

**HOUSING ELEMENT AND FAIR SHARE PLAN
FOR THE FOURTH ROUND: 2025- 2035**

PREPARED FOR

**THE BOROUGH OF CARLSTADT
IN THE COUNTY OF BERGEN
STATE OF NEW JERSEY**

June 13, 2025

Adopted by the Planning Board: June _____, 2025
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1.0 INTRODUCTION

1.1. Background

New Jersey affordable housing law began in 1975 when the Supreme Court decided *So. Burl. Cty. N.A.A.C.P. v. Tp. of Mt. Laurel*, 67 N.J. 151 (1975), commonly referred to as “Mount Laurel I.”, In *Mount Laurel I*, the Supreme Court ruled that the State Constitution required each “developing” municipality, through its land use regulations, to “make realistically possible the opportunity for an appropriate variety and choice of housing for all categories of people who may desire to live there”, including those of low and moderate income. Thus, the Supreme Court prohibited municipalities from using their zoning powers to prevent the development of affordable housing for low- and moderate-income households.

In 1983, displeased with progress of municipalities to zone for affordable housing in response to “Mount Laurel I”, the Supreme Court decided “to put some steel” into the doctrine. Specifically, it decided *So. Burlington Ct. N.A.A.C.P. v. Mount Laurel Tp.*, 92 N.J. 158 (1983), commonly referred to as “Mount Laurel II”. To facilitate the actual construction of affordable housing, the Court fashioned a judicial remedy, now commonly referred to as a “Builder’s Remedy”. That remedy created an incentive for developers to sue towns that had not complied with the doctrine and to force them to comply.

Mount Laurel II precipitated a flood of builder’s remedy suits creating pressure for a legislative solution to the Mount Laurel doctrine. Judge Serpentelli, one of three judges assigned to implement Mount Laurel II, decided the AMG case wherein he provided a fairly simple formula to enable any developer to easily determine a municipality’s fair share. This formula greatly simplified the process for developers to prove that a municipality was non-compliant and facilitated their ability to secure a builder’s remedy. The AMG decision dramatically increased the pressure for a legislative solution as developers sued municipalities across the state and stripped them of their home rule powers.

The pressure for a legislative solution culminated in the enactment of the Fair Housing Act (FHA) in 1985, roughly a year after Judge Serpentelli issued the AMG decision. The FHA created COAH, and conferred primary jurisdiction on COAH to administer the FHA and implement the affordable housing policies of our State. In January 1986, the Supreme Court decided *Hills Dev. Co. v. Bernards Twp.*, 103 N.J. 1 (1986), commonly referred to as “Mount Laurel III”, wherein the Court declared the FHA to be constitutional and directed trial judges to follow the decisions of COAH “wherever possible”.

The FHA, as enacted in 1985, gave municipalities six years of protection from when COAH certified their affordable housing plans. Consequently, the FHA directed COAH to promulgate regulations from “time to time” so that at any given time, there would be a body of regulations which any municipality could use to determine and satisfy its obligations. To implement the FHA, COAH adopted regulations for each housing cycle. It adopted regulations for Round One in 1986; for Round Two in 1994; and for Round Three in 2004. The Appellate Division invalidated the first version of COAH’s Round 3 regulations in 2007 and COAH adopted new Round 3 regulations in 2008. In 2010, the Appellate Division invalidated the second iteration of

COAH's Round 3 regulations and, in 2013, the Supreme Court affirmed the Appellate Division's decision. The Supreme Court gave COAH five months to adopt valid regulations for Round 3 and then extended that deadline multiple times. After COAH failed to adopt Round 3 regulations a third time, the Supreme Court was out of patience. It decided *In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing*, 221 N.J. 1 (2015), commonly referred to as "Mount Laurel IV". In *Mount Laurel IV*, the Supreme Court declared COAH to be "moribund" and turned over the task of implementing the Mount Laurel doctrine back to the trial courts. This time, instead of having three specialized judges preside over Mount Laurel cases, the Supreme Court assigned the task to 15 judges throughout the State.

On March 20, 2024, this all changed once again when Governor Murphy signed, P.L. 2024, C.2, into law, which substantially amended the FHA and created an entirely new affordable housing regulatory plan approval process (hereinafter "FHA II"). FHA II provided that a municipality could secure immunity by adopting a resolution to commit to a present need and Round 4 prospective need by January 31, 2025 and by filing a declaratory judgment action within 48 hours of adoption of the resolution. FHA II provided that a municipality could maintain that immunity if it filed an adopted Housing Element and Fair Share Plan by June 30, 2025. FHA II introduced a comprehensive structure for municipalities to meet their obligations, with key provisions including, but not limited to, the following:

- The abolishment of COAH and reassigning affordable housing oversight to a new entity known as the Affordable Housing Dispute Resolution Program (the Program), which consists of seven retired Mount Laurel judges and their Special Adjudicators, previously known as Court Masters. FHA II provided that if the Program judges, with the assistance of Adjudicators, could not resolve dispute amicably, a vicinage area judge would decide the matter.
- FHA II also required the Department of Community Affairs (DCA) to take over the monitoring of affordable units in every municipality in the state, and to draft and release a non-binding report calculating Fourth Round municipal Present and Prospective Need obligation for every municipality in the state. The DCA released its report on October 18, 2024.
- FHA II also ordered the New Jersey Housing and Mortgage Finance Agency (NJHMFA) to adopt new Uniform Housing Affordability Controls, commonly referred to as the "UHAC" regulations.
- FHA II required 13% of the Fourth Round affordable units to be designated as very low-income units (30% of median income), half of which must be available to families with children.
- FHA II required 25% of affordable units to be rental housing units, half of which must be available to families with children.
- FHA II required 50% of the municipality's prospective need (exclusive of any bonus credits) to be available to families with children.
- FHA II required no more than 10% of the municipality's fair share obligation to be counted towards transitional housing.
- FHA II required no more than 30% of affordable housing units to be age-restricted (excluding bonus credits).

- FHA II required 40-year deed restrictions for new rental units, and 30-year deed restrictions for for-sale units.
- FHA II required any municipality that secures a vacant land adjustment (VLA) to provide realistic zoning through redevelopment for “at least 25 percent of the prospective need obligation that has been adjusted” or demonstrate why it is unable to do so..

The law also includes significant changes to the use of bonus credits which are now allocated based on the following:

- Special Needs/Permanent Supportive Housing: 1 bonus credit per 1 credit
- Housing created in partnership with a non-profit housing developer: ½ bonus credit per 1 credit
- Housing located within half a mile radius of public transit stations (or one mile in Garden State Growth Zones): ½ bonus credit per 1 credit
- Age-restricted housing: ½ bonus credit per 1 credit
- Family housing with at least 3 bedrooms, above the minimum number required by the bedroom distribution requirement determined pursuant to the Uniform Housing Affordability Controls: ½ bonus credit per 1 credit
- Redevelopment of sites previously used for retail, office, or commercial space: ½ bonus credit per 1 credit
- Extending affordability controls on existing low- or moderate-income rental units, with municipal financial support: ½ bonus credit per 1 credit
- For 100% affordable projects, municipalities that contribute land or at least 3% of the project’s cost to a fully affordable development: 1 bonus credit per 1 credit
- Very low-income housing for families beyond the required 13%: ½ bonus credit per 1 credit
- Converting market-rate housing to affordable units, provided the municipality secures an agreement with the property owner or owns the property: 1 bonus credit per 1 credit

Limitation to the bonus credits:

- Municipalities are prohibited from using more than one type of Bonus Credit for any unit.
- No more than 25% of a Municipality’s Prospective Need obligation can be satisfied through bonus credits
- Bonus credit for age-restricted is limited only to a maximum of 10% of the total age-restricted units

On December 13,2024, the Administrative Office of the Courts issued Administrative Directive #14-24 which established guidelines implementing the Program pursuant to section 5 of P.L.2024, c.2 (N.J.S.A. 52:27D-313.2).

1.2. Municipal Overview

The Borough of Carlstadt is situated in southern Bergen County and is bounded to the south by the Hackensack River, to the west and south by the Borough of East Rutherford, to the west by

the Borough of Wallington, and to the east and north by the Boroughs of Wood-Ridge, Moonachie and Little Ferry, and the Township of South Hackensack. Carlstadt encompasses an area of 4.2 square miles, of which 3.6 square miles are under the jurisdiction of the New Jersey Sports and Exposition Authority (NJSEA). As of the 2020 Decennial Census, the Borough had a total population of 6,372.

1.3. Required Contents of Housing Element

The Municipal Land Use Law (N.J.S.A. 40:55D-1, et seq.) provides that a municipal Master Plan can include a housing element as the foundation for the municipal zoning ordinance. While the Housing Element is not identified under the Municipal Land Use Law as a required element of the master plan, it is nonetheless a required element of Carlstadt Borough's Master Plan inasmuch as the Borough has an adopted zoning ordinance. Pursuant to N.J.S.A. 40:55D-62(a), a governing body may not adopt or amend a zoning ordinance, until and unless, the planning board would have adopted a land use plan element and housing plan element of the master plan.

FHA II provides that a housing element must be designed to provide access to affordable housing to meet present and prospective housing needs, with particular attention to low- and moderate-income housing. As per the FHA at N.J.S.A. 52:27D-310, the housing element must contain as follows:

- a. An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low and moderate income households and substandard housing capable of being rehabilitated, and in conducting this inventory the municipality shall have access, on a confidential basis for the sole purpose of conducting the inventory, to all necessary property tax assessment records and information in the assessor's office, including but not limited to the property record cards;
- b. A projection of the municipality's housing stock, including the probable future construction of low- and moderate-income housing, for the next ten years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands;
- c. An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age;
- d. An analysis of the existing and probable future employment characteristics of the municipality;
- e. A determination of the municipality's present and prospective fair share for low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low- and moderate-income housing, as established pursuant to section 3 of P.L.2024, c.2 (C.52:27D-304.1); and
- f. A consideration of the lands that are most appropriate for construction of low- and moderate-income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low- and moderate-income housing, including a consideration of lands of developers who have expressed a commitment to provide low- and moderate-income housing.
- g. 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,

adopted pursuant to paragraph (1) of subsection f. of section 1 of P.L. 2021, c. 273 (C.52:27D-329.20);

- h. For a municipality located within the jurisdiction of the Highlands Water Protection and Planning Council, established pursuant to section 4 of P.L. 2004, c. 120 (C.13:20-4), an analysis of compliance of the housing element with the Highlands Regional Master Plan of lands in the Highlands Preservation Area, and lands in the Highlands Planning Area for Highlands-conforming municipalities. This analysis shall include consideration of the municipality's most recent Highlands Municipal Build Out Report, consideration of opportunities for redevelopment of existing developed lands into inclusionary or 100 percent affordable housing, or both, and opportunities for 100 percent affordable housing in both the Highlands Planning Area and Highlands Preservation Area that are consistent with the Highlands regional master plan; and
- i. An analysis of consistency with the State Development and Redevelopment Plan, including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission.

1.4. Consistency with the State Development and Redevelopment Plan

With respect to the State Development and Redevelopment Plan (SDRP), the area outside the jurisdiction of NJSEA is classified as Metropolitan Planning Area (PA1). Communities of this classification are characterized by mature settlement patterns, a scarcity of vacant land, and the need to rehabilitate housing to keep pace with changing market standards. As PA1 classified communities form a part of a metropolitan mass where community boundaries tend to blur, functional issues affecting one community typically affect the next community, making necessary multi-jurisdictional/regional approaches for resolution of such issues. For areas so classified, the SDRP anticipates that redevelopment will be the principal generator of future growth.

2.0 HOUSING ELEMENT

2.1 Housing Stock: Occupancy & Physical Characteristics

2.1.1 Occupancy and Housing Unit Type

According to the 2020 US Census, Carlstadt Borough had 2,563 dwelling units, about 95% of which are occupied and about 5% are vacant. Of those occupied units, about 54.5% are owner-occupied and 45.5% are renter-occupied.¹ While the number of housing units has increased 2.7%, between 2010 and 2020 Census, the occupancy ration has remained relatively consistent.²

The 2023 5-year American Community Survey (ACS) provides that about 55% of the Borough's housing stock consists of detached and attached single-family homes. Additionally, about 33% of units are two- unit properties and about 11% are properties with 3 or more units.³

¹ U.S. Census Bureau, 2020 Census Demographic and Housing Characteristics File (DHC), Table DPI, Profile of General Population and Housing Characteristics

² U.S. Census Bureau, 2010 Census, Table H3, Occupancy Status

Table 1: Units in Structure³

Unit Type	Units	%
1, Detached	1,320	48.3%
1, Attached	199	7.3%
2 units	904	33.1%
3 or 4 units	248	9.1%
5 to 9 units	62	2.3%
10 to 19 units	0	0.0%
20 or more	0	0.0%
Mobile Home	0	0.0%
Other	0	0.0%
Total	2,733	±100%

2.1.2 Housing Units by Age

About 82% of the Borough’s housing inventory were built before 1975 or earlier (at least 50 years ago). While only 10% were built between 1980 and 1999. A significant decline in housing development since 2000 with only about 4% of the housing stock in the Borough have been built in the last 25 years.

Table 2: Year Structure Built³

Year Built	Total Units	Percentage
1939 or earlier	816	29.9%
1940 to 1959	966	35.4%
1960 to 1979	578	21.2%
1980 to 1999	272	9.9%
2000 to 2009	44	1.6%
2010 to 2019	33	1.2%
2020 and later	24	0.9%
Total	2,733	100%

2.1.3 Substandard Housing Conditions

P.L. 2024, C.2 requires that with respect to this calculation a methodology should be used that is “similar to the methodology used to determine third round municipal present need”. Third Round municipal present need calculations used three factors to calculate present need: the number of housing units lacking complete kitchen facilities, the number of units lacking complete plumbing facilities, and the number of overcrowded units. DCA issued Affordable Housing Obligations for 2025-2035 (Fourth Round), indicating that the Borough has 0-unit rehabilitation obligation.

³ U.S. Census Bureau, 2019-2023 American Community Survey 5-Year Estimates, Selected Housing Characteristics, Table DP04

2.2 Housing Stock: Value and Affordability

2.2.1 Value of Owner-Occupied Units

According to the 2023 ACS (5-year estimate), the median value of owner-occupied housing units in the Borough is \$523,800. In 2010, the median value of owner-occupied homes was \$421,700⁴, indicating that by 2023, there had been a 24% increase. Approximately 54% of owner-occupied units fall within the \$500,000 to \$999,999 value range. This represents a 26% increase over that indicated in the same value range in 2010.

Table 3: Value of Owner-Occupied Units³

Value	Number of Units	Percent
Less than \$149,999	77	4.8%
\$150,000 to \$299,999	63	3.9%
\$300,000 to \$499,999	599	37.2%
\$500,000 to \$999,999	871	54.1%
\$1,000,000 or more	0	0.0%
Total Owner - Occupied	1,610	100%
Median Value	\$523,800	

2.2.2 Rental Units

In 2010, the median value rent was \$1,156. In 2023, the median rent for occupied units in Carlstadt had increased to \$1,503, representing an approximately 30% increase. 76% have a rental value of between \$1,000 and \$1,999, 13% have a monthly rental value of less than \$999, and 11% have a rental value over \$2,000.³ In 2010, units with rents at or above \$1,500 represented about 16% of units, while by 2023 that had increased to approximately 50%.

Table 4: Gross Rent³

Value Range	# of Units	%
Less than \$500	0	0.0%
\$500 to \$999	132	12.8%
\$1,000 to \$1,499	380	36.9%
\$1,500 to \$1,999	401	39.0%
\$2,000 to \$2,499	74	7.2%
\$2,500 to \$2,999	42	4.1%
\$3,000 or more	0	0.0%
Total Occupied Rental Units	1,029	100%
Median Rent	\$1,503	

⁴ U.S. Census Bureau, 2006-2010 American Community Survey, Table DP04, Selected Housing Characteristics.

2.3 Demographics

2.3.1 Population and Age

While the Borough’s population was steadily increased since 1940, there have been some wild fluctuations. During the 20-year period, between 1950 and 1970, Carlstadt’s population grow 20%. During the next 20-year period, 1970 to 1990, the population decreased by about 18%. Since 1990 the population has again steadily increased, with growth rate of approximately 14.5%.

Table 5: Population Change by Decade ⁵

Year	Population	% Change
1940	5,644	--
1950	5,591	-0.9%
1960	6,042	8.1%
1970	6,724	11.3%
1980	6,166	-8.3%
1990	5,510	-10.6%
2000	5,917	7.4%
2010 ⁶	6,127	3.5%
2020 ¹	6,372	4.0%

According to the US Census Bureau, in 2000 the median age was 35.3⁷, in 2010 it was 40.5⁸, and in 2020 it was 41.9¹. This rise, according to the U.S. Census Bureau, is largely due to an aging baby boomer population (those born between 1946 and 1964) and is evident within the Borough.⁹ The percent of population that is 65 and over increased from 15% to 18% between 2000 and 2020. We also saw a 5% increase in the population aged 45 to 64.

