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## 2022 HOUSING ELEMENT AND FAIR SHARE PLAN

BOROUGH OF BERGENFIELD  
BERGEN COUNTY, NEW JERSEY

PREPARED FOR:

BOROUGH OF BERGENFIELD PLANNING BOARD  
BA# 3484.00

Adopted December 21, 2020  
Revised June 7, 2022

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The original document was appropriately signed and sealed on June 7, 2022 in accordance with Chapter 41 of Title 13 of the State Board of Professional Planners.

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## INTRODUCTION

### Historic Overview of the Courts and COAH

In 1975 the New Jersey Supreme Court decided, in So. Burlington Cty. NAACP v. Borough of Mount Laurel (Mount Laurel I), that every developing municipality in the state had an affirmative obligation to provide for its fair share of affordable housing. In a subsequent decision in 1983 (Mount Laurel II), the Court acknowledged that the vast majority of municipalities in the state had ignored their constitutional obligation. The Court refined in that decision the constitutional obligation to focus the obligation primarily on those municipalities that have portions of their boundaries within the growth area as shown on the State Development and Redevelopment Plan, and also called for the state legislature to enact legislation that would save municipalities from the burden of having the courts determine their affordable housing needs. The result was the adoption of the Fair Housing Act in 1985 and the establishment of the New Jersey Council on Affordable Housing (COAH), the State agency responsible for overseeing the manner in which the State's municipalities address their low- and moderate-income housing needs.

COAH proceeded to adopt regulations for the First Round obligation covering the years 1987 to 1993, and established Second Round housing-need numbers that cumulatively covered the years 1987 through 1999. Under both the first and second housing rounds COAH utilized what is commonly referred to a "fair share" methodology.

COAH utilized a different methodology, called "growth share" beginning with their efforts to prepare Third Round housing-need numbers. Their first adopted Third Round substantive and procedural rules occurred in 2004. These regulations were challenged and in January 2007 the Appellate Division invalidated various aspects of the regulations and remanded considerable portions of the rules to COAH with the directive to adopt revise rules.

In May 2008 COAH adopted revised Third Round regulations and published them on June 2, 2008, thereby having them become effective. Coincident to this adoption, COAH proposed amendments to the rules it just adopted, and they went into effect in October 2008.

The rules and regulations adopted in 2008 were challenged, and in an October 2010 decision the Appellate Division invalidated the growth share methodology and indicated that COAH should adopt regulations pursuant to the fair share methodology utilized in Rounds One and Two.

The Supreme Court affirmed this decision in September 2013, invalidating the third iteration of the Third Round regulations, sustaining the invalidation of growth share, and directing COAH to adopt new regulations pursuant to the methodology utilized in Rounds One and Two.

COAH failed in October 2014 to adopt their newly revised Third Round regulations, deadlocking with a 3-3- vote. The Fair Share Housing Center, who was a party in both the 2010 and 2013 cases, responded by filing a motion in aid of litigant's rights with the New Jersey Supreme Court. The Court heard the motion in January 2015 and, on March 10, 2015 issued their ruling. The Court ruled that COAH was effectively dysfunctional, and consequently, returned jurisdiction of affordable housing issues back to the trial courts where it had been prior to the creation of COAH in 1986.

The Court decision created a process whereby municipalities, like Bergenfield, could file a Declaratory Judgment action with the Court. Those municipalities determined to be participating could be granted temporary immunity against the filing of "builder's remedy" style lawsuits while the Courts established fair share obligations and municipalities prepared new plans designed to affirmatively address their local housing need as may be adjusted by new affordable housing obligations promulgated by the Court, COAH or some other body.

The Borough of Bergenfield chose to participate in this newly sanctioned legal process by filing a Declaratory Judgement action in Superior Court on or about July 8, 2015. The Honorable Menelaos W. Toskos, J.S.C. was originally assigned to Bergenfield's case. Upon the retirement of Judge Toskos, the Honorable Gregg A. Padovano, J.S.C. was assigned Bergenfield's Declaratory Judgement case.

After a series of negotiations and case management conferences with the Court appointed Special Master and Fair Share Housing Center, the parties entered into a Settlement Agreement. The approved Settlement Agreement creates a template for the preparation of this Housing Element and Fair Share Plan. Perhaps the Settlement Agreement greatest contribution to the resolution of Bergenfield's Third Round housing plan is the quantification of Bergenfield's affordable housing obligation. This obligation will be discussed in greater detail in subsequent sections of the HE&FSP.

### The Third Round Affordable Housing Obligation and the Borough's Response

The state of the Third Round affordable housing obligations for municipalities throughout New Jersey at present remains a fluid one, given the fact that neither the Courts, COAH, nor the legislature has established a definitive set of housing-need numbers that has been universally accepted. Initially, two sets of numbers were promulgated and widely discussed, inclusive of numbers in COAH's proposed 2014 regulations prepared by Dr. Robert Burchell of Rutgers University, and numbers prepared by David Kinsey, P.P., A.I.C.P. in April 2015 on behalf of Fair Share Housing Center. Their statewide numbers varied dramatically, with Dr. Burchell estimating the need for approximately 52,000 affordable housing units statewide, and Mr. Kinsey estimating the need for approximately 201,000 affordable housing units statewide.

In June 2015, the Borough of Bergenfield, along with roughly 270 other New Jersey municipalities,

entered into a Shared Services Agreement (“SSA”) to retain Rutgers University so that Dr. Burchell could prepare an expert report containing updated fair share calculations for all municipalities, which contract required Rutgers to submit the report by September 30, 2015. Before Dr. Burchell finalized a draft of his report, he suffered a stroke and, on September 11, 2015, Rutgers University, referencing this health crisis, terminated the contract with the municipalities in the SSA.

In an effort to address this unforeseen problem, the consortium of municipalities then entered into a contract with Econsult Solutions, Inc. (“Econsult”) to prepare a second report – the “Solutions Report” – which would calculate fair share obligations for all of the municipalities in the state.

Despite the passage of time and the numerous reports filed by the two experts, the overall status has remained unchanged, statewide there is great disagreement as to the number of affordable housing units needed during the current housing cycle which will terminate in 2025. Significantly, the Econsult numbers reflect the fact that Bergenfield contains minimal developable land, whereas Kinsey’s numbers do not apparently acknowledge this fact.

Notwithstanding this uncertainty, it is in the best interest of Bergenfield to avoid further litigation and achieve a comprehensive settlement of its affordable housing obligation spanning the years 1987-2025, including the Gap Period Present Need, a measure of households formed from 1999-2015 that need affordable housing. It is recognized that these affordable housing figures may be adjusted in the future and such adjustment may necessitate future revision to this plan.

For the purposes of entering into a Settlement Agreement, Bergenfield has agreed to the following affordable housing obligations:

Rehabilitation Obligation:	<b>129 units</b>
Prior Round (1987-1999) Obligation:	<b>87 units</b>
Third Round (1999-2025) Obligation:	<b><u>140 units</u></b>
Total Affordable Housing Obligation:	<b>356 units.</b>

As noted above, Bergenfield was assigned a cumulative rehabilitation obligation of 129 units. Bergenfield will continue to work with the Bergen County Home Improvement Program to rehabilitate income qualified, owner occupied dwellings in need of rehabilitation. Funds captured by the Affordable Housing Trust Fund will be used to make any matching payments to the Housing Authority. In addition, in the case of any funding shortfall, Bergenfield will use money in the Affordable Housing Trust Fund to make the necessary repairs.

