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MEMORANDUM

To: **Gregg Paster, Esq.**

From: **Darlene A. Green, P.P., AICP**

Date: **November 25, 2015**

Re: **Borough of Dumont**
Affordable Housing Matrix

MC Project No. DUT-013A

This memo supplements the attached Affordable Housing Matrix provided by the Court. The Matrix requires that the Borough provide the basis for asserting each obligation and a description for each mechanism.

I. Basis for Rehabilitation Obligation

The 28-unit obligation was sourced from the Draft 2014 COAH Rules. This number is a place-holder until the Borough receives its number from the Consortium, which anticipates releasing the final report in December.

II. Rehabilitation Mechanisms

A total of 10 homes have utilized the Bergen County Home Improvement Program. Information can be provided upon request. A total of 18 units are new construction credits from the St. Mary's Senior Residence project.

III. Basis for Prior Round Obligation

As per the 2015 Supreme Court Order, towns were to use the Prior Round Obligations published in 1993. Dumont was issued a 34-unit Prior Round Obligation in that rule set.

IV. Prior Round Mechanisms

The following mechanism has been completed and exists on-the-ground today:

David F. Roche Apartments

David F. Roche apartments is located at 2 Aladdin Avenue in the Borough of Dumont on Block 1105, Lot 16. The six story public housing building is owned by Housing Authority of Bergen County (hereinafter "HABC"). According to HABC's website, the building contains 99 one bedroom units. Furthermore, the income limits are $31,850 for a one person household and

$36,400 for a two person household.[1] However, the HUD rules state that the rent is only allowed to be 30% of a tenant's income. Therefore, if a tenant only receives $10,000 a year in income, they pay HABC $3,000 or $250 a month.

The building was dedicated in 1983, constructed with HUD funding. HUD's guidelines require that the facility accept two types of tenants – those age 62 and older and disabled persons; therefore, the building is not age-restricted. At the present, roughly 10% of tenants are non-senior disabled.[2] Finally, HUD's rules mandate that the 99 rental units' affordability controls are perpetual. Roche Apartments qualifies as a prior-cycle credit due to the year it was built. All 99 units have been allocated to the Prior Round Obligation as none of the other rounds list prior-cycle credits as a mechanism.

V. Basis for Gap Period Estimate

The Borough does not believe it has a Gap Period Obligation based on the following facts. In 1986 COAH adopted regulations for the First Round Methodology, which established each municipality's fair share obligation between 1987 and 1993. The First Round rules utilized the 1980 Census as their starting point; there was no inclusion of the "gap period" between the first Mount Laurel ruling in the 1970's and 1987. In 1993 COAH adopted the Second Round rules, which promulgated new obligations for the period between 1993 and 1999. COAH then adopted Third Round Rules in 2004 (N.J.A.C. 5:94) and in 2008 (N.J.A.C. 5:97), neither of which included a gap period that included the time between 1999 and 2004/2008.

Furthermore, page 41 of the March 10, 2015 Opinion states "previous methodologies employed in the First and Second Round Rules should be used to establish present and prospective statewide and regional affordable housing need". The Opinion then goes on to state that the Court's decision does not eradicate the Prior Round Obligations. Therefore, the March 2015 decision only included three obligations – present need, prospective need and prior round obligations. The Prior Round Rules, specifically, N.J.A.C. 5:93 defines present need as "the sum of indigenous need and reallocated present need as determined by N.J.A.C. 5:93-2.5". Present need is commonly referred to as the Rehabilitation Obligation.

N.J.A.C. 5:93 defines prospective need as "a projection of low and moderate housing needs based on development and growth which is reasonably likely to occur in a region or a municipality. See N.J.S.A. 52:27D-304(j)."

The Fair Housing Act defines prospective need as "a projection of housing needs based on development and growth which is reasonably likely to occur in a region or a municipality, as the case may be, as a result of actual determination of public and private entities. In determining prospective need, consideration shall be given to approvals of development applications, real

[1] http://www.habcnj.org/buildings.html
[2] Email from Domingo Senande, Executive Director of Housing Authority of Bergen County, dated September 13, 2013.

property transfers and economic projections prepared by the State Planning Commission established by sections 1 through 12 of P.L.1985, c.398 (C.52:18A-196 et seq.)".

Note the word "projection" in both definitions. Merriam-Webster defines projection as "an estimate of what might happen in the future based on what is happening now".[3] Prospective need as used in the March 2015 Opinion is defined as a forward-looking obligation, not a retrospective obligation.

