskill's Third Round fair share obligation.

4. For purposes of this agreement, the Third Round Prospective Need shall be deemed to include the Gap Period Present Need, which is a measure of households formed from 1999-2015 that need affordable housing, that was recognized by the Supreme Court in its January 18, 2017 decision in In re Declaratory Judgment Actions Filed By Various Municipalities, ___ N.J. ___, 2017 WL 192895 (Jan. 18, 2017).
5. The Borough's efforts to meet its present need through a municipally-sponsored rehabilitation program to rehabilitate existing, dilapidated dwellings occupied by low or moderate income households will be administered by an experienced rehabilitation consultant, the Borough will have an executed contract in place prior to the Compliance Hearing. Cresskill's affordable housing trust fund has a current balance of \$1,100,100.00 as of December 31, 2016. Cresskill understands and is aware it must spend or commit its affordable housing trust money within four (4) years of receiving a Judgment of Repose. The cost of implementing the rehabilitation program will be offset by the use of the affordable housing trust fund.
6. As noted above, Cresskill has a Prior Round prospective need of 70 affordable housing units. It is noted that this obligation has been fully discharged. The mechanisms employed to fulfill this obligation include:

Daibes Park/Hoke Site	18 affordable dwellings
Regional Contribution Agreement with the City of Bayonne	26 units transferred
Regional Contribution Agreement with the Township of Weehawken	8 units transferred
Rental Bonus credits from Daibes/Hoke Site	18

TOTAL CREDITS FOR AFFORDABLE HOUSING ACTIVITY = 70

7. The Borough will retain the services of an experienced Administrative Agent (AA) to handle the advertising, affirmative marketing and income qualifying of prospective households. In addition, the AA will update the CTM system and insure that all rentals have affordable rents. Copies of the deed restrictions for all restriction units should be included.
8. Cresskill is a fully developed suburban community and has completed a vacant land analysis pursuant to Second Round COAH rules which determined that there are 8.62 developable acres in the Borough. Vacant Land Inventory and Map are attached hereto as Exh. A. To attempt to capture potential redevelopment activity and affordable housing activity undertaken since satisfaction of the Prior Round obligation, Cresskill has determined its Realistic Development Potential ("RDP") is 41 affordable housing units. Cresskill will satisfy the RDP obligation by a combination of sites as detailed below:

<u>Name of Development</u>	<u># of Family Units</u>	<u>Status of Site</u>
Cresskill Plaza	6	Complete
Wolfer Mixed Use	1	Complete
Riverview Associates	1	Complete
North Jersey Community Bank	2	Pending
S&K Auto	1	Pending
Rental Bonus Credits	11	Pending
Accessory Apartments	9	Pending
Sunrise Assisted Living	10	Complete
TOTAL	41	

9. The RDP of 41 units, subtracted from the FSHC adjusted Third Round obligation of 230 results in an Unmet Need obligation of 189 units. Cresskill will address its unmet need through:
 - P and L Professional Office and Research, Design, and Development Laboratories Zone (Block 182, Lots 29 and 30 – 1.29 acres) which will allow a density of 15 units per acre and a 15% set-aside for a rental project and a 20% set-aside in a for-sale project.
 - Hamrah's Site – Block 184, Lots 1, 2-7 – This overlay zoning will allow a density of 15 units per acre and a 15% set-aside for a rental project and a 20% set-aside in a for-sale project.
 - Downtown Commercial Zone -The Borough has rezoned much of the downtown (over 16 acres) to permit 2nd and 3rd Floor apartments over commercial space. The Borough is hopeful that the overlay zoning will incentivize the redevelopment of many storefronts in the downtown and create affordable housing opportunities. The parties agree that the standards and requirements in the current zoning, including mandatory parking requirements, may be cost-generative and

preventing affordable housing construction. New standards and requirements for this zoning will be provided with the adoption of the Housing Element and Fair Share Plan.

- Crestron Electronics -The adoption of overlay zoning on Block 181 Lot 1 on the north side of Broadway. This lot totals 2.57 acres. The overlay zoning will permit 15 units per acre and a 15% set-aside for rental units or 20% set-aside for for-sale units.
- The parties recognize that the Borough currently holds \$1,100,100.00 in its affordable housing trust fund which needs to be committed or spent within four (4) years of receiving its final judgment. The Borough proposes to meet a portion of its unmet need through use of its trust funds to support additional affordable housing either through a market to affordable program, providing funds for a group home, or additional accessory apartments. The Borough's exact use of these funds will be provided with the adoption of the Housing Element and Fair Share Plan and Spending Plan.
- Cresskill will seek to capture additional affordable housing opportunities by requiring through an amendment to its Affordable Housing ordinance, all future developments of greater than 5 units to include an affordable housing set aside of 20% of the total dwelling count. The affordable units generated under this provision will be family style units. This provision does not give any developer the right to any rezoning, variance or other relief, or establish any obligation on the part of Cresskill or its Boards and agencies to grant such rezoning, variance or other relief to a developer.

10. The parties agree that many standards and requirements included in the existing zoning ordinance need to be updated including; permitted densities, affordable housing set-aside requirements, breakdown of affordable units, height limits, and mandatory parking requirements. These changes will be included in the adoption of the final Housing element and Fair Share Plan. Among the revisions to Cresskill's HE&FSP, will be a provision that the Very Low Income affordable housing obligation will be complied with as affordable units are created through the unmet need mechanisms detailed elsewhere herein.

11. Cresskill agrees to require 13% of all units referenced in this plan, with the exception of units constructed as of July 1, 2008, and units subject to preliminary or final site plan approval, to be very low income units, with half of the very low income units being available to families. Cresskill will meet this by requiring 13% of units as very low-income for any units created through the overlay zoning listed in Paragraph 8 and as further detailed in Paragraph 10 above.

12. Cresskill shall meet its Third Round Prospective Need in accordance with the following standards as agreed to by the Parties and reflected in the table in paragraph 6 above.