With regard to rental dwelling rehabilitation, Bergenfield will turn to Brookside Gardens, an affordable senior citizens development. This building was constructed in the mid-to late 1970’s. Significant money has been expended on major building systems such as heating, roofing, elevators and the façade system. As reflected in documents provided to the Borough, over \$1.75 million dollars has



been expended for major system renovation or replacement since 1999. This significant level of spending was deemed necessary to continue to make Brookside Gardens habitable for the low-income seniors who resident there. The money spent on rehabilitation will be credited to the building as a whole. Spending on incidentals like carpeting, furniture or draperies will not qualify for rehabilitation crediting purposes.

Bergenfield's cumulative rehabilitation obligation is fully satisfied through the implementation mechanisms referenced above.

Bergenfield is a mostly developed community in a densely developed portion of Bergen County. The HE&FSP set forth herein includes the preparation of an assessment of vacant land in the Borough pursuant to the prescribed vacant land adjustment ("VLA") process and realistic development potential ("RDP"), to determine the Borough's RDP and adjusted affordable housing obligation. The analysis reveals when environmental constraints and parcels smaller than the minimum size are eliminated, the developable number of acres (i.e. excluding vacant acreage encumbered by small size, wetlands, steep slopes, and floodplain delineations) in the community is reduced to zero acres.

The requirement to produce affordable housing is a constitutional one. In communities like Bergenfield, where vacant, unencumbered land is extremely scarce, the search to identify potential sites suitable for the construction of affordable housing must be expanded to include developed sites with the potential to redevelop and provide affordable housing. Bergenfield's expanded VLA process resulted in the identification of two (2) developed properties which may, if suitable zoning provisions are adopted offer the potential of producing affordable housing. These developed sites include the Foster Village Shopping Center and 51 East Main Street.

To the expanded VLA analysis, the Borough included a property that previously generated affordable housing as a result of a prior Settlement Agreement which resolved an earlier affordable housing lawsuit.

The Borough proposes to address its 18-unit RDP obligation through new construction, application of COAH worthy credits from the constructed Landmark Equities development and the application of bonus credits. Bergenfield will be able to claim credit for five (5) bonus credits.

Bergenfield's' new construction obligation has been established at 227 affordable units. The Borough has an Unmet Need obligation of 208 units. Bergenfield will use a number of approaches to address this obligation, including adoption of overlay zoning on certain select commercial zones. The advantage of addressing affordable housing through the use of overlay zoning is the preservation of the underlying zone and the maintenance of existing uses as permitted uses while encouraging the production of affordable housing.

These above noted plan components are detailed in the body of this HE&FSP. Additionally, the vacant land adjustment and realistic development potential calculations are set forth in the body of this report.

The plan is organized into three sections. The first part of this plan, the Housing Element, contains background data on the Borough's population and housing characteristics. The second section describes the Borough's obligation for the provision of affordable housing. The Borough's plan for meeting its affordable housing obligation is contained in the final section, Fair Share Plan. Ancillary aspects of the plan, such as the draft affordable marking plan, draft Spending Plan and draft affordable housing ordinance and a draft ordinance requiring all new residential developments containing 5 or more units to reserve 20% of the total development as COAH credit worthy affordable housing if offered as for-sale units; 15% if rentals are included as appendixes to the HE&FSP. As noted above, the process being followed is fluid and unsettled, and as the Courts respond to the many unresolved issues they need to address, it is recognized that this plan may require future adjustment.

As described earlier in the HE&FSP, the state of affordable housing obligations remains dynamic as a definitive set of affordable housing need numbers has not been established. This plan is being prepared and implementation steps are being taken so Bergenfield will maintain its immunity from builder's remedy style lawsuits. It is specifically noted in the Settlement Agreement and now in this HE&FSP that Bergenfield does not accept the basis of the methodology or calculations proffered by David N. Kinsey, PhD, P.P, F.A.I.C.P. and relied upon by Fair Share Housing Center.

## SECTION I: HOUSING ELEMENT

### A. COMMUNITY OVERVIEW

The Borough of Bergenfield occupies an area of 2.9 square miles in the central eastern portion of Bergen County. It is bordered by to the north by Dumont, Tenafly to the east, Teaneck is to the south. New Milford is to the west of Bergenfield. In addition, Bergenfield has a very short border with Cresskill on the east and shares a very short portion of its southern boundary with Englewood.

Bergenfield is predominantly a residential community. This is best illustrated by reviewing the number of property parcels in Bergenfield and noting how many are developed residentially. As displayed in Table 1 below, in 2017 there were 7,286 parcels in the Borough. Of this total, 6,875 were classified as residential, with an additional 48 parcels developed with apartments. As indicated in Table 4, just under 70% of the Borough's housing stock is comprised of one and two-family dwellings. The second largest land use classification after residential was commercial, with 276 properties so classified.

Table 1: Existing Land Use  
Bergenfield, New Jersey

Use	# of Parcels	Value
Vacant Land	44	\$7,257,700
Residential	6,875	\$2,218,874,700
Commercial	276	\$267,250,300
Industrial	48	\$42,302,100
Apartment	43	\$114,531,300
TOTAL	7,286	\$2,650,216,100

Source: NJDCA Division of Local Government Services, 2017 figures and values

**A. 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. As shown in the table below, the Borough’s housing stock grew by 394 housing units during the 36 years between 1980 and 2016, increasing from 8,969 in 1980 to 9,363, the estimated number of housing units in 2016. The growth rate has remained significantly under two percent throughout the last 36 years.

**Table 2: Dwelling Units (1980 to 2016)  
Borough of Bergenfield, New Jersey**

Year	Total Dwelling Units	Numerical Change	Percent Change
1980	8,969	---	---
1990	9,035	66	0.73
2000	9,147	112	1.2
2010	9,200	53	0.57
2016	9,363	163	1.77

Sources: 2003 Bergen County Data Book, U.S. Census – 1990 & 2000, American Community Survey 5-Year Estimates.

The following table provides additional detail regarding the tenure and occupancy of the Borough’s housing stock. As shown below, nearly 65% of the Borough’s housing stock was estimated to be owner-occupied in 2016, down slightly from 69.8 in 2000. This reduction is a function of multi-family rentals that have been built in the community over the last decade. The number of rental units increased from 2,545 units in 1990 to 2,988 units in 2016.

Insert Bergenfield Map Here

**Table 3: Housing Units by Tenure and Occupancy Status (1990 to 2016)**  
**Borough of Bergenfield, New Jersey**

Category	1990		2000		2016	
	No. Units	Percent	No. Units	Percent	No. Units	Percent
Owner-Occupied Units	6,254	69.2%	6,388	69.8%	6,014	64.2%
Renter-Occupied Units	2,545	28.1%	2,593	28.4%	2,988	31.9%
Vacant Units	236	2.6	166	1.8	361	3.9
<b>Total Units</b>	<b>9,035</b>	<b>100.0%</b>	<b>9,147</b>	<b>100.0%</b>	<b>9,363</b>	<b>100.0%</b>

Sources: U.S. Census

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 over 63% of all dwelling units in 2016. This represents a slight decrease from previous periods and reflects the creation of additional two-family units and additional multi-family units, especially in the 5 to 9-unit category of development since 2000.

