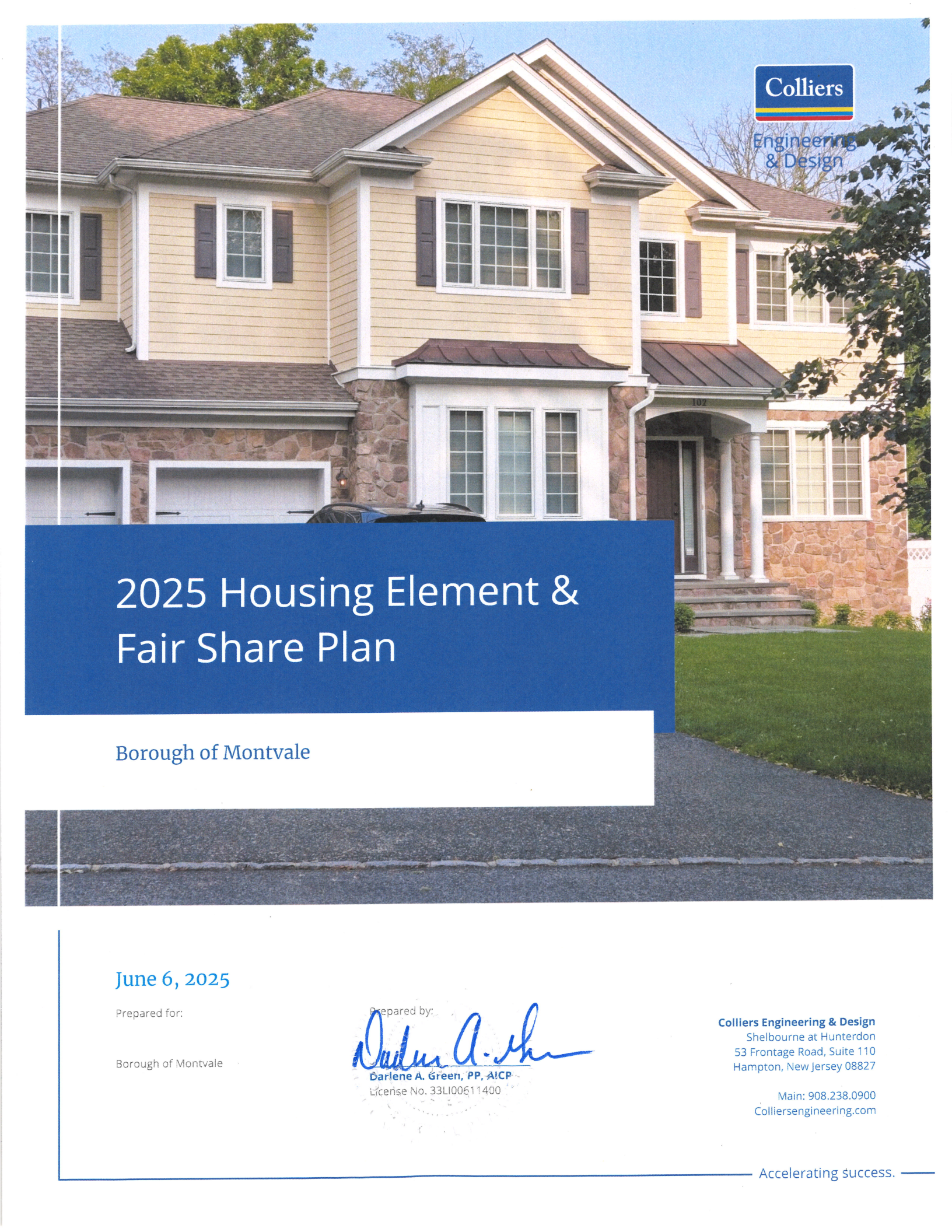




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2025 Housing Element & Fair Share Plan

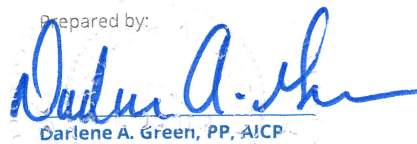
Borough of Montvale

June 6, 2025

Prepared for:

Borough of Montvale

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2025 Housing Element & Fair Share Plan

Borough of Montvale

Bergen County, New Jersey

Adopted by the Planning Board: June 17, 2025

The original of this report was signed and sealed in accordance with NJSA 45:14A-12.

MPP-245

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I. Introduction

According to the New Jersey Fair Housing Act, a Housing Plan Element shall be designed to meet the municipality's fair share of its region's present and prospective housing needs, with particular attention to low- and moderate-income housing.

Affordable housing in New Jersey has a long, convoluted history dating back to 1975, when the New Jersey Supreme Court ruled that municipalities could not use their power to zone to exclude the region's low- and moderate-income households. This landmark decision is commonly referred to as Mount Laurel I, as the defendant was the Township of Mount Laurel. In 1983 the New Jersey Supreme Court decided what is commonly referred to as Mount Laurel II, wherein the Supreme Court created a quota system for growing municipalities and invented the "Builder's Remedy" as an enforcement mechanism. In response to the court decisions, the Fair Housing Act ("FHA") was adopted in 1985, which provided an administrative process for municipal compliance. The FHA also created the Council on Affordable Housing ("COAH"), which was responsible for promulgating municipal obligations, adopting regulations, and administering the compliance process. The first round of affordable housing spanned from 1987 to 1993. This was followed by the second round from 1993 to 1999.

The third round of affordable housing commenced in 1999, but COAH failed to establish new affordable housing obligations. Several lawsuits were filed between 2008 and 2015 regarding the obligation. Ultimately, on March 10, 2015, the Supreme Court ruled that COAH failed to act and as a result, the Courts assumed jurisdiction over the Fair Housing Act. The decision and accompanying Order divided municipalities into one of three categories – those that achieved Third Round Substantive Certification, those that filed or petitioned COAH and those that had never participated in the COAH process.

The transitional process created by the Supreme Court tracked the Fair Housing Act procedures for compliance. In this regard, the process permitted municipalities to file a Declaratory Judgment Action during a 30-day window between June 8 and July 8, 2015, that sought an adjudication as to their fair share. This would enable the municipality to comply voluntarily with its constitutional obligation to provide a realistic opportunity for the construction of its fair share of the regions' low- and moderate-income households.

On January 18, 2017, the Supreme Court ruled that municipalities are responsible for obligations accruing during the so-called "gap period," the period between 1999 and 2015. However, the Court stated that the gap obligation should be calculated as a never-before-calculated component of Present Need (also referred to as Rehabilitation Obligation), which would serve to capture Gap Period households that were presently in need of affordable housing as of the date of the Present Need calculation (i.e. that were still income eligible, were not captured as part of traditional present need, were still living in New Jersey and otherwise represented a Present affordable housing need).

Between 2015 and 2024, towns that elected to voluntarily comply with their constitutional obligation participated in mediation sessions, reached settlement agreements, adopted Housing Element and Fair Share Reports, and most towns concluded the process with a judgment of repose and compliance. As a result of COAH's inability to function, the third round period spanned from 1999 to 2025.

Then, on March 20, 2024, Governor Murphy signed legislation that dramatically modified the State's affordable housing regulations. The 75-page bill, known as A4, abolished COAH, modified the process of affordable housing compliance, amended bonus credits, and, among other changes, set forth several important deadlines. P.L. 2024, c.2 ("Amended FHA") charged the Department of Community Affairs ("DCA") with the preparation of fourth round obligations and set forth aggressive timelines for compliance. In October of 2024, DCA published a report on its calculations of regional need and municipal present (Rehabilitation Obligation) and prospective (Fourth Round Obligation) fair share obligations. The Report is entitled "Affordable Housing Obligation of 2025-2035 (Fourth Round) Methodology and Background". The DCA calculated Montvale's present need obligation as 30 and its prospective need obligation as 348. Municipalities were required to adopt a binding resolution outlining their present and prospective fair share obligations by January 31, 2025. On January 28, 2025, the Mayor and Council adopted Resolution No. 64-2025 accepting the DCA's calculation of the Borough's present need and correcting the developable land data regarding Montvale's prospective obligation. The modifications resulted in an adjusted Fourth Round Obligation (176), which was subject to any vacant land and/or durational adjustment. The Borough of Montvale also filed a "Complaint for a Declaratory Relief Pursuant to Directive #14-24" on January 30, 2025, as part of the compliance certification process outlined in the Director of the Administrative Office of the Courts Directive #14-24.

During the 30-day challenge window, the New Jersey Builder's Association ("NJBA"), SHG Montvale MG I, LLC, and Fair Share Housing Center ("FSHC") challenged the Borough's Fourth Round Obligation. Mediation was conducted over the course of several days, but ultimately the parties were unable to settle. A "session" was held on March 28, 2025. As it related to FSHC and the Borough, the only real disputed factor was the land capacity factor. In this regard, four "polygons" were in dispute.

On April 23, 2025 a "Program Recommendation Statement of Reasons" report was issued by Program Member Mendez, which set the Fourth Round Obligation at 255. However, this document was based on a flawed report prepared by Special Adjudicator Banisch. Mr. Banisch miscalculated the developable acreage and thus recommended an inflated Fourth Round Obligation. Mr. Banisch issued an amended report on April 25, 2025. Thereafter, on April 30, 2025, a "Supplemental Program Recommendation Statement of Reasons" report was issued by Program Member Mendez, which revised the Fourth Round Obligation to 237. However, as of June 4, 2025, the County Level Housing Judge has not entered an Order establishing the obligation.

FSHC objected to the revised report and submitted briefing to the trial court wherein it opined the number should not be 237 but should instead be 276 units (or alternatively the DCA number of 348).

On May 8, 2025, the Borough responded to FSHC's objection and noted that the Program Recommendations, when reviewed on parcel-by-parcel basis, do not support the number of 237. In this regard, the Special Adjudicator agreed with the Township's exclusion of three of the four polygons (though he did suggest a potential alternative treatment to the "hourglass" polygon) and the Court recommendation ultimately agreed with at least two of the four removals. The net impact of all of this is that the proper range of outcomes, mathematically, is 180-191 using the Borough's land capacity denominator or 187-208 if you inappropriately utilize FSHC's denominator. In short, the worst-case reading of the recommendation should be 208, not 237 and the most credible number begins with a 1 as shown in the following chart:

	DCA Workbook	Boro January '25 Submission	Add Church (Adjudicator Recommendation)	Add Hilton (Not Recommended by Adjudicator)	Add Non-Environmentally-Constrained Veolia (Not Recommended by Adjudicator)
Land Capacity Factor	1.91%	0.04%	0.09%	0.21%	0.61%
Montvale Acreage	37.787	0.804	0.804	1.804	4.124
Added acreage			1.00	2.320	7.735
Total Adjusted Acreage	37.787	0.804	1.804	4.124	11.859
Region 1 Acreage	1,980	1,943 ¹	1,944	1,946	1,954
Non-Residential Factor	0.55%	0.55%	0.55%	0.55%	0.55%
Income Factor	1.30%	1.30%	1.30%	1.30%	1.30%
Average Allocation Factor	1.26%	0.63%	0.65%	0.69%	0.82%
Prospective Need Obligation	348	176	180	191	228
FSHC Calculation (Kinsey Workbook)		178	187	208	276

This plan will use the range of 180-237 as a placeholder or proxy until the number is ultimately resolved.

Pursuant to NJSA 52-27D-304.1f.(1)(c), “(T)he decision shall be provided to the municipality and all parties that have filed challenges no later than March 31 of the year when the current round is expiring”. This text refers to the decision regarding the obligation. The Program and the Judiciary have failed to comply with the statutory deadlines to provide Montvale with its Fourth Round Obligation. Concurrently, the Judiciary has ignored the Borough’s request for an extension due to the fact that, as of June 4, 2025, the Borough does not know its Fourth Round Obligation. For purposes of this report, we have used 237 as a placeholder for the Fourth Round Obligation.

This is the Borough of Montvale’s Housing Element and Fair Share Plan (“HEFSP”) for the period between 2025 and 2035, known as the Fourth Round. Montvale seeks to voluntarily comply with its constitutional obligation to provide a realistic opportunity for affordable housing. This HEFSP is

¹ The Borough’s initial documents clearly reduced the regional acreage to 1,943 acres, despite the misrepresentation in FSHC’s brief: “Yet, despite making this huge reduction, Montvale did not reduce the developable land for Region 1 down from DCA’s 1,980 acres.” FSHC Brief at 5. FSHC made this argument at the Program and was corrected on the matter, already. To the extent FSHC attempts to relitigate allocation, the Borough’s papers to the Program squarely address the issue. See Edwards Cert. at **Exhibit C**.

prepared utilizing the Prior Round Rules², Third Round Rules³ (as applicable), and the amendments implemented in P.L. 2024, c.2. Each municipality in the State has a four-part obligation:

1. Rehabilitation Obligation
2. Prior First and Second Round Obligations (1987-1999)
3. Third Round Obligation (1999 – 2025)
4. Fourth Round Obligation (2025-2035)

Affordable Housing History

A summary of Montvale's historic affordable housing timeline is included below:

- **December 16, 1994** | Judgment of Compliance issued for the First Round by the Superior Court.
- **December 15, 2004** | COAH Issued Second Round Substantive Certification to the Borough via Resolution #250-99.
- **December 2, 2008** | Montvale petitioned COAH for Third Round Substantive Certification.
- **July 2, 2015** | Montvale filed a Declaratory Judgment Action seeking to comply with its constitutional mandate to provide affordable housing in accordance with the March 10, 2015 New Jersey Supreme Court Order.
- **November 14, 2017** | Montvale executed a Settlement Agreement with Fair Share Housing Center (see Appendix A).
- **November 14, 2017** | Montvale executed a Settlement Agreement with S. Hekemian Group, LLC, an intervenor (see Appendix B).
- **November 14, 2017** | Montvale executed a Settlement Agreement with Hornrock Properties, MPR, LLC, an intervenor.
- **November 14, 2017** | Montvale executed a Settlement Agreement with 2 Paragon Drive, LLC, an intervenor.
- **October 3, 2018** | Final Judgment of Compliance and Repose issued by Judge Farrington (see Appendix C).
- **January 28, 2025** | Resolution No. 64-2025 Committing to the Fourth Round Obligation approved by Council (see Appendix D).
- **January 30, 2025** | Complaint for a Declaratory Relief Pursuant to Directive #14-24 (see Appendix E).
- **April 30, 2025** | "Supplemental Program Recommendation Statement of Reasons issued by the Court on behalf of Program Member Mendez (see Appendix F).

² NJAC 5:91 (Procedural) and NJAC 5:93 (Substantive) Rules, which can be found at: [New Jersey Department of Community Affairs | Second Round Regulations](#)

³NJAC 5:96 (Procedural) and NJAC 5:97 (Substantive) Rules, which can be found at: <https://nj.gov/dca/dlps/hss/thirdroundregs.shtml>

- **May-June of 2025** | Briefing and further objection on the number, but no final Order issued by the Court as of the date of drafting this plan.