Based on the above, there are no known statues, regulations or case law that requires an obligation for a "gap period". Dumont is following the March 10, 2015 Order and preparing a Housing Element and Fair Share Plan that creates a "realistic opportunity for the provision of its fair share of its housing region's present and prospective need for low- and moderate-income housing".[4]

VI. Basis for Third Round Obligation

The Third Round Obligation (-9) comes from the Draft 2014 COAH Rules. This number is a place-holder until the Borough receives its number from the Consortium, which anticipates releasing the report in December.

The Borough has completed a Vacant Land Adjustment analysis, which is submitted simultaneously herewith that indicates the Borough has a Realistic Development Potential of three affordable units.

VII. Third Round Mechanisms

The following mechanisms have been completed and exist on-the-ground today:

Bethesda Lutheran Services

Bethesda Lutheran Services operates a group home for four persons licensed by the Department of Human Services' Division of Developmental Disabilities.[5] The facility is located at 59 Sherwood Road on Block 410, Lot 9. Bethesda Lutheran Services purchased the home in 2001 and received their initial license to operate in 2003. The property has five bedrooms; however, the fifth bedroom is used for recreation. Therefore, the home's four bedrooms are occupied by four very-low income clients. Based on this information, the Bethesda Lutheran facility is eligible for four credits. These units are also eligible for rental bonus credits.

Community Options, Inc.

Community Options, Inc. operates a group home for three persons licensed by the Department of Human Services' Division of Developmental Disabilities. The facility is located at 186 Knickerbocker Road on Block 616, Lot 8. Community Options purchased the home in 1998. The property has three bedrooms, occupied by three clients. Clients are age 18 or older. Based

[3] http://www.merriam-webster.com/dictionary/projection
[4] March 10, 2015 Supreme Court Order, page 3.
[5] Email from Linda Brinkman, Area Director of Bethesda Lutheran Communities, dated September 24, 2013.

on this information, the Community Options facility is eligible for three credits. These units are also eligible for rental bonus credits.

ARC

ARC (Association of Retarded Citizens) of Bergen and Passaic County operates a licensed group home for five very-low income clients. The home is located at 261 Depew Street on Block 918, Lot 16. ARC bought the property in 1996. The group home is licensed by the Department of Human Services' Division of Developmental Disabilities. Clients are age 18 or older. Based on this information, the ARC facility is eligible for five credits. These units are also eligible for rental bonus credits.

St. Mary's Senior Residence

In January of 2010 Dumont's newest affordable housing complex opened. Saint Mary's Senior Residence, Inc. is located at 258 Washington Avenue on the site of a former church convent. The 43,694 square foot, 4 story building offers rental units for residents ages 62 and older. Totaling $10.4 million to build, the project was made possible by the collaboration between the Domus Corporation (the housing arm of the Archdiocese of Newark), the Borough of Dumont, the County of Bergen and the US Department of Housing and Urban Development.[6]

The 49 one-bedroom apartments are deed restricted for 40 years. These units are eligible for rental bonus credits. Based on this information, Saint Mary's is eligible for 49 age-restricted credits. A total of 18 credits are allocated to the Rehabilitation Obligation and the remaining 31 are allocated to the Third Round Obligation.

Schraalenburg Senior Housing

Penwal Affordable Housing Corporation operates_94 W. Schraalenburgh Way and 95 E. Schraalenburgh Way, which are referred to as the Dumont Senior Housing complex. 94 W. Schraalenburgh Way is referred to as Block 1217, Lot 4 and is owned by the New Jersey Housing and Mortgage Finance Agency (hereinafter "HMFA") according to the tax card. HMFA acquired the parcel in 1995, prior to that property was owned by Penwal Affordable Housing Corporation for roughly a year. The Borough of Dumont was the owner from August of 1993 until it sold the property in August of 1994 to Penwal.[7]

A three story building containing 24 age-restricted apartments occupies 94 W. Schraalenburgh Way. 95 E. Schraalenburgh Way is located on Block 1218, Lots 1 and 2 and is owned by Penwal Affordable Housing Corporation according to the tax card. The lot contains a three story building with 16 age-restricted apartments as well as the Dumont Senior Center.