**Table 4: Units in Structure (2000 to 2016)**  
**Borough of Bergenfield, New Jersey**

Units in Structure	2000		2010		2016	
	Number	Percent	Number	Percent	Number	Percent
1-unit, detached	6,002	65.6%	6,314	65.3%	5,977	63.8%
1-unit, attached	245	2.6%	266	2.7%	385	4.1%
2 units	1,154	12.6%	1,081	11.1%	1,487	15.9%
3 or 4 units	330	3.6%	266	2.7%	383	4.1%
5 to 9 units	193	2.1%	223	2.3%	390	4.2%
10 to 19 units	497	5.4%	691	7.1%	264	2.8%
20 or more units	726	7.9%	809	8.3%	477	5.1%
Mobile home	0	0.0%	7	0.0%	0	0.0%
Boat, RV, van, etc.	4	0.0%	0	0.0%	0	0.0%
<b>Total</b>	<b>9,147</b>	<b>100.0%</b>	<b>9,657</b>	<b>100.0%</b>	<b>9,363</b>	<b>100.0%</b>

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

Table 5: Number of Bedrooms in Housing Units (2000 to 2016)  
Borough of Bergenfield, New Jersey

Number of Bedrooms	2000		2010		2016	
	Number	Percent	Number	Percent	Number	Percent
Zero	168	1.8%	35	0.4%	64	0.7%
One	1,525	16.7%	1,752	18.1%	1,608	17.2%
Two	2,021	22.0%	1,954	20.2%	2,127	22.7%
Three	3,683	40.2%	3,564	36.9%	3,531	37.7%
Four	1,462	16.0%	1,845	19.1%	1,632	17.4%
Five or More	288	3.1%	507	5.3%	401	4.3.0%
<b>Total</b>	<b>9,147</b>	<b>100.0%</b>	<b>9,657</b>	<b>100.0%</b>	<b>9,363</b>	<b>100.0%</b>

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, over 87% of the Borough's housing units were constructed prior to 1980; only 12.5% of Bergenfield's housing stock was constructed after 1980.

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

Year Built	Number of Units	Percent
2014 or later	9	0.1%
2010 to 2013	3	0.0%
2000 to 2009	220	2.3%
1990 to 1999	406	4.3%
1980 to 1989	547	5.8%
1970 to 1979	671	7.2%
1960 to 1969	1,028	11.0%
1950 to 1959	2,655	28.4%
1940 to 1949	1,381	14.7%
Built 1939 or earlier	2,443	26.1
<b>Total</b>	<b>9,363</b>	<b>100.0%</b>

Sources: U.S. Census – 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 slight (3.2%) and has decreased from 6.1% that was estimated in 2000.

**Table 7: Occupants Per Room (2000 to 2016)**  
**Borough of Bergenfield, New Jersey**

Occupants Per Room	2000		2010		2016	
	Number	Percent	Number	Percent	Number	Percent
1.00 or less	9,024	94.8%	8,429	97.6%	8,713	96.8%
1.01 to 1.50	288	3.2%	161	1.9%	214	2.4%
1.51 or more	264	2.9%	44	0.5%	75	0.8%
<b>Total</b>	<b>9,002</b>	<b>100.0%</b>	<b>8,634</b>	<b>100.0%</b>	<b>9,002</b>	<b>100.0%</b>

Sources: U.S. Census – 1990 & 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 decreased between 2000 and 2016, and 100% of units have complete kitchen and plumbing facilities. Units lacking standard heating facilities has also been significantly reduced from 0.7% of the housing stock to 0.4% of the housing stock.

**Table 8: Equipment and Plumbing Facilities (2000 to 2016)**  
**Borough of Bergenfield, New Jersey**

Facilities	2000		2010		2016	
	Number	Percent	Number	Percent	Number	Percent
<u>Kitchen:</u>						
With Complete Facilities	8,959	99.7%	9,107	98.7%	9,002	100.0%
Lacking Complete Facilities	22	0.3%	122	1.3%	0	0.0%
<u>Plumbing:</u>						
With Complete Facilities	8,974	99.9%	9,116	98.8%	9,002	100.0%
Lacking Complete Facilities	7	0.1%	113	1.2%	0	0.0%
<u>Heating Equipment:</u>						
Standard Heating Facilities	8,919	99.3%	9,210	99.8%	8,968	99.6%
Other Means, No Fuel Used	62	0.7%	19	0.2%	26	0.3%

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



5. Purchase and Rental Values. As shown in the following table, Bergenfield's rental housing stock has gotten dramatically more expensive with the passage of years. In 2,000, the median monthly rent was \$855, increasing to \$1,148 by 2000. In 2016, the monthly median rental cost in Bergenfield had risen to \$1,252.

**Table 9: Gross Rent of Renter-Occupied Housing Units (2000 to 2016)  
Borough of Bergenfield, New Jersey**

Gross Rent	2000		2010		2016		
	Number	Percent	Number	Percent	Gross Rent	Number	Percent
Less than \$200	78	3.0%	25	0.9%	Less than \$500	209	7.2%
\$200 to \$299	65	2.5%	102	3.9%	\$500-\$999	290	10.0%
\$300 to \$499	56	2.2%	114	4.3%	\$1,000-\$1499	1,565	54.2%
\$500 to \$749	395	15.3%	99	3.7%	\$1,500-\$1,999	629	21.8%
\$750 to \$999	1,234	47.7%	221	8.4%	\$2,000-\$2,499	140	4.8%
\$1,000 to \$1,499	603	23.3%	1,622	62.0%	\$2,500-\$2,999	32	1.1%
\$1,500 or More	93	3.6%	299	11.4%	\$3,000 and up	25	0.9%
No Cash Rent	64	2.5%	132	5.0%	No rent paid	98	
<b>Total</b>	<b>2,588</b>	<b>100%</b>	<b>2,614</b>	<b>100.0%</b>	<b>Total</b>	<b>2,890</b>	<b>100.0%</b>
<b>Median Gross Rent</b>	<b>\$855</b>			<b>\$1,148</b>	<b>\$1,252</b>		
<b>Bergen County Median Gross Rent</b>	<b>\$872</b>				<b>\$1,295</b>		

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

Note: 1990 US Census did not include a "\$1,500 or More" gross rent category

Table 10 below shows that between 1990 and 2000 the median value of a dwelling in Bergenfield did not greatly appreciate. Over the course of the next 16 years there was appreciable growth as the median value of owner-occupied dwellings in Bergenfield increased to \$332,700.

**Table 10: Value of Owner-Occupied Housing Units (1990 to 2016)  
Borough of Bergenfield, New Jersey**

Value Range	1990		2000		2016	
	Number	Percent	Number	Percent	Number	Percent
Less than \$50,000	34	0.6%	46	0.8%	136	2.3%
\$50,000 to \$99,999	64	1.2%	38	0.7%	49	0.8%
\$100,000 to \$149,999	535	9.9%	633	11.2%	39	0.6%
\$150,000 to \$199,999	3,139	57.9%	3,106	55.1%	93	1.5%
\$200,000 to \$299,999	1,508	27.8%	1,555	27.6%	1,844	30.7%
\$300,000 to \$499,999	138	2.6%	232	4.1%	3,307	55.0%
\$500,000 to \$999,999	*	0.3%	19	0.3%	480	8.0%
\$1,000,000 or More	---	0.0%	13	0.2%	66	1.1%
<b>Total</b>	<b>5,418</b>	<b>100.0%</b>	<b>5,642</b>	<b>100.0%</b>	<b>6,014</b>	<b>100.0%</b>
<b>Median Value</b>	<b>\$184,000</b>		<b>\$184,400</b>		<b>\$332,700</b>	
<b>Bergen County Median Value</b>	<b>\$227,700</b>		<b>\$250,300</b>		<b>\$433,000</b>	

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

Note: 1990 US Census did not include classification above \$300,000\* Value Range

6. Number of Units Affordable to Low- and Moderate-Income Households. Bergenfield is in COAH Housing Region No. 1, which is comprised of Bergen, Passaic, Hudson and Sussex counties. Based on the most current COAH regional income limits, the median household income for a three-person household is \$75,980. A three-person moderate-income household, defined as 80% of the median income, would have an income not exceeding \$60,784.