- a. Third Round bonuses will be applied in accordance with N.J.A.C. 5:93-5.15(d)

- b. At least 50 percent of the units addressing the Third Round Prospective Need shall be affordable to very-low income and low-income households with the remainder affordable to moderate-income households.
 - c. At least twenty-five percent of the Third Round Prospective Need shall be met through rental units, including at least half in rental units available to families.
 - d. At least half of the units addressing the Third Round Prospective Need in total must be available to families.
 - e. The Borough agrees to comply with the age-restricted cap of 25% and to not request a waiver of that requirement. This shall be understood to mean that in no circumstance may the municipality claim credit toward its fair share obligation for age-restricted units that exceed 25% of all units developed or planned to meet its cumulative prior round and third round fair share obligation.
13. The Borough shall add to the list of community and regional organizations in its affirmative marketing plan, pursuant to N.J.A.C. 5:80-26.15(f)(5), Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Bergen County NAACP, Bergen Urban League, Bergen County Housing Coalition, and the Latino Action Network and shall, as part of its regional affirmative marketing strategies during its implementation of this plan, provide notice to those organizations of all available affordable housing units. The Borough also agrees to require any other entities, including developers or persons or companies retained to do affirmative marketing, to comply with this paragraph.
14. All units shall include the required bedroom distribution, be governed by controls on affordability and affirmatively marketed in conformance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et. seq. or any successor regulation, with the exception that in lieu of 10 percent of affordable units in rental projects being required to be at 35 percent of median income, 13 percent of affordable units in such projects shall be required to be at 30 percent of median income, and all other applicable law. Cresskill, as part of its HEFSP shall adopt and/or update appropriate implementing ordinances in conformance with standard ordinances and guidelines developed by COAH to ensure that this provision is satisfied.
15. All new construction units shall be adaptable in conformance with P.L. 2005, c.350/N.J.S.A. 52:27D-311a and 311b and all other applicable law.
16. As an essential term of this settlement, within one hundred and twenty (120) days of Court's approval of this Settlement Agreement, the Borough shall introduce an ordinance providing for the amendment of the Borough's Affordable Housing Ordinance and Zoning Ordinance to implement the terms of this settlement agreement and the zoning contemplated herein.

17. The parties agree that if a decision of a court of competent jurisdiction in Bergen County, or a determination by an administrative agency responsible for implementing the Fair Housing Act, or an action by the New Jersey Legislature, would result in a calculation of an obligation for the Borough for the period 1999-2025 that would be lower by more than twenty (20%) percent that the total prospective Third Round need obligation established in this agreement, and if that calculation is memorialized in an unappealable final judgment, the Borough may seek to amend the judgment in this matter to reduce its fair share obligation accordingly. Notwithstanding any such reduction, the Borough shall be obligated to implement the fair share plan attached hereto, including by leaving in place any site specific zoning adopted or relied upon in connection with the Plan approved pursuant to this settlement agreement; taking all steps necessary to support the development of any 100% affordable developments referenced herein; maintaining all mechanisms to address unmet need; and otherwise fulfilling fully the fair share obligations as established herein. The reduction of the Borough's obligation below that established in this agreement does not provide a basis for seeking leave to amend this agreement or seeking leave to amend an order or judgment pursuant to R. 4:50-1. If the Borough prevails in reducing its prospective need for the Third Round, the Borough may carry over any resulting extra credits to future rounds in conformance with the then-applicable law.
18. Cresskill will prepare a spending plan which shall be included within the Housing Element and Fair Share Plan, which will be reviewed before adoption by FSHC and the Special Master. The parties to this agreement agree that this spending plan, will be prepared in accordance with accepted standards to be approved by the Court, and that the expenditures of funds contemplated under the agreement constitute "commitment" for expenditure pursuant to N.J.S.A. 52:270-329.2 and -329.3, with the four-year time period for expenditure designated pursuant to those provisions beginning to run with the entry of a final judgement approving this settlement in accordance with the provisions of In re Tp. Of Monroe, 442 N.J. Super 565 (Law Div. 2015) (aff'd 442 N.J. Super 563). On the first anniversary of the execution of this agreement, and every anniversary thereafter through the end of this agreement, the Borough agrees to provide annual reporting of trust fund activity to the New Jersey Department of Community Affairs, COAH, or Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center using forms developed for this purpose by the New Jersey Department of Community Affairs, COAH, or Local Government Services. The reporting shall include an accounting of all housing trust fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.
19. On the first anniversary of the execution of this agreement, and every anniversary thereafter through the end of this agreement, the Borough agrees to provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy provided to FSHC, using forms previously developed for this purpose by COAH or any other forms endorsed by the Special Master and FSHC.

20. The Fair Housing Act includes two provisions regarding action to be taken by the Borough during the ten-year period of protection provided in this agreement. Cresskill agrees to comply with those provisions as follows:
- a. For the midpoint realistic opportunity review due on July 1, 2020, as required pursuant to N.J.S.A. 52:270-313, the Borough will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether any mechanisms to meet unmet need should be revised or supplemented. Such posting shall invite any interested party to submit comments to the municipality, with a copy to Fair Share Housing Center, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether any mechanisms to meet unmet need should be revised or supplemented. Any interested party may by motion request a hearing before the court regarding these issues.
 - b. For the review of very low income housing requirements required by N.J.S.A. 52:270-329.1, within 30 days of the third anniversary of this agreement, and every third year thereafter, the Borough will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its satisfaction of its very low income requirements, including the family very low income requirements referenced herein. Such posting shall invite any interested party to submit comments to the municipality and Fair Share Housing Center on the issue of whether the municipality has complied with its very low income housing obligation under the terms of this settlement.
21. FSHC is hereby deemed to have party status in this matter and to have intervened in this matter as a defendant without the need to file a motion to intervene or an answer or other pleading. The parties to this agreement agree to request the Court to enter an order declaring FSHC is an intervenor, but the absence of such an order shall not impact FSHC's rights.
22. This settlement agreement must be approved by the Court following a fairness hearing as required by Morris Cty. Fair Hous. Council v. Boonton Twp., 197 N.J. Super. 359, 367-69 (Law Div. 1984), aff'd o.b., 209 N.J. Super. 108 (App. Div. 1986); East /West Venture v. Borough of Fort Lee, 286 N.J. Super. 311, 328-29 (App. Div. 1996). The Borough shall present its planner as a witness at this hearing. FSHC agrees not to challenge the draft Plan) at the fairness hearing. In the event FSHC contends that the municipality should receive "the judicial equivalent of substantial certification and accompanying protection as provided under the FHA", Cresskill contends that it is entitled to a Judgment of Compliance and Repose for a period of not less than ten (10) years. Both parties agree to let the trial judge make a final determination as to the form of judgment entered at the fairness hearing, which shall in either form extend Cresskill's immunity from "builders remedy" lawsuits through July 1, 2025, and not appeal any determination. If this settlement agreement is rejected by the Court at a fairness hearing, it shall be null and void.