Table 6: 2020 Population by Age¹

Age	Total	Percentage
Under 5 years	303	4.8%
5 to 9 years	285	4.5%
10 to 14 years	359	5.6%
15 to 19 years	366	5.7%
20 to 24 years	384	6.0%
25 to 29 years	426	6.7%
30 to 34 years	489	7.7%

⁵ For Year 1940 to 2000, NJSDC 2000 Census Publication, *New Jersey Population Trends: 1790 to 2000, Table 6. New Jersey Resident Population by Municipality: 1940 - 2000, page 36, <https://www.nj.gov/labor/labormarketinformation/assets/PDFs/census/2kpub/njsdcp3.pdf>*

⁶ U.S. Census Bureau, *Census 2010 Summary File 1, Table P1*

⁷ U.S. Census Bureau, *2000 Census, Median Age by Sex, Table P013.*

⁸ U.S. Census Bureau, *2010 Census, Median Age by Sex, Table P13.*

⁹ U.S. Older Population Grew From 2010 to 2020 at Fastest Rate Since 1880 to 1890, May 25, 2023

Zoe Caplan, U.S. Census Bureau,

<https://www.census.gov/library/stories/2023/05/2020-census-united-states-older-population-grew.html>

Age	Total	Percentage
35 to 39 years	403	6.3%
40 to 44 years	454	7.1%
45 to 49 years	422	6.6%
50 to 54 years	476	7.5%
55 to 59 years	480	7.5%
60 to 64 years	405	6.4%
65 to 69 years	389	6.1%
70 to 74 years	267	4.2%
75 to 79 years	186	2.9%
80 to 84 years	143	2.2%
85 years and over	135	2.1%
Total	6,372	100%
Median Age	41.9years	

2.3.2 Household Size

Understanding household size can help to determine demand for different housing units and provide insight on demographic shifts over time. In 2010, the average household size was 2.60 and the average family size was 3.31. While the Borough’s population is growing, in 2023 the average size for both households and families had decreased to 2.40 and 3.26, respectively.

Table 7: Average Household & Family Size

	2010 ¹⁰	2023 ¹¹
Average Household Size	2.60	2.40
Average Family Size	3.31	3.26

While 2-person households make up about 33% of all households, 1-person and 4-person households each comprise about 18% of owner-occupied units. In renter occupied units, 2-person households make up 32%, while 1-person households represent about 30%.

Table 8: Tenure by Household Size¹²

	Total Units	%
Total Occupied Units	2,429	
Owner occupied:	1,324	54.5%
1-person household	243	18.4%
2-person household	438	33.1%
3-person household	252	19.1%
4-person household	242	18.3%
5-person household	90	6.8%
6-person household	36	2.7%

¹⁰ U.S. Census Bureau, 2006-2010 American Community Survey, Table S1101, Households and Families.

¹¹ U.S. Census Bureau, 2019-2023 American Community Survey 5-Year Estimates, Table S1101, Households and Families

¹² U.S. Census Bureau 2020, Demographic and Housing Characteristics, Tenure by Household Size, Table H12

7-or-more-person household	23	1.7%
Renter occupied:	1,105	45.5%
1-person household	327	29.6%
2-person household	357	32.3%
3-person household	180	16.3%
4-person household	138	12.5%
5-person household	61	5.5%
6-person household	26	2.4%
7-or-more-person household	16	1.4%

2.3.3 Household and Family Income

In 2010, median income was \$62,255 for households and \$71,506¹³ for families. By 2023, this had risen to \$94,854 and \$114,802, respectively.¹⁴ This represents a 49% increase in the median income for households and about a 60% increase for families .

Table 9: Household Income¹⁴

	Households	Families
Less than \$10,000	7.2%	9.1%
\$10,000 to \$14,999	2.3%	3.8%
\$15,000 to \$24,999	3.4%	0.0%
\$25,000 to \$34,999	4.4%	0.0%
\$35,000 to \$49,999	5.3%	4.6%
\$50,000 to \$74,999	16.3%	9.9%
\$75,000 to \$99,999	12.5%	11.9%
\$100,000 to \$149,999	20.3%	23.8%
\$150,000 to \$199,999	6.9%	7.1%
\$200,000 or more	2.1%	29.9%
Median Income	\$94,854	\$114,802

According to the 2024 Affordable Housing Regional Income Limits by Household Size, which was prepared by Affordable Housing Professionals of New Jersey (AHPNJ), the median income for 1 person for Region 1 (Bergen, Hudson, Passaic and Sussex Counties) is \$84,288. This income level is set on a regional scale and is used to determine moderate, low, and very low-income levels. In Region 1 of New Jersey, which includes Carlstadt, the moderate household income limit for one person is \$67,431, the low-income is \$42,144, and the very low-income is \$25,286.¹⁵

¹³ U.S. Census Bureau, 2006-2010 American Community Survey 5-Year Estimates, Table S1901, Income in the Past 12 Months (in 2023 Inflation-Adjusted Dollars)

¹⁴ U.S. Census Bureau, 2019-2023 American Community Survey 5-Year Estimates, Table S1901, Income in the Past 12 Months (in 2023 Inflation-Adjusted Dollars)

¹⁵ Affordable Housing Professionals of New Jersey (AHPNJ), 2024 Affordable Housing Regional Income Limits by Household Size, April 12 2024, https://ahpnj.org/member_docs/Income_Limits_2024_FINAL.pdf

2.4 Employment and Population

2.4.1 Employment Status

About 69% of the Borough’s over 16 years old population is in the labor force, with 4% being unemployed.¹⁶

Table 10: Employment Status¹⁶

	Number	%
Population 16+ years and over	5,507	100%
Civilian Labor Force	3,802	69.0%
Employed	3,595	94.6%
Unemployed	207	3.8%
Armed Forces	0	0.0%
Not in labor force	1,705	31.0%
Unemployment Rate (of Civilian Labor Force)	-	5.4%

2.4.2 Employment by Industry

About 24% of those employed civilians work in the “Educational Services, Health Care and Social Assistance Services” industry, about 18% work in “Retail trade” and about 13% work in transportation and warehousing, and utilities”.¹⁶

Table 11: Employment by Industry¹⁶

Industry	Number	Percent
Agriculture, forestry, fishing and hunting, and mining	0	0.0%
Construction	173	4.8%
Manufacturing	159	4.4%
Wholesale trade	154	4.3%
Retail trade	640	17.8%
Transportation and warehousing, and utilities	468	13.0%
Information	100	2.8%
Finance and insurance, and real estate and rental and leasing	214	6.0%
Professional, scientific, and management, and administrative and waste management services	316	8.8%
Educational services, health care and social assistance	877	24.4%
Arts, entertainment, and recreation, and accommodation and food services	148	4.1%
Other services, except public administration	177	4.9%
Public administration	169	4.7%
Civilian employed population 16 years and over	3,595	100%

¹⁶ U.S. Census Bureau, 2019-2023 American Community Survey 5-Year Estimates, Table DP03, Selected Economic Characteristics.

2.4.3 Population and Employment Projections

The North Jersey Transportation Planning Authority (NJTPA) is the federally authorized Metropolitan Planning Organization (MPO) for the 13-county northern New Jersey region, which includes Bergen County. NJTPA projects that the region’s employment, between 2015 to 2045, will increase 14% (3 million to 3.4 million jobs). NJTPA projects that Bergen County will have the second largest share of employment in the region. NJTPA also projects that much of the growth by 2045 will be concentrated in the urban core and older suburbs vs. outlying areas which will seem to be favorable to communities such as Carlstadt.

According to NJTPA’s published population and employment projections, the Borough was projected to have a population of 6,833¹⁷ by 2045, representing a 10% increase from the 2015 population indicated in the NJTPA Regional Transportation Plan (RTP) and about a 7% increase from the 2020 Census (6,372 population). As for employment, the Borough is projected to have an increase of about 5% between 2015 and 2045.¹⁸

2.5 Housing Stock Projection

2.5.1 Residential Building and Demolition Permits by Year

The FHA II requires that Housing Plans include a projection of new housing units based on the number of building permits, development applications approved, and probable developments, as well as other indicators deemed appropriate. Building permit issuance in Carlstadt, from 2013 through 2023, averaged about 5 units, while annual demolition permit issuance averaged 2 units.

Table 12: Residential Permits by Year

Year	Building Permits Issued For New Construction ¹⁹	Housing Demolition Permits Issued ²⁰
2013	3	5
2014	1	2
2015	2	1
2016	11	0
2017	4	1
2018	6	12
2019	11	1
2020	11	0
2021	1	3
2022	1	0
2023	3	2
Total	54	27
Average	4.9	2.45

¹⁷ New Jersey Transportation Planning Authority (NJTPA), Appendix A-2045 Demographic Projections.

¹⁸ New Jersey Transportation Planning Authority (NJTPA), Plan 2045: Connecting North Jersey, NJTPA Regional Transportation Plan, November 2017.

¹⁹ New Jersey Department of Community Affairs (NJDCOA), Building Permits: Yearly Summary Data

²⁰ New Jersey Department of Community Affairs (NJDCOA), Building Permits, Demolition Permits

Year	Building Permits Issued For New Construction ¹⁹	Housing Demolition Permits Issued ²⁰
5-Year Projection	24.5	12.3
10-Year Projection	49	24.5

3.0 FAIR SHARE PLAN

This Fair Share Plan sets forth Carlstadt's affordable housing obligations and explains how the Borough is satisfying its obligation.

The Borough's fair share is 1,189, consisting of Present Need Obligation (Rehabilitation Obligation) is 0 units; a Prior Round Obligation (1987-1999) of 228 units; a Third Round Obligation (1999-2025) of 475 units; and a Fourth Round Obligation (2025-2035) of 486 units.

Another way to construe this 1,189 obligation is that the new construction obligation can be broken down into 703 for Rounds 1 through 3 and 486 for Round 4. The Borough has applied the standards set forth in N.J.A.C. 5:93-4.2, and as amended by P.L. 2024, C.2, to determine its entitlement to a vacant land adjustment (see appendix).

While the Borough had previously sought an RDP of 94 under the Third Round, understanding that the Tomu development is now not likely to move forward, as supported by the First Amendment between *East Rutherford and Fair Share Housing Center*, it has been determined that the unit required at 404 Hackensack Street (Block 63, Lot 17) was not produced (contrary to the approving resolution), and the previously proposed 100% affordable project at the former Lincoln site (Block 55 Lot 9) is also no longer moving forward (parcel has since been converted to a community garden), the Borough presents a revised RDP

To elaborate on the vacant land adjustment analysis (see appendix), in accordance with N.J.A.C. 5:93-4.2, we first created an inventory of vacant or underutilized parcels. Initially, an exhaustive analysis of all vacant properties was conducted utilizing 2024 MOD-IV tax data from the New Jersey Geographic Information Network. This data was reviewed for completeness and accuracy with respect to property class codes and, where necessary, updated based on local information and/or current aerial images. Next, the Borough removed environmentally sensitive lands including wetlands, flood hazard areas, active recreation; and conservation, parklands and open space lands.

While the Borough assigned a density of 9 units an acre (based on the typical 5,000 sf. lot) all resulting vacant parcels were either too small to generate an affordable housing obligation or were in fact no longer vacant. Furthermore, the Borough can remove parcels which were deemed to have special circumstances which might otherwise preclude the sites inclusion, including vacant lands surrounded by industrial uses, areas without access, areas with access only through wetlands, areas with known contamination, sites containing utilities (i.e., pump stations, stormwater management facilities, etc.), open space areas within developed sites (lands owned by an HOA, etc.), etc. In other words, all sites that did not qualify as available, approvable, developable and suitable were removed.

The resulting mapping indicated that the Borough had only 12 vacant parcels, and as a result of that analysis, the Borough determined that it is entitled to adjust its cumulative 1,189 prospective need to 9, leaving the Borough with a realistic development potential (RDP) of 9 and an unmet need of 1,180.

3.1 Present Need

3.1.1 As Determined and Addressed

The Borough accepts as its Rehabilitation Obligation the **0 units** as promulgated by the Department of Community Affairs (DCA) as the present need.

3.2 Municipal Obligation

3.2.1 Numeric Obligation as Recognized

As referenced above, the Borough has a Prior Round Obligation of 288 units, a Third Round Obligation of 475, and a Fourth Round Obligation of 486 units, resulting in a total obligation of 1,189 units. The Borough is also entitled to adjust that obligation to 9, leaving an unmet need of 1,180.

3.2.2 Formulas Having Applicability for Award of Credit

Rental Obligation (N.J.A.C. 5:93-5.15(a)): For a municipality receiving a vacant land adjustment (VLA) pursuant to N.J.A.C. 5:93-4.2, the rental obligation shall equal 25% of the RDP. Thus, the Borough has a rental obligation of **3 units** ($9 \text{ units} \times 25\% = 2.25$). Pursuant to P.L. 2024, C. 2, half of the rental obligation must be available to families with children. Thus the Borough has an obligation of rental housing for families with children of **2 units** ($3 \text{ units} \times 50\% = 1.5$).

Total Units for Families with Children (P.L. 2024, C. 2): A municipality must provide 50% of its obligation available to families with children. Thus, the Borough has an obligation to provide **5 units** for families with children ($9 \text{ units} \times 50\% = 4.5$).

Age Restricted Housing Limitation or Age Restricted Cap (P.L. 2024, C. 2): Up to 30% of units, exclusive of bonus credits, towards municipality's prospective affordable housing obligation may be satisfied through age-restricted housing. Thus, the Borough may be permitted to utilize **2 units** of its obligation towards age-restricted housing ($9 \text{ units} \times 30\% = 2.4$).

Rental Unit Bonus Credits and Limitation (P.L. 2024, C. 2): Municipal Contribution: A municipality may receive one bonus credit for each unit of low- or moderate-income housing in a 100% affordable housing project for which the municipality contributes land or at least 3% of the project's total cost. The Borough is contributing a portion of the land and purchasing the remaining land as related to Block 18, Lot 2, 3 and 4, and thus can claim 2 bonus credits.

3.2.3 Satisfaction of the Realistic Development Potential (RDP) - 9 Units

Carlstadt is able to satisfy the RDP with **9 credits** from a combination of inclusionary projects, a singular 100% senior project, and associated bonus credits.

Carlstadt's 9-unit RDP Compliance Mechanisms	Credits	Bonuses	Total
<i>Inclusionary Family Rental - Approved</i>			
575 Hoboken Rd.	2		2
585 Hoboken Rd.	1		1
491 Broad St.	1		1
400 Hackensack St.	2		2
Block 18, Lots 2, 3, and 4	2	2	4
<i>Totals</i>	8	2	10

3.2.4 Projects Addressing the Obligation

Below are brief descriptions of the five (5) crediting mechanisms to satisfy Borough's RDP, followed by a summary of them in table form.

575 Hoboken Road (Block 25, Lot 13)

This constructed and inclusionary project received planning board approval on September 22, 2012, allowing for the renovation of an existing one-story industrial building which includes the addition of another habitable floor and the creation of 10 residential units with a 20% set-aside (2 units) for affordable housing. Of these two units, a 3-bedroom unit will be available to a low-income household and a 2-bedroom unit will be available for a moderate-income household. Construction has been completed, a deed restriction recorded, and a certificate of occupancy issued.

Credits:	2
<u>Bonus Credits:</u>	<u>0</u>
Total Credits:	2

585 Hoboken Road (Block 25, Lot 12)

In 2014, the previous application for the site sought approvals for a 4-story multi-family structure containing 5 units, one of which would be affordable. However, that application was denied by the planning board. In early 2017, the Mt. Laurel Implementation Monitor, who has the power to review and approve applications for residential development in Carlstadt, authorized the board to proceed with a decision on a subsequent application for the site. On March 27, 2017, an inclusionary family rental project received planning board approval for the construction of 5 residential units with a 20% set-aside (1 unit) for affordable housing. At the time, the site was occupied by a 2-story residential building which has since been demolished. Construction has been completed, a deed restriction recorded, and certificate of occupancy issued.

Credits:	1
<u>Bonus Credits:</u>	<u>0</u>
Total Credits:	1

491 Broad Street (Block 59, Lot 14)

The original building on this site, which has since been renovated, was previously used as a restaurant, bar and lounge. On January 19, 2015, the original application to permit the construction of 10 townhomes on the site was denied by the Zoning Board of Adjustment on the basis that the building was of a historic nature. A reconsideration hearing on February 25 of that year heard a revised application to permit the construction of an 8-unit building, one of which would be a 2-bedroom affordable housing unit. That application was also denied by the Zoning Board. However, on March 23, 2015, the Mount Laurel Implementation Monitor, whose appointment was pursuant to the final judgment in the TOMU litigation, directed the Zoning Board to approve the application. The Board approved the application, which was subsequently amended (most recently) on February 8, 2017. Although renovations of the building are complete, it is currently unoccupied and awaiting the filing of deed restrictions and the issuance of a CO.

Credits: 1
Bonus Credits: 0
Total Credits: 1

400 Hackensack Street (Block 63, Lot 16)

This constructed, occupied family rental inclusionary property contains 6 residential units with 2 units set aside for affordable housing. The property contains deed restrictions for 1 low-income household and a very low-income household.

Credits: 2
Bonus Credits: 0
Total Credits: 2

Block 18, Lot 2, 3, and 4 (447 Garden St. and 632, 634 Division St.)

On July 17, 2024, Borough Council designated Block 18, Lots 2, 3, and 4 as an area in need of redevelopment. Lot 2 is 0.437 acres and owned by the Borough, while Lots 3 and 4 are privately owned and are 0.188, acres collectively. Collectively, the total site acreage is .625 acres and is occupied by only a 15,265 square foot warehouse currently utilized to store equipment by the Department of Public Works. While the development of the site will require a rezoning, the site is serviced by both sewer and water and is in proximity to various uses types that would be beneficial to a 100% affordable project, including commercial.