An affordable sales price for a three-person moderate-income household earning 80% of the median income is estimated at approximately \$150,000. This estimate is based on the UHAC affordability controls outlined in N.J.A.C. 5:80-26.3. In 2016, the percentage of housing units in the Borough valued at less than \$150,000 was 3.7%.

For renter-occupied housing, an affordable monthly rent for a three-person household is estimated at approximately \$1,890. According to the most recent U.S. Census data, greater than 95.5% of the Borough's rental units had a gross rent less than \$1,500.

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 estimated by FSHC in its July 2015 report. Bergenfield's rehabilitation share is 123 units. The Borough's rehabilitation share is further explored in the Fair Share Plan section of this document.

## B. 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 prolonged population growth between 1940 and 1960, as Bergenfield's population increased by nearly 17,000 residents over this twenty-year span. According to US Census figures, during the decade of the 1970's, Bergenfield's population declined by 11.8%. Since 1990, the local population has continued to increase and by 2016, Bergenfield had an estimated population of 27,513.

**Table 11: Population Growth (1920 to 2016)  
Borough of Bergenfield, New Jersey**

Year	Population	Population Change	Percent Change
1920	3,667	-	-
1930	8,816	5,149	140.4%
1940	10,275	1,459	16.5%
1950	17,647	7,372	71.7%
1960	27,203	9,556	54.1%
1970	29,000	1,797	6.6%
1980	25,568	-3,432	-11.8%
1990	24,458	-1,110	-4.3%
2000	26,247	1,789	7.3%
2010	26,764	517	1.9%
2016*	27,513	749	2.8%

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. Bergenfield's median age has increased since 2000 from 39.0 to 39.5 years in 2016. The number of children under the age of 19 years has been decreasing since 2000 from 27% of

the Borough's population to 24.3% in 2016.

**Table 12: Age Characteristics (2000 to 2016)**  
Bergenfield, New Jersey

Age	2000		2010		2016	
	Number	Percent	Number	Percent	Number	Percent
Under 5 years	1,779	6.8	1,750	6.5	1,541	5.6%
5 to 19 years	5,291	20.2	5,330	20.0	5,145	18.7%
20 to 24 years	1,373	5.2	1,614	6.0	1,898	6.9%
25 to 34 years	3,519	13.4	1,859	12.3	3,494	12.7%
35 to 44 years	4,627	17.6	3,692	13.8	3,357	13.2%
45 to 54 years	3,745	14.3	4,207	15.7	3,687	13.4%
55 to 64 years	2,357	9.0	3,385	12.6	4,044	14.7%
65 to 84 years	3,169	12.1	2,954	11	2,256	12.3%
85 years and over	387	1.5	533	2.0	660	2.4%
<b>Total</b>	<b>26,247</b>		<b>26,764</b>		<b>27,513*</b>	
<b>Median Age</b>	<b>37.6</b>		<b>39.0</b>		<b>39.5</b>	

Source: U.S. Census – 1990, 2000, 2010  
\* may not equal 100% due to rounding

3. Average Household Size. The average household size for the Borough has varied as reflected in the table below. In 1970, average household size in Bergenfield was 3.83 people. By 1990, average size declined to 2.78 members. In 2016, the average size of a household in the Borough was estimated to be 2.94.

**Table 13: Average Household Size (1970 to 2016)**  
Bergenfield, New Jersey

Year	Total Population	Number of Households	Average Household Size
1970	29,000	10,247	3.83
1980	25,568	8,836	2.89
1990	24,458	8,799	2.78
2000	26,247	8,981	2.92
2010	26,247	8,852	3.0
2016	27,513	9,363	2.94

Sources: U.S. Census – 1990, 2000, 2016

4. Household Income. Detailed household income figures are shown in the table below. As shown, nearly a quarter of the Borough's households had an income of \$100,000 or more in

1999, by 2016 the percentage of households earning \$100,000 or more had increased to just under 40%. The Borough's median household income in 2016 was just in excess of \$81,000.

**Table 14: Household Income (1999 to 2016)**  
**Bergenfield, New Jersey**

Income Category	1999		2009		2016	
	Number	Percent	Number	Percent	Number	Percent
Less than \$10,000	285	3.2%	302	3.3%	417	4.6%
\$10,000 to \$14,999	285	3.2%	321	3.5%	218	2.4%
\$15,000 to \$24,999	721	8.0%	729	7.9%	536	6.0%
\$25,000 to \$34,999	835	9.3%	504	5.5%	562	6.2%
\$35,000 to \$49,999	1,341	14.9%	889	9.6%	869	9.7%
\$50,000 to \$74,999	1,914	21.3%	1,513	16.4%	1,564	17.4%
\$75,000 to \$99,999	1,509	16.8%	1,294	22.3%	1,280	14.2%
\$100,000 to \$149,999	1,568	17.5%	2,054	22.3%	1,806	20.1%
\$150,000 to \$199,999 (plus in 1999)	519	5.8%	875	9.5%	887	9.9%
\$200,000 or more	---	0.0%	748	8.1%	863	9.6%
<b>Total</b>	<b>8,977</b>	<b>100.0%</b>	<b>9,229</b>	<b>100.0%</b>	<b>9,002</b>	<b>100.0%</b>
<b>Median Household Income</b>	<b>\$62,172</b>		<b>\$82,546</b>		<b>\$81,042</b>	
<b>Bergen County Median</b>	<b>\$64,912</b>		<b>\$81,708</b>		<b>\$88,487</b>	

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 necessities such as food, clothing, transportation and medical care. Despite Bergenfield's affluence, the data from the 2010 census reveals that approximately 48% of owner-occupied households and nearly 45% of rental households had housing costs of 30% or more. By 2016, the data indicate a much-improved situation with just 36.6% of owner-occupied households experiencing more than 30% in household costs. Renters in 2016 also experienced less housing stress as 43.8% reported paying more than 30% of their income on housing.

Table 15: Housing Cost as Percentage of Income (2010 VS 2016)  
Bergenfield, New Jersey

Percentage of Income	2010				2016			
	Owner-occupied		Renter		Owner-occupied		Renter	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Less than 20 percent	1,912	28.9%	520	19.9%	2,099	34.9%	627	21.0%
20 to 29 percent	1,535	23.2%	758	29.0%	1,696	28.2%	881	29.5%
30 percent or more	3,175	48%	1,174	44.9%	2,201	36.6%	1,309	43.8%
Zero income/no cash rent	0	0	157	6.0	18	0.3	170	5.7
<b>Occupied Units</b>	<b>6,622</b>	<b>100.00%</b>	<b>2,609</b>	<b>100.00%</b>	<b>6,014</b>	<b>100.00%</b>	<b>2,987</b>	<b>100.00%</b>

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

### C. 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 age 16 and over. Of those in the labor force in 2010, 3.69% were unemployed. This unemployment rate has trended slightly upward as the decade aged.