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6 http://www.northjersey.com/news/88330272_New_senior_housing_complex_officially_dedicated_in_Dumont.html?c=y&page=1

7 http://tax1.co.monmouth.nj.us/cgi-bin/prc6.cgi?&ms_user=glou&passwd=data&srch_type=0&adv=0&out_type=3&district=0201

94 W. Schraalenburgh Way and 95 E. Schraalenburgh Way were built in 1995 and received a CO on May 12, 1995. The properties offer a total of 40 age-restricted rental units. The development has a 45 year deed restriction, which began in 1995. The units are moderate income. This facility is eligible for 40 age-restricted credits. These units are eligible for rental bonus credits.

Block	Lot	Address	Owner	Property Class	Zoning	Planning Area	Sewer Service Area	Total Acres	Constrained Acres	Buildable Acres	Constraint Description	Comments	Include in RDP	Potential Units	RDP
201	18	WAREHAM RD	BORO OF DUMONT	15C	RA	PA1	Yes	0.96	0.00	0.96		Potential Development	Yes	7	1
215	1	511 WASHINGTON AVE	D'ANGELO,JACK & MARYLOU	3B	RA	PA1	YES	1.08	0.00	1.08		Potential Development	Yes	8	2
309	17	180 LENOX AVE	GRIEPENBURG ROBERT & EMMA	1	RA	PA1	Yes	0.13	0.00	0.13		Potential Infill Development	No	1	0
309	31	REAR OF 107 LARCH AVE	BOROUGH OF DUMONT	15C	RA	PA1	Yes	0.04	0.00	0.04		Undersized Lot	No	0	0
416	28	35 BEDFORD ROAD	SCONFIENZA, ROBERT L & FREDERICK H	1	RA	PA1	Yes	0.11	0.00	0.11		Undersized Lot	No	0	0
516	10	RANDOLPH AVE	BORO OF DUMONT	15C	RA	PA1	Yes	0.02	0.00	0.02		Undersized Lot	No	0	0
516	19	E LINDEN AVE	BOROUGH OF DOMONT	15C	RA	PA1	Yes	0.03	0.03	0.00	SFHA	Undersized Lot	No	0	0
603	13	RANDOL P/GRANT AVES.	BOROUGH OF DUMONT	15C	RA	PA1	Yes	0.03	0.00	0.03		Undersized Lot	No	0	0
604	24	E LINDEN AVE	BOROUGH OF DUMONT	15C	RA	PA1	Yes	0.06	0.00	0.06		Undersized Lot	No	0	0
707	7		BOROUGH OF DUMONT	15C	RA	PA1	Yes	0.08	0.00	0.08		Undersized Lot	No	0	0
708	11	LAFAYETTE AVE	BOROUGH OF DUMONT	15C	RA	PA1	Yes	0.14	0.00	0.13	SFHA	Potential Infill Development	No	1	0
716	5	77 SENECA	MASCARELLI, JAMES & CATHY	1	RA	PA1	Yes	0.10	0.00	0.10		Undersized Lot	No	0	0
717	24	ONTARIO ST	BOROUGH OF DUMONT	15C	RA	PA1	Yes	0.03	0.00	0.03		Undersized Lot	No	0	0
807	14	ROOS/MCKIN.AVE	BORO. OF DUMONT	15C	RA	PA1	Yes	0.08	0.00	0.08		Undersized Lot	No	0	0
812	10	CATAWBA STREET	BOROUGH OF DUMONT	15C	RA	PA1	Yes	0.03	0.00	0.03		Undersized Lot	No	0	0
906	7	EAST LINDEN AVE	BORO OF DUMONT	15C	RA	PA1	Yes	0.09	0.09	0.00	SFHA	Undersized Lot	No	0	0
1109	1	W MADISON AVE	BOROUGH OF DUMONT	15C	RA	PA1	Yes	0.09	0.09	0.00	SFHA	Undersized Lot	No	0	0
1109	3	WEST MADISON AVE	BORO OF DUMONT	15C	RA	PA1	Yes	0.14	0.14	0.00	SFHA	Environmentally Constrained	No	0	0
1109	21	FIRST STREET	BORO OF DUMONT	15C	RA	PA1	Yes	0.26	0.26	0.00	SFHA	Environmentally Constrained	No	0	0
1216	5	E MADISON	SALISBURY,WILLIAM HARRY	1	B	PA1	Yes	0.12	0.12	0.00	SFHA	Environmentally Constrained	No	0	0
1217	3	15 DUMONT AVE	CUTTING EDGE LANDSCAPING, INC.	1	B	PA1	Yes	0.10	0.00	0.10		Undersized Lot	No	0	0
1220	7	SUNNYSIDE AVE	BORO OF DUMONT	15C	RA	PA1	Yes	0.17	0.16	0.00	SFHA	Environmentally Constrained	No	0	0
1220	11	SUNNYSIDE	KUHLBARS, RICHARD P	1	RA	PA1	Yes	0.08	0.00	0.08		Undersized Lot	No	0	0
1302	12	34 MAGNOLIA AVE	BORO OF DUMONT	15C	RA	PA1	Yes	0.06	0.00	0.06		Undersized Lot	No	0	0
1308	2	E MADISON AVE	BOROUGH OF DUMONT	15C	RA	PA1	Yes	0.05	0.00	0.05		Undersized Lot	No	0	0
1309	3	DUMONT AVE	BORO OF DUMONT	15C	RA	PA1	Yes	0.06	0.00	0.06		Undersized Lot	No	0	0
Total								4.13	0.90	3.24				17	3