- Site Control – The Borough controls Lot 2 and intends to purchase Lots 3 and 4. Once an agreement has been finalized between the Borough and a developer, the Borough will support the site’s development, with the understanding that financial assistance from the Borough’s Affordable Housing Trust Fund may be required.
- Administrative Entity – An experienced affordable housing administrative entity acceptable to the Borough who will administer 40-year affordability controls and affirmative marketing will be engaged. The administrative entity will income qualify

applicants and will provide long-term administration of the units in accordance with COAH’s rules at N.J.A.C. 5:93-9.2 and 5:93-11.1 and UHAC per N.J.A.C. 5:80-26.1.

- Bedroom Distribution will follow UHAC regulations
- Funding – The developer of the project will seek LIHTC funding via HMFA
- Construction Schedule – Once funding is secured, a construction schedule will follow.
- Very Low/ Low/ Moderate Income Split – All affordable units will be split 50/50 between low- and moderate-income households, and the odd number split in favor of the low-income unit (N.J.A.C. 5:93-2.20). Additionally, at least 13% of all affordable units shall be affordable to very low-income households. Therefore, 2 units will be affordable to very low-income households at 30% or less of the regional median income, 6 affordable to low-income households, and 8 may be affordable to moderate-income households.
- Rental Bonus – This project is eligible for rental bonuses as a 100% affordable project where the municipality is providing at least 3% of the total project cost.

Credits:	2
<u>Bonus Credits:</u>	<u>2</u>
Total Credits:	4

3.2.5 Unmet Need - 1180 Units

As referenced above, the Borough has an RDP of 9 and an unmet need (1,180 units). The Borough intends to apply the 1 surplus unit and the 14 creditable units that, due to the age restricted cap, cannot be applied towards satisfying the RDP towards the unmet need. In addition to surplus credits, the Borough presents the following mechanisms towards addressing the Unmet Need:

Mandatory set-aside for new multifamily development

The Borough will establish a mandatory set-aside ordinance that requires all residential development (containing five or more units), including approvals of use or density variances, site plans or subdivisions; redevelopment projects subject to a redevelopment plan adopted by the Borough Council that governs the development and redevelopment of designated areas in need of rehabilitation or areas in need of redevelopment in the Borough; and, substantial revisions to previously approved developments, to have a 20% set-aside for affordable units, regardless of whether they are for-sale or rental. All affordable units shall be restricted, regulated, and administered consistent with the Borough affordable housing regulations, the Uniform Housing Affordability Controls and the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.).

Existing Overlay Zoning

The Borough had previously established overlay zoning over its Residential, Mixed Use, and Light Industrial districts and over properties fronting on Hoboken Road. These zoning districts are the AHO-1 overlay, which is located on all properties in the Residential and Mixed-Use districts; the AHO-2 overlay, which is located on all properties in the Light Industrial district; and the AHO-1A overlay, which is all properties fronting on Hoboken Road between

Washington Street and Garden Street. Currently, the overlay zones have densities of 25, 35, and 34 units an acre, respectively.

Proposed Redevelopment Overlay Zoning

The Borough recognizes that Fourth Round requirements require that the municipality identify parcels likely to redevelop and to provide realistic zoning sufficient to accommodate the construction of 25% of the adjusted number. Considering that the entire Borough is largely already under overlay zoning, the only area remaining that might redevelop is along the Route 17 corridor. While the Borough does not believe the east side of Route 17 could accommodate housing (long narrow lots, adjacent to industrial uses), the west side could support infill.

The Borough will accommodate mixed use development on those commercially zoned properties on the west side of Route 17 via an additional redevelopment overlay zone that permits residential as an accessory use. While this will help to address the redevelopment stipulation as indicated in the Fourth Round rules, the Borough will seek a waiver as to the intensity of that zone and to the extent necessary to accommodate the 25% of the obligation as adjusted. The reason for such a waiver request is, as indicated above, that nearly the entirety of the Borough is already in an affordable housing overlay zone.

4.0 APPENDIX

Appendix A - 2025 Vacant Land Inventory and Map

Appendix B - Affordable Housing Sites Map

Appendix C - Draft Spending Plan

Appendix D - 100% Affordable Site Map

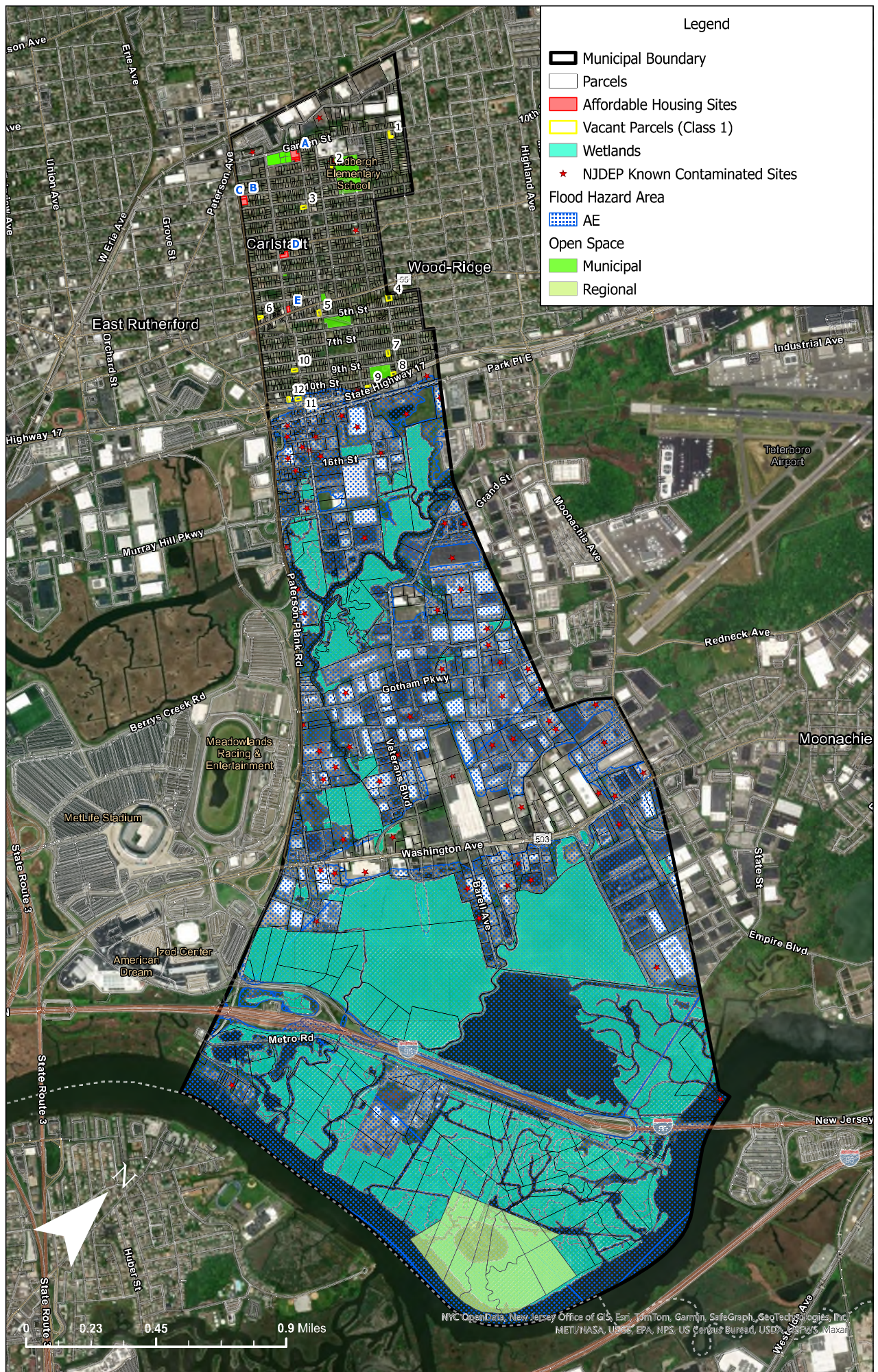
Appendix E - 400 Hackensack Deed

Appendix F - 575 Hoboken Deed

Appendix G - 585 Hoboken Deed

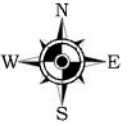
Appendix H - 491 Broad Resolution

Appendix A - 2025 Vacant Land Inventory and Map



MAP NO.	BLOCK	LOT	PROPERTY CL/ADDRESS	ADDITIONAL TOTAL AREA (AC)	FLOOD HAZARD ARE	WETLANDS (OUTSID AREA OUTSIDE OF ENVIRONMEN	REASONS FOR EXCLUSION	ADDITIONAL REASON(S) FOR EXCLUSION	RDP		
1	5	42.01	1	5 CARLYLE CT.	0.098	0.00	0.00	0.098	Developed	-	-
2	10	10	1	540 LINCOLN ST	0.051	0.00	0.00	0.051	Developed	-	-
3	22	1.01	1	558 DIVISION AVE.	0.121	0.00	0.00	0.121	Developed	-	-
4	33	9	1	707 HILL ST.	0.207	0.00	0.00	0.207	-	Unconstrained Acreage Insufficient to Support Housing	0
5	64	2.02	1	400 DIVISION AVE.	0.123	0.00	0.00	0.123	Developed	-	-
6	75	11	1	401 HOBOKEN RD	0.105	0.00	0.00	0.105	Developed	-	-
7	85	2	1	643 EIGHTH ST	0.117	0.00	0.00	0.117	-	Unconstrained Acreage Insufficient to Support Housing	0
8	86	4	1	PASSAIC AVE	0.115	0.00	0.00	0.115	Developed	-	-
9	86	11	1	ROUTE 17	0.065	0.00	0.00	0.065	Developed	-	-
10	105	3.01	1	324 BROAD STREET	0.117	0.00	0.00	0.117	-	Unconstrained Acreage Insufficient to Support Housing	0
11	107	4	1	BROAD ST.	0.144	0.144	0.00	0.000	Constrained by FHA	-	-
12	107	15	1	328-338 RT 17 SOUTH	0.104	0.011	0.00	0.093	Developed	-	-
					AFFORDABLE HOUSING SITES						
					MAP NO.	BLOCK	LOT	PROPERTY CLASS	ADDRESS	TOTAL AREA (AC)	
					A	18	18	2 15C	447 GARDEN ST	0.116	3
				18			3 2	634 DIVISION AV.	0.455		
				18			4 1	632 DIVISION AVE	0.069		
					B	25	12 4A	585 HOBOKEN RD	0.131	1	
					C	25	13 4B	575 HOBOKEN RD.	0.256	2	
					D	59	14 1	491 BROAD ST	0.237	1	
					E	63	16 4C	400 HACKENSACK ST	0.105	2	
										TOTAL RDP	9

Appendix B - Affordable Housing Sites Map



WOOD-RIDGE BORO

CARLSTADT BORO

EAST RUTHERFORD BORO

General Notes & Data Sources:

This Geographic Information System (GIS) Map is for demonstration purposes only; any use of this product with respect to accuracy and precision shall be the sole responsibility of the end user.

The various parcels shown on this map are referenced, in part, from ground surveys, aerial surveys and recorded plans, and documents, and are to be used for approximate location purposes only.

Additional GIS resource data was provided by the New Jersey Geographic Information Network (NJGIN), the New Jersey Department of Transportation (NJDOT), the New Jersey Department of Environmental Protection (NJDEP), the New Jersey Office of Information Technology (NJ-OIT), and the New Jersey Office of GIS (NJOGIS). The data was obtained and provided by the various New Jersey Departments at the New Jersey Geographic Information Network (NJGIN). <https://gisnj-newjersey.opendata.arcgis.com>. This secondary product has not been verified by NJGIN/NJDOT/NJOGIS/NJDEP and is not state-authorized.

All positions are based on the following:

- NAD 83 (horizontal datum)
- New Jersey State Plane Coordinate System
- English units (US Survey feet)

The geodetic accuracy and precision of the Geographic Information System (GIS) data contained in this mapping has not been developed or verified by a professional licensed land surveyor and shall not be nor is intended to be used in matters requiring definition and location of true ground horizontal and/or vertical controls, unless otherwise noted.

Legend

- Redevelopment Overlay
- Affordable Housing Sites
- Municipal Boundaries
- Parcels



Affordable Housing Sites
Carlstadt Borough

Bergen County New Jersey
06/18/2025 Scale: 1" = 500'

REMINGTON & VERNICK ENGINEERS
 2059 SPRINGDALE ROAD, CHERRY HILL, NJ 08003
 (856) 795-9595, FAX (856) 795-1082, RVE.COM
 OFFICES OF ARCHITECTURE, CIVIL ENGINEERS
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Appendix C - Draft Spending Plan

Carlstadt Borough Affordable Housing Trust Fund Spending Plan

INTRODUCTION

The Borough of Carlstadt's Spending Plan was prepared in accordance with the Fourth Round Housing Element and Fair Share Plan rules and regulations signed into law March 20, 2024. This spending plan is intended to project anticipated affordable housing trust fund revenues, expenditures, and the mechanisms for expenditure through December 31, 2035.

As of December 31, 2024, the Borough had collected \$2,058,751, none of which was expended. Pursuant to the Appellate Division's authorization allowing for the adoption of a Development Fee Ordinance and restriction on expenditure of collected fees in the absence of a spending plan approved by the Court, no fees have been expended. All development fees and interest earned by the fees were deposited in a separate interest-bearing Affordable Housing Trust Fund at the Valley Bank, located at 207 Hackensack Street, Wood Ridge, NJ 07075. These funds shall be spent in accordance with N.J.A.C. 5:93-8.16 as described in the sections below.

1. REVENUES FOR CERTIFICATION PERIOD

To calculate a projection of revenue anticipated through December 31, 2035, the Borough of Carlstadt considered the following:

(a) Development fees:

1. Residential and nonresidential projects which have been subject to development fees at the time of preliminary or final development approvals;
2. All projects currently before the planning and zoning boards for development approvals that may apply for building permits and certificates of occupancy; and
3. Future development that is likely to occur based on historical rates of development.

(b) Payment in lieu (PIL):

Actual and committed payments in lieu (PIL) of construction from developers.

To date, there are no actual or committed payments in lieu (PIL) of construction from developers.

(c) Other funding sources:

Funds from other sources include, but are not limited to, the sale of units with extinguished controls, repayment of affordable housing program loans, rental income, and proceeds from the sale of affordable units. All monies to be deposited in the Affordable Housing Trust fund are anticipated to come from development fees.

(d) Projected interest:

Affordable Housing Trust Fund interest is based on the current rate of interest of 4.1%.

(e) Anticipated revenue:

Table 1 below shows the anticipated revenue to be generated from development fees. The Borough projects that a subtotal of \$1,284,393 (\$1,337,050 with interest) will be collected between January 1, 2025 and December 31, 2035 for affordable housing purposes, based on the assumptions that immediately follow the table. These projections are essentially extrapolations of historic trends. After adding in the funds currently in the trust account, the total is projected to be \$3,395,801.

Table 1: Projected Revenues, Housing Trust Fund- 2020 through 2025

Year Source of Funds	2024	2025	2026-2027	2028-2029	2030-2031	2032-2033	2034-2035	2025-2035 Total
Projected Residential Development	STARTING BALANCE \$2,058,751 (12/31/24)	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Projected Non-Residential Development		\$116,763	\$233,526	\$233,526	\$233,526	\$233,526	\$233,526	\$1,284,393
Interest		\$4,787	\$9,575	\$9,575	\$9,575	\$9,575	\$9,575	\$52,657
Total	\$2,058,751	\$121,550	\$243,100	\$243,100	\$243,100	\$243,100	\$243,100	\$3,395,801

It can be assumed that there will be no residential construction within the next 10 years due to the lack of land to develop on and the lack of residential development over the last 10 years.

Projected non-residential development is based on the development fees collected by the Borough since 2008. During this period, fees totaling \$1,984,971 were received, or an average of \$116,763 per year.

As indicated in the Table above, Carlstadt Borough anticipates that a total of \$1,337,050 in revenue will be collected between January 1, 2025 and December 31, 2035 (\$0+ \$1,284,393+\$52,657).

2. ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS

The procedural sequence to be followed by the Borough of Carlstadt for the collection and distribution of development fee revenues is presented below.

(a) Collection of development fee revenues

Collection of development fee revenues shall comply with the Borough’s Development Fee Ordinance for both residential and non-residential development in accordance with COAH’s rules and P.L.2008, c.46, sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7).

(b) Distribution of development fee revenues

A resolution recommending the expenditure of development fee revenues as set forth in this spending plan is adopted by the Planning Board and forwarded to the Council.

The Council then reviews the request for consistency with the spending plan and, by resolution, adopts the recommendation.

Upon adoption of the Council's resolution, funds can be released in accordance with the Court-approved spending plan. The Chief Financial Officer releases the requested revenue from the trust fund for the specific use approved in the Council's resolution following approval of a request by resolution.

3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

The Borough of Carlstadt may use the monies in the trust fund for any of the following items, pursuant to N.J.A.C. 5:93-8.16(a) and (c):

- New construction of affordable housing and related development costs; eligible costs for inclusionary development shall be pro-rated based on the proportion of affordable housing units that are included in the development
- Extensions and/or improvements of roads and infrastructure to low- and moderate-income housing sites; costs for inclusionary development shall be pro-rated based on the proportion of affordable housing units that are included in the development
- Purchase and/or improvement of land to be used for low- and moderate-income housing
- Market-to-affordable programs
- Green building strategies designed to save money for low- and moderate-income households, either for new construction not funded by other sources, or as part of necessary maintenance or repair of existing units

- Rehabilitation, maintenance and repair of affordable housing units
- Repayment of municipal bonds issued to finance affordable housing activity
- Affordability assistance to very low-, low- and moderate-income buyers and renters of affordable housing units to lower the cost of homeownership, subsidize closing costs, or reduce the capitalized basis of rent payments
- Affordability assistance to create very low-income and low-income units
- Any other activity as specified herein

Specific Expenditures

The Borough of Carlstadt will expend trust fund dollars, less administrative expenditures, on an affordability assistance program. The types of affordability assistance that are being considered include: security deposit assistance, rental payment assistance or some combination thereof. An operating manual for the program will be drafted and the program operated by an experienced administrative agent.