23. If an appeal is filed of the Court's approval or rejection of the Settlement Agreement, the Parties agree to defend the Agreement on appeal, including in proceedings before the Superior Court, Appellate Division and New Jersey Supreme Court, and to continue to implement the terms of the Settlement Agreement if the Agreement is approved before the trial court unless and until an appeal of the trial court's approval is successful at which point, the Parties reserve their right to rescind any action taken in anticipation of the trial court's approval. All Parties shall have an obligation to fulfill the intent and purpose of this Agreement.
24. This settlement agreement may be enforced through a motion to enforce litigant's rights or a separate action filed in Superior Court, Bergen County. A prevailing movant or plaintiff in such a motion or separate action shall be entitled to reasonable attorney's fees.
25. Unless otherwise specified, it is intended that the provisions of this Agreement are to be severable. The validity of any article, section, clause or provision of this Agreement shall not affect the validity of the remaining articles, sections, clauses or provisions hereof. If any section of this Agreement shall be adjudged by a court to be invalid, illegal, or unenforceable in any respect, such determination shall not affect the remaining sections.
26. This Agreement shall be governed by and construed by the laws of the State of New Jersey.
27. This Agreement may not be modified, amended or altered in any way except by a writing signed by each of the Parties.
28. This Agreement may be executed in any number of counterparts, each of which shall be an original and all of which together shall constitute but one and the same Agreement.
29. The Parties acknowledge that each has entered into this Agreement on its own volition without coercion or duress after consulting with its counsel, that each party is the proper person and possess the authority to sign the Agreement, that this Agreement contains the entire understanding of the Parties and that there are no representations, warranties, covenants or undertakings other than those expressly set forth herein.
30. Each of the Parties hereto acknowledges that this Agreement was not drafted by any one of the Parties, but was drafted, negotiated and reviewed by all Parties and, therefore, the presumption of resolving ambiguities against the drafter shall not apply. Each of the Parties expressly represents to the other Parties that: (i) it has been represented by counsel in connection with negotiating the terms of this Agreement; and (ii) it has conferred due authority for execution of this Agreement upon the persons executing it.
31. Any and all Exhibits and Schedules annexed to this Agreement are hereby made a part of this Agreement by this reference thereto. Any and all Exhibits and Schedules now and/or in the future are hereby made or will be made a part of this Agreement with prior written approval of both Parties.

30. This Agreement constitutes the entire Agreement between the Parties hereto and supersedes all prior oral and written agreements between the Parties with respect to the subject matter hereof except as otherwise provided herein.
31. No member, official or employee of the Borough shall have any direct or indirect interest in this Settlement Agreement, nor participate in any decision relating to the Agreement which is prohibited by law, absent the need to invoke the rule of necessity.
32. Anything herein contained to the contrary notwithstanding, the effective date of this Agreement shall be the date upon which all of the Parties hereto have executed and delivered this Agreement.
33. All notices required under this Agreement ("Notice[s]") shall be written and shall be served upon the respective Parties by certified mail, return receipt requested, or by a recognized overnight or by a personal carrier. In addition, where feasible (for example, transmittals of less than fifty pages) shall be served by facsimile or e-mail. All Notices shall be deemed received upon the date of delivery. Delivery shall be affected as follows, subject to change as to the person(s) to be notified and/or their respective addresses upon ten (10) days' notice as provided herein:

TO FSHC:

Kevin D. Walsh, Esq.
Fair Share Housing Center
510 Park Boulevard
Cherry Hill, NJ 08002
Phone: (856) 663-8182
Telecopier: (856) 663-8182
E-mail: kevinwalsh@fairsharehousing.org

TO CRESSKILL:

Vincent M. Salvatore, Esq.
260 Columbia Avenue
P.O. Box 3240
Fort Lee, NJ 07024
Phone: (201) 224-0330
Telecopier: (201) 224-0572
E-mail: vsalvat740@aol.com

WITH A COPY TO THE MUNICIPAL CLERK:

Barbara A. Nasuto
67 Union Avenue
Cresskill, NJ 07626
Phone: (201) 569-5400
Telecopier: (201) 569-3714
E-mail: bnasuto@cresskillboro.org

FAIR SHARE HOUSING CENTER

BY: 

On behalf of the Borough of Cresskill, with the authorization
of the Governing Body and Planning Board.

BOROUGH OF CRESSKILL

BY: 

Benedict Romeo, Mayor

Appendix 2: Final Unconditional Declaratory Judgement of Compliance and Repose

Christine Gillen, Esq. – 016551989
DIKTAS GILLEN, P.C.
 596 Anderson Avenue, Suite 301
 P.O. Box 2199
 Cliffside Park, New Jersey 07010
Attorneys for Plaintiff/Petitioner
Borough of Cresskill

FILED

FEB 18 2021

GREGG A. PADOVANO, J.S.C.

IN THE MATTER OF THE
 APPLICATION OF THE BOROUGH
 OF CRESSKILL, a Municipal
 Corporation of the State of New Jersey,

Plaintiff/Petitioner.

X SUPERIOR COURT OF NEW JERSEY
 : LAW DIVISION – BERGEN COUNTY
 :
 : DOCKET NO.: BER-L-6274-15
 :
 : CIVIL ACTION
 : (Mount Laurel)
 :
 : FINAL UNCONDITIONAL
 : DECLARATORY JUDGMENT OF
 X COMPLIANCE AND REPOSE

THIS MATTER having been opened to the Court by Plaintiff/Petitioner Borough of Cresskill (Christine Gillen, Esq., of Diktas Gillen, P.C. appearing), in the presence of the Court-appointed Special Master, Shirley M. Bishop, P.P., and Joshua D. Bauers, Esq., attorney for Intervenor/Defendant Fair Share Housing Center, Inc. ("FSHC"); and the parties having signed a Settlement Agreement on May 1, 2017 which permits Plaintiff to request that the Court enter a Judgment of Compliance and Repose with immunity through July 1, 2025 at a Compliance Hearing, in accordance with East/West Venture v. Borough of Fort Lee, 286 N.J. Super 311 (App. Div. 1996); and the Court having conducted a Compliance Hearing on May 21, 2018, and having determined for the reasons set forth on the record on May 21, 2018 that all criteria set forth in East/West Venture have been satisfied and that Plaintiff's compliance plan, Housing Element and Fair Share Plan, adopted by the Planning Board on February 27, 2018 and endorsed by the Mayor and Council on March 14, 2018 ("2018 HEFSP"), along with various attachments, as well as the various implementing ordinances and resolutions (all such documents together

referred to as the "2018 Compliance Plan"), subject to the conditions set forth in the Special Master's Report, create the realistic opportunity to achieve Plaintiff Borough of Cresskill's Affordable Housing Obligations under the Mount Laurel doctrine and specifically under the procedures set forth in In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97, 221 N.J. 30 (2015) (Mount Laurel IV); and the Court having entered a Declaratory Judgment of Compliance and Repose With Conditions on March 19, 2019 (the "Conditional Judgment"); and the Court having entered a Declaratory Judgment of Compliance and Repose with Supplemental Conditions on May 31, 2019 (the "Supplemental Conditional Judgment"); and in lieu of the execution of Professional Services Agreement between the Borough's Administrative Agent and the owner of the Subject Property identified in condition number 3 of the Supplemental Conditional Judgment, said condition has been satisfied by the certification conferred by Rutgers University upon staff employed by the owner of the Subject Property which certification qualifies staff to serve as Administrative Agent of the Subject property; and the Special Master having reported to the Court on December 15, 2020 that all conditions set forth in the Conditional Judgment and the Supplemental Conditional Judgment have been satisfied; and the Special Master having recommended in her December 15, 2020 report that a Final Judgment of Compliance and Repose without Conditions be entered; and the Court having considered the report and recommendation of the Special Master and for good cause shown;