Municipal Summary

The Borough of Montvale is located in Bergen County and encompasses roughly four square miles. Montvale is suburban in character and has a small-town feel. The Borough's "downtown" is centered at the intersection of Railroad Avenue and West Grand Avenue. Other commercial "nodes" are located along DePiero Drive at The District and The Shoppes at DePiero Farm developments, Chestnut Ridge Road, Craig Road, Paragon Drive, and Summit Avenue. A small area of businesses is also located at the north end of Kinderkamack Road.

Montvale is surrounded by the Borough of Upper Saddle River, Borough of Woodcliff Lake, Borough of Park Ridge and Township of River Vale in New Jersey. North, across the state line, is Rockland County, New York. The municipality is served by the Pascack Valley passenger rail line, which connects the Borough to Spring Valley, New York and Hoboken, New Jersey. See the map on page 6 for Montvale's location within the region.

According to the Census, between 2010 and 2020, Montvale's population increased 7.55% (592 residents) from 7,844 to 8,436 residents.⁴ It should be noted that the Census estimated the Borough's population at 9,663 residents in 2024.⁵ Looking into the future, the North Jersey Transportation Planning Authority ("NJTPA") projects that the Borough will grow to 10,086 residents by the year 2050.⁶

Affordable Housing Obligation

The Borough of Montvale has accepted DCA's Rehabilitation Obligation of 30 units. The Borough's Prior Round Obligation ("PRO"), as indicated by its Second Round Substantive Certification, is 255. However, the Borough conducted a Vacant Land Adjustment ("VLA") analysis using tax data and environmental data to determine a Realistic Development Potential ("RDP") of 188 units, which was approved by COAH. The RDP subtracted from the PRO results in an Unmet Need of 67 units. However, in the 2017 FSHC Settlement Agreement the Borough agreed to satisfy the entire Prior Round Obligation.

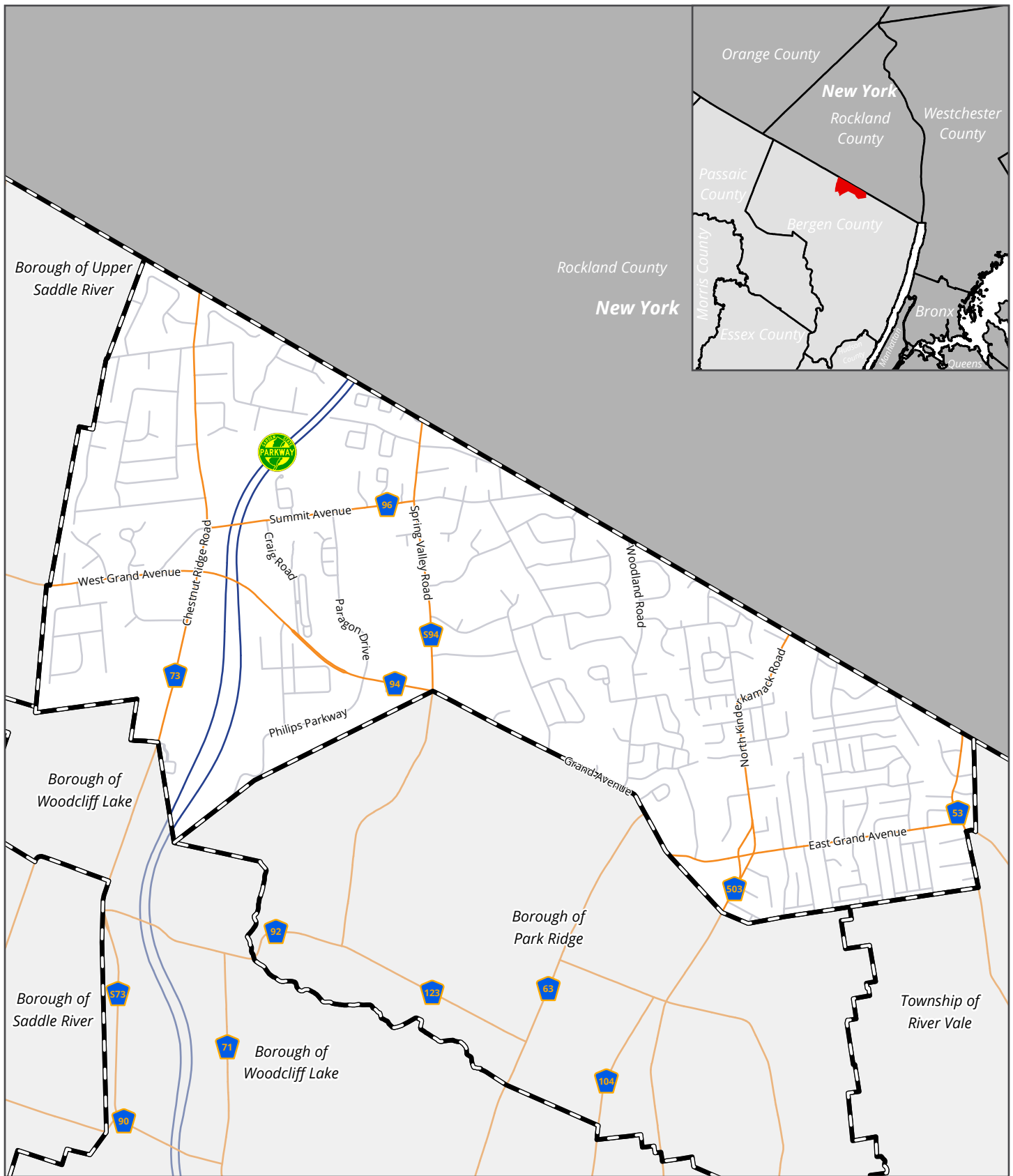
The Borough's Third Round Obligation ("TRO") was 542 units. Again, the Borough conducted a VLA analysis and determined an RDP of 181 units. This resulted in an Unmet Need of 361 units, which was approved by the Court (see Appendix A and Appendix C). It should be noted that the 2017 FSHC Settlement Agreement indicates that the Third Round Unmet Need is fully addressed through the overlay zones and the set-aside ordinance.

As of June 4, 2025 the County Level Housing Judge has not issued the Borough's Fourth Round Obligation. This report relies upon the April 30, 2025 recommendation issued by Program Member Mendez, as the outer limit of a credible range of outcomes between 180 and 237 as a **placeholder** until an Order is entered.

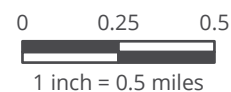
⁴ Information sourced from <https://data.census.gov/>, Decennial Census Table P1 (2010 & 2020), accessed September 12, 2024.

⁵ <https://www.census.gov/quickfacts/fact/table/montvaleboroughnewjersey/HSG010224>, accessed June 3, 2025.

⁶ Information sourced from NJTPA Plan 2050, Appendix E, "Demographic Forecasts", <https://www.njtpa.org/plan2050>, accessed October 31, 2024.



REGIONAL LOCATION
BOROUGH OF MONTVALE
 BERGEN COUNTY, NEW JERSEY



This map was developed using GIS digital data from NJDOT and NJGIN, but this secondary product has not been verified and is not state-authorized.

May 30, 2025
 MPP0245

Montvale remains a land-constrained town and thus conducted a Vacant Land Adjustment analysis using tax data and environmental data to determine an RDP of 3 for the Fourth Round. The RDP subtracted from the FRO results in a worst-case Unmet Need of 234.

The chart below illustrates the Borough's four-part obligation. See Chapter XI. for a detailed discussion of the Fourth Round VLA.

Affordable Housing Obligation

	Rehabilitation	Prior Round 1987 - 1999	Third Round 1999 - 2025	Fourth Round 2025 - 2035
Obligation	30	255	542	237*
RDP	-		181	3
Unmet Need	-		361	234

*Worst case placeholder until Order issued.

Borough Goal

It is the overall goal of the HEFSP, in combination with the Land Use Plan, to provide the planning context in which access to low- and moderate-income housing can be provided in accordance with the requirements of the Fair Housing Act and the laws of the State of New Jersey, while respecting the character, scale, density, and utility capacities of the Borough of Montvale.

HOUSING ELEMENT

Borough of Montvale

II. Content of Housing Element

The Amended Fair Housing Act requires that “the housing element be designed to achieve the goal of access to affordable housing to meet present and prospective housing needs, with particular attention to low and moderate income housing”. As per the Municipal Land Use Law (“MLUL”), specifically NJSA 52:27D-310, a housing element must contain at least the following items:

- 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 conducting this 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);
- 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.52D-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.

Chapters III. through IX. address a. through i. above, except for the determination of the Borough's affordable housing obligation (subsection e.) and the Highlands Council (subsection h.). Montvale's four-part obligation is discussed in Chapter XI. Additionally, Montvale is not within the jurisdiction of the Highlands Council and, as a result, subsection h. is not applicable.

III. Montvale's Population Demographics

The Borough of Montvale saw modest growth between 1900 and 1950. However, the population of the Borough exploded in the 1950s when the population nearly doubled from 1,856 residents to 3,699 residents. The Borough's population nearly doubled again in the 1960s to 7,327 residents. There was a small period of decline between 1970 and 1990. Since then, Montvale has seen a modest but steady rebound in growth with 1,490 new residents since the 1990s. However, the 2022 American Community Survey ("ACS") estimated the Borough's population at 8,413 residents, which is 23 less than reported during the 2020 Census. See the table below for details.

Population Growth

Year	Population	Change	Percent
1900	416	-	-
1910	522	106	25.5%
1920	779	257	49.2%
1930	1,243	464	59.6%
1940	1,342	99	8.0%
1950	1,856	514	38.3%
1960	3,699	1,843	99.3%
1970	7,327	3,628	98.1%
1980	7,318	-9	-0.1%
1990	6,946	-372	-5.1%
2000	7,034	88	1.3%
2010	7,844	810	11.5%
2020	8,436	592	7.5%

Source: Historical Population Trends in Bergen County 1900-2020

<https://co.bergen.nj.us/planning-engineering-regional-planning-transportationdata-resources-and-technology/census-data>

The NJTPA Plan 2050 projects that the Borough's population will grow to 10,086 residents by 2050 from their baseline 2015 population of 8,046. This represents an increase of 2,040 residents, or an average increase of approximately 58 residents annually over 35 years. It should be noted that the 2020 Decennial Census reported Montvale's population to be 8,436. Utilizing this population, the Borough would need to gain 1,650 residents over the next 30 years, which translates to approximately 55 residents annually over 30 years.

Population Projection

Year	Population	Change	Percent
2015	8,046	---	---
2020	8,436	390	4.8%
2050	10,086	1,650	19.6%

Source: NJTPA Plan 2050, Appendix E, Historical Population Trends in Bergen County 1900-2020

[https://www.njtpa.org/NJTPA/media/Documents/Planning/Plans-](https://www.njtpa.org/NJTPA/media/Documents/Planning/Plans-Guidance/Planning%20for%202050/draft%20final/E-2050-Demographic-Forecasts.pdf)

[Guidance/Planning%20for%202050/draft%20final/E-2050-Demographic-Forecasts.pdf](https://www.njtpa.org/NJTPA/media/Documents/Planning/Plans-Guidance/Planning%20for%202050/draft%20final/E-2050-Demographic-Forecasts.pdf)

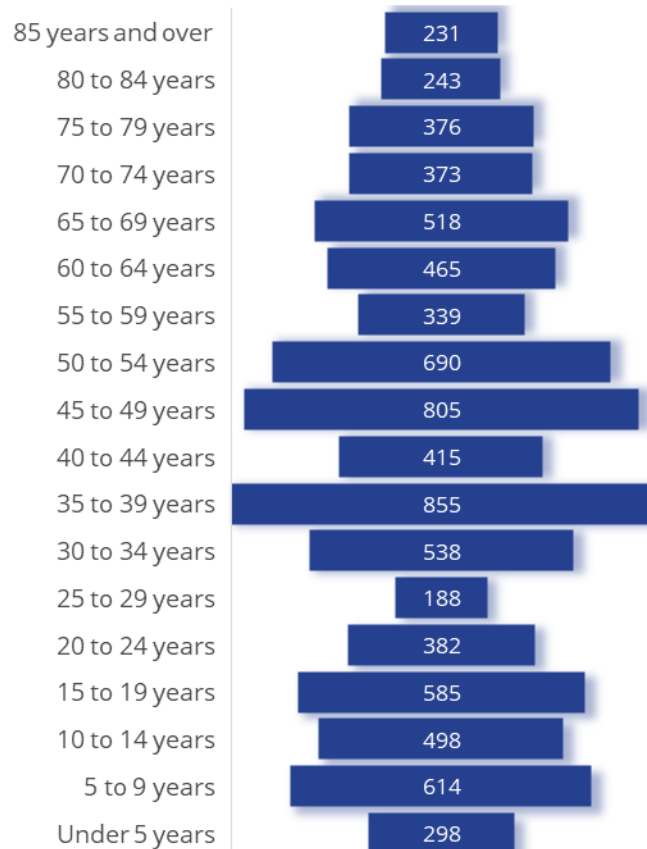
Age Distribution of Population

The 2022 ACS estimates 20.7% of Montvale's population was 65 years or older, while 23.7% of the population was 19 years or younger. The largest age cohort was those 35 to 39 years old, which contained an estimated 855 residents (10.2%). Residents aged 45 to 49 years comprised the second-largest cohort with 805 residents, followed by those aged 50 to 54 years with an estimated 690 residents. The 2022 ACS estimated the median age of Montvale's residents at 43.4 years. See the table and chart below for further details.

Population by Age Cohort

Age	Total	Percent
85 years and over	231	2.7%
80 to 84 years	243	2.9%
75 to 79 years	376	4.5%
70 to 74 years	373	4.4%
65 to 69 years	518	6.2%
60 to 64 years	465	5.5%
55 to 59 years	339	4.0%
50 to 54 years	690	8.2%
45 to 49 years	805	9.6%
40 to 44 years	415	4.9%
35 to 39 years	855	10.2%
30 to 34 years	538	6.4%
25 to 29 years	188	2.2%
20 to 24 years	382	4.5%
15 to 19 years	585	7.0%
10 to 14 years	498	5.9%
5 to 9 years	614	7.3%
Under 5 years	298	3.5%
Total	8,413	100%

Population by Age Cohort



Source: 2022 ACS Table S0101

Household Size & Type

According to the 2022 ACS, Montvale had 3,066 households. A majority were married-couple families, which comprised 65.7% of all households. Of those, 694 had children under 18 years old. Female householders with no spouse present comprised 18.8% of all households, while male householders with no spouse present comprised only 13.9%. Of all households with no spouse present, 197 had children under 18 (6.4%), while 558 were living alone (18.2%). See the table on the following page for complete details.