The Borough will establish said program(s) and hire an experienced affordable housing administrator to manage any established program. At such time the Borough establishes a program, the Borough will seek to amend the spending plan to more accurately detail the exact methodology for fund expenditure. While the Borough projects funds through the end of 2035, the Borough does

not anticipate bonding for any funding shortfall and the size of said program(s) will be proportionate to the funds in the affordable housing trust fund.

4. AFFORDABILITY ASSISTANCE (N.J.A.C. 5:93-8.16(c))

At least 30% of collected development fees shall be used to create very low-income units and provide affordability assistance to low- and moderate-income households in affordable units included in the Fair Share Plan.

Table 2 below shows the minimum amount anticipated being available for affordability assistance to low- and moderate-income households, including very low-income households.

Table 2: Projected Minimum Affordability Assistance Requirement

Development fees collected from 7/17/08 to 12/31/2024		\$2,058,751
Development fees projected, 2025-2035	+	\$1,284,393
Interest earned, 7/17/08 through 12/31/2024	+	\$0
Interest projected, 2025-2035		\$52,657
Total	=	\$3,395,801
30 percent requirement	x .30 =	\$1,018,740
Less affordability assistance expenditures through 12/31/2024	-	\$0
Projected minimum affordability assistance expenditures	=	\$1,018,740
Projected minimum very low-income affordability assistance requirement	÷ 3 =	\$339,580

The Borough of Carlstadt will dedicate a minimum of \$1,018,740 from the affordable housing trust fund towards affordability assistance to render units more affordable, including at least \$339,580 to render units more affordable to households earning no more than 30 percent of median income by region. Programs and activities for which funds will be spent will be determined from the following list:

- Affordability assistance to very low-, low- and moderate-income buyers and renters of affordable housing units to lower the cost of homeownership, subsidize closing costs and down payments, security deposits, emergency repairs funding and/or reduce the capitalized basis of the rent payments.
- Assistance with homeowners association or condominium fees and special assessments

5. ADMINISTRATIVE EXPENSES (N.J.A.C. 5:93-8.16(e))

Table 3: Projected Allowed Administrative Expense

Development fees + interest collected, 7/17/08 thru 12/31/24	+	\$2,058,751
Projected development fees, 2025-2035	+	\$1,337,050
Total	=	\$3,395,801
20 percent maximum allowed administrative expense	x .20 =	\$679,160
Less administrative expenditures through 12/31/2024	-	\$ 0
Projected maximum allowable administrative expenses, 12/31/2024 through 12/31/2035	=	\$679,160

The Borough of Carlstadt projects that \$679,160 will be available from the Affordable Housing Trust Fund to be used for administrative purposes. Projected administrative expenditures, which are subject to the 20 percent cap, include:

- Administrative costs to underwrite professional consulting fees relating to the preparation and implementation of the Borough’s Fair Share Plan and any amendments thereto;
- Professional, legal, and court fees as they relate to affordable housing;
- Administrative fees related to any municipally-sponsored new construction program; and
- Underwriting fees associated with the retention of a qualified administrative agent as may be found necessary.

The Township will not expend for administrative purposes in excess of the formula in Table 3 above.

The Borough anticipates reimbursement for past admin expenses as approved by the Courts. These expenditures will be for only expenses indicated above and were not previously dispensed from the Affordable Housing Trust Fund due to the fact that the Borough has yet to receive Spending Plan approval from the Program. The Borough will submit a detailed list of all administrative expenses for the Program to determine the level of reimbursement for past activity.

6. EXPENDITURE SCHEDULE

The Borough of Carlstadt anticipates using affordable housing trust fund revenues to the benefit of low-, moderate-, and very low-income households, as set forth in the table below. In preparing this spending plan, it should be noted that the Borough is committed to expending the funds in the Affordable Housing Trust Fund by the end of 2035.

The expenditure schedule is summarized in Table 4 on the following page.

Table 4: Projected Expenditure Schedule, 2025-2035

PROJECTS/ PROGRAMS	2025	2026- 2027	2028- 2029	2030- 2031	2032- 2033	2034- 2035	Total
Affordability Assistance	\$-	\$253,327	\$253,328	\$253,328	\$253,328	\$253,330	\$1,266,641
Administration	\$61,742	\$123,484	\$123,484	\$123,484	\$123,484	\$123,482	\$679,160
Value Reimbursement (Block 18, Lot 2)	\$500,000	\$-	\$-	\$-	\$-	\$-	\$500,000
Property Purchase (Block 18, Lots 3 and 4)	\$500,000	\$-	\$-	\$-	\$-	\$-	\$500,000
Additional Property Purchase	\$450,000	\$-	\$-	\$-	\$-	\$-	\$450,000
Total	\$1,511,742	\$376,811	\$376,812	\$376,812	\$376,812	\$376,812	\$3,395,801

7. SUMMARY

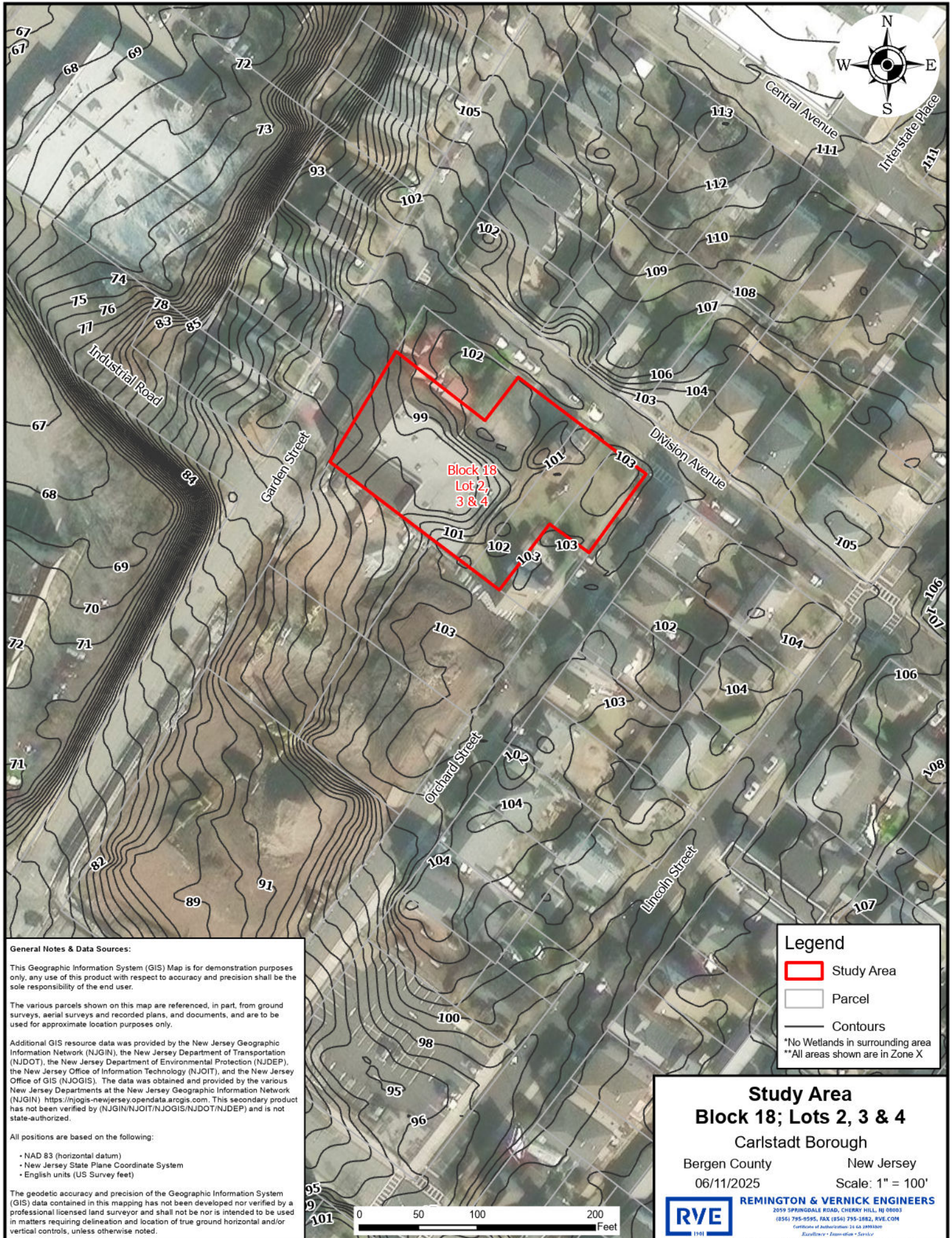
The Borough of Carlstadt intends to spend affordable housing trust fund revenues as approved by the Court pursuant to N.J.A.C. 5:93-8.16 and consistent with the programs described in the Borough’s Housing Element and Fair Share Plan.

As of December 31,2024, the Borough of Carlstadt has a balance of \$2,058,751 and anticipates an additional \$1,337,050 in revenues through December 31, 2035, for a total of \$3,395,801. The municipality will dedicate \$1,266,641 towards affordability assistance to benefit moderate-income, low-income and very low-income households.

Table 5: Spending Plan Summary

REVENUES	
Balance as of December 31,2024	\$ 2,058,751
Projected Revenue from December 31, 2025 through 2035	
1. Development fees	+ \$ 1,284,393
2. Payments in lieu of construction	+ \$ 0
3. Other funds	+ \$ 0
4. Interest	+ \$ 52,657
TOTAL REVENUE	= \$ 3,395,801
EXPENDITURES	
Affordability assistance (various)	- \$ 1,266,641
Administration	- \$ 679,160
Value Reimbursement (Block 18, Lot 2)	- \$ 500,000
Property Purchase (Block 18, Lots 3 and 4)	- \$ 500,000
Additional Property Purchase	- \$ 450,000
TOTAL PROJECTED EXPENDITURES	= \$ 3,395,801

Appendix D - 100% Affordable Site Map



General Notes & Data Sources:

This Geographic Information System (GIS) Map is for demonstration purposes only, any use of this product with respect to accuracy and precision shall be the sole responsibility of the end user.

The various parcels shown on this map are referenced, in part, from ground surveys, aerial surveys and recorded plans, and documents, and are to be used for approximate location purposes only.

Additional GIS resource data was provided by the New Jersey Geographic Information Network (NJGIN), the New Jersey Department of Transportation (NJDOT), the New Jersey Department of Environmental Protection (NJDEP), the New Jersey Office of Information Technology (NJGIT), and the New Jersey Office of GIS (NJOGIS). The data was obtained and provided by the various New Jersey Departments at the New Jersey Geographic Information Network (NJGIN) <https://njgis-newjersey.opendata.arcgis.com>. This secondary product has not been verified by (NJGIN/NJOIT/NJOGIS/NJDOT/NJDEP) and is not state-authorized.

All positions are based on the following:

- NAD 83 (horizontal datum)
- New Jersey State Plane Coordinate System
- English units (US Survey feet)

The geodetic accuracy and precision of the Geographic Information System (GIS) data contained in this mapping has not been developed nor verified by a professional licensed land surveyor and shall not be nor is intended to be used in matters requiring delineation and location of true ground horizontal and/or vertical controls, unless otherwise noted.

Legend

- Study Area
- Parcel
- Contours

*No Wetlands in surrounding area
 **All areas shown are in Zone X

Study Area
Block 18; Lots 2, 3 & 4

Carlstadt Borough

Bergen County

New Jersey

06/11/2025

Scale: 1" = 100'



REMINGTON & VERNICK ENGINEERS
 2059 SPRINGDALE ROAD, CHERY HILL, NJ 08003
 (856) 795-8595, FAX (856) 795-1882, RVE.COM
Certificate of Authorization: 24 CA 0098300
 Excellence • Innovation • Service



Appendix E - 400 Hackensack Deed

THIS IS

152

Kathleen A. ...
COUNTY CLERK

RECORDED - BERGEN COUNTY

RECORDING FEE \$ 28
PAID Reeds

001687

98 JAN -6 AM 9:57

MODIFICATION AND AMENDMENT TO LAND USE RESTRICTION AGREEMENT
DATED NOVEMBER 16, 1997 BETWEEN 570 FAIRVIEW ASSOC., L.L.C.,
AND FEDERAL DEPOSIT INSURANCE CORPORATION, AS RECEIVER FOR POLIFLY
FEDERAL SAVINGS & LOAN ASSOCIATION PREVIOUSLY RECORDED IN THE BERGEN COUNTY
CLERK'S OFFICE IN BOOK 7973 OF DEEDS AT PAGE 693.

WHEREAS, a Land Use Restriction Agreement was previously entered into between the parties; and

WHEREAS, the Township of Carlstadt has reduced the number of permissible dwelling units in the premises located at 400 Hackensack Street, Carlstadt, New Jersey, Lot 16, Block 63 from six (6) units to four (4) units; and

WHEREAS, in view of the foregoing reductions, the Federal Deposit Insurance Corporation has agreed to reduce the required number of low income housing units from three (3) units to two (2) units;

NOW, THEREFORE, it is agreed as follows:

(1) Article II Use and Occupancy of the Property Section 2.2 Occupancy Requirements subparagraph (a) is hereby amended to read as follows:

Section 2.2 Occupancy Requirements.

(a) Subject to subsections (c) and (d), during the Term, Owner will make continuously available for occupancy by Low-Income Families as Qualifying Units (including compliance with Article III hereof) not less than 2 Units, of which not less than 1 Units shall be made available for occupancy by Very Low-Income Families. Owner shall use its best efforts, subject to current market conditions, (i) to distribute Units reserved for Low-Income Families and Very Low-Income Families among unit sizes in proportion to the distribution of unit sizes in the Property and (ii) to avoid concentration of Low-Income Families or Very Low-Income Families in any area or areas of the Property.

(2) All of the other provisions of the original Land Use Restriction Agreement between the parties shall remain in full force and effect.

COPIED

THIS IS A

NOTARY

ATTEST

IN WITNESS WHEREOF, the undersigned have hereunto affixed their signatures and seals as of the date first above written.

SELLER:
Federal Deposit Insurance Corporation, as Receiver for Fidelity Federal Savings & Loan Association
By: William Falchi

Title: Attorney-in-Fact

OWNER:
By: [Signature]
TIM BRAY

Title: Pres, 570 Fairview Assoc., L.P.C.

STATE OF NEW JERSEY)
COUNTY OF BERGEN) SS.

BE IT REMEMBERED, that on this 30th day of November 1997, before me a Notary Public of New Jersey, personally appeared TIM BRAY, who, I am satisfied, is the individual described herein, and who executed the above Instrument and I having made known to him the contents thereof, he thereupon acknowledged to me that he signed, sealed and delivered the same as his voluntary act and deed for the uses and purposes thereon expressed.

[Signature]
A Notary Public of the State of New Jersey
Craig S. Hughes
Notary Public of New Jersey
My Commission Expires November 28, 2000

STATE OF CONNECTICUT)
COUNTY OF HARTFORD) SS.

BE IT REMEMBERED, that on this 26th day of November 1997, before me, a Notary Public of the State of Connecticut, personally appeared William Falchi who, I am satisfied, is the individual described herein, and who executed the above Instrument and having made known to him the contents thereof, he thereupon acknowledged to me that he signed, sealed and delivered the same as his voluntary act and deed, for the uses and purposes thereon expressed.

[Signature]
A Notary Public of the State of Connecticut

RECORD & RETURN TO:
CRAIG S. HUGHES, ESQ.
15 Essex Rd., Century Plaza, 2nd Fl.
Paramus, New Jersey 07652

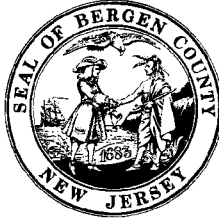
PETER JACOBS
NOTARY PUBLIC
MY COMMISSION EXPIRES SEP. 30, 2001

COPIES

Appendix F - 575 Hoboken Deed

John S. Hogan
Bergen County Clerk

Bergen County Clerk
One Bergen County Plaza
Hackensack, NJ 07601
(201) 336-7000
www.bergenclerk.org



INSTRUMENT# 2020093490

V 3732 1294

RECORDED DATE: 09/28/2020

Document Type: DECLARATION/ RESTRICTIONS

Transaction #: 1564052

Document Page Count: 9

Operator Id: LS

RETURN TO:
POST POLAK P A
ATTN: SUSAN LEE COBB CASE MGR
425 EAGLE ROCK AVE SUITE 200
ROSELAND, NJ 07068

SUBMITTED BY:
POST POLAK P A
ATTN: SUSAN LEE COBB CASE MGR
425 EAGLE ROCK AVE SUITE 200
ROSELAND, NJ 07068

PRIMARY NAME

SECONDARY NAME

PIAZZA & ASSOCIATES INCORPORATED

MARKUS ASSOCIATES LLC

ADDITIONAL PRIMARY NAMES

ADDITIONAL SECONDARY NAMES

MARGINAL REFERENCES: File Number: Volume: Page:

DOCUMENT DATE: 08/02/2019

MUNICIPALITY: CARLSTADT

LOT: 13

BLOCK: 25

INSTRUMENT#: 2020093490

Recorded Date: 09/28/2020

FEES/ TAXES:

RECORDING FEE	\$20.00
STATE RECORDING FEE	\$40.00
COUNTY RECORDING FEE	\$40.00
HOMELESSNESS TRUST FUND	\$3.00
TAX ABSTRACT-STATE	\$5.00
TAX ABSTRACT-COUNTY	\$5.00
HOMELESS CODE BLUE	
NPNR	\$0.00
Basic County	\$0.00
Basic State	\$0.00
PHPF	\$0.00
Extra-Aide	\$0.00
Gen-Purpose	\$0.00
Mansion-Tax	\$0.00

Total: \$115.00

I hereby CERTIFY that this document is recorded in the Clerk's Office in Bergen County, New Jersey



John S. Hogan

John S. Hogan
Bergen County Clerk

Recording Fees: \$115.00
Realty Transfer Tax Fees: \$0.00
Consideration: \$

OFFICIAL RECORDING COVER PAGE


Page 1 of 9

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NOTE: If document data differs from cover sheet, document data always supersedes.
*COVER PAGE DOES NOT INCLUDE ALL DATA, PLEASE SEE INDEX AND DOCUMENT FOR ANY ADDITIONAL INFORMATION.