Notes:

Property Class 1 = Vacant

Property Class 15C = Public Property

PA1 = Metropolitain Planning Area

SFHA = FEMA Special Flood Hazard Area

Undersized = 0.0 - 0.124 acres

Infill = 0.125 - 0.625 acres

Developable = 0.625 acres or greater

Active Recreation

BLOCK	LOT	PROP_LOC	OWNER_NAME	FAC_NAME	Total_Acres	Constrained_Acres	Buildable_Acres	Zoning	
406	13	BEDFORD ROAD	BOROUGH OF DUMONT	MCGAW PARK	6.46175		6.46175	P	EDWARD R. MCGRAW, 15C
502	77	WEST LINDEN AVE	BORO OF DUMONT	PARK	0.641216		0.641216	P	WEST LINDEN PARK, 15C
703	3	LINCOLN AVE.	BOROUGH OF DUMONTR	PARK	0.817919		0.817919	P	MOORE, 15C
717	17	LAFAYETTE AVE	BOROUGH OF DUMONT	PARK	0.582446	0.228733	0.353713	P	LAFAYETTE PARK, 15C
717	38	LAFAYETTE AVE	BOROUGH OF DUMONT	HISTORICAL PARK	2.478279	2.009005	0.469274	P	HISTORICAL PARK, 15C
1006	1	PERSHING ST	BOROUGH OF DUMONT	MEMORIAL PARK	13.718508	0.248787	13.469721	P	MEMORIAL, 15C
1105	14	ALADDIN AVE	BORO OF DUMONT	PARK	1.808243		1.808243	P	ALLADIN, 15C
1105	15	TWIN BORO PARK	BORO OF DUMONT	TWIN BORO PARK	9.540233		9.540233	P	TWIN BORO, 15C
1211	1	COLUMBIA AVE	BOROUGH OF DUMONT	PARK	1.486061		1.486061	P	COLUMBIA, 15C
1213	2	PARK AVE	BOROUGH OF DOMONT	SOROSIS PARK	0.897077		0.897077	P	SIROSIS PARK, 15C
					38.431732	2.486525	35.945207		

Recreation Calculations

	Total Developed & Developable Land Area	1,183.74
÷	3 percent	
=	Total Park & Recreation Reserve	35.51
-	Total Existing Active Park & Recreation Land Area	35.95
=	Land Available for Additional Reserve	-0.43

C1 Buffer	4.36
Steep Slopes	6.78
Flood hazard	57.62
Total Constraints (removing double count for overlap)	68.42