IT IS THEREFORE, ON THIS 18TH **DAY OF** FEBRUARY **2021,**

ADJUDGED, DECLARED AND ORDERED that the Borough of Cresskill has fully satisfied the conditions imposed by the Conditional Judgment and the Supplemental Conditional Judgment; and it is further

ADJUDGED, DECLARED AND ORDERED that Final Unconditional Declaratory Judgment of Compliance and Repose be and is hereby entered in favor of Borough of Cresskill pursuant to the judicial standards established in East/West Venture v. Borough of Fort Lee and the Mount Laurel line of cases and shall remain in effect through July 1, ²⁰²⁵~~2016~~ (the "Judgment Period"; and is further

ADJUDGED, DECLARED AND ORDERED that during the Judgment Period the Borough of Cresskill shall have repose and immunity from any and all exclusionary zoning lawsuits including but not limited to "constitutional compliance" lawsuits and "builder's remedy" lawsuits; and it is further

ORDERED that if a court of competent jurisdiction in Bergen County (i.e., the Law Division of Bergen County, the Appellate Division of the New Jersey Superior Court, or the New Jersey Supreme Court) or an administrative agency responsible for implementing the Fair Housing Act and COAH regulations makes a decision which, if applied to Cresskill would reduce its obligation more than twenty (20%) percent of the total Prospective Need Number of 230, as agreed to in the Settlement Agreement, the Borough may move pursuant to the terms of the Settlement Agreement to amend this Final Unconditional Judgment to reduce its fair share obligation. Notwithstanding any such reduction, the Borough of Cresskill shall be obligated to complete and leave in place any site-specific zone changes made in connection with the plan approved pursuant to the Settlement Agreement and otherwise continue to implement all aspects of the plan approved pursuant to the Settlement Agreement and this Final Judgment. The Borough may carry over any resulting extra credits to future rounds; and it is further

ORDERED that a copy of this Final Unconditional Declaratory Judgment of Compliance and Repose be served upon all interested parties via eCourts and upon the Special Master via electronic mail.



HON. GREGG A. PADOVANO, J.S.C.

Appendix 3: Monitoring Report from Community Grants, Planning and Housing-4 Operating

Cresskill Borough, Bergen County

Project/Unit Monitoring - June 3, 2024 (Page 2)

Site / Program Name	6 & 10 Madison Ave: (Cresskill/Madison Plaza)	1 Tenkill Park East (Owner: 6 Madison Ave (Dalbes Park/Hokes) North Building	Sunrise at Cresskill (Assisted Living)	35-39 Union Avenue: (Wolfer/Kearney)	39 Broadway: Riverview
Project Type	Inclusionary Family Rental	Inclusionary Family Rental	Inclusionary Assisted Living	Inclusionary Family Rental	Inclusionary Family Rental
Block & Lot / Street	B: 41 Lot: 1.02, 1.04, 2, 3, 4/ 6&10 Madison Avenue	B:41 L:1.04A/ One Tenkill Park Drive East	B: 41 L:1.05/ 3 Tenkill Park Drive East	B: 74 L:42, 44/ 35-39 Union Avenue	B: 178 Lot:1-6/ 31-39 Broadway
Status	Completed	Completed	Completed	Completed	Completed
Date	6/13/2014 C/O	10/31/2002	10/29/2003	8/7/2015	10/25/2012
Length of Affordability Controls	30 Years	30 Years	Perpetual	30 Years	30 Years
Administrative Agent	Dalbes, 1000 Portside Drive, Edgewater, NJ 07020, (201) 840- 0050,	Dalbes, 1000 Portside Drive, Edgewater, NJ 07020, (201) 840- 0050,	Sunrise of Cresskill, 3 Tenkill Avenue East, Cresskill, NJ 07626, (201) 871-0300,	CGP&H, LLC, 1249 South River Road, Suite 301, Cranbury, NJ 08512, (609) 664-2769, https://www.affordablehomesnewjersey.com/	CGP&H, LLC, 1249 South River Road, Suite 301, Cranbury, NJ 08512, (609) 664-2769, https://www.affordablehomesnewjersey.com/
Contribution	N/A	N/A	N/A	N/A	N/A
Type of Units	Family Rental	Family Rental	Assisted Living	Family Rental	Family Rental
Total Affordable Units	6	18	10	1	1
Units Notes	D/R signed 8/21/2014 and recorded 7/10/2019. 6 Madison has 1 Affordable Unit: 2B-Mod; 5 other units at 10 Madison. They are self-administering.				
Income/Bedroom Distribution	Eff. BR BR BR BR Std. 1 2 3 4	Eff. BR BR BR BR Std. 1 2 3 4	Eff. BR BR BR BR Std. 1 2 3 4	Eff. BR BR BR BR Std. 1 2 3 4	Eff. BR BR BR BR Std. 1 2 3 4
Very-Low-Income	- - - -	- - - -	10 - - -	- - - -	- - - -
Low-Income	- 3 - -	- 3 11 4 -	- - - -	- 1 - -	- 1 - -
Moderate-Income	- - 3 - -	- - - -	- - - -	- - - -	- - - -

Cresskill Borough, Bergen County

Project/Unit Monitoring - June 3, 2024 (Page 3)