LS
DOR
8p
115

Bergen County Recording Data Page Honorable John S. Hogan Bergen County Clerk			<i>Official Use Only - Barcode</i>
<i>Official Use Only - Realty Transfer Fee</i>			
Date of Document: 08/02/2019		Type of Document: DEED-RESTRICTED AFFORDABLE HOUSING PROPERTY	
First Party Name: PIAZZA & ASSOCIATES INC (ADMINISTRATIVE AGENT)		Second Party Name: MARKUS ASSOCIATES	
Additional Parties: BOROUGH OF CARLSTADT			

THE FOLLOWING SECTION IS REQUIRED FOR DEEDS ONLY	
Block: 25	Lot: 13
Municipality: BOROUGH OF CARLSTADT	
Consideration: NO	
Mailing Address of Grantee: 422 PATERSON AVENUE EAST RUTHERFORD NJ 07073	

THE FOLLOWING SECTION IS FOR ORIGINAL MORTGAGE BOOKING & PAGE INFORMATION FOR ASSIGNMENTS, RELEASES, SATISFACTIONS, DISCHARGES & OTHER ORIGINAL MORTGAGE AGREEMENTS ONLY	
Original Book:	Original Page:

BERGEN COUNTY RECORDING DATA PAGE
Please do not detach this page from the original document as it contains important recording information and is part of the permanent record.

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ATTN: SUSAN LEE COBB, CASE MGR
425 EAGLE ROCK AVE, SUITE 200
ROSELAND, NJ 07068

APPENDIX E-2

MANDATORY DEED RESTRICTION FOR RENTAL PROJECTS

Deed Restriction

**DEED-RESTRICTED AFFORDABLE HOUSING PROPERTY
WITH RESTRICTIONS ON RESALE AND REFINANCING**

To Rental Property
With Covenants Restricting Rentals, Conveyance and Improvements
And Requiring Notice of Foreclosure and Bankruptcy

THIS DEED RESTRICTION, entered into as of this the 2nd day of August, 2019, by and between Piazza & Associates, Inc. ("Administrative Agent"), or its successor, acting on behalf of Borough of Carlstadt, with offices at 500 Madison Street, Carlstadt, New Jersey 07072, and Markus Associates, having offices at 422 Paterson Avenue, East Rutherford, New Jersey 07073, the developer/sponsor (the "Owner") of a residential low- or moderate-income inclusionary rental project (the "Project"):

WITNESSETH

Article 1. Consideration

In consideration of benefits and/or right to develop received by the Owner from the Municipality regarding this inclusionary rental Project, the Owner hereby agrees to abide by the covenants, terms and conditions set forth in this Deed restriction, with respect to the land and improvements more specifically described in Article 2, hereof (the Property).

Article 2. Description of Property

The Property consists of all of the land, and a portion of the improvements thereon, that is located in the municipality of Carlstadt, County of Bergen, State of New Jersey, and described more specifically as Block No. 25 Lot No. 13, see Schedule A attached hereto and made a part hereof and known by the street address:

575 Hoboken Road
Carlstadt, NJ 07072

{00947137.1}1

updated June 2007

More specifically designated as:

<u>Unit Address</u>	<u>Bedroom Number</u>	<u>Affordability Type</u>
575 Hoboken Road, Unit 1	3 Bedroom	Moderate-Income
575 Hoboken Road, Unit 6	2 Bedroom	Moderate-Income

Article 3. Affordable Housing Covenants

The following covenants (the "Covenants") shall run with the land for the period of time (the "Control Period"), determined separately with respect for each dwelling unit, commencing upon the date on which the first certified household occupies the unit, and shall and expire as determined under the Uniform Controls, as defined below.

In accordance with N.J.A.C. 5:80-26.11, each restricted unit shall remain subject to the requirements of this subchapter, the "Control Period," until the municipality in which the unit is located elects to release the unit from such requirements. Prior to such a municipal election, a restricted unit must remain subject to the requirements of this subchapter for a period of at least 30 years; provided, however, that:

1. Units located in high-poverty census tracts shall remain subject to these affordability requirements for a period of at least 10 years; and
 2. Any unit that, prior to December 20, 2004, received substantive certification from COAH, was part of a judgment of compliance from a court of competent jurisdiction or became subject to a grant agreement or other contract with either the State or a political subdivision thereof, shall have its control period governed by said grant of substantive certification, judgment or grant or contract.
- A. Sale and use of the Property is governed by regulations known as the Uniform Housing Affordability Controls, which are found in New Jersey Administrative Code at Title 5, chapter 80, subchapter 26 (N.J.A.C. 5:80-26.1, *et seq.*, the "Uniform Controls").
 - B. The Property shall be used solely for the purpose of providing rental dwelling units for low- or moderate-income households, and no commitment for any such dwelling unit shall be given or implied, without exception, to any person who has not been certified for that unit in writing by the Administrative Agent. So long as any dwelling unit remains within its Control Period, sale of the Property must be expressly subject to these Deed Restrictions, deeds of conveyance must have these Deed Restrictions appended thereto, and no sale of the Property shall be lawful, unless approved in advance and in writing by the Administrative Agent.
 - C. No improvements may be made to the Property that would affect the bedroom configuration of any of its dwelling units, and any improvements to the Property must be approved in advance and in writing by the Administrative Agent.
 - D. The Owner shall notify the Administrative Agent and the Municipality of any foreclosure actions filed with respect to the Property within five (5) business days of service upon Owner.
 - E. The Owner shall notify the Administrative Agent and the Municipality within three (3) business days of the filing of any petition for protection from creditors or reorganization filed by or on behalf of the Owner.

updated June 2007

Article 4. Remedies for Breach of Affordable Housing Covenants


A breach of the Covenants will cause irreparable harm to the Administrative Agent, to the Municipality and to the public, in light of the public policies set forth in the New Jersey Fair Housing Act, the Uniform Housing Affordability Control rules found at N.J.A.C. 5:80-26, and the obligation for the provision of low and moderate-income housing.

A. In the event of a threatened breach of any of the Covenants by the Owner, or any successor in interest of the Property, the Administrative Agent and the Municipality shall have all remedies provided at law or equity, including the right to seek injunctive relief or specific performance.

B. Upon the occurrence of a breach of any Covenants by the Grantee, or any successor in interest or other owner of the Property, the Administrative Agent and the Municipality shall have all remedies provided at law or equity including but not limited to forfeiture, foreclosure, acceleration of all sums due under any mortgage, recouping of any funds from a sale in violation of the Covenants, diverting of rent proceeds from illegal rentals, injunctive relief to prevent further violation of said Covenants, entry on the premises, those provided under Title 5, Chapter 80, Subchapter 26 of the New Jersey Administrative Code and specific performance.

IN WITNESS WHEREOF, the Administrative Agent and the Owner have executed this Deed Restriction in triplicate as of the date first above written.

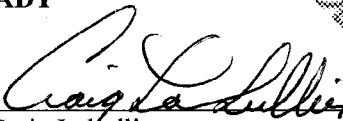
PIAZZA & ASSOCIATES, INC.

BY: 
Frank Piazza, Jr.
President

~~XXXXXXXXXXXXXXXXXXXX~~
Markus Associates
LLC

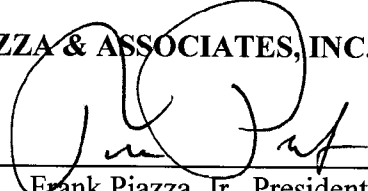
BY: (Please see attached)
[]
Managing Member

APPROVED BY BOROUGH OF CARLSTADT

BY: 
Craig Cahullier
Mayor

IN WITNESS WHEREOF, the Administrative Agent executed this Deed Restriction in triplicate effective the date first above written.

PIAZZA & ASSOCIATES, INC.

By: 
Frank Piazza, Jr., President

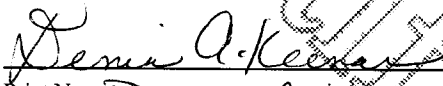
ACKNOWLEDGMENT

STATE OF NEW JERSEY

COUNTY OF Middlesex

I certify that that on 10 day of January, 2020, Frank Piazza, Jr., personally came before me and stated to my satisfaction that this person (or if more than one, each person):

- A. Was the maker of this instrument.
- B. Was authorized to and did execute this instrument as President of Piazza & Associates, Inc., the entity named in this instrument; and
- C. Executed this instrument as the act of the entity.


Print Name: Denise A. Keenan
Notary Public of New Jersey
Commission expires on _____
(Affix Notary Seal/Stamp)

DENISE A. KEENAN
NOTARY PUBLIC OF NEW JERSEY
Comm. # 2384728
My Commission Expires 04/16/2024

updated June 2007

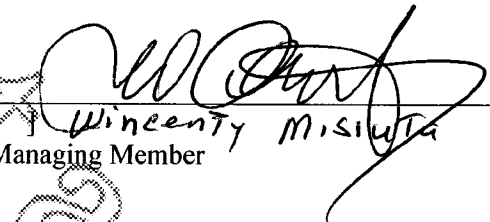
- A. In the event of a threatened breach of any of the Covenants by the Owner, or any successor in interest of the Property, the Administrative Agent and the Municipality shall have all remedies provided at law or equity, including the right to seek injunctive relief or specific performance.
- B. Upon the occurrence of a breach of any Covenants by the Grantee, or any successor in interest or other owner of the Property, the Administrative Agent and the Municipality shall have all remedies provided at law or equity including but not limited to forfeiture, foreclosure, acceleration of all sums due under any mortgage, recouping of any funds from a sale in violation of the Covenants, diverting of rent proceeds from illegal rentals, injunctive relief to prevent further violation of said Covenants, entry on the premises, those provided under Title 5, Chapter 80, Subchapter 26 of the New Jersey Administrative Code and specific performance.

IN WITNESS WHEREOF, the Administrative Agent and the Owner have executed this Deed Restriction in triplicate as of the date first above written.


PIAZZA & ASSOCIATES, INC.

BY: _____
Frank Piazza, Jr.
President

MARKUS ASSOCIATES LLC

BY:  _____
Wincenty Misuta (SIC)
Managing Member

APPROVED BY BOROUGH OF CARLSTADT

BY:  _____
Craig Cahullier
Mayor

ACKNOWLEDGEMENTS

On this the _____ day of _____, 2019 before me came Frank Piazza, Jr., known and known to me to be the Administrative Agent for _____ who states that he has signed said Agreement on behalf of said Municipality for the purposes stated therein.

NOTARY PUBLIC

On this the 31st day of July, 2019 before me came WINCENY MISIUTA, known and known to me to be Managing Member of Markus Associates, [a Limited Liability Company of the State of New Jersey], who states that she has signed said Agreement for the purposes stated therein.

Ursula Wierzgala

NOTARY PUBLIC

URSZULA WIERZGALA
Notary Public - State of New Jersey
My Commission Expires May 26, 2020

On this the 7th day of AUGUST, 2019 before me came Craig Lahullier known and known to me to be Mayor of the Borough of Carlstadt, the Municipality identified as such in the foregoing Agreement, who states that he is duly authorized to execute said Agreement on behalf of said Municipality, and that (s)he has so executed the foregoing Agreement for the purposes stated therein.

Claire E. Fox

NOTARY PUBLIC

CLAIRE E. FOY
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires July 27, 2020

**SCHEDULE A
BLOCK 25, LOT 13**

All that certain lot, parcel or tract of land, situate and lying in the Borough of Carlstadt, County of Bergen, State of New Jersey and being more particularly described as follows:

BEGINNING on the northerly side of Hoboken Street fifty (50) feet westerly from the corner of Washington Street; and running thence (1) Northerly parallel with Washington Street one hundred (100) feet; thence (2) Westerly parallel with Hoboken Street one hundred (100) feet; thence (3) Southerly parallel with the first course one hundred (100) feet to Hoboken Street, and thence (4) Easterly along the same one hundred (100) feet to the place of BEGINNING.

BEING FURTHER known as lots numbered ninety (90), ninety-one (91), ninety-two (92), and ninety-three (93), on Map entitled "Map of John Otto Grode & Co's Real Estate West Carlstadt, N.J." filed September 1, 1869, in the Bergen County Clerk's Office as Map No. 127.

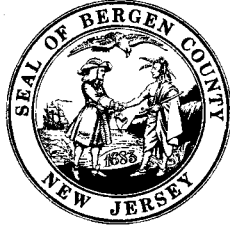
AND BEING more particularly described as follows:

BEGINNING at a point in the northeasterly line of Hoboken Road (66 feet wide) distant northwesterly along the same 50 feet from the corner formed by the intersection of the northeasterly line of Hoboken Road and the northwesterly line of Washington Street (50 feet wide) and from thence running (1) North 39 degrees 46 minutes 30 seconds West and along the northeasterly line of Hoboken Road 100 feet to a point; thence (2) North 50 degrees 30 minutes East 107.90 feet to a point; thence (3) South 39 degrees 27 minutes East 100 feet to a point; thence (4) South 50 degrees 30 minutes West 107.33 feet to a point in the northeasterly line of Hoboken Road which is the point or place of BEGINNING.

FOR INFORMATION PURPOSES ONLY: Also known as Block 25, Lot 13, (575 Hoboken Road) on the Tax Maps of the Borough of Carlstadt, County of Bergen and State of New Jersey.

John S. Hogan
Bergen County Clerk

Bergen County Clerk
One Bergen County Plaza
Hackensack, NJ 07601
(201) 336-7000
www.bergencountyclerk.org/



INSTRUMENT# 2020093408
V 3732 799
RECORDED DATE: 09/28/2020

Document Type: DECLARATION/ RESTRICTIONS

Transaction #: 1564005
Document Page Count: 9
Operator Id: LS

RETURN TO:
POST POLAK P A
ATTN: SUSAN LEE COBB, CASE MGR
425 EAGLE ROCK AVE SUITE 200
ROSELAND, NJ 07068

SUBMITTED BY:
POST POLAK P A
ATTN: SUSAN LEE COBB, CASE MGR
425 EAGLE ROCK AVE SUITE 200
ROSELAND, NJ 07068

PRIMARY NAME

SECONDARY NAME

PIAZZA & ASSOCIATES INCORPORATED

585 HOBOKEN LLC

ADDITIONAL PRIMARY NAMES

ADDITIONAL SECONDARY NAMES

MARGINAL REFERENCES: File Number: Volume: Page:

DOCUMENT DATE: 08/02/2019
MUNICIPALITY: CARLSTADT
LOT: 12
BLOCK: 25

INSTRUMENT#: 2020093408
Recorded Date: 09/28/2020

I hereby CERTIFY that this document is recorded
in the Clerk's Office in Bergen County, New
Jersey.



John S. Hogan
John S. Hogan
Bergen County Clerk

FEES/ TAXES:

RECORDING FEE	\$20.00
STATE RECORDING FEE	\$40.00
COUNTY RECORDING FEE	\$40.00
HOMELESSNESS TRUST FUND	\$3.00
TAX ABSTRACT-STATE	\$5.00
TAX ABSTRACT-COUNTY	\$5.00
HOMELESS CODE BLUE	
NPNR	\$0.00
Basic County	\$0.00
Basic State	\$0.00
PHPF	\$0.00
Extra-Aide	\$0.00
Gen-Purpose	\$0.00
Mansion-Tax	\$0.00

Recording Fees: \$115.00
Realty Transfer Tax Fees: \$0.00
Consideration: \$

Total: \$115.00

OFFICIAL RECORDING COVER PAGE


Page 1 of 9

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Bergen County Recording Data Page Honorable John S. Hogan Bergen County Clerk		Official Use Only - Barcode
Official Use Only - Realty Transfer Fee		
Date of Document: 08/02/2019	Type of Document: DEED-RESTRICTED AFFORDABLE HOUSING PROPERTY	
First Party Name: PIAZZA & ASSOCIATES INC (ADMINISTRATIVE AGENT)	Second Party Name: 585 HOBOKEN LLC	
Additional Parties: BOROUGH OF CARLSTADT		

NOT AN OFFICIAL DOCUMENT

THE FOLLOWING SECTION IS REQUIRED FOR DEEDS ONLY	
Block: 25	Lot: 12
Municipality: BOROUGH OF CARLSTADT	
Consideration: NO	
Mailing Address of Grantee: 422 PATERSON AVENUE EAST RUTHERFORD NJ 07073	

THE FOLLOWING SECTION IS FOR ORIGINAL MORTGAGE BOOKING & PAGE INFORMATION FOR ASSIGNMENTS, RELEASES, SATISFACTIONS, DISCHARGES & OTHER ORIGINAL MORTGAGE AGREEMENTS ONLY	
Original Book:	Original Page:

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Appendix G - 585 Hoboken Deed

RECORD & RETURN TO:
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ATTN: SUSAN LEE COBB, CASE MGR.
425 EAGLE ROCK AVE, SUITE 200
ROSELAND, NJ 07068

APPENDIX E-2

MANDATORY DEED RESTRICTION FOR RENTAL PROJECTS

Deed Restriction

**DEED-RESTRICTED AFFORDABLE HOUSING PROPERTY
WITH RESTRICTIONS ON RESALE AND REFINANCING**

To Rental Property
With Covenants Restricting Rentals, Conveyance and Improvements
And Requiring Notice of Foreclosure and Bankruptcy

THIS DEED RESTRICTION, entered into as of this the 2nd day of August, 2019, by and between Piazza & Associates, Inc. ("Administrative Agent"), or its successor, acting on behalf of Borough of Carlstadt, with offices at 500 Madison Street, Carlstadt, New Jersey 07072, and ~~Markus Associates~~, having offices at 422 Paterson Avenue, East Rutherford, New Jersey 07073, the developer/sponsor (the "Owner") of a residential low-or moderate-income inclusionary rental project (the "Project"): *585 Hoboken HLe* (SLC)

WITNESSETH

Article 1. Consideration

In consideration of benefits and/or right to develop received by the Owner from the Municipality regarding this inclusionary rental Project, the Owner hereby agrees to abide by the covenants, terms and conditions set forth in this Deed restriction, with respect to the land and improvements more specifically described in Article 2, hereof (the Property).