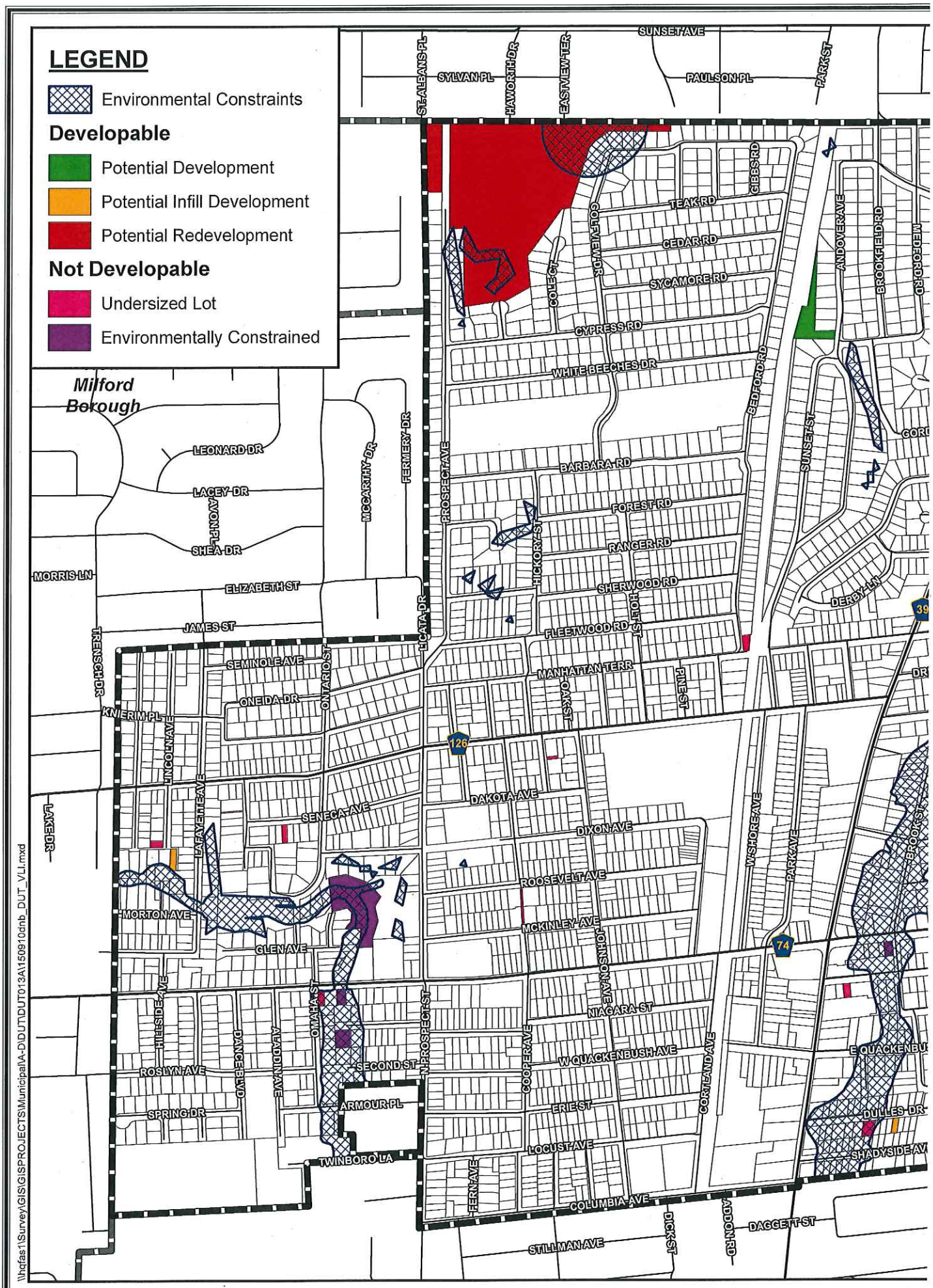
Conservation

201	6	WAREHAM ROAD	BORO OF DUMONT	VACANT LAND	0.156969		0.156969	P	WAREHAM, 15C
310	15	179 LENOX AVE	BORO OF DUMONT	VACANT LAND	0.217555		0.217555	P	CHRISTOPHER DEANGELIS, 15C
717			BORO OF DUMONT		0.133496		0.133496	P	Park or Residential
724	25	CONCORD ST	BOROUGH OF DUMONT	VACANT LAND	2.090994	0.83869	1.252304	P	Woods & Stream
805	3	DIXON AVE	BOROUGH OF DUMONT	DAKATA PARK	1.495629		1.495629	P	DAKATA PARK, 15C
806	2	DIXON AVE	BORO OF DUMONT	VACANT LAND	0.822979	0.016927	0.806052	RA	DIXON PARK, 15C
					4.917622	0.855617	4.062005		

Conservation Calculations

	Total Land Area	1,252.16
÷	3 percent	
=	Total Park & Recreation Reserve	37.56
-	Total Existing Conservation Land Area	4.92
=	Land Available for Additional Reserve	32.65

BLOCK	LOT	PAMS_PIN	PROP_LOC	OWNER_NAME	PROP_CLASS	Zoning	SPlan	SSA	Total_Acres	Constrained_Acres	Buildable_Acres	Constraint_Description	Notes
101	1	0210_101_1	PROSPECT AVE	WHITE BEECHES REALTY CORP.	4A	P	PA1	YES	1.22	0.00	1.22		White Beeches Golf Course
102	1	0210_102_1	PROSPECT AVE	WHITE BEECHES REALTY CORP	4A	P	PA1	YES	18.54	3.50	15.05	Steep Slopes, C1	White Beeches Golf Course
212	20	0210_212_20	546 WASHINGTON AVE	D'ANGELO,JACK & MARYLOU	4A	P	PA1	YES	6.09	0.00	6.09		D'Angelo Farm Market
Total									25.86	3.50	22.36		