Table 16: Employment Status, Population 16 and Over (2000 to 2016)  
Bergenfield, New Jersey

Employment Status	2000		2010		2016	
	Number	Percent	Number	Percent	Number	Percent
In labor force	13,731	67.0%	14,851	69.8%	15,486	69.3%
Civilian labor force	13,731	67.0%	14,851	69.8%	15,481	69.2%
Employed	13,241	64.6%	14,045	66.0%	14,605	65.3%
Unemployed	490	2.4%	797	3.7%	876	3.9%
% of civilian labor force		3.6		5.4		5.7
Armed Forces	0	0.0%	0	0.0%	5	0.0%
Not in labor force	6,770	33.0%	6,428	30.2%	6,870	30.7%
<b>Total Population 16 and Over</b>	<b>20,501</b>		<b>21,279</b>		<b>22,356</b>	

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

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

Table 17: Employed Residents Age 16 and Over, By Occupation (2000 to 2016)  
Bergenfield, New Jersey

Occupation	2000		2010		2016	
	Number	Percent	Number	Percent	Number	Percent
Management, Professional and related occupations	5,040	38.1%	5,696	40.5%	6,239	42.7%
Service Occupation	1,898	14.3%	2,119	15.1%	2,689	18.4%
Sales and Office Occupations	3,875	29.3%	3,505	24.9%	3,487	23.9%
Natural resources, construction & maintenance occupations	933	7.0%	1,292	9.2%	803	5.5%
Production, transportation and material moving occupations	1,495	11.3%	1,442	10.3%	1,387	9.5%
<b>Total</b>	<b>13,241</b>	<b>100.0%</b>	<b>14,054</b>	<b>100.0%</b>	<b>14,605</b>	<b>100%</b>

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

Table 18: Employed Residents Age 16 and Over, By Industry (2000 to 2016)  
Bergenfield, New Jersey

Industry	2000		2010		2016	
	Number	Percent	Number	Percent	Number	Percent
Agriculture, forestry, fishing, hunting and mining	11	0.1%	0	0.0%	0	0.0%
Construction	595	4.5%	716	5.1%	687	4.7%
Manufacturing	1,275	9.6%	1,170	8.3%	1,155	7.9%
Wholesale trade	737	5.6%	443	3.2%	514	3.5%
Retail trade	1,638	12.4%	1,202	8.6%	1,550	10.6%
Transportation and warehousing, and utilities	860	6.5%	817	5.8%	702	4.8%
Information	536	4.0%	527	3.7%	309	2.1%
Finance, insurance, real estate and rental and leasing	1,045	7.9%	1,028	7.3%	981	6.7%
Professional, scientific, management, administrative and waste management services	1,287	9.7%	1,551	11.0%	1,535	10.5%
Educational, health and social services	3,359	25.4%	4,570	32.5%	4,833	33.1%
Arts, entertainment, recreation, accommodation and food services	829	6.3%	737	5.2%	1,220	8.4%
Other services	657	5.0%	684	4.9%	702	4.8%
Public administration	412	3.1%	609	4.3%	417	2.9%
<b>Total</b>	<b>13,241</b>	<b>100.0%</b>	<b>14,054</b>	<b>100.0%</b>	<b>14,605</b>	<b>100.0%</b>

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

#### D. HOUSING AND EMPLOYMENT PROJECTIONS

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

1. Probable Future Employment and Regional or Community Factors Impacting Upon Future Municipal Employment. Employment has generally trended upward over the past ten years in the Borough, between 4,078 jobs in 2007 to a high of 4,635 which was recorded in 2015. This trend of slow growth is anticipated to continue into the future, despite the slight decrease in employment recorded in 2016.

**Table 19: Covered Employment Trends 2007-2016  
Bergenfield, New Jersey**

Year	Number of Jobs	Change in Number of Jobs	Percent Change
2007	4,079	--	--
2008	4,079	0	0
2009	4,414	335	8.2%
2010	4,267	-147	-3.3%
2011	4,422	155	3.6%
2012	4,502	80	1.8%
2013	4,541	39	0.9%
2014	4,584	43	0.9%
2015	4,635	51	1.1%
2016	4,611	-24	-0.5%

Sources: Department of Labor and Workforce Development

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 will remain modest, as reflected in the recent annual data shown below. The only anticipated developments of consequence are the proposed redevelopment of the 51 East Main Street site and the potential redevelopment of the Foster Village shopping center. The Borough hopes to incentivize redevelopment activities along Washington Avenue as well.



Table 20: Trend in Residential Development  
 Analysis of Certificates of Occupancy and Demolition Permits, 2004-2018  
 Bergenfield, New Jersey

Year	COs Issued	Demo Permits Issued	Net Growth
2004	0	13	-13
2005	20	18	2
2006	13	10	3
2007	8	15	-7
2008	101	7	94
2009	5	32	-27
2010	5	3	2
2011	4	2	2
2012	33	3	30
2013	2	6	-4
2014	4	9	-5
2015	12	13	-1
2016	19	5	14
2017	26	1	25
2018	20	6	14
<b>15 YR Total</b>	<b>272</b>	<b>143</b>	<b>129</b>
<b>15 YR Average</b>	<b>18.1</b>	<b>9.5</b>	<b>-</b>
<b>Yearly Average</b>			<b>8.6</b>

## SECTION II: FAIR SHARE OBLIGATION

## **A. SUMMARY OF FAIR SHARE OBLIGATION**

The state of the Third Round affordable housing obligations for municipalities throughout New Jersey at present remains a fluid one, given the fact that neither the Courts, COAH, nor the legislature has established a definitive set of housing-need numbers that has been universally accepted. Initially, two sets of numbers were promulgated and widely discussed, inclusive of numbers in COAH's proposed 2014 regulations prepared by Dr. Robert Burchell of Rutgers University, and numbers prepared by David Kinsey, P.P., A.I.C.P. in April 2015 on behalf of Fair Share Housing Center. Their statewide numbers varied dramatically, with Dr. Burchell estimating the need for approximately 52,000 affordable housing units statewide, and Mr. Kinsey estimating the need for approximately 201,000 affordable housing units statewide. Similarly, their estimated affordable housing obligations assigned to Bergenfield diverge significantly as well.

Significantly, the Econsult numbers reflect the fact that Bergenfield contains minimal developable land, whereas Kinsey's numbers do not apparently acknowledge this fact. For this reason, as well as others, the Borough's plan at this time relies upon the affordable housing obligation contained in the signed Settlement Agreement. It is recognized that these figures may be adjusted in the future by the Court, COAH or the legislature, and thus may necessitate revision to the plan.

## **B. VACANT LAND ADJUSTMENT**

Bergenfield'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 Second Round regulations. The vacant land analysis identified all vacant sites of minimally 0.83 acres in size, imposed wetland, steep slope and flood plain information pursuant to the applicable regulations, and calculated the remaining acreage that is to be utilized to determine the Borough's RDP.

The analysis reveals there are 5.01 total acres of vacant land in the community. A total of zero (0) acres are comprised of sites that are minimally 0.83 acres in size. Pursuant to the applicable regulations, a minimum presumptive density of 6 dwelling units per acre were imposed on these zero acres, and then a twenty percent set-aside was imposed on that calculation. This formula resulted in an affordable housing obligation of zero units.