Article 2. Description of Property

The Property consists of all of the land, and a portion of the improvements thereon, that is located in the municipality of Carlstadt, County of Bergen, State of New Jersey, and described more specifically as Block No. 25 Lot No. 12, see Schedule A attached hereto and made a part hereof and known by the street address:

585 Hoboken Road
Carlstadt, NJ 07072

{00947146.1}1

updated June 2007

More specifically designated as:

<u>Unit Address</u>	<u>Bedroom Number</u>	<u>Affordability Type</u>
585 Hoboken Road, Unit 1	2 Bedroom	Low-Income

Article 3. Affordable Housing Covenants

The following covenants (the "Covenants") shall run with the land for the period of time (the "Control Period"), determined separately with respect for each dwelling unit, commencing upon the date on which the first certified household occupies the unit, and shall and expire as determined under the Uniform Controls, as defined below.

In accordance with N.J.A.C. 5:80-26.11, each restricted unit shall remain subject to the requirements of this subchapter, the "Control Period," until the municipality in which the unit is located elects to release the unit from such requirements. Prior to such a municipal election, a restricted unit must remain subject to the requirements of this subchapter for a period of at least 30 years; provided, however, that:

1. Units located in high-poverty census tracts shall remain subject to these affordability requirements for a period of at least 10 years; and
 2. Any unit that, prior to December 20, 2004, received substantive certification from COAH, was part of a judgment of compliance from a court of competent jurisdiction or became subject to a grant agreement or other contract with either the State or a political subdivision thereof, shall have its control period governed by said grant of substantive certification, judgment or grant or contract.
- A. Sale and use of the Property is governed by regulations known as the Uniform Housing Affordability Controls, which are found in New Jersey Administrative Code at Title 5, chapter 80, subchapter 26 (N.J.A.C. 5:80-26.1, *et seq.*, the "Uniform Controls").
 - B. The Property shall be used solely for the purpose of providing rental dwelling units for low- or moderate-income households, and no commitment for any such dwelling unit shall be given or implied, without exception, to any person who has not been certified for that unit in writing by the Administrative Agent. So long as any dwelling unit remains within its Control Period, sale of the Property must be expressly subject to these Deed Restrictions, deeds of conveyance must have these Deed Restrictions appended thereto, and no sale of the Property shall be lawful, unless approved in advance and in writing by the Administrative Agent.
 - C. No improvements may be made to the Property that would affect the bedroom configuration of any of its dwelling units, and any improvements to the Property must be approved in advance and in writing by the Administrative Agent.
 - D. The Owner shall notify the Administrative Agent and the Municipality of any foreclosure actions filed with respect to the Property within five (5) business days of service upon Owner.
 - E. The Owner shall notify the Administrative Agent and the Municipality within three (3) business days of the filing of any petition for protection from creditors or reorganization filed by or on behalf of the Owner.

Article 4. Remedies for Breach of Affordable Housing Covenants

{00947146.1}2

updated June 2007

A breach of the Covenants will cause irreparable harm to the Administrative Agent, to the Municipality and to the public, in light of the public policies set forth in the New Jersey Fair Housing Act, the Uniform Housing Affordability Control rules found at N.J.A.C. 5:80-26, and the obligation for the provision of low and moderate-income housing.

- A. In the event of a threatened breach of any of the Covenants by the Owner, or any successor in interest of the Property, the Administrative Agent and the Municipality shall have all remedies provided at law or equity, including the right to seek injunctive relief or specific performance.
- B. Upon the occurrence of a breach of any Covenants by the Grantee, or any successor in interest or other owner of the Property, the Administrative Agent and the Municipality shall have all remedies provided at law or equity including but not limited to forfeiture, foreclosure, acceleration of all sums due under any mortgage, recouping of any funds from a sale in violation of the Covenants, diverting of rent proceeds from illegal rentals, injunctive relief to prevent further violation of said Covenants, entry on the premises, those provided under Title 5, Chapter 80, Subchapter 26 of the New Jersey Administrative Code and specific performance.

IN WITNESS WHEREOF, the Administrative Agent and the Owner have executed this Deed Restriction in triplicate as of the date first above written.

PIAZZA & ASSOCIATES, INC.

BY: 

Frank Piazza, Jr.
President

585 HOBOKEN LLC

BY: 

[]
Managing Member *Donald Misiuta*

APPROVED BY BOROUGH OF CARLSTADT

BY: 

Craig LaHallier
Mayor

IN WITNESS WHEREOF, the Administrative Agent executed this Deed Restriction in triplicate effective the date first above written.

PIAZZA & ASSOCIATES, INC.

By: [Signature]
Frank Piazza, Jr., President

NOT AN OFFICIAL DOCUMENT

ACKNOWLEDGMENT

STATE OF NEW JERSEY

COUNTY OF Middlebury

I certify that that on 10 day of January, 2020, Frank Piazza, Jr., personally came before me and stated to my satisfaction that this person (or if more than one, each person):

- A. Was the maker of this instrument;
- B. Was authorized to and did execute this instrument as President of Piazza & Associates, Inc., the entity named in this instrument; and
- C. Executed this instrument as the act of the entity.

[Signature]

Print Name: Denise A. Keenan

Notary Public of New Jersey

Commission expires on _____

(Affix Notary Seal/Stamp)

DENISE A. KEENAN
NOTARY PUBLIC OF NEW JERSEY
Comm. # 2384728
My Commission Expires 04/16/2024

IN WITNESS WHEREOF, the Administrative Agent executed this Deed Restriction in triplicate effective the date first above written.

585 HOBOKEN LLC .

By: [Signature]
Donata Misiuta
Managing Member

NOT AN OFFICIAL DOCUMENT

ACKNOWLEDGEMENT

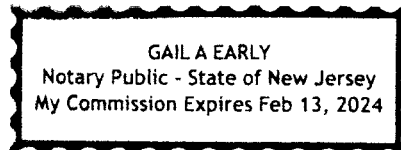
STATE OF NEW JERSEY

COUNTY OF Monmouth

I certify that that on 4 day of JANUARY, ²⁰²⁰2019, Donata Misiuta, personally came before me and stated to my satisfaction that this person (or if more than one, each person):

- A. Was the maker of this instrument;
- B. Was authorized to and did execute this instrument as Managing Member of 585 Hoboken LLC, the entity named in this instrument; and
- C. Executed this instrument as the act of the entity.

[Signature]
Print Name: GAIL EARLY
Notary Public of New Jersey
Commission expires on 2/13/2024
(Affix Notary Seal/Stamp)



{00890464.1}

ACKNOWLEDGEMENTS

On this the 2 day of August, 2019 before me came Frank Piazza, Jr., known and known to me to be the Administrative Agent for Carlstadt who states that he has signed said Agreement on behalf of said Municipality for the purposes stated therein.

DENISE A. KEENAN
NOTARY PUBLIC OF NEW JERSEY
Comm. # 2384728
My Commission Expires 04/16/2024

Denise A. Keenan
NOTARY PUBLIC

On this the 2nd day of August, 2019 before me came MISLUDA KRYSNA, known and known to me to be Managing Member of Markus Associates, [a Limited Liability Company of the State of New Jersey], who states that she has signed said Agreement for the purposes stated therein.

[Signature]
NOTARY PUBLIC

On this the 15TH day of AUGUST, 2019 before me came Craig Lahullier known and known to me to be Mayor of the Borough of Carlstadt, the Municipality identified as such in the foregoing Agreement, who states that he is duly authorized to execute said Agreement on behalf of said Municipality, and that (s)he has so executed the foregoing Agreement for the purposes stated therein.

Claire E. Foy
NOTARY PUBLIC
CLAIRE E. FOY
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires July 27, 2020

SCHEDULE A
BLOCK 25, LOT 12

All that certain lot, parcel or tract of land, situate and lying in the Borough of Carlstadt, County of Bergen, State of New Jersey and being more particularly described as follows:

BEGINNING at the intersection of the southeasterly side line of Union Street, 50.00 feet wide with the northeasterly side line of Hoboken Road, 66 feet wide; thence:

- (1) North 44 degrees 00 minutes 00 seconds East 108.18 feet along the southeasterly side line of Union Street; thence
- (2) South 46 degrees 00 minutes 00 seconds East 50 feet to a point; thence
- (3) South 44 degrees 00 minutes 00 seconds West 107.90 feet to a point in the northeasterly side line of Hoboken Road; thence
- (4) North 46 degrees 19 minutes 15 seconds West 50.00 feet along the same to the place of BEGINNING.

BEING KNOWN and designated as Lot 94 & 95 as shown on Map entitled "Map of John Otto Grode & Co's Real Estate West Carlstadt, N.J." filed September 1, 1869, in the Bergen County Clerk's Office as Map No. 127.

The above description is in accordance with a survey made by RHJ Associates dated February 6, 1998.

FOR INFORMATION PURPOSES ONLY: Also known as Block 25, Lot 12, (585 Hoboken Road) on the Tax Maps of the Borough of Carlstadt, County of Bergen and State of New Jersey.

Appendix H - 491 Broad Resolution

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**NOTICE OF RESOLUTION
BOROUGH OF CARLSTADT BOARD OF ADJUSTMENT**

PLEASE TAKE NOTICE that pursuant to Rule 4:69-6(b) (3), the Board of Adjustment of the Borough of Carlstadt, at a meeting held on September 21, 2016, rendered the following determination:

THAT an initial Application of Petra Holdings LLC located at 491 Broad Street, Carlstadt, being Block 59 Lot 14 was heard on December 8, 2014 and January 19, 2015 to permit the construction of a ten (10) unit residential dwelling requiring a density variance, (N.J.S.A. 40:55-70.1d(5)) bulk variances and waivers from the standards required in the Site Plan Ordinance was denied; and

THAT a reconsideration hearing was heard on February 25, 2015 wherein the Applicant revised the Application to permit the construction of an eight (8) unit residential dwelling inclusive of one (1) affordable housing unit requiring the same variances and waivers was denied; and

THAT Robert T. Regan, Esq., the Mount Laurel Implementation Monitor issued a written decision on March 23, 2015 to the Carlstadt Zoning Board pursuant to his authority set forth in the Final Judgment in Tomu Development Co., Inc. v. Borough of East Rutherford, et al reversing the decision of the Carlstadt Zoning Board of Adjustment and granted the requested (d) variance as well as the ancillary "c" variances and site plan approval applied for by the Applicant; and

THAT an appeal of the Mount Laurel Implementation Monitor's decision was taken to the Superior Court of New Jersey in the matter of The Borough of Carlstadt and the Carlstadt

Zoning Board of Adjustment vs. Petra Holdings LLC and Robert Regan in his capacity as Court appointed Mount Laurel Monitor; and

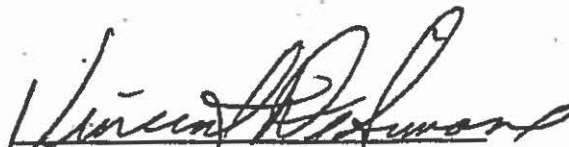
THAT a settlement between the parties was negotiated prior to the hearing before the Court and presented to the Carlstadt Zoning Board of Adjustment at a Whispering Woods hearing on September 21, 2016; and

THAT a revised Application was presented to the Board of Adjustment which contained a revised Site Plan addressing issues raised by an aggrieved contiguous property owner on the northern boundary of the site; and

THAT the Board of Adjustment at a Public Hearing with appropriate notice to all interested parties approved the Application for a "d(5)" density variance to permit the construction of eight (8) units inclusive of one (1) affordable housing unit as well as ancillary "C" variances and Site Plan waivers subject to conditions contained in the Resolution approved; and

NOTICE is given that the aforesaid Resolution has been filed in the Office of the Secretary of the Board of Adjustment and is available for inspection.

BOARD OF ADJUSTMENT


VINCENT DE SIMONE, Chairman


DAVID MALINOWSKI, Secretary

File No. 2016-3
Dated: February 8, 2017

RESOLUTION

WHEREAS, an Application was made to the Zoning Board of Adjustment of the Borough of Carlstadt to confirm a Settlement that was negotiated between the Borough of Carlstadt and the Carlstadt Zoning Board of Adjustment as Plaintiffs and Petra Holdings, LLC and Robert Regan, in his capacity as Court Appointed Mount Laurel Monitor, Docket No. BER-L-004329-16, Superior Court of New Jersey, Law Division, Bergen County; and

WHEREAS, the Applicant and Owner of the subject property is Petra Holdings LLC;
and

WHEREAS, the premises involved is located at 491 Broad Street, Carlstadt, being Block 59 Lot 14; and

WHEREAS, a Public Hearing was held on September 21, 2016 pursuant to Public Notice at the Municipal Building, Carlstadt, New Jersey; and

WHEREAS, there were two prior hearings relating to this Application. Initial hearings were on December 8, 2014 and January 19, 2015 (hereafter "Initial Hearings"). At said hearings the Applicant sought variances from the Zoning Ordinance of the Borough of Carlstadt Affordable Housing Overlay to permit the construction of a ten (10) unit residential dwelling.

The approval of said Application required a density variance, bulk variances and waivers from the standards required in the Site Plan Ordinance. The Board of Adjustment denied the Application for relief requested by the Applicant. Prior to the Board adopting a Resolution denying the Application, the Applicant request a reconsideration hearing (hereafter "Reconsideration Hearing"). At said hearing, the Applicant submitted a revised proposal wherein the scope of the project would be reduced from ten (10) to eight (8) units; and

WHEREAS, the Reconsideration Hearing was held on February 25, 2015; and

WHEREAS, at the conclusion of the Reconsideration Hearing, the Board of Adjustment entertained a motion to deny the Application to permit the construction of eight (8) residential units requiring a density variance, bulk variances and waivers from the standards promulgated in the Site Plan Ordinance; that the vote of the Board to deny the application was 4-3 in favor of denial; and

WHEREAS, Robert T. Regan, Esq., the Mount Laurel Implementation Monitor, who was present at the hearings, issued a written decision on March 23, 2015 to the Carlstadt Zoning Board, pursuant to his authority as set forth in the Final Judgment in Tomu Development Co., Inc. v. Borough of East Rutherford, et al., reversing the February 25, 2015 decision of the Board, which denied the application to construct an eight unit housing development, inclusive of a single affordable unit. The Mount Laurel Implementation Monitor directed the Carlstadt Zoning Board of Adjustment to grant the requested (d) variance as well as the ancillary "c" variances and site plan approval applied for by the Applicant subject to reasonable conditions; and

WHEREAS, the Resolution of the Board as to the findings and conclusions relating to the Initial Hearing, the Reconsideration Hearing, and the decision of the Mount Laurel Implementation Monitor dated March 23, 2015 are annexed hereto in their entirety; and

WHEREAS, at the hearing of September 21, 2016 the attorney for the Applicant presented Joseph F. Vince, P.E., C.M.E. to testify as to the modifications to the Site Plan undertaken by the Applicant in response to the negotiations in the litigation heretofore cited; and

WHEREAS, various documents and exhibits were submitted to the Board to support the

Application along with testimony in respect to the documents. The documents were marked as exhibits as follows:

- (1) A-1 – original Site Plan by Vince Engineering dated 8/18/14 and revised to 2/3/15 depicting: eight (8) units; a footprint of 6834 S.F.; parking under the building and in the open area; a three (3) story structure with units on the second (2nd) and third (3rd) floors; and parking access from both Broad Street and First Street.
- (2) A-2 – a settlement sketch dated 6/9/15 depicting eight (8) units with residential units on the 1st floor; the Broad Street parking access being eliminated; and the third story being indented twenty (20) feet on the north side with a balcony.
- (3) A-3 – The Final Plans for the project dated 1/4/16 and revised 6/1/16 by Schwanewedel/Has Engineering depicting a three (3) story structure with the 2nd floor 10 feet from the northern line; the 3rd floor being 20 feet from the northerly property line; no access from Broad Street; arborvitae placed along the northern property line in an area of 2 ½ feet; and a small increase of 100 S.F. open space.
- (4) A-4 – Associated Architects Plan dated 10/30/14 presented at the Initial and Reconsideration Hearings depicting all parking on the ground floor; a three (3) story building; with all three floors on the north side having the same building line.
- (5) A-5 – A Plan of Associated Architects dated 12/9/15 depicting the 1st floor with three (3) residential units; the 3rd floor being stepped back 20 feet from the property line with a balcony for proposed units #5 and #6; a six (6) foot solid fence being placed on the retaining wall; a 2 ½ foot planting space between the subject property and the neighbor to the north containing an arborvitae row; no vehicular access from Broad Street; and an adequate turning

radius for the ingress and egress from First Street.