Household Type

Type	Number	Percent
Married-couple family	2,014	65.7%
<i>with children under 18</i>	694	22.6%
Cohabiting couple	50	1.6%
<i>with children under 18</i>	40	1.3%
Male householder, no spouse	425	13.9%
<i>with children under 18</i>	144	4.7%
<i>living alone</i>	189	6.2%
Female householder, no spouse	577	18.8%
<i>with children under 18</i>	53	1.7%
<i>living alone</i>	369	12.0%
Total	3,066	100%

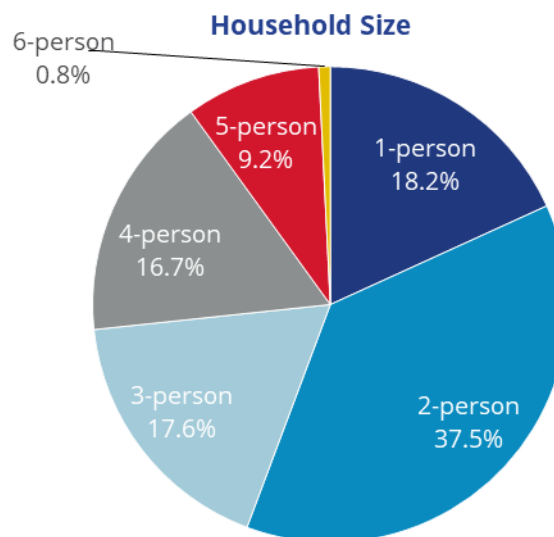
Source: 2022 ACS Table DP02

The ACS also provides data on household size. Two-person households, which comprised 37.5% of Montvale's households, were estimated to be the most common household size according to the 2022 ACS. Second-most common were one-person households, representing 18.2% of all households. Finally, three-person households comprised 17.6% of the 3,066 households in Montvale. It should be noted that 10%, or 306 households, contained five or more people. The table and pie chart below graphically illustrate the household size composition in Montvale. Additionally, the 2022 ACS estimated the average household size at 2.74 persons, which is slightly less than reported in the 2010 Census (2.82 persons).

Household Size

Size	Total	Percent
1-person	558	18.2%
2-person	1,150	37.5%
3-person	540	17.6%
4-person	512	16.7%
5-person	282	9.2%
6-person	24	0.8%
7+ person	0	0.0%
Total	3,066	100%

Source: 2022 ACS Table B11016



Income & Poverty Status

The 2022 ACS estimated the median household income for the Borough of Montvale to be \$175,179, which is \$56,000+ higher than Bergen County's and \$78,000+ more than the State's. Similarly, the median family income for Montvale was estimated at \$186,493, which is \$42,000+ greater than the

County's and \$101,000+ greater than the State's. Finally, the Borough's per capita income was estimated at \$74,722, which is more than the County's and State's per capita income.

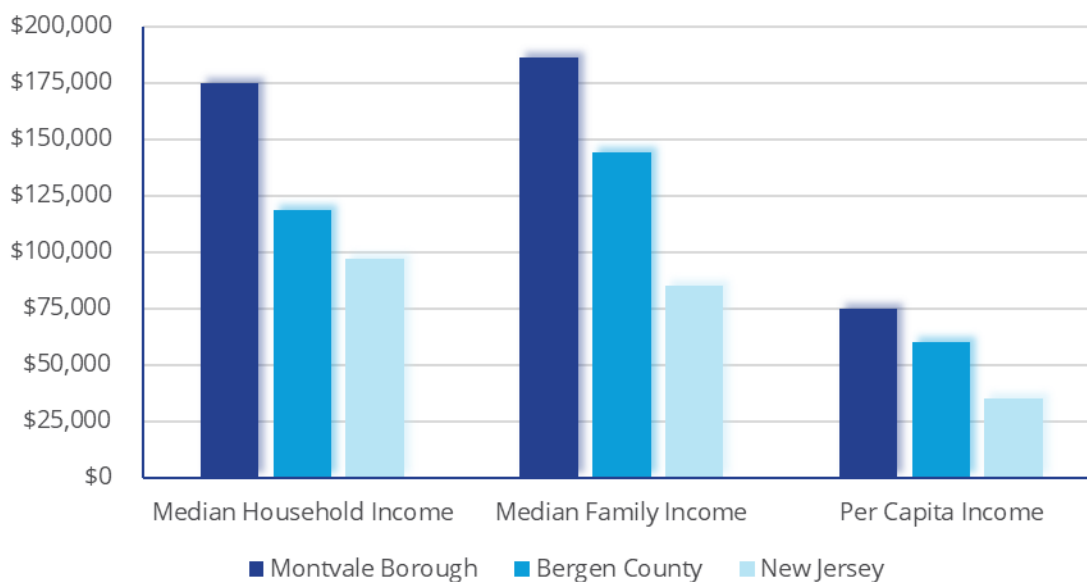
Montvale's poverty rate for individuals was estimated at only 3.4%, which is half of the County's rate of 6.8% and significantly less than the State's rate of 9.8%. Similarly, the Borough's poverty rate for families was estimated at 4.3%, which is less than the County's rate of 5.2% and the State's rate of 6.9%. The table and bar chart below provide a comparison between income and poverty characteristics.

Income and Poverty Characteristics

Income Type	Montvale Borough	Bergen County	New Jersey
Median Household Income	\$175,179	\$118,714	\$97,126
Median Family Income	\$186,493	\$144,348	\$84,904
Per Capita Income	\$74,722	\$60,222	\$34,858
Poverty Status (Percent of People)	3.4%	6.8%	9.7%
Poverty Status (Percent of Families)	4.3%	5.2%	6.9%

Source: 2022 ACS Table DP03

Income Characteristics



According to the 2022 ACS, more than 43% of households in Montvale (1,322) earn over \$200,000 annually. Households earning \$150,000 to \$199,999 comprised 14.1% of households (432). In total, almost 70% or 2,140 households in Montvale had an annual income of \$100,000 or more. Only 57.2% of households in Bergen County and only 48.8% of households in New Jersey earned \$100,000 or more according to the 2022 ACS. It should be noted that 15.8% of households in Montvale earned less than \$50,000. See the table on the following page for additional details, which also compares the income ranges with Bergen County and New Jersey.

Household Income

Income Range	Montvale Borough		Bergen County		New Jersey	
	Total	Percent	Total	Percent	Total	Percent
Less than \$10,000	71	2.3%	11,292	3.2%	139,920	4.1%
\$10,000 to \$14,999	49	1.6%	7,640	2.2%	102,608	3.0%
\$15,000 to \$24,999	89	2.9%	14,611	4.2%	185,476	5.4%
\$25,000 to \$34,999	165	5.4%	17,170	4.9%	196,998	5.7%
\$35,000 to \$49,999	111	3.6%	24,037	6.9%	281,264	8.2%
\$50,000 to \$74,999	183	6.0%	40,351	11.5%	455,543	13.2%
\$75,000 to \$99,999	258	8.4%	35,009	10.0%	397,730	11.6%
\$100,000 to \$149,999	386	12.6%	62,655	17.9%	620,335	18.0%
\$150,000 to \$199,999	432	14.1%	45,184	12.9%	396,837	11.5%
\$200,000 or more	1,322	43.1%	92,894	26.5%	661,451	19.2%
Total	3,066	100%	350,843	100%	3,438,162	100%

Source: 2022 ACS Table DP03

IV. Montvale's Housing Demographics

Housing Type

The 2022 ACS estimated the Borough's housing stock at 3,123 units, which is comprised primarily of single-family dwellings (62.9%). There were also 269 units in structures containing three or four units, commonly known as triplexes or quadruplexes and 208 units in two-unit structures (duplexes). The Borough contained 437 single-family attached dwellings (e.g. townhomes) and 246 dwelling units in structures with five or more units. See the table below for details. Of the estimated 3,123 units in 2022, 153 or 4.9% of the housing stock were affordable.

Housing Units in Structure

Structure	Number of Units	Percent
1-unit, detached	1,963	62.9%
1-unit, attached	437	14.0%
2 units	208	6.7%
3 or 4 units	269	8.6%
5 to 9 units	90	2.9%
10 to 19 units	156	5.0%
20 or more units	0	0.0%
Mobile Home	0	0.0%
Other (boat, RV, van, etc.)	0	0.0%
Total	3,123	100%

Source: 2022 ACS Table DP04

Occupancy Status

Of the 3,123 residential units, 3,066 units, or 98.2% of the housing stock, was occupied. This includes 2,576 owner-occupied units and 490 rental units. The 57 vacant units only include properties classified as "other" vacant. See the table on the following page for details.

Occupancy Status

Status	Units	Percent
Occupied Total	3,066	98.2%
Owner Occupied	2,576	84.0%
Renter Occupied	490	16.0%
Vacant Total	57	1.8%
For rent	0	0.0%
Rented, not occupied	0	0.0%
For Sale	0	0.0%
Sold, not occupied	0	0.0%
Seasonal	0	0.0%
For migrant workers	0	0.0%
Other	57	100.0%
Total	3,123	100%

Source: 2022 ACS Tables DP04 & B25004

The 2022 ACS estimated the average household size in Montvale at 2.74 persons, while the average family size was 3.05 persons. Comparing tenure, the average owner-occupied household was 2.85 persons, while the average renter-occupied household was 2.19 persons.

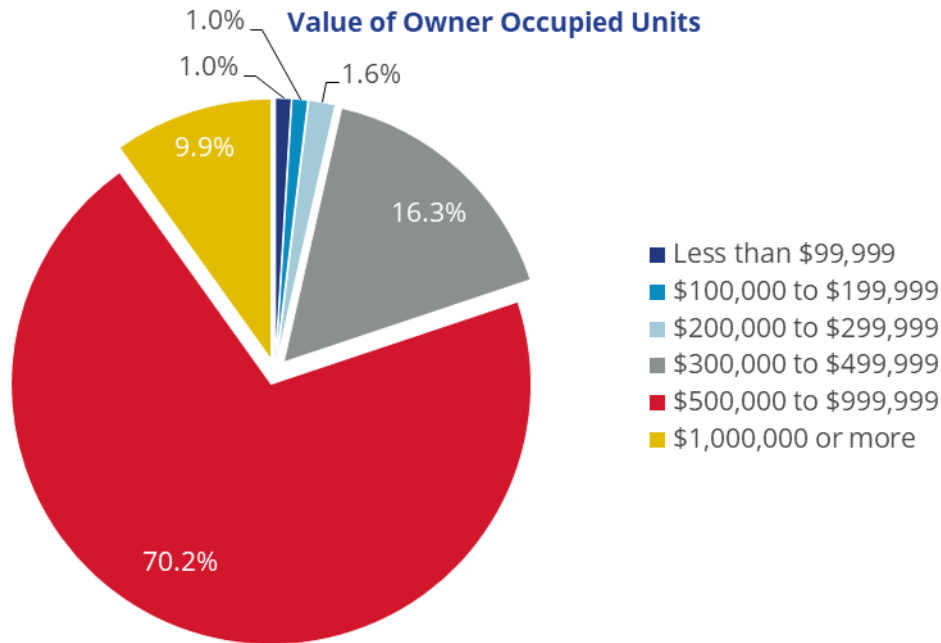
Value & Rent of Housing Stock

The 2022 ACS provided data regarding the value of owner-occupied housing units within Montvale. According to the data, a majority of homes in the Borough are worth between \$500,000 and \$999,999 (70.2%). Homes worth \$1 million or more comprised nearly 10% of the Borough's owner-occupied housing stock. It should be noted that only 92 homes (3.6%) in Montvale were estimated to be worth less than \$300,000. The median home value estimated in the 2022 ACS was \$673,700. See the table below and chart on the following page.

Value of Owner Occupied Units

Value	Number of Units	Percent
Less than \$99,999	25	1.0%
\$100,000 to \$199,999	25	1.0%
\$200,000 to \$299,999	42	1.6%
\$300,000 to \$499,999	420	16.3%
\$500,000 to \$999,999	1,809	70.2%
\$1,000,000 or more	255	9.9%
Total	2,576	100%
Median Value	\$673,700	

Source: 2022 ACS Table DP04

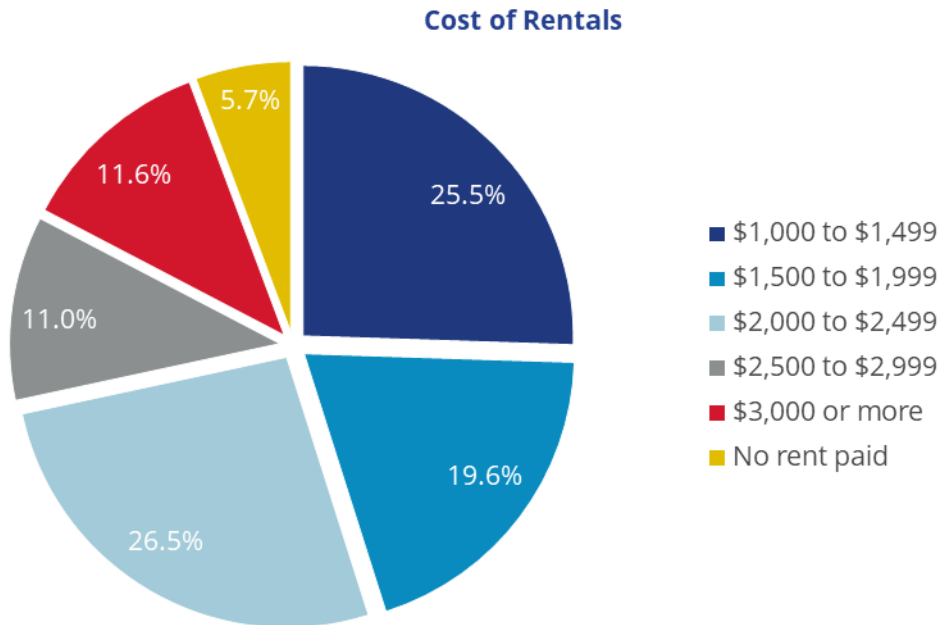


The median rent in the Borough was estimated at more than \$2,000 per the 2022 ACS. Looking at the rent range for the Borough's 490 rental units, 26.5% cost between \$2,000 and \$2,499 per month (130 units). Similarly, 125 units (25.5%) cost between \$1,000 and \$1,499 per month. There was an estimated 57 units that rent for \$3,000 or more per month. See the table below and chart on the following page for more information.

Cost of Rentals

Cost	Number of Units	Percent
Less than \$1,000	0	0.0%
\$1,000 to \$1,499	125	25.5%
\$1,500 to \$1,999	96	19.6%
\$2,000 to \$2,499	130	26.5%
\$2,500 to \$2,999	54	11.0%
\$3,000 or more	57	11.6%
No rent paid	28	5.7%
Total	490	100%
Median (in dollars)		\$2,038

Source: 2022 ACS Table DP04



Condition and Age of Housing Stock

The Census does not classify housing units as standard or substandard, but it can provide an estimate of the substandard housing units that are occupied by low- and moderate-income households. Most of the Census indicators available at the municipal level indicate a sound housing stock within Montvale. According to the 2022 ACS, only 17 of the Borough's occupied dwelling units lack complete plumbing facilities, while no occupied units lack complete kitchen facilities or adequate heat.

Condition of Housing Stock

Condition	Number of Units	Percent
Lack of complete plumbing	17	0.0%
Lack of complete kitchen	0	0.0%
Lack of telephone service	0	0.0%
Lack of adequate heat	0	0.0%
Occupied Housing Units	3,066	0.0%

Source: 2022 ACS Table DP04

Housing with 1.01 or more persons per room (excluding bathrooms and kitchens) is an index of overcrowding as defined by the U.S. Department of Housing and Urban Development.⁷ According to the 2022 ACS, 31 of the Borough's 3,066 occupied housing units contained more than 1.01 persons per room.