We then adjusted this figure by including two parcels that have the potential to be developed or redeveloped with affordable housing. The first of these parcels is identified as Landmark Equities (Block 84 Lot 14 & Block 87 Lots 1 & 6). This property was the subject of an earlier Settlement Agreement that authorizes the construction of sixty-two (62) dwelling units, nine (9) of which are to be deeded restricted as affordable housing. The second parcel is located at 51 East Main Street. This parcel recently received Zoning Board approval authorizing the construction of twenty-six (26)

apartments, four (4) of which must be deed restricted as affordable housing.

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

Table 21: Vacant Land Assessment  
 Borough of Bergenfield, New Jersey

BERGENFIELD VACANT LAND ASSESSMENT

March 27, 2019

ID	Block	Lot	Property Class	Location	Owner	6 u n i t / a c r e a r e s	A r e a ( A c r e s )	Deve lopa ble	Dev elop able Acr es	Co mm ent_ 1	Comment_2	Yie ld (aff ord abl e uni ts)
1	104	6	1	W CLINT ON AVEN UE	HEDGES, JAMES J	0. 8 3	0 .0 6	N	0.00	Lot too small		0
2	10701	3	1	ROOSE VELT AVEN UE	ARANCI BIA, RICARD O	0. 8 3	0 .0 5	N	0.00	Lot too small		0
3	127	3	1	PORTL AND AVEN UE	ROESE,W ALTER F, III	0. 8 3	0 .1 1	N	0.00	Lot too small		0
4	13	2	1	230 N WASHI NGTON N AVE	230 N WASHIN GTON REAL EST ASSOC	0. 8 3	0 .3 6	N	0.00	Lot too small		0
5	135	1	1	ARLIN GTON AVEN UE	MC KOY, CRAIG	0. 8 3	0 .0 6	N	0.00	Lot too small		0

ID	Block	Lot	Property Class	Location	Owner	6 u n i t / a c r e a r e s	A r e ( A c r e s )	Deve lopa ble	Dev elop able Acr es	Co mm ent_ 1	Comment_2	Yie ld (aff ord abl e uni ts)
6	136	1	1	BEDFORD AVENUE	BERGEN REGENCY LLC	0.83	0.20	N	0.00	Lot too small		0
7	138	8	1	BEDFORD AVENUE	KNAPP, KENNETH J	0.83	0.12	N	0.00	Lot too small		0
8	140	7	1	68 DELFORD AVENUE	STEDJAN, ERLING	0.83	0.11	N	0.00	Lot too small		0
9	154	4	1	N SUMMIT STREET	ESPINA, STEVE & DAMATO, JOSEPH	0.83	0.18	N	0.00	Lot too small		0
10	156	1	1	N WOODSIDE AVENUE	HEFFERNAN SUPPLY CO., INC.	0.83	0.13	N	0.00	Lot too small		0
11	171	1	1	BERGEN AVENUE	JOSE M GARCIA FOUNDATION, INC.	0.83	0.11	N	0.00	Lot too small	Env. Constraint: stream	0
12	171	1	1	HUGHES ROAD	HABITAT FOR HUMANITY OF BC INC	0.83	0.14	N	0.00	Lot too small		0
13	184	8	1	MARTIN STREET	ANDERSON, ANDERS	0.83	0.00	N	0.00	Lot too small	Env. Constraint: stream	0

ID	Block	Lot	Property Class	Location	Owner	6 u n i t / a c r e a r e s	A r e ( A c r e s )	Deve lopa ble	Dev elop able Acr es	Co mm ent_ 1	Comment_2	Yie ld (aff ord abl e uni ts)
				T	B & MARGA RET L		9			1		
14	20	1	1	NEW JERSEY AVEN UE	GLAIMO, RICHAR DD & ANNA E	0. 8 3	0 .1 2	N	0.00	Lot too small	Env. constraint: stream & 100 yr floodplain	0
15	220	2	1	VAN VALK ENBU RGH AVEN UE	BERTHO LD, HELEN	0. 8 3	0 .1 4	N	0.00	Lot too small		0
16	228	2	1	WOOD BINE STREE T	BANK OF AMERIC A,ATT:C ORP. REAL EST.	0. 8 3	0 .2 9	N	0.00	Lot too small		0
17	247	1	1	PHELP S AVEN UE	RAMIRE Z, HENAO G (GERMA N)	0. 8 3	0 .0 5	N	0.00	Lot too small		0
18	245	4	1	O'NEIL STREE T	VAN TASSEL- NEWMA N FUNERA L SERV PROP	0. 8 3	0 .1 7	N	0.00	Lot too small		0
19	248	1	1	WASHI NGTO N	DAPPER, JOEL & IRVOLIN	0. 8 3	0 .1	N	0.00	Lot too small		0

I D	B lock	L ot	P roperty Class	Locatio n	Owner	6 u n i t / a c r e a r e s	A r e a (A c r e s)	Deve lopa ble	Dev elop able Acr es	Co mm ent_1	Comment_2	Yie ld (aff ordabl e uni ts)
				AVENUE	O,NICOLE		6			1		
20	268	85	1	MARCO TTE LANE	KAPLAN (ETALS), MARGA RET R	0.83	0.50	N	0.00	Lot too small		0
21	268	107	1	MACKAY DRIVE	SANKHOLKAR, DEEPAK & RACHNA	0.83	0.07	N	0.00	Lot too small		0
22	302	3	1	NEW BRIDGE ROAD	POWER, T L C/O WESTIN G	0.83	0.06	N	0.00	Lot too small		0
23	302	1	1	NEW BRIDGE ROAD	HUTCHINS, AUGUSTUS	0.83	0.06	N	0.00	Lot too small		0
24	323	4	1	WESTMINSTER AVENUE	DESPOSITO, LEONARD J & JEAN A	0.83	0.02	N	0.00	Lot too small		0
25	324	10	1	NORFOLK STREET	RAPOPORT, MICHAEL R & DEBORAH L	0.83	0.04	N	0.00	Lot too small		0
26	328	22	1	GREENBRIAR STREET	SHANAHAN, PATRICK T & SUSAN J	0.83	0.04	N	0.00	Lot too small		0
2	3	4	1	FULTO	REILLY,	0.	0	N	0.00	Lot		0



ID	Block	Lot	Property Class	Location	Owner	6 unit/acre area	Area (Acres)	Developable	Developable Acres	Comment_1	Comment_2	Yield (affordable units)
7	32			N STREET	THOMAS SR & THOMAS M JR	83	.03			too small		
28	332	1	1	MAIDEN LANE	TEANEC K WINDSOR LLC	0.83	0.14	N	0.00	Lot too small	Env. constraint: 100 yr floodplain & wetlands	0
29	332	3	1	FULTON STREET	REILLY, THOMAS SR & THOMAS M JR	0.83	0.11	N	0.00	Lot too small		0
30	333	1	1	WINDSOR ROAD	TEANEC K WINDSOR LLC	0.83	0.50	N	0.00	Lot too small	Env. constraint: 100 yr floodplain & wetlands	0
31	345	9	1	WARREN STREET	NEW BRIDGE MGMT LLC	0.83	0.17	N	0.00	Lot too small		0
32	345	402	1	7 FOSTER STREET	KINDERGAN, DANIEL	0.83	0.12	N	0.00	Lot too small		0
33	349	12	1	MURRAY HILL TERRACE	DI BLASI, SALVATORE	0.83	0.07	N	0.00	Lot too small		0
35	41	13	1	PHELPS AVENUE	UNKNOWN	0.83	0.0	N	0.00	Lot too small		0