(6) A-6 – Preliminary Schematic Floor Plans and Elevation dated 6/9/2015.

(7) A-7 – First Floor Plan of Associated Architects dated 12/9/15 depicting the first floor having three units, each unit between 660 S.F. – 780 S.F.

(8) A-8 – Second Floor Plan of Associated Architects dated 12/9/15 depicting units #4 through #8 and the Third Floor Plan depicting the stairs from the Second Floor of units #4 through #8 to the third floor;

(9) A-9 – The Consent Order remanding the matter to the Carlstadt Planning Board for a “Whispering Wood” Hearing; and

WHEREAS, Joseph F. Vince, an Engineer for the Applicant described the modifications made to the original Plan (Exhibit A-1) as contained in Plans presented at this meeting (Exhibit A-3).

(1) That the Site Plan (Exhibit A-3) was revised so as to accommodate the residential neighbor on the northern side of the project who appeared before the Governing Body of Carlstadt to protest the decision of the Monitor in reversing the denial of the Application by the Zoning Board of Adjustment. This protest subsequently morphing into the litigation instituted by the Borough of Carlstadt.

(2) That the Site Plan as presented to the Board of Adjustment had the following modifications:

(a) That the building surface on the first and second floors of the project on the northern side would be stepped ten (10) feet from the property line and the third floor would be recessed twenty (20) feet from the northern property line.

- (b) That the parking area would be recessed an additional foot from the original places.
- (c) That a 2 ½ feet space between the property line and the property line of the northern neighbor would be utilized for a row of arborvitae plantings; that a solid 6 feet fence would be placed on the retaining wall; and the parking area due, to the topographics of the site, would be lower than the retaining wall. The result being that the screening would mask the parked vehicles from the sight of the northerly neighbor.
- (3) That the Plan would contain the same eight units with one unit remaining as an affordable housing unit.
- (4) That the ultimate composition of the units would most likely be of a condominium nature with the affordable unit being an apartment type of residence which would provide the municipality with a greater affordable housing credit.
- (5) That the height of the proposal would be a little less than 34 feet 11 ½ inches.
- (6) That all the units would be responsible for their own waste and refuse removal.
- (7) That the units documents would have the following square footage: #1 675 S.F., #2 660 S.F., #3 780 S.F., #4 1732 S.F., #5 2561 S.F., #6 2037 S.F., #7 2000 S.F. and #8 1850 S.F.; and

WHEREAS, various citizens appeared at the meeting to voice their opposition to the project as follows: that the project should be scaled down due to the size of the parcel; that the project would adversely affect the value of their properties; that the development was not compatible with the neighborhood; that the units were much too large; and that the units would accommodate larger families with more individuals having motor vehicles rendering the provided parking for sixteen (16) cars inadequate; and

WHEREAS, Mark Dunn residing at 414 First Street the neighbors to the north of the project indicated that:

(1) He was not aware of the proposed settlement and did not partake in any discussions.

(2) That the arborvitae planting near his property line would require him to maintain same. That this comment was subsequently addressed by the developer indicating that the developer would maintain same.

(3) That the balcony for units #5 and #6 would disturb his privacy. That the Monitor addressed this comment by asking if the removal of the balcony would satisfy his concern; and that an affirmative response was not forthcoming; and

WHEREAS, the Zoning Board of Adjustment of the Borough of Carlstadt was in receipt of reports of Neglia Engineering Associates dated February 23, 2016 and revised to August 26, 2016 (Board Exhibit #1) and Remington & Vernick Engineering dated September 20, 2016 (Board Exhibit #2) and did evaluate same; and

WHEREAS, the Board of Adjustment considered the testimony of the Engineer for the Applicant; the various documents marked as Exhibits and the testimony of the citizens present at the meeting along with the contiguous property owner and found as follows:

(a) That the matter was subject to an Original Hearing and a Reconsideration Hearing wherein the Board did not approve the Application.

(b) That in a well-reasoned opinion dated March 23, 2015, the Mount Laurel Implementation Monitor ("Monitor") for the Borough of Carlstadt pursuant to the Final Judgment in Tomu Development vs. the Borough of Carlstadt, et al, reversed the decision of the

Zoning Board of Adjustment.

(c) That the foundation of the decision of the Monitor was that the existing parcel was a nonconforming entity called "The Balcony" which was a restaurant, bar and lounge with live music several nights per week.

(d) That "The Balcony" was the subject of numerous complaints to the Borough Council by contiguous property owners of excessive noise, late hour nuisances, inadequate parking issues and other disturbances visited upon the neighborhood.

(e) That the proposed Plan which was reduced to eight (8) units would more appropriately conform to the Zone Plan; a nonconforming use which was the subject of many complaints by the contiguous property owners would be reduced to conformity; and the project would provide an affordable housing unit which was the purpose of the Borough of Carlstadt adopting the Affordable Housing Overlay Zone.

(f) That the contiguous property owner to the north of the project petitioned the Borough to take action but said property owner was not a party to the action before the Court.

(g) That counsel representing the Borough and the Zoning Board in the litigation initiated meetings with the Applicant to modify the original Plans to accommodate the concerns of the property owner to the north of the development.

(h) That the modified Plans contain the same number of units but were developed in such a manner as to move the second floor of the structure ten (10) feet from the northern property line; step the third floor of the structure in an additional ten (10) feet from the northern property line; place a six (6) foot solid fence above the retaining wall; and plant a row of arborvitae in an area two and one-half (2 ½) feet from the northerly property line.

(i) That the Board of Adjustment felt that the revised Plan proposed by the Applicant addressed a majority of the concerns of the contiguous neighbor.

(j) Although the contiguous neighbor was not a party to the litigation nor part of the settlement discussions, all of the revisions to the Site Plan were aimed at accommodating said neighbor's concerns about the project being too close to the property line between the two (2) parcels.

(k) That the Board was further advised that the plans as revised were acceptable to the Monitor and further supported the Monitor's position in reversing the denial of the Initial Application and the Reconsideration Application by the Board.

(l) That the Board did not take testimony from the Applicant and its experts as to the density variance, the bulk variances or the Site Plan waivers. It being the position of the Board that all of the variances and Site Plan waivers requested were addressed at the Initial Hearing and the Reconsideration Hearing and additional testimony would only be repetitive in nature and time consuming.

(m) That the settlement was conditioned upon a Public Hearing on the Revised Plan as if a new Application was being presented to the Board; that the hearing was subject to all of the statutory conditions necessary to validate the public interest notice; that a Public Hearing was held wherein all of the interested parties were provided with an opportunity to address the Board; and a written Resolution is to be adopted by the Board.

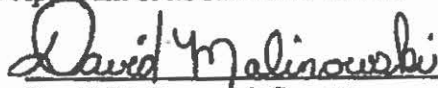
(n) That the action of the Board is further subject to a Complaint in Lieu of Prerogative Writ by any party that may be aggrieved by the Board's decision herein.

NOW THEREFORE BE IT RESOLVED by the Zoning Board of Adjustment of the

Borough of Carlstadt that the Application for a "d (5)" density variance to permit the construction of eight (8) units inclusive of one (1) affordable housing unit as well as ancillary "C" variances and Site Plan waivers as contained in the revised Plans marked as exhibits heretofore is approved upon the following conditions:

1. Approvals of all other government agencies and utilities having jurisdiction over any aspect of the Project.
2. Satisfaction by the Applicant of the representations and commitments made in the testimony presented to the Board and on the record before the Board.
3. Deposit of the appropriate escrow amounts and payment of requisite application fees pursuant to Carlstadt's ordinance and the reasonable requirements of applicable Borough Professionals.
4. The Applicant shall enter into a Developers Agreement with the Borough of Carlstadt containing the requirements of the Borough Engineer in reports dated February 23 2016 and revised August 26, 2016 and annexed hereto; and the establishment of a performance guaranty fund and a maintenance fund.
5. The Applicant shall comply with the requirements for structural, fire, sanitary and safety as provided for in the current edition of the New Jersey Uniform Construction Code.
6. Payment of all development fees which may apply to the property pursuant to the Code of the Borough of Carlstadt including the Developments Agreement referred to heretofore.

7. The Applicant shall not be permitted to charge a fee or to lease any parking spaces located on the subject property to either a tenant or to any other person or entity.
8. The Applicant shall comply with all the requirements of the Bergen County Soil Conservation district.
9. The affordable housing unit shall be memorialized by a deed restriction for a minimum of thirty (30) years by the Applicant or its successor in title.



David Malinowski, Secretary

File No. 2016-3

Dated: October 12, 2016

ANCILLARY RESOLUTION

WHEREAS, Petra Holdings, LLC made an application to the Zoning Board of Adjustment of the Borough of Carlstadt for a variance from the terms of the Zoning Ordinance of the Borough of Carlstadt Affordable Housing Overlay to permit the construction of a ten (10) unit residential dwelling at 491 Broad Street, Carlstadt being Block 59 Lot 14 requiring a density variance, bulk variances and waivers from various standards established in the Site Plan Ordinance; and that after a denial of the ten (10) unit proposal by the Board at the conclusion of the initial hearing on January 19, 2015, a Reconsideration Hearing, requested by the Applicant, was held on February 25, 2015, for the Plan with the scope of the project reduced to eight (8) units; and said revised Plan was denied by the Board; and

WHEREAS, Robert T. Regan, Esq., the Mount Laurel Implementation Monitor for the Borough of Carlstadt issued a written decision on March 23, 2015, pursuant to his authority as set forth in the Final Judgment in Tomu Development Co., Inc. v. Borough of East Rutherford, et al., directing the Carlstadt Zoning Board of Adjustment to grant the requested (d) variance as well as the ancillary "c" variances and site plan Waivers applied for by the Applicant subject to reasonable conditions; and

WHEREAS, on May 7, 2015 the Borough of Carlstadt and the Zoning Board of the Borough of Carlstadt filed a Verified Complaint in lieu of prerogative writ against Petra Holdings, LLC and Robert T. Regan, Esq., in his court appointed position as Monitor alleging that the decision of the Monitor to reverse the decision of the Board in denying the application was unsupported, arbitrary, capricious and unreasonable; and

WHEREAS, the parties negotiated an agreement as to the issues raised in the Complaint

and a Consent Order was entered into by the parties to have the proposed settlement remanded to the Carlstadt Zoning Board of Adjustment for a "Whispering Wood Hearing"; and

WHEREAS, the "Whispering Woods Hearing" was held on September 21, 2016 wherein the Zoning Board of Adjustment granted approval of the modified Plan of the Applicant; and

WHEREAS, subsequent to the September 21, 2016 hearing, the Board of Adjustment met with the Applicant on January 11, 2017 at the request of the Construction Official of the Borough of Carlstadt to discuss ingress and egress issues relating to the Parking Plan; and

WHEREAS, a number of revisions were made to the Site Plan with particular emphasis on the parking area; and

WHEREAS, said revisions were incorporated into the Resolution of the Zoning Board of Adjustment dated February 8, 2017 adopting the revised Application presented at the "Whispering Wood Hearing"; and

WHEREAS, issues relating to Applicant's compliance with the agreement relating to parking revisions; and the Borough's requirement for drainage improvements for storm water runoff from the proposed development have arisen; and

WHEREAS, the Applicant's Engineer and the Neglia Engineering Associates, the Engineer for the Borough of Carlstadt have agreed to the following revisions to the Parking Plan:

(a) Parking spaces #5, 6, 7, 8, 9 and 10 would be the width of 8.5'; and that parking spaces #11, 12 and 13 would be a width of 8.0' (Exhibit A Plan of Joseph F. Vince, P.E. dated January 4, 2016 modified January 31, 2017); and

WHEREAS, as part of the Engineering analysis of the Revised Plan of the Applicant at the "Whispering Woods Hearing" Neglia Engineering Associates, the Board's Engineer required the installation of an overflow pipe and offsite improvement within the right of way

encompassing a distance of 400'; and

WHEREAS, Joseph F. Vince, P.E. of Schwanewede/Hals Engineering submitted an analysis to the Board Engineer indicating that the off site drainage improvements recommendation by the Board Engineer are neither necessary nor required; and

WHEREAS, the Mount Laurel Implementation Monitor for the Borough of Carlstadt was tasked with resolving the outstanding issue of off-site drainage in that the approval was an inclusionary development; and

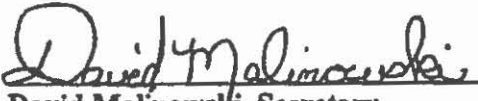
WHEREAS, under the Mount Laurel II decision, to meet their fair share obligation, municipalities were to remove zoning, subdivision and site plan restrictions and exactions that are not necessary to protect health and safety; and

WHEREAS, in a well reasoned opinion, Robert T. Regan, Esq., the Mount Laurel Implementation Monitor determined that requiring the Applicant to construct the off site drainage improvements required by the Board Engineer was neither necessary nor required and would be contrary to the Mount Laurel II decision; and

WHEREAS, as part of the information utilized in deciding the off site drainage issue, the analysis of Joseph F. Vince, P.E. dated January 20, 2017 (Exhibit B) and that of David Juzmeski, P.E. dated February 9, 2017 (Exhibit C) were considered in the Decision of Robert T. Regan, Esq., the Mount Laurel Implementation Monitor (Exhibit D);

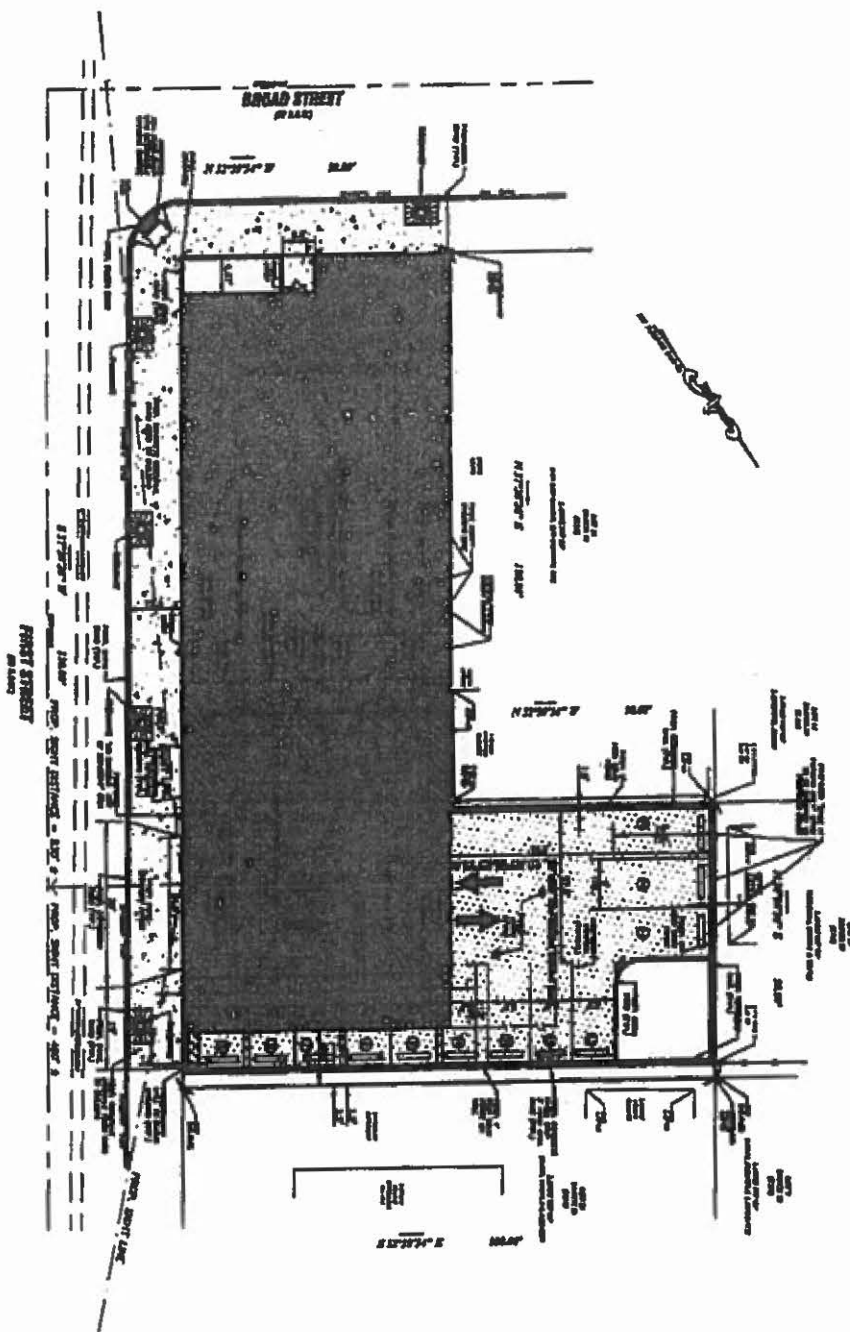
NOW THEREFORE, be it **RESOLVED** by the Zoning Board of Adjustment of the Borough of Carlstadt that the revision to the Parking Plan and the Decision of the Mount Laurel

Monitor as to the off site drainage requirement are approved and incorporated into the original approving Resolution of February 8, 2017.