⁷ <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/overpayment-payment-and-overcrowding#:~:text=The%20U.S.%20Census%20defines%20an,room%20are%20considered%20severely%20overcrowded.> Accessed May 12, 2025.

Occupants Per Room

Occupants	Number of Units	Percent
1.00 or less	3,035	98.99%
1.01 to 1.50	14	0.46%
1.51 or more	17	0.55%
Occupied Housing Units	3,066	100%

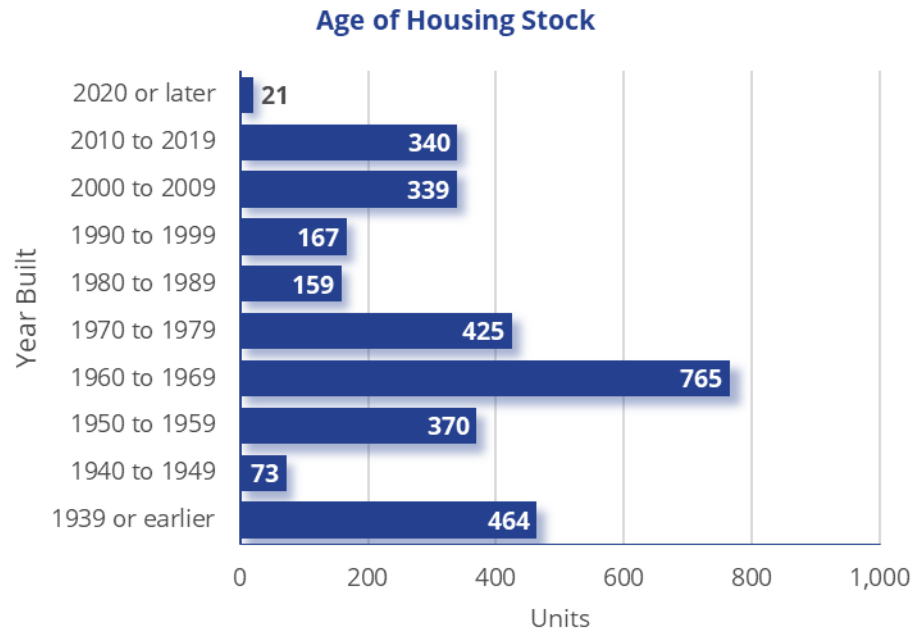
Source: 2022 ACS Table DP04

The table below and bar graph on following page provide the 2022 ACS estimates for the age of housing units in Montvale. An estimated 2,097 units, or 67.1%, of the Borough's housing stock were constructed prior to 1980. This includes the 24.5% of the housing stock constructed in the 1950s. Additionally, almost 15% of homes were constructed in 1939 or earlier. Residential development has increased since 1980 with 326 homes constructed in the 1980s and 1990s, followed by 679 homes during the 2000s and 2010s. According to the ACS, 21 homes have been constructed between 2020 and 2022. The Borough's Rehabilitation Obligation is 30 units, reflecting the relatively good condition of these older homes.

Age of Housing Stock

Year Built	Number of Units	Percent
1939 or earlier	464	14.9%
1940 to 1949	73	2.3%
1950 to 1959	370	11.8%
1960 to 1969	765	24.5%
1970 to 1979	425	13.6%
1980 to 1989	159	5.1%
1990 to 1999	167	5.3%
2000 to 2009	339	10.9%
2010 to 2019	340	10.9%
2020 or later	21	0.7%
Total	3,123	100%

Source: 2022 ACS Table DP04



V. Montvale's Employment Demographics

The 2022 ACS estimated that Montvale had 4,336 residents over the age of 16 in the workforce. Of those, 4,210 (97.1%) were employed, which translates to a 2.9% unemployment rate. A majority of workers were private wage and salary worker (77.2%). However, 14.1% were workers employed by the government and 5.8% were self-employed. See the table below for details.

Class of Workers		
Class	Workers	Percent
Private wage and salary workers	3,347	77.2%
Government workers	612	14.1%
Self-employed workers	251	5.8%
Unpaid family workers	0	0.0%
Total employed residents	4,210	97.1%
Total unemployed residents	126	2.9%
Total residents in workforce	4,336	100%

Source: 2022 ACS Table DP03

Occupational Characteristics

The 2022 ACS estimated 2,444 workers were employed in management, business, science, and arts fields, which represents 58.1% of the Borough's employed residents. Sales and office workers totaled just under a quarter of employed residents, while 10.7% were employed in service positions. See the table below for details.

Occupation of Employed Population		
Occupation	Workers	Percent
Management, business, science, & arts	2,444	58.1%
Service	451	10.7%
Sales & office	1,022	24.3%
Natural resources, construction, & maintenance	214	5.1%
Production, transportation, & material moving	79	1.9%
Total	4,210	100%

Source: 2022 ACS Table DP03

Employment Projections

NJTPA's Plan 2050 estimates that the number of available jobs in Montvale will increase from 10,479 reported in 2015 to 10,916 in 2050. This represents an increase of 437 jobs, or an average annual increase of 13 jobs.

Employment Projection

Year	Jobs	Change	Percent
2015	10,479	---	---
2050	10,916	437	4.2%

Source: NJTPA Plan 2050, Appendix E

In-Place Employment By Industry

New Jersey's Department of Labor and Workforce Development ("NJDLWD") is the entity that reports on employment and wages within the State of New Jersey through the Quarterly Census of Employment and Wages ("QCEW"). According to the 2022 Municipal Report, there were 4,338 private sector jobs within Montvale, which were provided by an average of 286 employers. It should be noted that the Municipal Report redacted data from multiple private-sector industries for not meeting publication standards (mining, manufacturing, professional/technical, etc.). The "Private Sector Total" row in the table on the following page provides the totals for the reported data only. However, the 2022 QCEW document reported that Montvale had an average of 9,096 private-sector jobs provided by 456 employers, including the redacted data. It should be noted that the QCEW data reflects employment within Montvale, regardless of where the employee lives.

Based on the 2022 QCEW data provided, the administration/waste remediation industry had the largest number of employers and employed the third-most workers in the Borough with an average of 635 jobs (14.6%) provided by 44 employers (15.4%). The wholesale trade industry had an average of 1,226 jobs (highest) provided by 41 employers (second highest). There was an average of 771 jobs in the retail trade industry, provided by 21 employers. In the public sector, the 2022 QCEW Municipal Report indicated that there was one federal government employer, which had an average of 16 jobs and four local government employers, which had an average of 499 jobs. This included two local government education employers providing an average of 344 jobs. See the table on the following page for data on each industry sector.

Private and Public Sector Employment (2022)

Industry	Establishments		Employees		Annual Wages
	Total	Percent	Total	Percent	
Mining	-	-	-	-	-
Construction	26	9.1%	220	5.1%	\$82,378
Manufacturing	-	-	-	-	-
Wholesale Trade	41	14.3%	1,226	28.3%	\$129,906
Retail Trade	21	7.3%	771	17.8%	\$33,080
Transportation/Warehousing	6	2.1%	83	1.9%	\$37,936
Information	14	4.9%	121	2.8%	\$131,125
Finance/Insurance	32	11.2%	330	7.6%	\$154,403
Real Estate	24	8.4%	175	4.0%	\$80,721
Professional/Technical	-	-	-	-	-
Management	-	-	-	-	-
Admin/Waste Remediation	44	15.4%	635	14.6%	\$57,924
Education	-	-	-	-	-
Health/Social	-	-	-	-	-
Arts/Entertainment	-	-	-	-	-
Accommodations/Food	34	11.9%	505	11.6%	\$28,613
Other Services	27	9.4%	249	5.7%	\$74,474
Unclassifieds	17	5.9%	23	0.5%	\$57,354
Private Sector Total	286	100%	4,338	100%	\$118,649
Federal Government	1	20.0%	16	3.1%	\$69,240
Local Government	4	80.0%	499	96.9%	\$79,800
Local Government Education	2	40.0%	344	66.8%	\$80,101
Public Sector Total	5	100%	515	100%	\$76,380

Source: The table values above are sourced from the NJDLWD's QCEW 2022 Municipal Report. It is noted that this Report has redacted multiple private sector industries for not meeting the publication standard. Therefore, the Private Sector Totals row has been calculated by this office using the published numbers.

Travel Time to Work

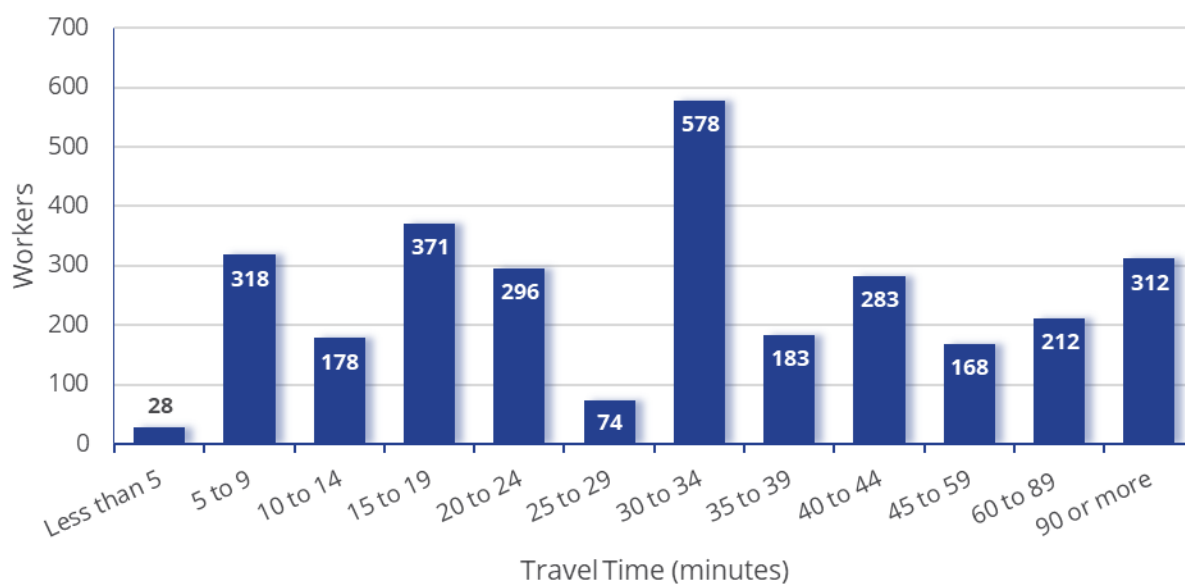
The 2022 ACS collected data regarding employed resident's commute time. The most common commute time was between 30 and 34 minutes, which was made by 578 workers (19.3%). Commutes of 15 to 19 minutes were made by 371 workers or 12.4% of employed residents. Finally, the third-most common commute was 90 minutes or more, which was made by 312 workers (10.4%). The mean travel time was estimated at 34.9 minutes reflecting the varying commute times of Borough residents. It should be noted that 1,062 workers, or 25.2% of all the Borough's employed residents, reported they worked from home. See the table and chart on the following page for additional details.

Commute Time

Travel Time (minutes)	Workers	Percent
Less than 5	28	0.9%
5 to 9	318	10.6%
10 to 14	178	5.9%
15 to 19	371	12.4%
20 to 24	296	9.9%
25 to 29	74	2.5%
30 to 34	578	19.3%
35 to 39	183	6.1%
40 to 44	283	9.4%
45 to 59	168	5.6%
60 to 89	212	7.1%
90 or more	312	10.4%
Total	3,001	100.0%

Source: 2022 ACS Table B08303

Commute Time



VI. Projection of Housing Stock

As per the MLUL, specifically NJSA 52:27D-310, a housing element must contain 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.

The DCA Division of Codes and Standards' website provides data on building permits, certificates of occupancy ("CO"), and demolition permits for both residential and non-residential development through the New Jersey Construction Reporter. This database contains permit and CO information that is submitted by municipal construction officials across the State each month. The Construction Reporter has information dating back to 2000, which can be used to show the Borough's historic development trends. However, data from 2013 and onward was reviewed to determine more recent trends.

As shown in the table below, residential COs vary from year to year. Between 2013 and 2021, the number of COs issued ranged from four (2021) to 60 (2016). In 2022, 322 COs were issued, a majority of which were for the residential portion of the North Market mixed-use development. Additionally, in 2024, 190 COs were issued, a majority of which were for the recently completed inclusionary multi-family residential development known as Woodland Square at Montvale. It should be noted that of the 821 COs issued during this 12-year period, 675 or 82.2%, were for multi-family units, while only 146 (17.8%) were for one or two-family units. During the same time period, 27 demolition permits were issued. Therefore, there was a net gain of 794 units in the Borough over the 12-year period. Based on the DCA data, the number of residential units in the Borough of Montvale has significantly increased during the past ten years, particularly since 2022.

Historic Trend of Residential Certificates of Occupancy & Demolition Permits (2013-2024)

	'13	'14	'15	'16	'17	'18	'19	'20	'21	'22	'23	'24	Total
COs Issued	20	20	43	60	33	15	31	21	4	332	52	190	821
Demolitions	2	4	3	0	2	1	10	1	0	2	1	1	27
Net Development	18	16	40	60	31	14	21	20	4	330	51	189	794

Source: NJDCA, Construction Reporter - Housing Units Certified and Demolition Permits, Monthly Data

Projecting into the future, the Borough presently has eight detached single-family homes that have been approved, have active permits, and are under construction. Additionally, a six-unit, 100% affordable rental project by Nouvelle, LLC received approval from the Planning Board on December 19, 2023 and has received its building permits. The existing building has been demolished to make way for the new development and a CO is anticipated to be issued in 2027. There is also a pending 8-lot subdivision application before the Planning Board. Furthermore, 42 units are anticipated to be constructed at 1 Glenview Road, which was included in the Borough's Third Round Settlement Agreement with FSHC. The Borough also projects 18 units at 7 E. Grand Avenue. Projected development was based on historic development patterns as shown in the table above.

Projection of Residential Development

	'25	'26	'27	'28	'29	'30	'31	'32	'33	'34	'35	Total
Projected Development		4	5	3	2	4	5	2	4	3	5	37
Approved Development with Permits Issued and Under Construction												14
1 Deepwood Lane	1											1
1 Wedgehill Lane	1											1
3 Deepwood Lane	1											1
3 Wedgehill Lane	1											1
4 Deepwood Lane	1											1
26 Huff Terrace	1											1
28 Sheppard Drive	1											1
135 Upper Saddle River Road	1											1
26 North Kinderkamack Road		6										6
Pending Board Applications												8
55-61 Magnolia Avenue				8								8
Future Projects												60
1 Glenview Road						42						42
7 E. Grand Avenue					18							18
Total	8	10	5	11	20	46	5	2	4	3	5	119

Of the 119 new residences projected to be built between now and 2035, 33 are anticipated to be reserved for low- and moderate-income households. See the table below for further details.