Site / Program Name	Cresskill Affordable Project	38 Broadway: S&K Auto & 640 Transportation	Creston Electronics	ConnectOne Bank (former North Jersey Community Bank)	2 Piermont LLC (former Hamrah)- Downtown Affordable Housing Overlay (DAHO) 2
Project Type	Inclusionary Special Needs Rental	Inclusionary Family Rental	Inclusionary Family Rental	Inclusionary Family Rental	Inclusionary Family Rental
Block & Lot / Street	E. Madison Avenue	B:182 L:18-28/ 38 Broadway	B:181 L:1/ 101 Broadway	B:74 L:47, B:74 L:47.03/ 1 Union Avenue	B:184 Lots: 1,2-7 Piermont Road
Status	Completed	Proposed/Zoned	Proposed/Zoned	Under Construction	Proposed/Zoned
Date	9/25/2023 - Deed Restriction	T.B.D.	12/20/2017- Final Rezoning Approval	12/7/21- Building Permit issued	12/20/2017- Final Rezoning Approval
Length of Affordability Controls	30 Years	30 Years	30 Years	30 Years	30 Years
Administrative Agent	Bergen County United Way, 6 Forest Ave., Suite 220, Paramus, New Jersey 07652, 201-291-4050, https://bergenunitedway.org/	CGP&H, LLC, 1249 South River Road, Suite 301, Cranbury, NJ 08512, (609) 664-2769, https://www.affordablehomesnewjersey.com/	CGP&H, LLC, 1249 South River Road, Suite 301, Cranbury, NJ 08512, (609) 664-2769, https://www.affordablehomesnewjersey.com/	CGP&H, LLC, 1249 South River Road, Suite 301, Cranbury, NJ 08512, (609) 664-2769, https://www.affordablehomesnewjersey.com/	CGP&H, LLC, 1249 South River Road, Suite 301, Cranbury, NJ 08512, (609) 664-2769, https://www.affordablehomesnewjersey.com/
Contribution	N/A	N/A	N/A	N/A	N/A
Type of Units	Special Needs Rental	Family Rental	Family Rental	Family Rental	Family Rental
Total Affordable Units	9	1	6	1	1
Units Notes	Project to consist of 3 apartments for developmentally disabled adults, 2 affordable housing units, and a 4 bedroom group home for developmentally disabled adults.	Proposed Distribution	Possible 6 Rental or 8 Sale to be created. Rental distribution below.		
Income/Bedroom Distribution	Eff. Std. BR 1 BR 2 BR 3 BR 4 Very-Low-Income - 4 - - - - - Low-Income - 2 2 - - - - - Moderate-Income - - - 1 - - -	Eff. Std. BR 1 BR 2 BR 3 BR 4 - - - - - - - 1 - - - - - - - -	Eff. Std. BR 1 BR 2 BR 3 BR 4 - - - - - - - 1 1 - - - - 1 1 - -	Eff. Std. BR 1 BR 2 BR 3 BR 4 - - - - - - - - 1 - - - - - - -	Eff. Std. BR 1 BR 2 BR 3 BR 4 - - - - - - - - - - - - - - -

Cresskill Borough, Bergen County
Project/Unit Monitoring - June 3, 2024 (Page 4)

Site / Program Name	Cresskill Downtown Commercial Overlay Zone	23 Legion Drive: Legion LLC Downtown Affordable Housing Overlay (DAHO) 1	478 Knickerbocker Road		
Project Type	Inclusionary Family Rental	Inclusionary Family Sale	Family		
Block & Lot / Street	Downtown Commercial Zone Map Boundary	B:182 L:29-30/ 23 Legion Drive	B13/L:06 Knickerbocker Road		
Status	Proposed/Zoned	Final Approval	Final Approval		
Date	12/19/18 Ord: 18-22-1508A Zoning approved	8/14/2018 Planning Board Approval	T.B.D.		
Length of Affordability Controls	30 Years	30 Years	30 Years		
Administrative Agent	CGRP&H, LLC, 1249 South River Road, Suite 301, Cranbury, NJ 08512, (609) 664-2769, https://www.affordablehomesnewjersey.com/	CGRP&H, LLC, 1249 South River Road, Suite 301, Cranbury, NJ 08512, (609) 664-2769, https://www.affordablehomesnewjersey.com/	T.B.D.		
Contribution	N/A	N/A	N/A		
Type of Units	Family Rental	Family Sale	Family		
Total Affordable Units	0	0	1		
Units Notes	150U/Acre: set-asides are 15% for rental and 20% sale	Payment in Lieu 4 Units			
Income/Bedroom Distribution	Eff. BR 1 BR 2 BR 3 BR 4 Std. 1	Eff. BR 1 BR 2 BR 3 BR 4 Std. 1	Eff. BR 1 BR 2 BR 3 BR 4 Std. 1	Eff. BR 1 BR 2 BR 3 BR 4 Std. 1	Eff. BR 1 BR 2 BR 3 BR 4 Std. 1
Very-Low-Income	- - - - -	- - - - -	- - - - -	- - - - -	- - - - -
Low-Income	- - - - -	- - - - -	1 - - - - -	- - - - -	- - - - -
Moderate-Income	- - - - -	- - - - -	- - - - -	- - - - -	- - - - -

Appendix 4: Ordinance No. 18-23-1511A creating AH Site II zone.

BOROUGH OF CRESSKILL
ORDINANCE NO. 18-23-1511A

AN ORDINANCE TO CREATE AN AFFORDABLE HOUSING SITE II ZONE AND APPLY
SAID ZONE TO BLOCK 182 LOTS 18-28 AND TO AMEND THE ZONING MAP OF THE
BOROUGH OF CRESSKILL, BERGEN COUNTY, NJ

BE IT ORDAINED by the Mayor and Council of the Borough of Cresskill in the County of Bergen and State of New Jersey, as follows:

SECTION I:

Cresskill, as a municipality that received Substantive Certification from COAH, has been determined to be a "participating municipality" pursuant to In re Adoption of the N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (Mount Laurel IV).

Cresskill is desirous of securing a Judgement of Compliance and Repose through 2025 and has prepared a Housing Element and Fair Share Plan ("FSP") to achieve this goal. Cresskill lacks adequate land resources to fully satisfy its estimated affordable housing obligation of 230 affordable housing units. According to the Superior Court approved Settlement Agreement, Cresskill's Realistic Development Potential is 41 affordable housing units and its Unmet Need obligation is 189 affordable housing units.

SECTION II:

Section II: Cresskill is constitutionally obligated to provide a reasonable opportunity to comply with its affordable housing obligation. Creating a new affordable housing zone and applying said zone to Block 182 Lots 18-28 creates a reasonable opportunity for the construction of affordable housing.

SECTION III:

Article III. §275-4. Zones established is hereby revised to include:
Affordable Housing Site II Zone

Article X. is hereby amended by the inclusion of the following sections and subsections.

§275-40.8. AFFORDABLE HOUSING SITE II ZONE.

§275-40.9 Permitted Uses.

No building or premises shall be used and no building or part of a building shall be erected which is arranged, intended or designed to be used, in whole or in part, for any purpose, except the following. Such approval shall also be required for the erection or enlargement of all related accessory structures and prior to issuance of certificates of occupancy for a change of use. Permitted uses are as follows:

- A. Residential market rate and affordable dwelling units specifically including multi-family buildings at the density, height and bulk prescribed below. Affordable housing units shall be constructed, marketed and deed restricted in strict conformance to Cresskill's Affordable Housing Ordinance, Council on Affordable Housing regulations and all requirements contained within the Uniform Housing Affordability Controls as these documents may be amended, revised and supplemented.

§275-40.10 Storage permitted.

No person in the Affordable Housing Site zone shall store, place, deposit, or permit the continuation of storage, placement, or deposit of, upon any premises, any unregistered motor vehicle or any

machinery, equipment, lumber, building materials or supplies or parts thereof; provided, however, that unless otherwise prohibited, it shall not be unlawful to store, place or deposit the foregoing items in a fully enclosed structure upon such premises. Nothing herein contained shall be deemed to authorize the erection of a structure or structures not otherwise authorized to be so erected.

§275-40.11 Prohibited uses.

All uses not listed in §275-40.9 are prohibited.

§275-40.12 Performance standards.

All uses are subject to performance standards as set forth in Article XIV.