ID	Block	Lot	Property Class	Location	Owner	6 u n i t / a c r e a r e a t h r e s h o l d	A r e ( A c r e s )	Deve lopa ble	Dev elop able Acr es	Co mm ent_ 1	Comment_2	Yie ld (aff ord abl e uni ts)
				UE			4			1		
36	41	12	1	MERRITT AVENUE	PINNEL, ALISON C/O MERRITT REALTY	0.83	0.06	N	0.00	Lot too small		0
37	54	20	1	89 RIVER EDGE ROAD	COSTA, PAUL	0.83	0.13	N	0.00	Lot too small		0
38	60	901	1	RIVER EDGE ROAD	GARCES, OLIZAR L & EMILDA S	0.83	0.09	N	0.00	Lot too small		0
39	76	3	1	N PROSPECT AVENUE	MILTON HADIKS CRAFTED INTERIORS	0.83	0.11	N	0.00	Lot too small	Env. constraint: 100 yr floodplain	0
40	84	14	1	15 W JOHNSON AVENUE	LANDMARK EQUITIES LLC	0.83	0.09	Y	0.19	Developable		12.4
41	87	1	1	N RAILROAD AVENUE	LANDMARK EQUITIES LLC	0.83	0.33	Y	0.33	Developable		
42	87	6	1	ANNE X PLACE	LANDMARK EQUITIES, LLC	0.83	0.12	Y	0.12	Developable		

I D	B l o c k	L o t	P r o p e r t y C l a s s	Locatio n	Owner	6 u n i t / a c r e a r e s h o l d	A r e ( A c r e s )	Deve lopa ble	Dev elop able Acr es	Co mm ent_ 1	Comment_2	Yie ld (aff ord abl e uni ts)
4 3	1 5 4	2	4 A	51 E MAIN STREE T	SHANTY LLC	0. 8 3	0 .4 1	Y	0.41	Dev elop able		5.2
					<b>Total Vacant Land Analysis Parcel Area</b>							
								<b>Total Deve lopa ble Area</b>	1.05			
											<b>Total Yield (affordable units)</b>	<b>17. 6, say 18</b>

### SECTION III: FAIR SHARE PLAN

## A. PLAN SUMMARY

The HE&FSP identifies the manner in which the Borough's fair share affordable housing obligations – inclusive of a 129-unit rehabilitation obligation, 87-unit Prior Round Obligation, and 140-unit Third Round RDP housing obligation, as adjusted through the vacant land process – are to be addressed. This is summarized below.

1. Rehabilitation Share. The Borough intends to satisfy its 129-unit rehabilitation (present need) obligation through credits received from rehabilitation work already completed at Brookside Gardens and through a municipally sponsored rehabilitation program which will be funded by use of the funds deposited in the affordable housing trust fund.

Bergenfield has taken action to reduce this 129- unit obligation to a remaining obligation of five (5) units. This was achieved through use of the windshield survey procedure allowed under COAH rules. Community Grants, Planning and Housing performed this survey. At the conclusion of the inspection of the housing stock, Community Grants, Planning and Housing submitted documentation reducing Bergenfield's rehabilitation obligation from the originally assigned 129-unit obligation to a more manageable 36-unit obligation.

Bergenfield then sought to further reduce that by seeking a reduction in the now lowered obligation based on money used for rehabilitation in Brookside Gardens. Bergenfield is able to document sufficient spending on rehabilitation efforts to claim credit for thirty-six rehabs. This reduced Bergenfield's obligation to 5 units.

Bergenfield will partner with Community, Grants, Planning and Housing to administer a housing rehabilitation program that will strive to rehabilitate rental units as well as market rate units spending at least \$12,000 per unit and limiting administrative costs to no more than twenty (20%) of the total cost. Funding for this program will come from money paid into the affordable housing development fee account.

2. New Construction Obligation. Bergenfield's prior round obligation has been calculated to be 87 units. Bergenfield has also been assigned a Third Round (1999-2025) obligation of 140 units. Bergenfield will meet its new construction obligation, in part, with a vacant land adjustment. Bergenfield has demonstrated it has a lack of land and is therefore eligible to reduce its new construction obligation to its Realistic Development Potential (RDP). Bergenfield has a Realistic Development Potential of 18 units. This obligation will be satisfied through a combination of credits from previous approved, but not yet constructed inclusionary housing sites. Additional details will be provided later in this Housing Element and Fair Share Plan.
3. Addressing the Unmet Need. Communities that are able to demonstrate through a Vacant

Land Adjustment that they are unable to fully address the new construction obligation, are not relieved of the balance of the obligation. The remaining obligation, after removal of the RDP, is reclassified as "Unmet Need". Municipalities must affirmatively act to address this component of the obligation. In a previous version of its Third Round Housing Element and Fair Share Plan, Bergenfield sought twenty (20) credits for several supportive housing group homes that currently operate within Bergenfield. Unfortunately, Bergenfield's experience was similar to other communities across the state with existing supportive group housing facilities. These facilities could not document compliance with Second Round regulations. As such, this version of the Housing Element and Fair Share Plan does not rely on any credits for affordable housing in supportive group homes. Bergenfield's previously adopted overlay affordable housing zones will be modified to increase both the allowable density and required affordable housing setasides in an effort to maximize the number of affordable dwellings that can be generated. In other respects, this plan is unchanged from the earlier plan adopted by the Planning Board and endorsed by the Governing Body.

Bergenfield has previously adopted affordable housing overlay districts to address the Unmet Need. These ordinances will be amended to create additional affordable housing opportunities. The first location selected for an overlay zone is the Foster Village Shopping Center. This 6.6-acre parcel is to be the subject of an overlay zone that will allow residential development on this parcel, but only in exchange for creating a twenty (20) percent affordable housing setaside of affordable housing. The percentage of affordable units to be created is now no longer dependent on how the housing will be occupied. Regardless of whether housing is for the rental market or to be offered as for-sale units, no less than 20% of the total number of dwellings will be required to be deed restricted as affordable housing.

Portions of both the B-1 and B-2 zones along Washington Avenue are also expected to produce affordable housing. To encourage the production of affordable housing opportunities, Bergenfield anticipates creating a second overlay zone. The creation of both new market-rate and affordable housing above stores and shops is expected to provide additional rental income to property owners and an expanded customer pool of potential shoppers for downtown Bergenfield merchants.

The Borough proposes to partially address its Unmet Need obligation through the creation of an overlay zone that would be limited to a portion of the B-1 zone and a portion of the B-2 zone. Like the newly adopted approach taken with the Foster Village property, the percentage of affordable units to be constructed will be irrespective of whether the housing is created for the rental market or for purchase. 20% of the total number of housing units produced through the overlay zoning approach will be deed restricted as affordable housing and in all ways required to satisfy Second Round and Uniform Housing Affordability Controls

(N.J.A.C.5:80-26.1) requirements.

As detailed above, the HE&FSP can accommodate the entirety of the community's housing obligation through 2025 in a manner that affirmatively addresses the assigned obligation while at the same time maintaining the overall character of the community.