Projection of Affordable Units

	'25	'26	'27	'28	'29	'30	'31	'32	'33	'34	'35	Total
Approved Development												6
26 North Kinderkamack Road		6										6
Future Projects												27
1 Glenview Road						9						9
7 E. Grand Avenue					18							18
Total	0	6	0	0	18	9	0	0	0	0	0	33

VII. Capacity for Fair Share

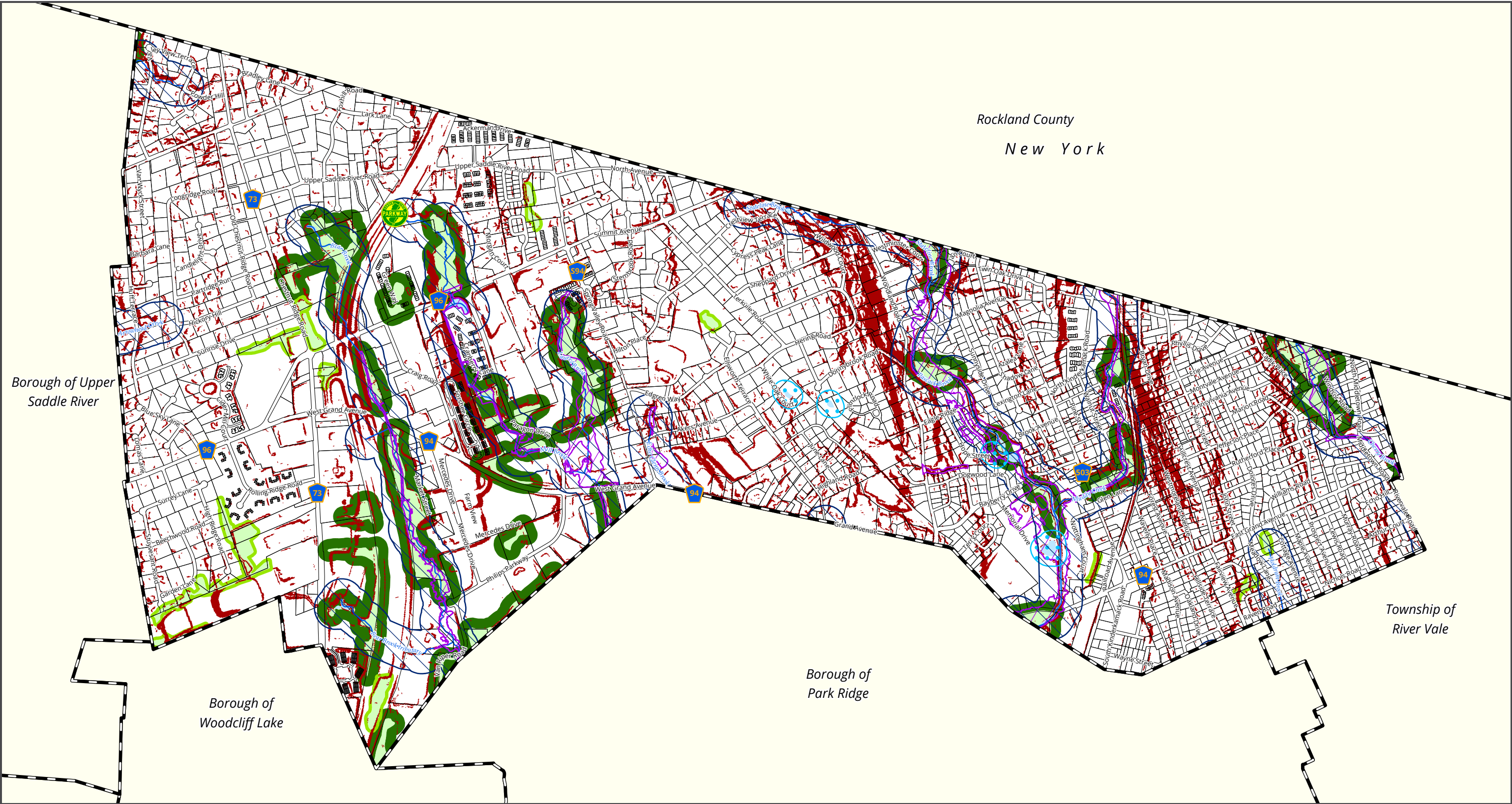
This chapter of the HEFSP provides the following information as required by the rules:

- The Borough's capacity to accommodate its affordable housing needs.
- 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.
- Lands of developers who have expressed a commitment to provide low- and moderate-income housing.
- The location and capacities of existing and proposed water and sewer lines and facilities relevant to the proposed affordable housing sites.

Land Capacity

Montvale's capacity to accommodate its present and prospective affordable housing need is determined by three components – available land, water capacity, and sewer availability and capacity. Note that land development is limited by environmental features, parcel size, easements (conservation, sewer, water, etc.), and municipal regulations. In total, 1,065.0 acres of Montvale, or 41.26% of the Borough's 2,581.1 acres, are encumbered by at least one environmentally sensitive area. Environmental constraints within the Borough of Montvale include:

- Waterbodies – 9.68 acres (0.38% of the Borough's area), which includes 6.6 acres of the Pascack Brook
- 300-foot C1 stream buffer – 570.29 acres (22.09% of the Borough's area)
- 150-foot Riparian Buffer – 14.1 acres (0.55% of the Borough's area)
- Wetlands – 99.52 acres (3.86% of the Borough's area)
- 150-foot Wetlands Buffer (excluding wetlands area) – 245.72 acres (9.52% of the Borough's area)
- 50-foot Wetlands Buffer (excluding wetlands area) – 25.34 acres (0.98% of the Borough's area)
- FEMA Special Flood Hazard Area Zone AE – 89.41 acres (3.46% of the Borough's area), including 51.1 acres within the Floodway
- Slopes greater than 15% - 326.96 acres (12.67% of the Borough's area)
- State Threatened species habitat (Landscape Rank 3) – 227.22 acres (8.8% of the Borough's area)
- State Endangered species habitat (Landscape Rank 4) – 76.0 acres (2.94% of the Borough's area)
- Confirmed Vernal Pool Habitat – 69.81 acres (2.7% of the Borough's area)

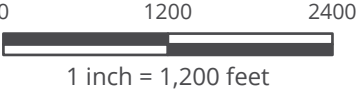


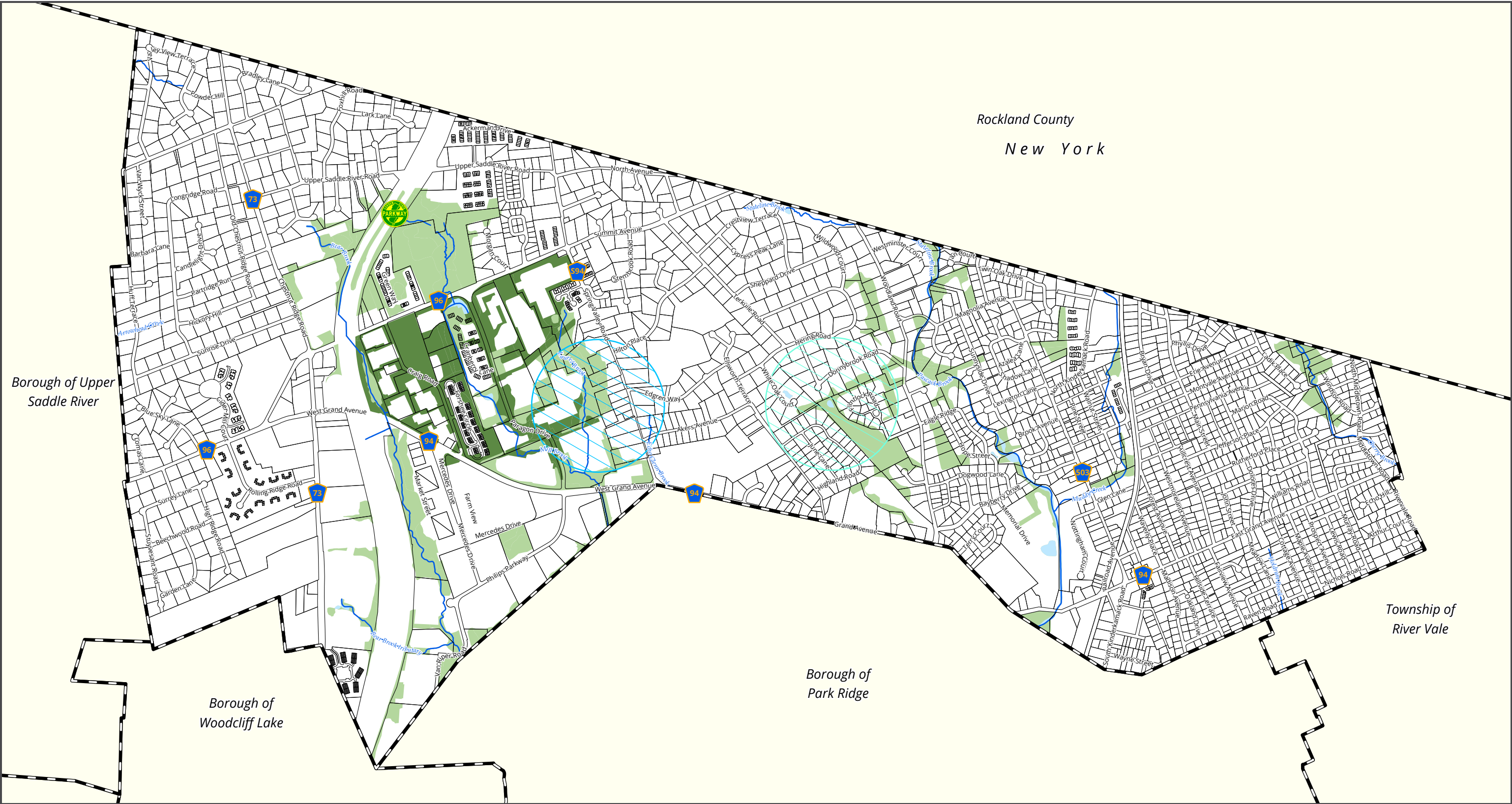
ENVIRONMENTAL CONSTRAINTS
BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY

May 30, 2025
MPP0245

Legend

	Municipal Boundary		Wetlands
	Parcels		50-ft Wetlands Buffer
	Waterbodies		150-ft Wetlands Buffer
	Category 1 (C1) Streams		FEMA Special Flood Hazard Area
	300-ft C1 Stream Buffer		Slopes greater than 15%
	150-ft Riparian Buffer		





NJDEP THREATENED & ENDANGERED SPECIES
BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY

May 30, 2025
MPP0245

- Legend**
- Municipal Boundary
 - Parcels
 - Waterbodies
 - Category 1 (C1) Streams
- Landscape Rank**
- Rank 3 - State Threatened Species
 - Rank 4 - State Endangered Species
- Vernal Pool Habitats**
- Confirmed Vernal Habitat
 - Potential Vernal Habitat

0 1200 2400
1 inch = 1,200 feet



- Potential Vernal Pool Habitat – 69.81 acres (2.7% of the Borough's area)

Furthermore, the Borough has conducted a VLA analysis that indicates three additional affordable units can be realistically constructed on the lands that are vacant and developable within the Borough.

Utility Capacity

Veolia provides the Borough's water, and the Bergen County Utilities Authority processes Montvale's sewage. According to the Borough's Engineer, there are no known capacity issues with sewer capacity. However, based upon discussions with Veolia, current water capacity and pressure is unlikely to be able to support any new development requiring a fire suppression system or other significant draw upon the existing water supply. This situation is unlikely to change until Veolia is able to have approved, and thereafter construct, a new water tower, water tank, and pump station on the property identified as Block 1002, Lot 7.⁸

Appropriate Locations for Affordable Housing

Land that is most appropriate for the construction of low- and moderate-income housing includes the following:

1. 1 Glenview Road (Block 3201, Lot 6), zoned for inclusionary development.
2. Annie Sez (Block 703, Lot 7), currently overlay zoned as MI-1 Mixed-Use Inclusionary 1 Overlay District.
3. MI-2 Mixed-Use Inclusionary 2 Overlay Zone, existing overlay zone permitting inclusionary development.
4. MI-3 Mixed-Use Inclusionary 3 Overlay Zone, existing overlay zone permitting inclusionary development.
5. 26 North Kinderkamack Road (Block 1601, Lot 7), application approved by the Planning Board on December 19, 2023 for a six-unit, 100% affordable housing development.
6. 7 W. Grand Avenue, (Block 1606, Lot 6.01) to be rezoned to permit a 100% affordable development.

Existing structures appropriate for conversion to affordable housing include ranch-style homes, which may be cost effective to buy and convert to an alternative living arrangement. As for structures suitable for rehabilitation, according to the Borough's Rehabilitation Obligation, 30 homes within the Borough are in need of a major system repair (e.g. roof, electric, plumbing, etc.).

Potential Affordable Housing Developers

As noted above, Nouvelle, LLC received approval in 2023 to construct a six-unit 100% affordable housing development at 26 North Kinderkamack Road. Since the approval, the existing building has been demolished to make way for the approved project.

There is one pending Board application for a mixed-use development on Block 1601, Lots 12, 13, and 14. This site is located in the B-1 Business District and the MI-2 Mixed-Use Inclusionary 2 Overlay District. The developer seeks to construct a mixed-use development. However, the latest

⁸ Email from Joseph Voytus, Borough Business Administrator, on May 27, 2025.

submitted site plans request 20 units, which triggers a D(5) density variance. The site is permitted 16 units as-of-right. The project has not been included in this document due to the fact that the site requires a D(5) density variance, several variances, and numerous design waivers.

Nouvelle, LLC has expressed interest in constructing a 100% affordable housing development at 7 W. Grand Avenue, which is included in this document as a mechanism.

As of May 27, 2025, seven letters have been submitted by property owners, which are summarized below (two have been combined as they are adjacent sites):

1. KPMG. A letter dated September 9, 2024 was submitted by Antimo Del Vecchio on behalf of KPMG, LLP ("KPMG"). The letter indicates that KPMG seeks to consolidate its operations and as a result intends to redevelop Block 3102, Lot 1.01 located at 3 and 51 Chestnut Ridge Road. The letter indicates the site is 36.44 acres. Mr. Del Vecchio indicates that the site could contribute towards satisfying the Borough's affordable housing obligation. However, the letter is silent on the type of development proposed, the number of units, or the requisite bulk standards to enable said construction.

In response to this letter, the Borough's Affordable Housing Counsel, Michael Edwards, Esq., issued a letter inviting KPMG to provide a "final and best" proposal for the property. **Mr. Del Vecchio issued a letter dated May 2, 2025 acknowledging receipt of Mr. Edwards letter and stating that KPMG is unable to share concept plans.**

2. Reckitt. A letter dated April 1, 2025 was submitted by James Curzons-Bright, Head of Real Estate at Reckitt Benckiser, LLC ("Reckitt"). Reckitt owns 1 Phillips Parkway, which the letter claims is 11.2 acres. The letter indicates Reckitt would like to meet with Borough officials to discuss how to incorporate affordable housing on the site. The letter does not state what type of development is proposed, the number of units, or any bulk parameters.