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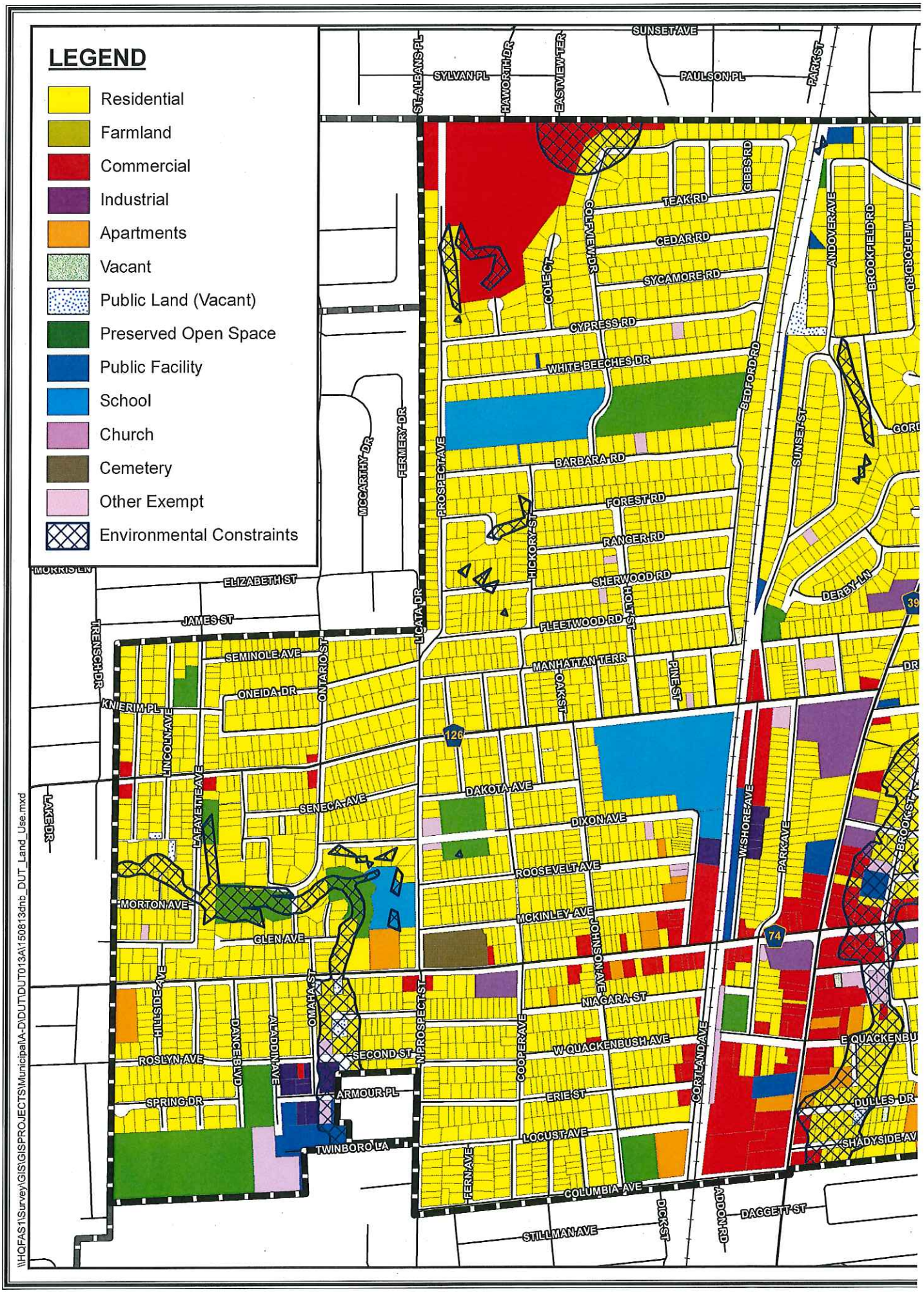