As noted above, the process being followed is fluid, and as the Courts respond to the myriad issues that they need to address, it is recognized that this plan may require adjustment.

#### **B. MINIMUMS/MAXIMUMS TO BE ADDRESSED**

This plan seeks to address the Borough's affordable housing obligation by application of COAH Second Round (1993-1999) rules to the RDP portion of the obligation, since COAH had re-adopted these rules in 2011 and extended their use until October 2016. Additionally, the Supreme Court in a recent affordable housing decision endorsed use of this methodology by COAH. As such, the following minimum requirements and maximum limitations, as set forth in COAH's second round rules, will be addressed within the plan:

- a. Age-Restricted Units. Pursuant to N.J.A.C.5:93-5.14.a.1 and N.J.A.C.5:93-5.14.a.2, Bergenfield is permitted to age-restrict up to 25 percent of its 18-unit RDP. Bergenfield will not seek credits for age-restricted housing as part of this plan.
- b. Rental Unit Obligation. N.J.A.C. 5:93-5.15.a, requires Bergenfield to address at least 25 percent of its 18-unit RDP with rental housing. In fact, Bergenfield is seeking to address the entirety of its 18-unit RDP through rental units.
- c. Rental Bonus Credits. Bergenfield is permitted to seek a 2:1 rental bonus credit for creating rental affordable units. Bergenfield will claim credit for five (5) bonus credits.

The table below summarizes the above parameters for both the Prior Round and Third Round RDP obligations.

**Table 22: Plan Minimums and Maximums  
Borough of Bergenfield, New Jersey**

Requirement	New Construction Min/Max Limit	Number of Units Proposed	Complies (Yes/No)
Max. Age-Restricted Units	Not to exceed 5	0	Yes
Min. Rental Units	Not less than 5	9	Yes
Max. Rental Bonus Credits (Total)	Not to exceed 5	5	Yes

### 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. The Plan Components Map included at the end of this plan illustrates the location of all existing and proposed developments identified herein.

Rehabilitation Share. The Borough has a rehabilitation share of 129 units. Bergenfield believes the rehabilitation obligation assigned it is greater than the documented need. As such, Bergenfield, as permitted pursuant to COAH regulations, has performed a so-called ‘windshield survey’. This survey performed by Bergenfield’s administrative agent Community Grants, Planning and Housing, found the rehabilitation obligation should be reduced to thirty-six (36) units. Thirty-one (31) units of this obligation has been fully satisfied by continuing maintenance and rehabilitation efforts as Brookside Gardens.

Bergenfield’s rental rehabilitation obligation to a great degree has been addressed by rehabilitation work that has, and will continue, at Brookside Gardens, a HUD sponsored senior affordable rental housing development constructed in the mid 1970’s. Since 1999, over \$1.75 million has been expended at Brookside Gardens. Bergenfield’s remaining rehabilitation obligation for the current housing cycle is five (5) units.

Bergenfield plans to continue utilizing its recently created municipally sponsored rehabilitation program to encourage the rehabilitation of both rental units as well as owner-occupied housing. A percentage of funds deposited in the affordable housing trust fund will be used to finance the municipal housing rehabilitation program.

Bergenfield will first look to its affordable housing trust fund to supply all necessary rehabilitation funds. Bergenfield is expected to adopt a development fee ordinance as part of its Third Round affordable housing activities.



1. RDP Obligation. As previously identified in this plan, Bergenfield is a highly developed community with limited land available for development, and as such qualifies for a Vacant Land Adjustment. The Borough's RDP is eighteen (18) units. This obligation will be affirmatively addressed by two developments, both having received local Board approval but neither yet constructed, but construction is anticipated during the Third Round.
  - a. Landmark Equities ("Landmark") entered into a Settlement Agreement with Bergenfield. Pursuant to the Settlement Agreement, Landmark is authorized to construct an inclusionary housing development containing nine (9) family rental units, five (5) of the affordable units will be reserved for low-income households, four (4) for moderate-income households. Further, as set forth in the Settlement Agreement seven (7) affordable units will contain two-bedrooms. The remaining two (2) units will each contain one-bedroom.
  - b. 51 East Main Street has secured Zoning Board approval to construct an inclusionary development containing four (4) affordable dwellings. One of the affordable dwellings will be restricted to a very low-income household. Half of all affordable units will contain two-bedrooms, the remaining half will contain one-bedroom.

The above two developments, along with associated bonus credits the municipality is entitled to completely discharge Bergenfield's new construction RDP. Attention now shifts to mechanisms addressing the Unmet Need obligation.

**Table 23: Plan Components Addressing RDP Obligation  
Bergenfield, New Jersey**

Plan Components	# of Affordable Units	Rental Credits	Bonus	Total Credits
Landmark Equities	9	4		13
51 E. Main Street	4	1		5
<b>TOTAL CREDITS</b>				<b>18</b>

2. Unmet Need Obligation. This plan modifies the approaches Bergenfield will take to address Unmet Need. The prior plan sought approval for twenty (20) credits of supportive housing located in group homes. Despite seeking the necessary documentation, it is now apparent that the supportive housing operators can't provide the necessary documentation required if Bergenfield was to secure credits for these supportive housing units. Bergenfield recognizes the credits formerly sought from the group homes are not available and Bergenfield will no longer seek affordable housing credits from the existing group homes.

Bergenfield will address the Unmet Need obligation through the adoption of amended overlay zones. The overlay zones will affect the same properties, the Foster Village Shopping Center and portions of the B-1 and B-2 zones where lots have frontage along Washington Avenue. The difference between the previously adopted overlay zones and the ones now being proposed lies in the allowable density and the required affordable housing setaside. Both factors increase to produce additional affordable housing opportunities since affordable housing credits will not be forthcoming for the units in existing group homes. It is worth noting that even though Bergenfield will not be able to seek credit for the existing affordable housing, this housing will continue to exist and continue to fill a need for affordable housing in the community.

The first zoning amendment will establish an overlay zone on Block 351 Lot 8, also known as the Foster Village Shopping Center. The proposed overlay zone will permit the construction of inclusionary housing at this site. Proposed density shall not exceed forty (40) units to the acre. Affordable housing setaside will be established to be no less than 20% of the total number of units, irrespective if such units are offered for sale or for rent. All affordable housing constructed on this property will be provided in accordance with the Uniform Housing Affordability Controls except that this overlay zone will require at least 30% of all affordable units shall contain no less than three (3) bedrooms.

The second zoning amendment will create an overlay zone on selected portions of the B-1 zone and B-2 zone along Washington Avenue. Allowable density will be no greater than twenty (20) units to the acre. Irrespective of the type of housing produced (rental or for sale) the affordable housing setaside shall be twenty (20) percent of the total number of housing units created.

An additional zoning ordinance amendment is not zone specific. This fourth amendment to Chapter 186 will require all future multi-family residential or mixed-use developments, regardless of which zone the property is in, containing a residential component of five (5) or more dwellings to include an affordable housing setaside of fifteen (15) percent if dwellings are rental and a twenty (20) percent affordable housing setaside if dwellings are offered for sale.



## APPENDICES

- A-1: Development Fee Ordinance
- A-2: Affordable Housing Zoning Regulations
- A-3: Affirmative Marketing Plan
- A-4 Spending Plan



A-1 Proposed Development Fee Ordinance

## A-2 Current Affordable Housing Regulations

A-3: Affirmative Marketing Plan