David Malinowski, Secretary

File No. 2016-3

Dated: Sept. 13, 2017



NOTE: THIS DRAWING WAS PREPARED BY THE ARCHITECT AND ENGINEER FOR THE CLIENT. IT IS THE CLIENT'S RESPONSIBILITY TO VERIFY THE ACCURACY OF THE INFORMATION PROVIDED AND TO OBTAIN NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

GENERAL NOTES

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE CALIFORNIA BUILDING CODE (CBC).
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
3. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE ARCHITECT AND ENGINEER.
4. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.
5. PROTECT ALL EXISTING UTILITIES AND STRUCTURES TO REMAIN.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING AND RESTORING ALL ADJACENT PROPERTIES AND UTILITIES.
7. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
8. THE CONTRACTOR SHALL MAINTAIN A NEAT AND ORDERLY WORK SITE AT ALL TIMES.
9. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE ARCHITECT AND ENGINEER.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

DESIGNED BY: JOHN F. VAN DYKE, P.E. ARCHITECT & ENGINEER 1000 BROAD STREET, SUITE 200 SAN FRANCISCO, CA 94133 TEL: (415) 774-1111 FAX: (415) 774-1112 WWW: WWW.JFVANDYKE.COM	
PREPARED BY: PETER A. HARRISON, LIC. 1000 ARCHITECT & ENGINEER 1000 BROAD STREET, SUITE 200 SAN FRANCISCO, CA 94133 TEL: (415) 774-1111 FAX: (415) 774-1112 WWW: WWW.PETERHARRISON.COM	
DATE: 10/15/2014	
PROJECT: 1000 BROAD STREET, SUITE 200, SAN FRANCISCO, CA 94133	
SCALE: AS SHOWN	
PROJECT NO.: 1000	
DATE PLOTTED: 10/15/2014 10:00 AM	
PLOTTED BY: JFV	
PLotted on: 10/15/2014 10:00 AM	

Schwanewade / Hals Engineering

9 Post Road
Suite M11
Oakland, New Jersey 07436
E-Mail: Halseng@optonline.net

Professional Engineering and Land Surveying
(201) 337-0053
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January 27, 2017

Mr. David Juzmeski, P.E., P.P.
Neglia Engineering Associates
34 Park Avenue
PO Box 426
Lyndhurst, NJ 07071

RE: Stormwater Management Overflow Connection
Petra Holdings, LLC
491 Broad Street
Block 59 - Lot 14
Borough of Carlstadt
Bergen County, NJ

Dear Mr. Juzmeski:

This letter is in response to your January 20, 2017 letter to the applicant's legal counsel, Mr. Gary Cohen. Since the original filing of the above referenced application with the Borough of Carlstadt Zoning Board of Adjustment, the applicant has proposed to construct onsite drainage improvements to address stormwater runoff from the proposed development. Stormwater runoff from the development is to be controlled onsite and the proposed drainage system shown on the plans has met or exceeded all applicable regulations. The installation of an overflow pipe will require the installation of offsite improvements within the public right-of-way for a distance of approximately 400 feet. Your requirement of the construction of an overflow pipe is an unreasonable condition of the application. The overflow pipe is not required by any applicable regulation, not necessary from an engineering standpoint, and will impose an undue financial burden on the applicant.

The property contains 10,000 s.f. or 0.23 acre. Currently, 99% or 9,901 s.f. of the property is covered with impervious surfaces. Stormwater runoff from the entire property currently drains off the property into Broad Street and First Street. The runoff then flows overland along the street gutters to an inlet approximately 400 feet southeasterly of the property at the intersection of Broad Street and Second Street. The proposed impervious coverage on the property for the development is 93% or 9,296 s.f. The development is proposing a 605 s.f. reduction of impervious coverage which will directly reduce the peak rates and volume of stormwater runoff from the property. In addition, the applicant proposed to collect and store 100% of runoff from the proposed building in onsite seepage pits. This would result in zero runoff from the proposed building area of 6,834 s.f. Accounting for the seepage pits controlling the roof runoff, a total reduction of approximately 7,439 s.f. impervious area is being made by the proposed development. The peak rates and volume of stormwater runoff is being reduced by approximately 70 percent. The development, as proposed, will have a substantial benefit to the amount of water flowing within the gutters of the public streets and within the public drainage systems.

Our office reviewed the Borough of Carlstadt Stormwater Management Control Regulations at 19-11 and its applicability to the above referenced project. According to the applicability section of the ordinance, it is only applicable to major developments. Additionally, the ordinance is only applicable to residential major developments that are not pre-empted by the Residential Site Improvement Standards. The ordinance defines a major development as "any development that provides for ultimately disturbing one or more acres of land". This project is proposing a land disturbance of less than 1 acre and is regulated by the Residential Site Improvement Standards and therefore, the Borough of Carlstadt Stormwater Management Control Regulations at 19-11 do NOT apply to this project.

Our office reviewed the New Jersey Stormwater Management Regulations at NJAC 7:8 and its applicability to the above referenced project. According to the regulations, a major development means "any development that provides for ultimately disturbing one or more acres of land or increasing impervious surface by one-quarter acre or more". The

proposed development will not create one or more acres of disturbance or increase impervious area by a quarter acre or more and does NOT meet the definition of a major development. According to sections 1.6(a) and 5.1(a) of the New Jersey Stormwater Management Regulations at NJAC 7:8, the regulations only apply to major developments. Since this project does not meet the definition of a major development, the NJ Stormwater Management Regulations do NOT apply to this project.

Although the NJ Stormwater Management Regulations at NJAC 7:8 do not apply to this project, our office reviewed the regulations for compliance with the stormwater runoff quantity requirements. One option for complying with the regulations is to "demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post construction runoff hydrographs for the two, 10, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events". This requirement has been met because the impervious coverage on the property is being reduced and all runoff from an area of approximately 70% of the property is being stored on-site. A reduction of approximately 70% of runoff from the property is being made by the proposed development and there is no change being made to the time of concentration. The proposed project far exceeds the quantity requirements of the NJ Stormwater Management Regulations although such requirements are not required for the project.

The on-site seepage pits were designed to store 100% of runoff based on the 100-year storm event with a 60 minute duration utilizing the Rational Method and Modified Rational Methods. Utilization of this design storm and methodology is standard practice to analyze and design drainage systems of this size and type. Your office made a comment that the proposed seepage pits are only designed to handle the volume of a 2-year rainfall with a duration of 24 hours and that larger storms will overflow the system. The Rational Method and Modified Rational Method is not based on a 24-hour rainfall and such a rainfall event is applicable to the NRCS TR-55 Methodology. The seepage pits were not designed based on the TR-55 Methodology.

The project is regulated under the Residential Site Improvement Standards (RSIS) at NJAC 5:21 according to the Scope and Applicability section at NJAC 5:21-1.5. These regulations state at NJAC 5:21-1.5(c)3. regarding "site improvement work and appurtenant construction including streets, roads, parking facilities, sidewalks, drainage structures, grading, and utilities which are undertaken by a developer in connection with a residential development or use" that "choice among options contained in these rules shall be the applicant's unless otherwise specified in these rules". The section of the RSIS entitled Stormwater Calculations: Runoff Estimation Techniques state at NJAC 5:21-7.2(c) state "For the runoff peak rate of discharge calculation, design engineers shall have the option to choose the methodology to estimate peak rate of discharge". The same section states at NJAC 5:21-7.2(d) "Design engineers shall use a consistent method to calculate peak rate of runoff and volume when computing runoff hydrographs. If the Rational Method is used for peak flow calculations, design engineers shall use the Modified Rational Method to calculate peak volume to be used for basin routing." Based on the RSIS regulations, our office has the authority to select the methodology used for designing the seepage pits. Based on our experience and expertise, we chose to design the seepage pits based on the Rational Method and Modified Rational Method and a 24-hour rainfall does not apply to the design methodology selected. Based on the methodology used to design the seepage pits, there will be ZERO overflow from the seepage pits during design storm events.

Although the New Jersey Stormwater Management Regulations at NJAC 7:8 do not apply to this project, it should be noted that the regulations state at Section 5.6, "the design engineer shall calculate runoff using one of the following methods" of which includes the Rational Method and Modified Rational Method. This is consistent with the RSIS in that the designer may choose which design storm he/she wishes to utilize to analyze the stormwater runoff from the property.

Your office made a comment regarding the requirements of the NJDEP BMP Manual for drywells (seepage pits). The NJDEP BMP Manual is not a regulation and is only a guidance document. In addition, the project is not a major development and is not subject to the New Jersey Stormwater Management Regulations. According to the NJDEP website at www.njstormwater.org "The New Jersey Stormwater Best Management Practices Manual (BMP Manual) is developed to provide guidance to address the standards in the proposed Stormwater Management Rules, NJAC 7:8. The BMP Manual provides examples of ways to meet the standards contained in the rule. The methods referenced in the BMP manual are one way of achieving the standards. An applicant is welcome to demonstrate that other proposed management practices will also achieve the standards established in the rule." Based on this information, the NJDEP BMP Manual is not applicable to the subject project. Your comment, which references the BMP Manual, states "The design of the overflow structure must be sufficient to provide safe, stable discharge of stormwater in the event of an

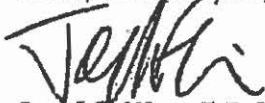
overflow. Safe and stable discharge minimizes the possibility of adverse impacts, including erosion and flooding in down-gradient areas." Although not applicable, the referenced requirements have been met. The drainage system has been designed to store 100% of runoff from a 100-year storm and there will be no overflow from the system based on the selected design storm. In the event of an overflow from a rainstorm exceeding the design storm, discharge will be in paved areas which are stable and will not erode and the potential of flooding will be reduced from current conditions because the project will decrease the impervious area from current conditions.

Our office has reviewed the Municipal Land Use Law (MLUL) at NJSA 40:55D in regards to the overflow pipe requirement. It was stated in testimony that there was an existing drainage concern within the roadway in the vicinity of the subject property and that the overflow pipe was being required to help mitigate the issue. The subject property is at the low point of the block within First Street and Broad Street and there are no drainage improvements on those streets within the subject block. Runoff from offsite properties within the same block flows in the gutter across the frontage of the subject property. According to the MLUL, "off-tract means not located on the property which is the subject of a development application nor on the closes half of the abutting street or right-of-way." Based on this definition, it is our opinion that the requirements of an overflow pipe to extend approximately 400 feet within the right-of-way to the intersection of Broad Street and Second Street would be considered an "off-tract" improvement that would require manholes and oversized pipes for maintenance. There would be a potential of other properties having frontage along the new drainage pipe to connect to it. According to the MLUL at NJSA 40:55D-42, "The governing body may by ordinance adopt regulations requiring a developer, as a condition for approval of a subdivision or site plan, to pay the pro-rata share of the cost of providing only reasonable and necessary street improvements and water, sewerage and drainage facilities, and easements therefor, located off-tract but necessitated or required by construction or improvements within such subdivision or development." The same section also states "...shall establish fair and reasonable standards to determine the proportionate or pro-rata amount of the cost of such facilities that shall be borne by each developer or owner within a related common area." Based on this section of the MLUL, the cost of off-tract improvements are to be divided proportionately. In the case of drainage improvements, this is typically determined based on contributory drainage area to the improvements. If the purpose of the overflow pipe is to improve a current issue within the public drainage system, it would be considered an off-tract improvement. The subject development is to control and store runoff on the subject property; therefore, eliminating the property from contributing the drainage area to the drainage improvement. Due to the fact that the subject property is being eliminated from the contributing drainage area, the required contribution for the off-site improvements would be ZERO.

Based on the above information, it is our opinion that an overflow pipe from the proposed drainage system is not required, all applicable regulations are being met or exceeded, and requiring an overflow pipe to be installed as part of the above referenced project is an unreasonable condition.

Very truly yours,

Schwanewede/Hals Engineering



Joseph F. Vince, P.E., C.M.E.
New Jersey Professional Engineer
License Number GE49663



February 9, 2017

Via: Fax (201)-664-3836 & Standard Mail

Joseph E. Neglia, PE, PP, PLS
CEO, Chairman of the Board

Michael J. Neglia, PE, PP, PLS
President

Gregory Polyniak, PE, PP

Michael F. Berliner

Thomas R. Solfaro, PE, CME

Daniel Kaufman, PE, PP

Brian Intindola, PE

Robert T. Regan
345 Kinderkamack Road
P.O. Box 214
Westwood, New Jersey 07675

Re: **Petra Holdings, LLC**
Stormwater Management Improvements
491 Broad Street
Block 59, Lot 14
Borough of Carlstadt, Bergen County, New Jersey
NEA No.: CARLSPL16.011

Dear Mr. Regan:

During the Carlstadt Zoning Board of Adjustment Meeting on January 11, 2017, the Board requested and the Applicant agreed to make some additional revisions to the parking lot, to alleviate concerns related to vehicular and pedestrian safety. The revisions requests are based upon the Site Plan set, entitled "Variance Application for Petra Holdings, LLC, 491 Broad Street, Tax Map Sheet 4 – Block 59 – Lot 14, Borough of Carlstadt, Bergen County, New Jersey" consisting of eight (8) sheets prepared by Joseph F. Vince, P.E. of Schwanewede/Hals Engineering, dated January 4, 2016 and last revised June 1, 2016.

In addition, the Borough Zoning Board of Adjustment and its professionals agreed to re-evaluate the recommendation of an overflow connection for proposed stormwater management at the existing inlet at the corner of Second Street and Broad Street. The municipality re-evaluated this recommendation and provides the following conclusions:

- o The Applicant proposes to store a 100-year storm event, 60-minute duration to address the lack of immediate off-site municipal drainage infrastructure.
- o The Applicant proposes to collect and infiltrate the proposed roof area (6,834 square feet) into three seepage pits and stone bedding. This system will provide an approximate volume of 1,710 cubic feet.
- o Based upon the volume provided, the design will collect and infiltrate an approximate 2-year, 24 hour rainfall event.
- o Rainfall events above the 2-year storm will overflow, via a single discharge point (seepage pit grate), down through parking spaces #5-13, across the sidewalk, gutterflow along First Street and down Broad Street. The Applicant's engineer testified to the potential occurrence of this anticipated condition.
- o During winter months, and as previously state in testimony, this proposed condition can cause icing conditions within the parking lot, across the sidewalk, and within the gutterline due to the lack of existing and proposed stormwater conveyance infrastructure.

- Civil Engineering
- Municipal Engineering
- Landscape Architecture
- Traffic Engineering
- Planning
- Land Surveying
- Construction Management

Locations:

■ 34 Park Avenue
P.O. Box 426
Lyndhurst, NJ 07071
Tel: 201.939.8805
Fax: 201.939.0846

■ 1119 Raritan Road
Suite 2
Clark, NJ 07066
Tel: 732.943.7067
Fax: 732.943.7249

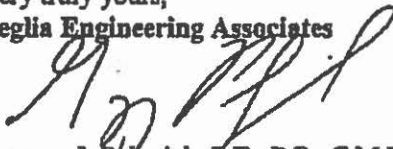
www.negliaengineering.com



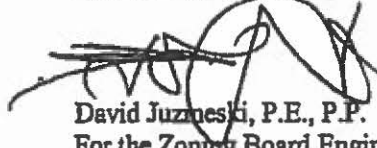
- o Since the parking lot is designed to conform to current ADA standards and is intended for residential uses, our original recommendation remains, to ensure the public health and safety for vehicles and pedestrians. Our office re-iterates the need to improve these drainage patterns for the safety of on-site vehicles and pedestrians utilizing the proposed parking lot and off-site vehicles and pedestrians utilizing the existing sidewalk within the right-of-way.
- o The Applicant shall provide a trench drain at the driveway entrance to capture overland flow from the parking lot and direct it into the seepage pit system.
- o Prior to the installation of any seepage pits or any infiltration type stormwater management system, the Applicant shall perform percolation tests and determine the groundwater level. We request that our office be notified 48 hours prior, so that a representative may be present for the tests. Should the drainage calculations need to be revised due to the results of the tests, the calculations should be submitted to our office for review and approval.
- o Furthermore, in accordance with the NJDEP BMP Manual for Dry-Wells, dry wells must be designed to safely convey overflows to downstream drainage systems. The design of the overflow structure must be sufficient to provide safe, stable discharge of stormwater in the event of an overflow. Safe and stable discharge minimizes the possibility of adverse impacts, including erosion and flooding in down-gradient areas. Blind connections to downstream facilities are prohibited. Any connection to downstream stormwater management facilities must include access points such as inspections ports and manholes, for visual inspection and maintenance, as appropriate, to prevent blockage of flow and ensure operation as intended. All entrance points must adhere to all Federal, State, County and municipal safety standards such as those for confined space entry.
- o Furthermore, the aforementioned overflow system shall be designed in accordance with current Residential Site Improvement Standards.

We trust you will find the above in order. Should you have any questions or require additional information, please do not hesitate to contact the undersigned.

Very truly yours,
Neglia Engineering Associates


Gregory J. Pplyniak, P.E., P.P., C.M.E., C.P.W.M
Zoning Board Engineer
Borough of Carlstadt

Very truly yours,
Neglia Engineering Associates


David Juzneski, P.E., P.P.
For the Zoning Board Engineer
Borough of Carlstadt

cc: Zoning Board of Adjustment (via email c/o David Malinowski)
David Malinowski, ZBA Secretary (via email)
Walter Slomieski, Jr., Esq. – Zoning Board Attorney (via fax 973-777-7660 & regular mail)
Gary E. Cohen, Esq. – Applicant's Attorney (via regular mail)
Joseph F. Vince, P.E. – Applicant's Engineer (via regular mail)