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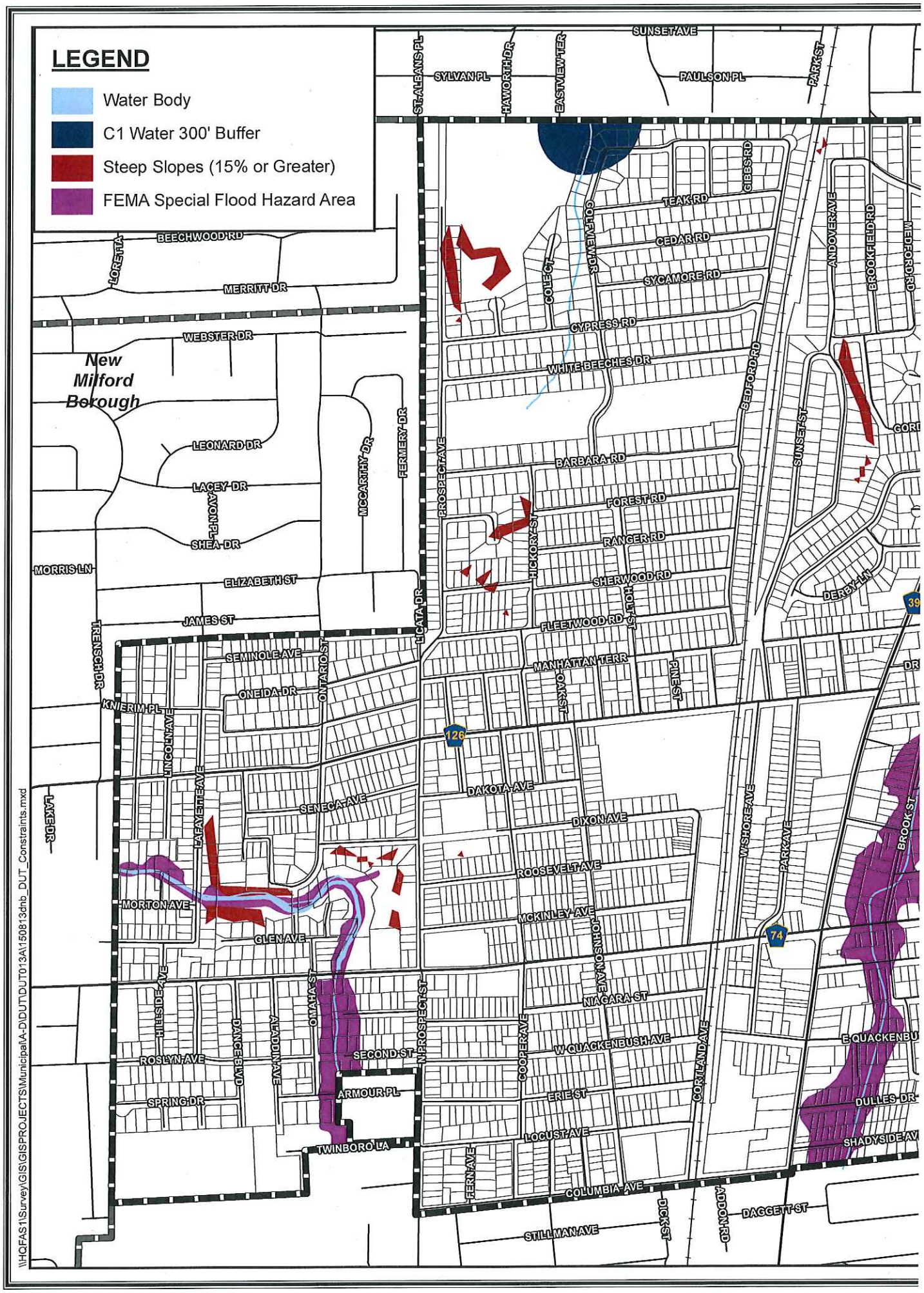
LEGEND
Water Body
C1 Water 300' Buffer
Steep Slopes (15% or Greater)
FEMA Special Flood Hazard Area
New Milford Borough
SUNSET AVE
SYLVAN PL
PAULSON PL
ST ALBANS PL
HAWORTH DR
EASTVIEW TER
PARK ST
BEECHWOOD RD
LORETTA
MERRITT DR
WEBSTER DR
LEONARD DR
LACEY DR
AVON PL
SHEA DR
MORRIS LN
ELIZABETH ST
JAMES ST
TRENSCH DR
SEMINOLE AVE
ONEIDA DR
ONTARIO ST
KNIERIM PL
LINCOLN AVE
LAFAYETTE AVE
LAKE DR
MCCARTHY DR
FERMERY DR
PROSPECT AVE
LICATA DR
TEAK RD
CEDAR RD
SYCAMORE RD
CYPRESS RD
WHITE BEECHES DR
GOLFVIEW DR
COLE CT
GIBBS RD
BEDFORD RD
ANDOVER AVE
BROOKFIELD RD
MEDFORD RD
SUNSET ST
BARBARA RD
FOREST RD
RANGER RD
SHERWOOD RD
FLEETWOOD RD
HICKORY ST
HOLT ST
MANHATTAN TERR
OAK ST
PINE ST
DERBY LN
126
39
DAKOTA AVE
SENECA AVE
DIXON AVE
ROOSEVELT AVE
MCKINLEY AVE
JOHNSON AVE
W SHORE AVE
PARK AVE
BROOK ST
74
MORTON AVE
GLEN AVE
HILLSIDE AVE
DANCE BLVD
ALADDIN AVE
OMAHA ST
N PROSPECT ST
NIAGARA ST
COOPER AVE
W QUACKENBUSH AVE
CORTLAND AVE
E QUACKENBU
ROSLYN AVE
SECOND ST
SPRING DR
ARMOUR PL
ERIE ST
DULLES DR
TWINBORO LA
LOCUST AVE
SHADYSIDE AV
FERN AVE
COLUMBIA AVE
DICK ST
ADDON RD
DAGGETT ST
STILLMAN AVE
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SUMMARY OF PLAN
FOR
TOTAL FAIR SHARE OBLIGATION