§275-40.13 Site development plan approval.

Site development plan approval, in accordance with Chapter 218, Site Development Plan, shall be required prior to the issuance of construction permits for the erection or enlargement of all structures and related accessory structures. Such approval shall also be required prior to the issuance of certificates of occupancy for a change of use.

§275-40.14 The following area and bulk standards are applicable in the Affordable Housing Site II zone:

A. Regulations	Inclusionary Developments
Lot area	10,000 square feet
Lot frontage	100 feet
Lot depth	100 feet
Minimum required	
Front Yards	15 feet
Side Yards	6 feet
Rear Yard	15 feet
Parking	Not permitted in req. front yard
Maximum Permitted	
Building Height	
Stories	3 stories
Feet	41
Building Coverage (%)	40

B. Additional Regulations

- (1) In recognition of the requirement to minimize or remove unnecessary development cost-generating requirements, the following minimum parking standards are applicable in the Affordable Housing Site II zone.

Affordable Dwelling Unit	1.25 parking spaces per dwelling.
Market rate Dwelling Unit	RSIS requirements apply

- (2) All developments constructed within the Affordable Housing Site II zone shall be structured so that no less than twenty (20) percent of the entire development are COAH credit-worthy units if these units are to be offered for sale. A rental community shall be required to have a fifteen (15) percent affordable housing setaside. No less than fifty (50) percent of all COAH credit-worthy units shall be affordable to low-income households, with 13% of all affordable units available to very low-income family households. The balance can be affordable to moderate-income households.

- (3) Affordable housing in the zone shall be structured so no more than twenty (20) percent of the units are studio or one-bedroom units, at least thirty (30) percent are two

bedrooms and no fewer than twenty (20) percent are three-bedroom units. Bedroom count for the remainder of the affordable units is at the discretion of the developer.

- (4) Density for the Affordable Housing Site II zone shall be no greater than fifteen (15) units per acre.
- (5) All affordable dwelling units shall be constructed and maintained in compliance with the requirements of the New Jersey Council on Affordable Housing, and the Uniform Housing Affordability Controls before certificates of occupancy will be issued. The developer shall include all facilities required by law which are necessary to be maintained as part of an inclusionary development so that COAH restrictions are legally enforceable. Furthermore, all such developments shall conform to Article XXIX, Special Mount Laurel Requirements, of the Borough of Cresskill Municipal Code.

SECTION IV:

The Zoning Map of the Borough of Cresskill is and shall be amended to depict and reflect Block 182 Lots 18-28 are and shall be in the Affordable Housing Site II zone.

SECTION V:

All Ordinances of the Borough of Cresskill which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such conflict.

SECTION VI

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid such decision shall not affect the remaining of this Ordinance.

SECTION VII

This Ordinance shall take effect upon final passage, approval and publication as provided by law.

Appendix 5: Ordinance No. 19-21-1503A establishes the Townhouse Residence Zone

BOROUGH OF CRESSKILL
ORDINANCE NO. 18-21-1503A

AN ORDINANCE TO REZONE BLOCK 181, LOT 1 AND AMEND THE ZONING MAP OF
THE BOROUGH OF CRESSKILL, BERGEN COUNTY, NJ

BE IT ORDAINED by the Mayor and Council of the Borough of Cresskill in the County of Bergen and State of New Jersey, as follows:

SECTION I

Cresskill, as a municipality that received Substantive Certification from COAH, has been determined to be a "participating municipality" pursuant to In re Adoption of the N.J.A.C.5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (Mount Laurel IV).

Cresskill is desirous of securing a Judgment of Compliance and Repose through 2025 and has prepared a Housing Element and Fair Share Plan ("FSP") to achieve this goal. Cresskill lacks adequate land resources to fully satisfy its estimated affordable housing obligation of 230 affordable housing units. According to the FSP's Vacant Land Analysis, the Borough's Realistic Development Potential is 41 affordable housing units and its Unmet Need obligation is 189 affordable housing units.

SECTION II

Cresskill is constitutionally obligated to provide a reasonable opportunity to comply with its affordable housing obligation. Rezoning Block 181, Lot 1 to the Townhouse Residence Zone ("TR") creates a reasonable opportunity for the construction of affordable housing in the Borough.

SECTION III

The Zoning Map of the Borough of Cresskill is and shall be amended to depict and reflect Block 181, Lot 1 as being in the Townhouse Residence Zone.

SECTION IV

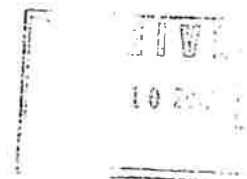
All ordinances of the Borough of Cresskill which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION V

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION VI

This Ordinance shall take effect immediately upon final passage, approval and publication according to law.



Appendix 6: Ordinance No. 19-01-1533 provides opportunities for deed restricted accessory apartments.

BOROUGH OF CRESSKILL

ORDINANCE NO. 19-01-1533

AN ORDINANCE TO AMEND CHAPTER 275 TO REPEAL AND REPLACE THE PROVISIONS OF ARTICLE XXXV OF ORDINANCES RELATING TO THE ACCESSORY APARTMENT PROGRAM OF THE BOROUGH OF CRESSKILL

BE IT ORDAINED by the Mayor and Council of the Borough of Cresskill in the County of Bergen, State of New Jersey:

Article XXXV of the Ordinances of the Borough of Cresskill is hereby repealed in its entirety and replaced with the following provisions:

§ 275-153 Purpose.

The purpose of this article is to assist the Borough in meeting its state-mandated affordable housing obligation by creation of opportunities to provide for very low, low- and moderate-income housing.

§ 275-154 Definitions.

For the purpose of this article, the following terms shall have the meanings indicated:

ACCESSORY APARTMENT

A second dwelling unit on a lot containing a single-family dwelling, which existed at the time of the adoption of this article, which second unit may be located within a principal structure, added to a principal structure or located in a separate accessory building. The creation of such a dwelling unit shall be clearly incidental to the primary use of the property as a single-family dwelling and shall in no way confer upon the property owner any future rights to subdivide the existing lot in order to place each unit on a separate lot such a subdivision and the structures involved could conform to all municipal zoning standards. Accessory apartments shall conform to the requirements of the New Jersey Council on Affordable Housing.

§ 275-155 Development Standards.

All accessory apartments shall comply with the following:

- A. Accessory apartments shall be permitted accessory use in the R-10 Zone only.