In response to this letter, the Borough's Affordable Housing Counsel, Michael Edwards, Esq., issued a letter requesting specifics of the proposal for the site. **No response was supplied by Reckitt.**

3. Montvale Development Associates c/o Hekemian. A letter dated November 21, 2024 was submitted by Antimo Del Vecchio on behalf of Montvale Development Associates c/o Hekemian for Block 2802, Lot 2, Qualifier C001A. The letter states the property is located in the AH-PUD Zone (this is incorrect, the site is located in the M-PUD Zone). The letter claims the site is 22.7540 acres. The letter requests the site be considered to contribute affordable housing.

On or about April 30, 2025 a document entitled "Concept Study" was submitted. This document illustrates a six-story building with an underground parking garage, first floor retail and residential lobby and five floors of residential units above. The document indicates a total of 50 units, 10 of which would be affordable.

This site is part of the mechanism identified in the 2018 HEFSP as Mercedes, now known as The District. The Borough and Hekemian have a Settlement Agreement that rezoned the site to permit inclusionary development (see Appendix B). The developer has built the permitted residential and commercial component and now seeks to violate its Settlement Agreement and leverage the Round Four process to overdevelop the site.

The letter is misleading, as the area remaining to be developed is 0.5 acres. Furthermore, the Concept Study removes parking that has been approved, constructed, and necessary for other existing site uses. There are no six story buildings within Montvale and the proposed density is 100 units to the acre, far beyond the highest permitted density in the Borough.

The proposed density and height are not compatible with the surrounding land uses and violate the Borough's zoning ordinance and Master Plan. The site has been rezoned pursuant to the Settlement Agreement with the property owner. The developer cannot leverage the Fourth Round process to violate said Settlement Agreement.

This site, along with the Glenview site (discussed below) was the subject of a November 2017 settlement agreement between the Borough and Hekemian which was approved by the Court following a duly noticed fairness hearing (the "Settlement"). The Settlement provides:

- In Section 3.h:
 - "An essential and non-severable condition of this Agreement is a nonappealable determination by the Court that the RDP attributable to the Mercedes and Glenview sites is 70 and that as long as the affordable units are administered in accordance with UHAC standards the units shall be eligible for credit against the Borough's affordable housing obligations and shall be eligible, to the extent the units are rental, for rental bonuses up to the rental bonus cap of 25 percent of the RDP."
- In Sections 5.N and 5.O:
 - DEVELOPER shall take no direct or indirect action to interfere with implementation of BOROUGH'S Housing Element and Fair Share Plan or any subsequent amendment thereto, provided that any amendment does not deprive DEVELOPER of any express rights created hereunder or any other inclusionary project by the DEVELOPER in the BOROUGH.
- Subject to Section 3.g., DEVELOPER will cooperate with and support the BOROUGH'S subsequent request for entry of a judgment of compliance based upon such an amended Housing Element and Fair Share Plan and will support the settled upon fair share, vacant land analysis and will not otherwise challenge the validity of the BOROUGH'S HEFSP.

The Settlement was not only approved by Court Order, but the zoning for the site was adopted as was the Housing Element and Fair Share Plan. Both were approved by final judgment. The final judgment also formally approved the RDP calculation on the entirety of the Mercedes Site (which includes Glenview) in the context of the Township's comprehensive RDP calculation. Thus, the Site has generated the prescribed -- and twice-approved -- RDP for the site and the RDP has been fully satisfied.

4. SHG Montvale MB I, LLC aka Hekemian. A letter dated November 21, 2024 was submitted by Antimo Del Vecchio on behalf of SHG Montvale MB I, LLC aka Hekemian for Block 2702, Lot 1.01. The letter indicates the owner plans on redeveloping the property and will include in its plans a contribution toward the Borough's affordable housing obligation.

In 2025, a document entitled “Wegmans Lot Site” was submitted to the Borough. The document illustrates the Wegmans’s parking lot and the removal of 89 spaces to construct a six-story building. The plans illustrate underground parking and five floors of residential units. A total of 100 units is listed, but there is not indication of any affordable units on the property.

Scaling the submitted plans, the site is approximately 0.5 acres. Therefore, the property owner is requesting a density of 200 units to the acre. That density is more than 7 times the highest permitted density within the Borough. Furthermore, there are no five story buildings within the Borough. Moreover, the developer seeks to eliminate required parking for the grocery store site. The proposed density and height are not compatible with the surrounding land uses and violate the Borough’s zoning ordinance and Master Plan.

The rezoning that enabled the construction of the Wegmans site was the result of a request from SHG. The property had a Realistic Development Potential of 32 units assigned to it dating back to the mid-90’s. As part of the rezoning, the 32-unit obligation was transferred to the Borough, which received Block 1002, Lots 3 and 5 from SHG. The properties were all re-zoned as part of the AH-PUD. The rezoning was challenged by a resident (and employee of A&P, a competitor to Wegmans) and was eventually upheld by Judge Meehan in Superior Court, with the creation of affordable housing through this mechanism being a critical factor. The 32-unit RDP on this site has been satisfied through the Borough’s eventual development of the Walters Group project (also known as Cornerstone).

This site has already generated Realistic Development Potential, which the Borough has fully satisfied. Under NJAC 5:93-4.2(g) the Borough’s obligations relative to that site are complete: “[t]he municipality may address its RDP through any activity approved by the Council, pursuant to N.J.A.C.5:93-5. The municipality need not incorporate into its housing element and fair share plan all sites used to calculate the RDP if the municipality can devise an acceptable means of addressing its RDP. The RDP shall not vary with the strategy and implementation techniques employed by the municipality.”

5. SHG Montvale MB, LLC / Hekemian. Two letters were submitted on November 21, 2024 by Antimo Del Vecchio on behalf of SHG Montvale MB, LLC and Hekemian. One letter is for 25 Philips Parkway (Block 3201, Lot 5) and the second is for 1 Glenview Road. The letter indicates that Hekemian is the contract purchaser of 25 Philips Parkway, which is located in the AH-PUD Zone (this is incorrect, the lot is located in the OR-4 Zone). The letter states that Hekemian plans on redeveloping the site and will include in its plans affordable housing units.

The 1 Glenview Road letter indicates the site is in the AH-PUD Zone (this is incorrect, it is in the M-PUD Zone). The letter indicates that SHG plans on developing the property and will include in its plans affordable housing units.

Two documents were submitted in May of 2025. One is entitled “Zoning and Blocking Study”. The other is titled “Townhouse Development”. The Townhouse Development schematic illustrates both sites and a total of 144 units, of which 29 are affordable. The plan does not indicate if these are stacked townhomes or provide any sort of dimensional information.

The Zoning and Block Study illustrates 40,000 square feet of retail and two levels of parking. The document indicates there are 52 units per floor, but does not indicate the number of floors or total number of units. In addition, 27 townhomes are illustrated. The documents are silent on the number of proposed affordable units.

1 Glenview is part of the 2017 Settlement Agreement with Hekemian. Hekemian shipped off affordable housing units from its now-built Mercedes site to secure less affordable housing and more return on investment at the Mercedes Site. The developer cannot leverage the Fourth Round affordable housing process to violate the Settlement Agreement. The developer is bound to abide by the Settlement Agreement and is encouraged to submit an application compliant with both the Settlement Agreement and the zoning ordinance that was enacted pursuant to the Agreement.

The removal of 1 Glenview from the submitted concept plans would trigger substantial revisions to the documents and it is unclear what could be provided on the 25 Philips Parkway site.

6. Hill Holdings, LLC. On May 14, 2025 Marc Leibman, Esq. submitted a letter on behalf of the property owner of Block 1902, Lot 10 and Block 1903, Lot 2.01. The letter indicates that the property owner seeks to develop Lot 10, identified as 30 Craig Road, with a 20-unit rental townhome development. A concept plan was included for 30 Craig Road, which does not include any dimensions or bulk information. The letter requests both of the properties be included in the Fourth Round housing plan. **No concept plan was submitted for Lot 2.01.**

Both parcels are situated in the OR-3 Zone, which is an office and research district. Lot 10 is surrounded by the OR-3 Zone except for the southeast corner which is across the street from the AH-10A Zone, which is an inclusionary zone. Due to Lot 10's location squarely in the middle of an office-research zone, the location is not surrounded by compatible uses and thus, is not suitable for inclusionary housing. We are unable to review Lot 2.01 for inclusion in the plan as the property owner has failed to provide any information regarding the type of residential development they are seeking, the associated density, and the requested bulk standards.

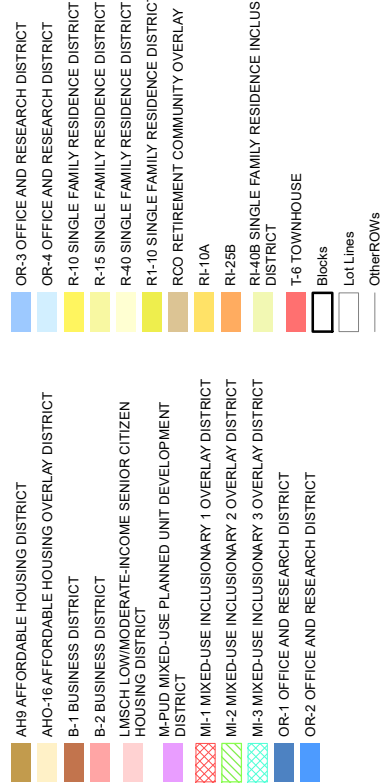
Anticipated Development Patterns

Anticipated land use patterns within the Borough of Montvale will most likely follow the established zoning map (shown on the following page). The Borough's zones include 12 single-family residential zones, 13 multi-family residential zones, three multi-family residential overlay zones, two business zones, and four office zones. The Borough's residential zones include more than a dozen affordable housing zones. The zoning map will need to be modified to illustrate the new zone district for 7 W. Grand Avenue.



STATE OF NEW YORK ROCKLAND COUNTY

STATE OF NEW YORK ROCKLAND COUNTY



*Municipal, State and parcel data were downloaded from NJGIN Open Data and NYS GIS Clearinghouse.

BOROUGH OF MONTVALE
BERGEN COUNTY, N.J.



SCALE: AS SHOWN	DATE: 10/27/2020	DRAWN BY: SEB	CHECKED BY: MTK
IMC PROJECT NO: MV/B605			

[illegible]

VIII. Multigenerational Family Continuity Evaluation

P.L. 2024, c.2 amended various aspects of the Fair Housing Act. These amendments modified the mandatory components of a municipality's housing element. NJSA 52:27D-310g, has been added, which states "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)".

P.L. 2021, c.273 took effect on November 8, 2021. The law established the Multigenerational Family Housing Continuity Commission, which consists of a body of nine members. The duties of the Commission include the preparation and adoption of recommendations on how State government, local government, community organizations, private entities, and community members may most effectively advance the goal of enabling senior citizens to reside at the homes of their extended families, thereby preserving and enhancing multigenerational family continuity, through the modification of State and local laws and policies in the areas of housing, land use planning, parking and streetscape planning, and other relevant areas. The Law requires the Commission to report annually to the Governor on its activities, findings, and recommendations, if any, for State and local government. The DCA is required to provide staff services as may be needed for the Commission to carry out its responsibilities, including assembly of necessary information and statistics, and preparation of draft reports, analyses, and recommendations.

The State of New Jersey's website was reviewed on May 30, 2024. A search of the website revealed no webpage for the Multigenerational Family Housing Continuity Commission. As DCA is required to provide staff and research for the Commission, DCA's website was reviewed on May 30, 2024. DCA's website is silent regarding the Commission, its annual required reports, studies, and/or recommendations. Without recommendations from the Commission, Montvale is unable to conduct an analysis of its ordinances and other local factors. Despite the absence of recommendations, it should be noted that there is nothing in Montvale's zoning ordinance that prohibits senior citizens from residing at the home of their extended families.

IX. State Development & Redevelopment Plan Consistency

P.L. 2024, c.2 amended the Fair Housing Act to include a new requirement for housing elements. NJSA 52:27D-310i. reads, "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."

The Draft State Development and Redevelopment Plan was approved by the State Planning Commission ("SPC") on December 4, 2024 and was released on December 6, 2024. The Office of Planning Advocacy ("OPA") conducted public hearings in each of New Jersey's 21 Counties between February 12, 2025 and April 16, 2025. Municipalities are tasked with completing Cross-Acceptance Response Template forms to determine a municipality's consistency with the Draft State Plan. The OPA anticipates collecting all Cross-Acceptance Response Template forms in the Summer of 2025. During this time, the OPA is accepting comments on the Draft Plan. The OPA anticipates releasing a Final Draft Plan and holding six additional public hearings in the Summer/Fall of 2025. The expected adoption of the Final Plan by the SPC is anticipated to be in the Winter of 2025.

Montvale has not received guidance regarding water, wastewater, stormwater, or multi-modal transportation from the State Planning Commission. As the document is a draft, we cannot opine on consistency until the final version is adopted. Furthermore, Montvale submitted comments to OPA on April 22, 2025 regarding the draft plan that if accepted, would modify the goals and policies.

FAIR SHARE PLAN

Borough of Montvale

X. Fair Share Plan

Fair Share Plan is defined by the Amended Fair Housing Act as “the plan or proposal that is in a form which may readily be adopted, with accompanying ordinances and resolutions, pursuant to subsection f. of section 3 of P.L.2024, c.2 (C.52:27D-304.1), by which a municipality proposes to satisfy its obligation to create a realistic opportunity to meet its fair share of low- and moderate-income housing needs of its region and which details the affirmative measures the municipality proposes to undertake to achieve its fair share of low- and moderate-income housing, as provided in the municipal housing element, and addresses the development regulations necessary to implement the housing element, including, but not limited to, inclusionary requirements and development fees, and the elimination of unnecessary housing cost-generating features from the municipal land use ordinances and regulations.”

The remaining chapters of this report comprise the Fair Share Plan.

Content of Fair Share Plan

The Fair Share Plan contains the following information:

- Outline of the four-part affordable obligation;
- Explanation of existing credits intended to satisfy the obligation;
- Description of mechanisms that will be used to meet any outstanding obligation; and
- An implementation schedule that sets forth a detailed timetable for units to be provided.

In adopting its HEFSP, a municipality may provide for its fair share of low- and moderate-income housing by means of any technique or combination of techniques that provide a realistic opportunity for the provision of the fair share. As per NJAC 5:93, these potential techniques include but are not limited to:

- Rehabilitation of existing substandard housing units;
- ECHO units (as a Rehabilitation credit);
- Municipally-sponsored and 100% affordable developments;
- Zoning for inclusionary development;
- Alternative living arrangements;
- Accessory apartment program;
- Purchase of existing homes;
- Write-down/buy-down programs; and
- Assisted living residences.

Regional Income Limits

Dwelling units are affordable to low- and moderate-income households if the maximum sales price or rental cost is within their ability to pay such costs, based on a specific formula. A moderate-income household is one with a gross household income equal to or more than 50%, but less than 80%, of the median gross regional household income. A low-income household is one with a gross household income equal to 50% or less of the median gross regional household income. Very-low-income households are those with a gross household income equal to 30% or less of the median gross household income. Montvale is located in Region 1, which contains Bergen, Hudson, Passaic, and Sussex Counties.