MUNICIPALITY: Borough of Dumont

COUNTY: Bergen

	EST. OBLIG.	COMPLETED UNITS	PROPOSED UNITS	LOW	MOD	VERY LOW	TOTAL UNITS
Rehabilitation Share *(per 2010 Census)*	28						
Rehabilitation Credits		28					28
Rehab Program(s)							
Remaining Rehabilitation Share							0
1987-1999 Prior Round Obligation *(1)*	34						
Vacant Land Adjustment (if applicable)							
Unmet Need							
RDP							
Mechanisms (2)							
Prior Cycle Credits (4/1/80-12/31/86)		99		99			99
Credits without Controls							
Inclusionary Zoning							
100% Affordable							
Accessory Apartments							
Write Down-Buy Down/Market-to-Affordable							
Alternative Living/Supportive & Special Needs							
Assisted Living							
RCA Units (previously approved)							
Compliance Bonus							
Rental Bonuses							
Total Prior Round Credits							99
Units Addressing 1987-1999 Prior Round							
1999-2015 GAP Period Estimate *(1)*	See attached Memo.						
***Mechanisms* (2)**							
Vacant Land Adjustment (if applicable)							
Unmet Need							
RDP							
Inclusionary Zoning							
Redevelopment							
100% Affordable							
Accessory Apartments							
Market-to-Affordable							
Supportive & Special Needs/ Alternative Living							
Assisted Living							
Extended Affordability Controls							
Other (describe on a separate sheet)							

Smart Growth Bonuses							
Redevelopment Bonuses							
Rental Bonuses							
Total Third Round Credits							
Units Addressing 1999-2015 GAP period							
2015-2025 Third Round Obligation *(1)*	-9						
***Mechanisms* (2)**							
Vacant Land Adjustment (if applicable)							
Unmet Need							
RDP	3						
Inclusionary Zoning							
Redevelopment							
100% Affordable		71		31	40		71
Accessory Apartments							
Market-to-Affordable							
Supportive & Special Needs/ Alternative Living		12				12	12
Assisted Living							
Extended Affordability Controls							
Other (describe on a separate sheet)							
Smart Growth Bonuses							
Redevelopment Bonuses							
Rental Bonuses		35					35
Total Third Round Credits							118
Units Addressing 2015-2025 Fair Share							118

(1) Identify the basis for asserting this number as the municipal obligation.

(2) Provide a description for each mechanism.

TOTALS	***#***	***% OF TOTAL***
LOW/MOD UNITS	**170**	**78.3%**
VERY LOW INCOME	**12**	***5.5%***
BONUS CREDITS	**35**	***16.1%***
AGE-RESTRICTED	**71**	***32.7%***
NOT AGE-RESTRICTED	**12**	***5.5%***
TOTAL	**217**	

*Prior Cycle Credits do not assume any age-restriction, for the purposes of the Totals Chart, we have excluded the Prior Cycle Credits in the age/non-age section.