- B. Accessory apartments shall conform to all of the bulk requirements of the R-190 zone. For the purposes of this article, detached accessory apartments shall be considered structures and accessory apartments attached to a principal dwelling shall be considered a principal structure.
- C. The minimum lot size for accessory apartments shall be 10,000 square feet, except that where a property which is less than 10,000 square feet already contains an existing accessory structure which can be converted into an otherwise conforming accessory apartment without increase in its building footprint, such a unit can be counted as a qualifying accessory apartment, subject to all of the provisions and limitations specified herein.
- D. Accessory apartments shall comply with all applicable codes and standards of the State of New Jersey and the Borough of Cresskill. Each apartment shall contain at least 500 square feet of gross floor area, a minimum of two rooms and shall also contain a bathroom and kitchen facilities. Accessory apartments shall also have a separate entrance and, where attached to a principal structure, shall not have direct internal access between the dwelling units.
- E. At the time of initial occupancy, accessory apartments shall be rented only to a household which is either a very low, low- or moderate-income household in accordance with the rules and definitions of the New Jersey Council on Affordable Housing (COAH). Rents shall be affordable to very low, low- and moderate-income households and include appropriate utility allowances, in accordance with COAH regulations. Cresskill Borough's current obligation is nine accessory apartments.
- F. Properties containing accessory apartments shall be deed-restricted to ensure that the accessory apartment shall be rented only to an income eligible household for a period of at least 10 years from issuance of a certificate of occupancy for the accessory apartment. Said deed restriction shall run with the land and shall be assignable to all successors or heirs.
- G. Each accessory apartment shall be connected to adequate potable water and sewage disposal systems.
- H. Accessory apartments shall be affirmatively marketed in accordance with the Uniform Housing Affordability Controls (UHAC) regulations and Cresskill's Affirmative Marketing Plan. Within the housing region of the Borough of Cresskill.
- I. The maximum height of any detached accessory structure containing an accessory apartment shall not exceed the maximum height permitted for accessory structures in the zone. However, if the detached accessory structure lies fully within the legal building envelope (i.e., not within any yard setback) for a principal structure

then its maximum height shall not exceed the maximum height permitted for principal structures in the zone.

- J. The Borough of Cresskill accessory apartment program shall not restrict the number of bedrooms in any accessory apartment. [Amended 7-13-2011 by Ord. No. 11-08-1410]
- K. In no case shall a detached accessory structure be located closer to a public street than the principal structure, except in the case of the existing accessory structure where no expansion is required.
- L. A minimum of one off-street parking space shall be provided for an accessory apartment, in addition to the off-street parking already provided on site for the principal structure.
- M. No accessory apartment created as a result of this article or these regulations shall exceed the gross floor area of the existing principal dwelling on the lot.

§ 275-156 Administrative requirements.

- A. The Borough of Cresskill hereby designates its administrative agent to administer the accessory apartment program.
 - (1) The Borough or its assignee shall administer the accessory apartment program, including advertising, income-qualifying prospective renters, setting rents and annual rent increases, maintaining a waiting list, distributing the subsidy, securing certificates of occupancy, qualifying properties, handling application forms, filing deed restrictions and monitoring reports and affirmatively marketing the accessory apartment program. These activities shall conform to the Borough of Cresskill affirmative marketing plan and the accessory apartment operating manual.
 - (2) The Borough shall only deny an application for an accessory apartment if the project is not in conformance with the applicable regulations, the municipal development ordinance or this article.
 - (3) In accordance with N.J.A.C. 5:97-6.8 of the COAH regulations, the Borough shall provide \$20,000 to subsidize the physical creation of a moderate-income accessory apartment, and \$25,000 to subsidize the physical creation of a low-income accessory apartment, and \$35,000 to subsidize the physical creation of a very low-income accessory apartment, provided they conform to the requirements of this section and all other applicable requirements. Prior to the grant of such a subsidy and prior to

the issuance of a building permit, the owner shall enter into a written agreement with the Borough of Cresskill insuring that the subsidy will be used to create the accessory apartment and/or provide a subsidy for the reduced rental rate and that the apartment shall meet the requirements of this article and applicable regulations.

B. Applicants seeking to create an accessory apartment shall submit the following documents prior to the issuance of a building permit:

- (1) A sketch showing floor plans depicting the size and location of the rooms within the accessory structure and its relationship to the principal structure.
- (2) A site plan on a current survey depicting the location of all existing and proposed structures on site, parking and driveways, and clearly indicating all dimensions.
- (3) Building elevations showing all exterior building modifications proposed, including specifying materials, colors and window locations.

§ 275-157 Sunset clause.

The provisions of this article accessory apartments shall become null and void, having no further force or effect, upon the issuance of a building permit for the ninth accessory apartment within the Borough of Cresskill, provided at least one of those units is rented to a very-low income household. The administrative provisions shall remain in full force and effect, unless otherwise modified, until the last deed restriction expires.

SECTION I

All other Ordinances of the Borough, or parts thereof, which are in conflict with this Ordinance, are hereby repealed to the extent of such conflict.

SECTION II

If any section, subsection, paragraph, subdivision, or sentence of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such decision shall apply only to the section, subsection, paragraph, subdivision, sentence, clause, phrase or provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

SECTION III

This Ordinance shall take effect immediately upon final passage and publication according to law.

BOROUGH OF CRESSKILL

RESOLUTION

BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill in the County of Bergen and State of New Jersey, that Ordinance No. 19-01-1533, entitled:

AN ORDINANCE TO AMEND CHAPTER 275 TO REPEAL AND REPLACE THE PROVISIONS OF ARTICLE XXXV OF ORDINANCES RELATING TO THE ACCESSORY APARTMENT PROGRAM OF THE BOROUGH OF CRESSKILL

does now pass on first reading and remain on file with the Borough Clerk for public inspection until public hearing thereon and further consideration thereof.

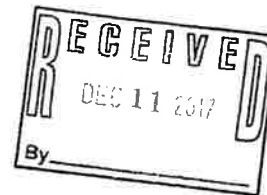
Such hearing shall be held at the Borough Hall in Cresskill on Wednesday, February 6, 2019 at 7:30 P.M., or as soon thereafter as it can be reached, at which time and place all persons interested in said ordinance will be heard.

The Borough Clerk is hereby directed to publish said ordinance in full, with the notice of hearing thereon, in an official newspaper according to law, also to mail copies of said ordinance when and as required by law.

January 16, 2019

A-7 Ordinance No. 17-16-1510 requires in large developments mandatory setasides of affordable housing dwellings.

BOROUGH OF CRESSKILL
ORDINANCE NO. 17-16-1510



**AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE
 BOROUGH OF CRESSKILL, LAND USE, CHAPTER 275 ENTITLED "ZONING
 ORDINANCE OF THE BOROUGH OF CRESSKILL"**

BE IT ORDAINED by the Mayor and Council of the Borough of Cresskill in the County of Bergen and State of New Jersey, that the following amendments and revisions are made to the Revised General Ordinances of the Borough of Cresskill, Chapter 275 entitled "Zoning Ordinance of the Borough of Cresskill".

SECTION I

ARTICLE III Zones and Zoning Map is hereby amended and supplemented by inserting the following provision:

Section 275-7. Effect of Establishment of Zones.

