



Scott D. Taylor, CLA, AICP, PP  
Michelle M. Taylor, AICP & PP

Cheryl Bergailo, AICP & PP  
Amy Cieslewicz, CLA

August 26, 2008

Planning  
Landscape Architecture  
Municipal Consulting  
Streetscape Design  
Economic Development  
Parks and Recreation

Zoning Board of Adjustment  
Borough of Fair Lawn  
PO Box 376  
Fair Lawn, New Jersey 07410

**Ref: First Affordable Housing Planning Review for 18-35 River Road, LLC  
Use Variance  
Block 5834, Lots 1, 3, 4; 18-35 River Road  
Borough of Fair Lawn, Bergen County, New Jersey  
TDG Project No. 2006-103.14Z**

Dear Mr. Chairman and Board Members:

We have reviewed the following documents in support of the above-referenced application:

- *Concept Site Plan* consisting of one sheet, prepared by Weissman Engineering Co., P.C., last revised April 29, 2008.
- Architectural plans consisting of 7 sheets prepared by Studio 5 Partnership, last revised July 1, 2008.

We offer the following comments regarding compliance with the Affordable Housing Ordinance, (Chapter 49 of the Borough Code), the Borough's Fair Share Plan and COAH's (NJ Council on Affordable Housing) rules:

1. The residential portion of the property in question is 3.8 acres in size and is located off of River Road, just south of its intersection with Maple Avenue. The site is located in the I-2-OR Industrial Overlay Zone.
2. The ordinance (Section 49-13) permits that in addition to the I-2 Industrial zoning on the Hadco Site, the eastern portion of Lot 1 may be developed consistent with the requirements of the R-5-3 Inclusionary Townhouse Residential Zone, as set forth in Section 125-15.1 of the Code of the Borough of Fair Lawn.
3. The general location of the proposed residential component is consistent with the location highlighted in the April 1995 Housing Element/Fair Share Plan and the Zoning Ordinance per (Section 49-13.A); however the size appears to be more than an acre larger than what is contemplated by the ordinance. The appropriateness of the lot size should be considered as part of the use variance request. COAH's rules do not require any specific lot size.

Taylor Design Group, Inc.  
100 Technology Way  
Suite 125  
Mount Laurel, NJ 08054

T. 856.914.1666  
F. 856.914.0606

tdgplanning.com

4. The R-5-3 Zone permits townhouse development with an affordable housing set-aside of 22 percent. The applicant is proposing an apartment building instead of townhouse units, which requires a use variance. A townhouse housing type is not required by COAH; the apartment-style units are acceptable.
5. Because the overlay zone was created as part of the Borough's Round II (1986-1999) COAH plan, this project can be considered a Round II project, to which "Round II" rules generally apply. This project will help fill the Borough's Round II unmet need of 100 units. The senior cap has already been met for Round II by the senior units at Fair Lawn Commons; therefore the units should not be age-restricted. Also, the Borough has already met its rental obligation with Fair Lawn Commons; therefore additional rentals will not earn bonus credits. Rental units could, however, be carried forward to help fulfill the rental obligation in Round III obligation. In short, there is no pressing need to provide additional rental units, so the applicant can create either rental or for-sale units.
6. This ordinance does not permit a lesser set-aside for rental units as may be applicable on other sites in the Borough (20% set-aside for-sale; 15% set-aside rental). The set-aside for this site is 22 percent, regardless of whether the units are rental or for-sale.
7. The permitted base density for this site is that of the R-5-1 Zone; which is 7 units per acre on a minimum 2.4-acre parcel. The applicant is permitted to increase that base density by 22 percent in order to create the affordable units. The "extra" units are required to be affordable to low- and moderate-income households in a 50/50 split consistent with COAH's rules.
8. The Concept Plan indicates that 64 units are proposed, which appears to significantly exceed the permitted density. We defer analysis of the requested density increase to the Board and its other professionals. The proposed density is acceptable in terms of COAH's rules.
9. A 22-percent set-aside on a 64-unit project equals 14 units. Therefore, 14 units must be deed restricted for affordable housing for a period of no less than 30 years, and in accordance with all of COAH's rules. One-half of the units must be affordable to low-income households and the other half must be affordable to moderate-income households.
10. Because the project exceeds the permitted density, we recommend that, at a minimum, 13 percent of the low-income units be made very-low-income units ( $13\% \times 7 = 1$  unit). The recently adopted Roberts Bill, (A-500), which amended the New Jersey Fair Housing Act, requires that 13 percent of all low-income units created in a municipality be dedicated to very-low-income households. This requirement will presumably be incorporated into COAH's rules.
11. The applicant should revise its floor plan to provide the bedroom mixes required by COAH per UHAC (Uniform Housing Affordability Controls). A minimum 20 percent of all bedrooms must be 3 bedrooms (3 units), and no more than 20 percent may be studios or 1-bedroom units (2 units). The

remainder can be 2-bedroom units (9 units). Currently the floor plan does not include 3-bedroom units.

12. For the Concept Plan phase of this project, the applicant should prove that the set-asides required can be feasibly implemented on this site.
13. Prior to site plan approval of the project, the applicant should submit an Affordable Housing Plan document to the Board detailing the following:
  - a. The number and percentage of affordable units.
  - b. The very-low, low- and moderate-income split.
  - c. The bedroom mix required by UHAC.
  - d. The administrative entity who will administer the renting, re-rents, sales and/or re-sales of the units to qualified households.
  - e. The proposed form of deed restriction.

We reserve the right to make additional comments based upon the submission of additional documents or testimony presented to the Board.

Very truly yours,

**TAYLOR DESIGN GROUP, INC.**



**Cheryl Bergailo, P.P., AICP**  
**Planning Consultant**

- cc:
- Ann Peck, for the Board (via email)
  - W. C. Soukas, Esq., Board Attorney (via email)
  - P. Azzolina, P.E., Board Engineer (via email)
  - M. Kataryniak, P.E., Board Traffic Engineer (via email)
  - J. Beahm, P.P., Board Planner, Birdsall Engineering (via fax)
  - C. Hochkeppel, Municipal Housing Liaison (via email)
  - B. Rosenberg, Esq., Borough Attorney (via email)
  - R. Lustgarten, Esq., Borough Special Counsel (via email)
  - S. Liebman, Esq., Applicant's Attorney (via email)