Using the Affordable Housing Professionals of New Jersey's chart on the regional income limits for Housing Region 1 in 2024, a four-person moderate-income household is capped at \$96,329. Two-person moderate-income households are capped at \$77,064, while two-person households could make up to \$48,165 to be considered a low-income household. The table below provides the median, moderate, low, and very-low-income limits for one-, two-, three-, and four-person households in Region 1.

2024 Regional Income Limits

Income	Household Size			
	1 Person	2 Person	3 Person	4 Person
Median	\$84,288	\$96,329	\$108,371	\$120,412
Moderate	\$67,431	\$77,064	\$86,697	\$96,329
Low	\$42,144	\$48,165	\$54,185	\$60,206
Very-Low	\$25,286	\$28,899	\$34,942	\$38,825

Source: https://ahpnj.org/member_docs/Income_Limits_2024_FINAL.pdf

Affordable Requirements

The four components that must be addressed by this plan are contained in the table below.

Affordable Housing Obligation

	Rehabilitation	Prior Round 1987 - 1999	Third Round 1999 - 2025	Fourth Round 2025 - 2035
Obligation	30	255	542	237*
RDP	-		181	3
Unmet Need	-		361	234

*Worst case placeholder until Order issued.

As discussed in Chapter XI., Montvale has conducted a Vacant Land Analysis and determined the RDP to be 3, which means the Unmet Need for the Fourth Round is 177-234 based on the placeholder Obligation discussed in Chapter 1.

XI. Montvale's Affordable Housing Obligation

This chapter outlines the four-part affordable housing obligation Montvale has been assigned.

Four-Part Obligation

Rehabilitation

Montvale accepted DCA's rehabilitation obligation of 30 for the Fourth Round.

Prior Round (1987-1999)

The Borough of Montvale has a PRO of 255 units. However, the Borough received Second Round Substantive Certification in 2004, which included a VLA that established a 188-unit RDP. Therefore, the Borough has a Prior Round Unmet Need of 67 units. However, the 2018 HEFSP and this 2025 HEFSP address the entire PRO of 255.

There are minimum and maximum requirements regarding the development of rentals, age-restricted, and Regional Contribution Agreement ("RCA") units for the PRO. The formula to determine the maximum number of age-restricted units is as follows:

$$= 25\% (\text{RDP} - \text{transferred or proposed RCA units}) - \text{first round age-restricted units}$$

$$= 25\% (188 - 59) - 0$$

$$= 25\% (129) = 32.25, \text{ rounded down to } 32$$

Based on the above, Montvale may age-restrict a maximum of **32 units** in the Prior Round if it were only satisfying the RDP.

Montvale is required to provide a minimum number of rental units. As the Borough is satisfying its entire PRO, the formula is as follows:

$$= 25\% (\text{pre-credited need} - \text{prior cycle credits} - \text{rehabilitation component})$$

$$= 25\% (255 - 0 - 0) = 63.75, \text{ rounded up to } 64$$

Based on the above formula, Montvale must provide at least **64 rental units** in the Prior Round. It should be noted that NJAC 5:93-5.15(d)3 limits the number of rental bonuses to the minimum rental obligation. Therefore, Montvale may receive a maximum of **64 rental bonuses** for the PRO.

Furthermore, there is a limit on the number of units that may be transferred through an RCA. As per NJAC 5:93-6.1, Montvale may transfer up to one-half of its obligation via an RCA. The formula is as follows:

$$= 50\% (\text{RDP} + \text{rehabilitation obligation} - \text{rehabilitation credits} - \text{any previously transferred RCAs})$$

$$= 50\% (188 + 0 - 0 - 0) = 94$$

As indicated by the formula above, the Borough may transfer up to **94 units** through RCAs in the Prior Round.

Third Round (1999-2025)

Montvale must plan for a TRO of 542 units. However, the Borough received a VLA for the Third Round, which determined the RDP to be 181. This results in an Unmet Need of 361. Similar minimum and maximum requirements apply to the TRO.

The formula to determine the maximum age-restricted units for the TRO is as follows:

$$= 25\% (\text{RDP}) - \text{first round age-restricted units}$$

$$= 25\% (181) - 0 = 45.25, \text{ rounded down to } 45$$

As per the formula, Montvale may age-restrict a maximum of **45 units** for the TRO.

Montvale is required to provide a minimum number of rental units. The formula is as follows:

$$= 25\% (\text{RDP})$$

$$= 25\% (181) = 45.25, \text{ rounded up to } 46$$

Based on the formula above, Montvale must provide at least **46 rental units** for the Third Round. It should be noted that NJAC 5:93-5.15(d)3 limits the number of rental bonuses to the minimum required rental obligation. Therefore, Montvale may receive a maximum of **46 rental bonuses** for the TRO.

Fourth Round (2025-2035)

As no final Order has been issued regarding Montvale's Fourth Round Obligation, the Borough is using 180 to 237 as a placeholder (refer to Chapter 1 for a discussion).

The Amended FHA modified the micro-requirement formulas for the FRO, which are as follows:

- Minimum 50% of the actual affordable units (exclusive of any bonus credits) available to families
- Minimum 25% of the actual affordable units (exclusive of any bonus credits) as rental units
- Half of the above as family rental units
- Maximum 30% of the affordable units exclusive of any bonus credits) as age-restricted housing
- Maximum 25% of the obligation as bonus credits

Applying the three-unit RDP against the micro-requirements results in the following minimums and maximums:

Fourth Round Micro Requirements

3	RDP Fourth Round Obligation		
Calculation	Rounding	Percent	Category
1.5	2.0	50%	Minimum Families with Children (non-restricted, excluding bonuses)
0.8	1.0	25%	Minimum Rentals (excluding bonuses)
0.4	1.0	12.5%	Minimum half of the above reserved for families with children
0.8	0.0	25%	Maximum Bonuses
0.9	0.0	30%	Maximum Senior Credits (excluding bonuses)

Vacant Land Adjustment Analysis

P.L. 2024, C.2, referred to as the Amended Fair Housing Act, specifically permits vacant land adjustments under NJSA 52:27D-310.1. Furthermore, NJSA 52:27D311m. states that all parties are entitled to “rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by the Council on Affordable Housing unless those regulations are contradicted by statute, including but not limited to, P.L. 2024, c.2”. Therefore, under the Prior Round Rules (5:93-4.1), municipalities are permitted to seek adjustments. The Rules indicate that there may be instances where a municipality can exhaust an entire resource (land, water, or sewer) and still not be able to provide a realistic opportunity for affordable housing. NJSA 52:27D-310.1 lists the permissible vacant land exclusions.

Colliers Engineering & Design, the Borough’s Planner, prepared a VLA analysis to determine the Borough’s RDP in 2025, as per the requirements of NJSA 52:27-310.1 (see Appendix G for a copy of the VLA results). Utilizing ArcGIS Pro, a Geographic Information Systems (“GIS”) tool, an initial map illustrating the environmental features present in the Borough was prepared to identify areas that are environmentally constrained. The following environmental features were reviewed:

- New Jersey Department of Environmental Protection (“NJDEP”) waterbodies of the 2020 National Hydrography Dataset and Surface Water Quality Classification (SWQC).
 - A 300-foot buffer was applied to all Category One (“C1”) waters.
 - A 150-foot riparian buffer was applied to (1) any trout production waters and tributaries, (2) any trout maintenance waters and upstream tributaries within one mile, or (3) any waters and tributaries within one mile that flow through a present or documented habitat for threatened or endangered species.
 - A 50-foot riparian buffer was applied to all other waters.
- NJDEP wetlands
 - A 150-foot wetlands buffer was applied to wetlands of exceptional resource value, which include wetlands that (1) discharge into an FW-1 or FW-2 trout production waters and/or tributary or (2) are a present or documented habitat for threatened or endangered species.
 - A 50-foot wetlands buffer was applied to wetlands of intermediate resource value, which are wetlands that are not defined as exceptional or ordinary.
 - No wetlands buffer was applied to wetlands of ordinary resource value, which includes wetlands that are (1) isolated and less than 5,000 square feet and has lawn, maintained landscaping, impervious surfaces, active railroad rights-of-way, and/or roads covering 50% of the area within 50 feet of the wetlands, (2) a drainage ditch, (3) a swale, or (4) a man-made detention facility.
- Steep slopes greater than 15% were sourced from New Jersey Geographic Information Network’s (“NJGIN”) 10-foot resolution LiDAR derived Digital Elevation Model (“DEM”), slope dataset.

- FEMA Special Flood Hazard Area (“SFHA”) Zones A, AO, AE, V, and VE from Bergen County’s Effective National Flood Hazard Layer, dated August 28, 2019.
- Additional wetlands and C1 streams were georeferenced into ArcGIS from the following Plans:
 - For Block 1002, Lot 7, plans entitled “Preliminary and Final Site Plan Application for Waypoint Residential Active Adult Community at Summit Avenue”, prepared by Patricia A. Ruskan, PE of PS&S, dated December 27, 2019, revised through October 16, 2020 (Sheet C-03).
 - For Block 1201, Lot 10, untitled plans, author unknown, consisting of one sheet.

Next, an exhaustive analysis of all vacant properties in the Borough was conducted utilizing 2024 MOD-IV tax data from the Bergen County Assessment Records search and parcels from NJGIN. Vacant properties included parcels with a property classification of Class 1 (“Vacant”), Class 3B (“Qualified Farmland”), and Class 15C (“Public Property”) that is not developed and/or not preserved open space. For example, a Class 15C property that contains a public facility, such as a library or is preserved open space listed on the Borough’s Recreation and Open Space Inventory, would not be considered vacant, while a wooded lot owned by the Borough without any sort of restriction is considered vacant land.

The various land use categories within the Borough are illustrated on the map entitled “Existing 2024 Land Use”. This map also illustrates the aggregate area of environmental constraints within the Borough.

The environmentally constrained areas were then removed from the parcels, which resulted in each parcel’s vacant and developable area. For example, if Lot A contained 35 acres, but 20 acres were encumbered by wetlands and a 300-foot C1 stream buffer, then Lot A has 15 vacant and developable acres.

Next, each vacant property was reviewed to confirm its vacant status. This included the following:

- Recent aerial imagery from NearMap to confirm no development exists. For example, a Class 1 property with a building under construction and roof visible was not considered vacant.
- Recently issued Certificates of Occupancy.
- Recently issued building permits.

Once each lot’s unconstrained area and vacancy status was determined, properties were identified that could be developed with at least five housing units at the minimum presumptive density of eight dwelling units per acre (lots with at least 0.625 acres). Additionally, properties that could be developed with between one and five housing units at the minimum presumptive density (between 0.125 and 0.625 acres) were identified as potential infill development. Properties that could not be developed with at least one housing unit (less than 0.125 acres) were identified as either environmentally constrained or undersized. This analysis also accounted for adjacent properties under common ownership that could be combined. For example, if Lot A is 0.1 acres and Lot B is 0.1 acres and both are under common ownership, their combined acreage would be 0.2 acres. This modifies their developable status from undersized to potential infill development. Similarly,

commonly owned Lot C with 0.5 acres and Lot D with 0.4 acres are combined for a total of 0.9 acres. This modifies their developable status from potential infill development to potential development and would generate an RDP.

Based on the results of the VLA analysis, only two properties in the Borough of Montvale were identified to be vacant, contain at least 0.625 acres of unconstrained land, and have access to sewer and water infrastructure. These two properties generate an RDP as follows:

- Block 603, Lot 34, 1.333 buildable acres – 2 affordable units
- Block 603, Lot 35, 0.64 buildable acres – 1 affordable unit

Therefore, the Borough's RDP was determined to be 3 based on the results of this VLA. See Appendix G for details.

Unmet Need

The RDP has been calculated to be 3; therefore, the Unmet Need is the result of subtracting the RDP (3) from the FRO (180-237). This results in an Unmet Need of 177-234.

XII. Mechanisms & Credits

This chapter provides the existing and proposed mechanisms and credits for each of the four affordable housing obligations.

Existing Mechanisms & Credits

Montvale has a total of 451 existing credits, including 59 RCA credits, 180 credits of inclusionary units, 53 credits from 100% affordable developments, 26 credits from assisted living units, 25 credits of alternative living arrangements, 12 credits from extensions of expiring controls, and 108 bonus credits.

Rehabilitation Mechanisms & Credits

Rehabilitation must occur within the Round to count for credit. Montvale operated a successful rehabilitation program in the Third Round, which rehabilitated several homes. However, none of those units count towards the Fourth Round Obligation as the Round has not yet commenced.

Prior Round Mechanisms & Credits

Montvale has 14 Prior Round mechanisms that exist today. All 14 mechanisms were included in the Borough's 2017 Settlement Agreement with FSHC and 2018 Final Judgment of Compliance and Repose issued in connection with the PRO. These mechanisms generate a total of 259 credits towards the 255-unit obligation. It should be noted that Montvale sought and received a VLA for the PRO from COAH. Despite this approved adjustment, the Borough has created more credits than required to satisfy the PRO.

Janovic I (Brookview Estates)

Janovic I was part of the Borough's 1994 Judgment of Compliance. The developer provided a \$300,000 payment-in-lieu, which was then utilized to fund an RCA of 15 units with the City of Garfield in Bergen County. An Amended Regional Contribution Agreement was executed on November 23, 2004 between the Borough of Montvale and the City of Garfield, which transferred 47 units (Janovic I and Four Seasons). The municipalities agreed to \$25,000 per unit, for a total of \$1,175,000. The money was transferred between 2005 and 2006.⁹

Based on this information, Janovic I is eligible to receive **15 credits**.

Janovic II

Janovic II is a four-lot subdivision, where the developer agreed to provide a \$50,000 payment-in-lieu, which was utilized to fund two RCAs with Cliffside Park in Bergen County. A Regional Contribution Agreement was executed on September 30, 2003 between the Borough and Cliffside Park. The municipalities agreed to \$25,000 per unit, for a total of \$50,000. The money was transferred between 2005 and 2006.¹⁰

Based on this information, Janovic II is eligible to receive **2 credits**.

⁹ Data from Borough's CTM System.

¹⁰ Ibid.

Chamberlain

Chamberlain is an 18-lot subdivision that was approved in 2004. The approval required a \$250,000 payment-in-lieu, which was utilized to fund 10 RCA units in Cliffside Park. A Regional Contribution Agreement was executed on July 8, 2003 between the Borough and Cliffside Park. The municipalities agreed to \$25,000 per unit, for a total of \$250,000. The money was transferred in 2005.¹¹

Based on this information, Chamberlain is eligible to receive **10 credits**.

K. Hovnanian / Rink / Dill

The K. Hovnanian / Rink / Dill site is also known as Four Seasons. The Four Seasons development sits on the Montvale and Woodcliff Lake border. Roughly 7.3 acres of the property is located within Montvale. As part of the approval, the developer agreed to provide an \$800,000 payment-in-lieu. These funds were utilized to finance 32 RCA units with the City of Garfield. An Amended Regional Contribution Agreement was executed on November 23, 2004 between the Borough of Montvale and the City of Garfield, which transferred 47 units (Janovic I and Four Seasons). The municipalities agreed to \$25,000 per unit, for a total of \$1,175,000. The money was transferred between 2005 and 2006.¹²

Based on this information, K. Hovnanian / Rink / Dill / Four Seasons is eligible to receive **32 credits**.