E. Every new development that creates or generates five (5) or more residential units shall deed restrict at least 20% of the total number of housing units in a for-sale development as housing affordable to low-and moderate-income households as these terms are defined in N.J.A.C.5:93. The affordable housing rental setaside is hereby established at 15% of the total number of housing units. This requirement is unwaivable. Any effort on the part of a developer to produce less than a 20% affordable housing setaside for future developments not in the Settlement Agreement or Fair Share Plan is contrary to the public good and is a prima facie basis for the reviewing board to deny the development application in full. All such affordable housing generated pursuant to this provision shall fully comply with Cresskill's Affordable Housing Ordinance and the Uniform Housing Affordability Controls rules (N.J.A.C. 5:80-26.1 et seq.) with the understanding that 13% of all affordable units must be offered to households earning 30% or less of regional median income. This provision does not give any developer the right to any rezoning, variance or other relief, or establish any obligation on the part of Cresskill or its Boards or agencies to grant such rezoning, variance or other relief to a developer.

SECTION II

All other Ordinances of the Borough, or parts thereof, which are in conflict with this Ordinance, are hereby repealed to the extent of such conflict.

SECTION III

If any section, subsection, paragraph, subdivision, or sentence of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such decision shall apply only to the section, subsection, paragraph, subdivision, sentence, clause, phrase or provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

SECTION IV

This Ordinance shall take effect immediately upon final passage and publication according to law.

ATTEST:

**BOROUGH OF CRESSKILL
 COUNTY OF BERGEN
 STATE OF NEW JERSEY**

 Barbara A. Nasuto, Borough Clerk

 Benedict Romeo, Mayor

Appendix 8: Ordinance N. 18-22-1508 A UnMet Need Overlay ordinance

**BOROUGH OF CRESSKILL
ORDINANCE NO. 18-22-1508A**

**AN ORDINANCE TO AMEND ORDINANCE PROVISIONS RELATING TO THE
COMMERCIAL ZONE AND ARTICLE VII AND X – AFFORDABLE HOUSING,
BOROUGH OF CRESSKILL, BERGEN COUNTY, NJ**

BE IT ORDAINED by the Mayor and Council of the Borough of Cresskill in the County of Bergen and State of New Jersey,

SECTION I:

Cresskill, as a municipality that received Substantive Certification from COAH, has been determined to be a “participating municipality” pursuant to In re Adoption of the N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (Mount Laurel IV).

Cresskill is desirous of securing a Final Judgement of Compliance and Repose through 2025 and has prepared a Housing Element and Fair Share Plan (“FSP”) to achieve this goal. Cresskill lacks adequate land resources to fully satisfy its estimated affordable housing obligation of 230 affordable housing units. According to the Superior Court approved Settlement Agreement, Cresskill’s Realistic Development Potential is 41 affordable housing units and its Unmet Need obligation is 189 affordable housing units.

SECTION II:

Article VII. §275-19 Commercial Zone is and shall be amended in the following particulars only.

§275-19. Permitted Uses

H. Multi-family dwellings, both market rate and affordable restricted to the second and third floors only. Within the Commercial Zone, only permitted non-residential uses shall occupy the ground level or first floor in a mixed-use building.

§275-23.1. Conditional uses.

This subsection is and shall be deleted in its entirety.

SECTION III:

Article X. §275-38 Commercial Zone is and shall be amended in the following particulars only.

§275-38. Commercial Zone.

In the Commercial Zone, the following regulations shall apply:

B. Regulations	Applicable to mixed-use multi-family buildings only
Minimum required	
Lot area	7,500 square feet
Lot frontage	75 feet
Lot depth	100 feet
Front Yard	10 feet
Rear Yard	10 feet
Maximum Permitted	
Building Height	
Stories	3 stories
Feet	41
Building Coverage (%)	50

C. Additional regulations

1. Parking shall not be developed or constructed in the front yard. Off-street parking requirements apply to both the residential and non-residential portions of all mixed-use developments. Parking standards listed elsewhere in the ordinance shall apply to the non-residential portion of a mixed-use development. In recognition of the requirement to minimize or remove unnecessary development cost-generating requirements, the following minimum parking standards are applicable to the residential component of a mixed-use development in the Commercial zone.

Dwelling Unit

1.25 parking spaces per dwelling.

2. All residential developments constructed within the Commercial zone shall be structured so that COAH credit-worthy dwellings comprise no less than twenty (20) percent of the residential development if residential units are to be offered for sale. A rental community shall be required to have a fifteen (15) percent affordable housing setaside. No less than fifty (50) percent of all COAH credit-worthy units shall be affordable to low-income households, with 13% of the affordable housing units offered to very low-income family households. The balance can be affordable to moderate-income households.
3. Affordable housing proposed in the Commercial zone shall be structured so no more than twenty (20) percent of the units are studio or one-bedroom units, at least thirty (30) percent are two bedrooms and no fewer than twenty (20) percent are three-bedroom units. Bedroom count for the remainder of the affordable units is at the discretion of the developer.
4. Residential density in the Commercial zone shall be no greater than fifteen (15) units per acre.
5. All affordable dwelling units shall be constructed and maintained in compliance with the requirements of the New Jersey Council on Affordable Housing and the Uniform Housing Affordability Controls before certificates of occupancy will be issued. The developer shall include all facilities required by law which are necessary to be maintained as a Superior Court or COAH certifiable rental or sales unit included as part of an inclusionary development so that COAH restrictions are legally enforceable. Furthermore, all such developments shall conform to Article XXIX, Special Mount Laurel Requirements of the Borough of Cresskill Municipal Code.

§275-38.1 Storage permitted.

No person in the Commercial zone shall store, place, deposit, or permit the continuation of storage, placement, or deposit of, upon any premises, any unregistered motor vehicle or any machinery, equipment, lumber, building materials or supplies or parts thereof; provided, however, that unless otherwise prohibited, it shall not be unlawful to store, place or deposit the foregoing items in a fully enclosed structure upon such premises. Nothing herein contained shall be deemed to authorize the erection of a structure or structures not otherwise authorized to be so erected.

§275-38.2 Prohibited uses.

All uses not listed in §275-19 are prohibited.

§275-38.3 Performance standards.

All uses are subject to performance standards as set forth in Article XIV.

§275-38.4 Site development plan approval.

Site development plan approval, in accordance with Chapter 218, Site Development Plan, shall be required prior to the issuance of construction permits for the erection or enlargement of all structures and related accessory structures. Such approval shall also be required prior to the issuance of certificates of occupancy for a change of use.

SECTION IV

All Ordinances of the Borough of Cresskill which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

SECTION V

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance..

SECTION VI

This Ordinance shall take effect upon final passage, approval and publication as provided by law.

ATTEST:

BOROUGH OF CRESSKILL
COUNTY OF BERGEN
STATE OF NEW JERSEY

Francesca Maragliano, Borough Clerk

By: _____
Benedict Romeo, Mayor