Greenway

Located off of Summit Avenue, Greenway is a 59-unit condominium complex. Greenway is commonly referred to as "Summit Ridge" and was a part of the Borough's 1994 Judgment of Compliance. The complex contains two affordable family rental units and 10 affordable family for-sale units. The affordable units received Certificates of Occupancy between 2000 and 2001. As per the 2004 COAH Compliance Report, the rental units are eligible to receive rental bonus credits.

Based on this information, Greenway is eligible to receive **12 credits and 2 bonus credits**.

Bear Brook / US Cable

Located off of Spring Valley Road, Bear Brook was a part of the Borough's 1994 Judgment of Compliance. The 33-unit condominium complex contains five affordable family rental units. The affordable units received Certificates of Occupancy in 1998. As per the 2004 COAH Compliance Report, the rental units are eligible to receive rental bonus credits.

Based on this information, Bear Brook is eligible to receive **5 credits and 5 bonus credits**.

Baldanza / Charlestowne Court

Commonly known as Charlestowne Court, this multi-family development is located off of Franklin Avenue. The 12-unit inclusionary development contains three affordable family rental units. The affordable units received Certificates of Occupancy on October 10, 2007. As per the 2004 Compliance Report, the rental units are eligible to receive rental bonus credits.

Based on this information, Charlestown Court is eligible to receive **3 credits and 3 bonus credits**.

¹¹ Ibid.

¹² Ibid.



Photo 1 - Greenway

Nottingham Manor

Located along Nottingham Court is Nottingham Manor, a garden apartment complex originally constructed in the 1950s. In the early 2000s the property owner approached the Borough, seeking to construct additional garden apartments on an undeveloped portion of the site. The Borough rezoned the property to AHO-16 Affordable Housing Overlay-16 District on February 24, 2004 (Ordinance No. 2004-1216) and subsequently the developer constructed 36 additional units, of which eight are affordable family rental units. It should be noted that Montvale received a waiver from COAH regarding the bedroom distribution as there are no three-bedroom affordable units. The affordable units received Certificates of Occupancy on September 27, 2007. As per the 2004 COAH Compliance Report, the rental units are eligible to receive rental bonus credits.

Based on this information, Nottingham Manor is eligible to receive **8 credits and 8 bonus credits**.

National Institute for People with Disabilities

National Institute for People with Disabilities (“NIPD”) operates a licensed group home for five very-low-income clients.¹³ The home is located on Middletown Road on Block 1709, Lot 1. NIPD bought the property in 2001. The group home is licensed by the Department of Human Services. Clients are age 18 or older. According to page 14 of the 2004 COAH Compliance Report, the Division of Developmental Disabilities provided the facility with capital funding that has a 20-year renewable deed restriction. As per the Compliance Report, these units are eligible to receive rental bonus credits. See Appendix H for a copy of the current license.

Based on this information, the NIPD facility is eligible to receive **5 credits and 5 bonus credits**.

¹³ Email from Ralph Coloma, Assistant Director NIPD-NJ, received on May 20, 2015.

Axxin / K. Hovnanian (Valley View)

Commonly referred to as Valley View, this development is located along Craig Road. Valley View was part of Montvale's 1994 Judgment of Compliance. This inclusionary project received approval from the Borough in 2004 and contains 102 market-rate units and 26 affordable units. The 26 affordable units are family for-sale condominiums. The affordable units received Certificates of Occupancy from 2007 to 2009 as the site was constructed in phases. Montvale received a waiver for the bedroom distribution in this development as 50% of the affordable units are two-bedroom and 50% are three-bedroom units.

Based on this information, Valley View is eligible to receive **26 credits**.

Montvale Senior Housing / Montvale Commons

Initially referred to as Montvale Senior Housing, this site is now referred to as Montvale Commons. The multi-family building is located at 150 Nottingham Court, adjacent to the Nottingham Manor development. Page 24 of the 2004 COAH Compliance Report describes the project as a 36-unit affordable age-restricted rental development. The Compliance Report also noted that the site was eligible for rental bonuses at a rate of 0.33 per age-restricted rental unit.

However, since 2004 the size of the project and type of unit has changed. This municipally sponsored, 100% affordable housing development was approved by the Borough in 2012 to construct a 28-unit building. Ten of the 28 units are reserved for special needs households. The remaining 18 rental units are **not** age-restricted and are open to anyone.¹⁴ The units were occupied in 2013. The development has received Low Income Housing Tax Credits and HMFA financing.

As per the 2013 Special Needs Housing Trust Fund Grant Agreement, Deed Restriction and Regulatory Agreement, the 10 special needs units are permanent supportive housing. As per the 2013 Deed of Easement and Restrictive Covenant for Extended Low-Income Occupancy agreement, 10% or more of the residential units in the development are to be occupied by households with an income that is 30% or less of Area Median Gross Income. See Appendix I for additional information.

Based on the above information, Montvale Commons is eligible for **28 credits and 28 bonus credits**.

Del Ben / Montvale Reserve

Located along Upper Saddle River Road, Del Ben was a part of the Borough's 1994 Judgment of Compliance. The development is now referred to as Montvale Reserve. The property is known as Block 302, Lot 1. In the 2004 COAH Compliance Report, Montvale Reserve was proposed to generate 39 affordable units. However, after 2008, K. Hovnanian (the builder) sued the Borough, and the litigation resulted in an overall reduction in the total number of units to 80. Consequently, this reduced the affordable units to six.

On October 19, 2012 a Fairness Hearing was held before Judge Carver, who approved the settlement between the Borough and K. Hovnanian as fair to persons of low- and moderate-income. Since the litigation was settled, the 16.876-acre site received site plan approval and has been constructed.

¹⁴ Email from Ken Regan, Vice President of Regan Development, received on May 19, 2015.

Certificates of Occupancy were issued in 2016 and 2017. The six affordable units are for-sale units. See Appendix J for additional details.

Based on this information, Montvale Reserve is eligible to receive **6 credits**.

Cornerstone at Montvale

In the 2017 FSHC Settlement Agreement and 2018 HEFSP this site was identified as “DePiero”. The 2017 FSHC Settlement Agreement indicated the site would produce 32 credits. The 2018 HEFSP described the affordable units as age-restricted and detailed the affordable housing history of the site, which dates back to Montvale’s 1994 Judgment of Compliance. At the time of adoption of the 2018 HEFSP Montvale was working with United Way of Bergen County to devise a plan to construct the affordable housing units on the site, which was identified as Block 1002, Lots 2 and 3. United Way prepared a concept plan for 28 one-bedroom age-restricted units and a four-bedroom group home.

Unfortunately, United Way was unable to bring the project to fruition, so the Borough pivoted and partnered with the Walters Group (“Walters”), operating as Montvale Family Apartments, LLC. The Borough and Walters entered into a Development and Property Transfer Agreement on June 19, 2020. The Agreement indicated that Walters would construct 25 family rental units as the developer was seeking funding from DCA’s Affordable Housing Trust Fund Program, which limits the awards to developments of 25 units or less.

Walters filed preliminary and final site plan applications separately. The site received Preliminary Site Plan approval via Resolution memorialized on October 20, 2020 and Final Site Plan approval via Resolution memorialized on January 18, 2022. The application also merged the lots into new lot 3.01, which has an address of 161 Summit Avenue.

It should be noted that the Borough alerted FSHC to this change and FSHC was amenable to the modification, despite the loss of 7 units, as the units were now going to be available to families and not restricted to seniors.

The multi-family development received COs in November of 2023 through March of 2024. The affordable development includes five one-bedroom units, 15 two-bedroom units, and five three-bedroom units. There are four very-low-income units, 10 low-income units, and 11 moderate-income units. The affordable units have a 30-year deed restriction, which began on the date of tenant occupancy. See Appendix K for a copy of the deed restrictions.

Based on the above, Montvale Family Apartments is eligible for **25 credits** pursuant to NJAC 5:93-5.6 (inclusionary development).



Photo 2 – Cornerstone at Montvale

The Alexa

This 80-unit inclusionary multi-family development is located on Lots 2 and 3 of Block 301 at 160 Spring Valley Road. This site was included in the 2018 HEFSP as a proposed mechanism to address the Borough's PRO and was identified as "Bonnabel/Trailing Ridge/The Alexa". However, the development has been completed and is now commonly referred to as "The Alexa". The development contains 18 affordable family rental units, including two one-bedroom units, 12 two-bedroom units, and four three-bedroom units. There are three very-low-income units, six low-income units, and nine moderate-income units. The affordable units received COs between 2020 and 2024. The affordable units have a 30-year deed restriction, which was recorded on January 2, 2021. The controls commenced on the date of each initial tenant occupancy. See Appendix L for a copy of the deed restriction.

Pursuant to NJAC 5:93-5.6 (inclusionary development), the Alexa is eligible to receive **18 credits and 13 bonus credits**.

Third Round RDP Mechanisms & Credits

Montvale has several existing mechanisms that can be applied to the Third Round RDP. It should be noted that all but one mechanism were included in the 2017 Settlement Agreement with FSHC and 2018 Final Judgment of Compliance and Repose issued in connection with the TRO.

Surplus Prior Round Credits

As detailed in the Prior Round section, Montvale has 259 credits that are allocated to the 255-unit Prior Round Obligation. Therefore, there are four surplus credits that can be applied to the Third Round RDP. The 2017 FSHC Settlement Agreement recognized the Borough was producing surplus Second Round credits and applied said surplus to the Third Round RDP. (It should be noted that the 2017 FSHC Settlement Agreement notes a surplus of 24 units, but the surplus has decreased due to changed circumstances at two of the proposed sites.) Therefore, Montvale has **4 surplus credits** to apply against to TRO RDP.

Children's Aid and Family Services

In May of 2014, Children's Aid and Family Services Inc. purchased a single-family home at 42 South Middletown Road, known as Block 2509, Lot 51 (0.8 acres in size). The Borough was informed in 2015 that the final approved plan was for a five-bedroom group home, which was also reflected in the Settlement Agreement. However, the Borough has later obtained the license and "Financing, Deed Restriction and Regulatory Agreement", which indicates six bedrooms.

Based on this information, the facility is eligible for **6 credits** pursuant to NJAC 5:93-5.8 (alternative living arrangements). It should be noted that this facility is eligible for rental bonus credits pursuant to NJAC 5:93-5.8(d). However, since the Borough cannot exceed the bonus cap, no bonuses are permitted.

School #2

This site is located at 9 and 11 East Grand Avenue and known as Lots 6 and 6.02 in Block 1606. In 2015, Madeline Housing Partners, LLC received preliminary and final site plan approval to convert the former school building into a 10-unit age-restricted 100% affordable apartment building and to construct an addition that would contain four units of special needs housing.

The 10-unit senior apartment building received its Certificate of Occupancy on August 20, 2018, while the four- bedroom very-low-income group home received its Certificate of Occupancy on October 11, 2018. The senior units include two studios and eight one-bedroom apartments. The income distribution is one very-low-income unit, four low-income units, and five moderate-income units. Both buildings have a 30-year deed restriction, which was recorded on November 14, 2018 (see Appendix M).

Based on the above, School #2 is eligible for **4 credits** pursuant to NJAC 5:93-5.8 (alternative living arrangements) and **10 credits** pursuant to NJAC 5:93-5.14 (age-restricted housing).



Photo 3 – School #2

Linda Vista Townhomes

This 12-unit inclusionary townhome development is identified as Block 402, Lot 2 at 99 Spring Valley Road. This site was identified in the 2018 HEFSP as “99 Spring Valley Road”. However, the development has been completed and is now known as “Linda Vista Townhomes”. The development contains two affordable family sale units, both of which are two-bedroom units. One unit is low-income, and the other is moderate-income. The affordable units received their Certificates of Occupancy in 2019. A restrictive covenant was recorded on April 9, 2012 and 30-year deed restriction was recorded on May 16, 2019 for both units which commences on the date of the deed (see Appendix N).

Pursuant to NJAC 5:93-5.6 (inclusionary development), Linda Vista Townhomes is eligible for **2 credits**.

Montvale Station

Montvale Station is a 13-unit inclusionary multi-family development located at 7 Franklin Avenue on Lot 26 of Block 2408. This site was identified as “7 Franklin Avenue” in the 2017 FSHC Settlement Agreement and 2018 HEFSP. However, the development has been constructed, is occupied, and is now known as “Montvale Station”. The affordable units received COs in November of 2020. The affordable units are family rental with one one-bedroom unit and two two-bedroom units. The site does not contain any three-bedroom units (market-rate or affordable). There are two low-income units and one moderate-income unit.

On February 12, 2021, a 30-year deed restriction was recorded for the three affordable units (see Appendix O. The deed commenced on the date each initial tenant occupied the affordable unit.

Based on the above, Montvale Station is eligible for **3 credits** pursuant to NJAC 5:93-5.6 (inclusionary development).

Thrive at Montvale

This 202-unit age-restricted inclusionary residential development includes independent living, assisted living, and memory care units. The development is located at 110 Summit Avenue (Block 1102, Lot 2.01). This site was identified as “110 Summit Avenue” in the 2017 FSHC Settlement Agreement and 2018 HEFSP and was projected to generate 215 credits. However, the development is complete and is now known as “Thrive at Montvale”.

On September 4, 2018, the Planning Board granted TSL Pike Predevelopment, LLC Preliminary and Final Site Plan approval to construct the building. The structure received its CO in May of 2022.

The development includes 13 two-bedroom senior affordable rental units in the assisted living portion of the facility. As the residents of the affordable units are Medicaid recipients, they qualify as low-income units. A deed restriction was recorded on November 9, 2021, which has a 30-year term (see Appendix P).

Based on the above, Thrive at Montvale is eligible for **26 credits** pursuant to NJAC 5:93-6.11(b)1 (assisted living residence).

Village Springs at Montvale

This site was identified as “A & P” (as it was the former A&P headquarters) in the 2017 FSHC Settlement Agreement and in the 2018 HEFSP. In said documents, the property was listed as Block 1903, Lot 7, located at 2 Paragon Drive. The site contained nearly 20 acres, located at the intersection of Paragon Drive and Summit Avenue.

Two Paragon Drive, LLC, entered into a Settlement Agreement on November 14, 2017 with the Borough. Following the Settlement Agreement, Montvale rezoned the property to the AH-6 Affordable Housing District via Ordinance No. 2017-1437 on December 11, 2017. The AH-6 District permits an inclusionary residential development of no more than 80 units with a 20% affordable housing set-aside.

On October 29, 2018, 2 Paragon Drive, LLC (Toll Brothers) received preliminary and final site plan approval to develop Block 1903, Lot 7 with an 80-unit inclusionary townhome development. Since 2018, the development has been built and occupied and is now known as “Village Springs at Montvale”.



Photo 4 – Village Spring at Montvale

Village Springs at Montvale provides 16 affordable units in the form of stacked townhouse units. The affordable received COs from 2022 through 2024. The units are non-restricted, sale affordable units. There are four one-bedroom units, eight two-bedroom units, and four three-bedroom units. The units are evenly split between low- and moderate-income. The restrictive covenant and one of the deed restrictions can be found in Appendix Q. The units are deed-restricted for 30 years.

Based on the above, Village Springs at Montvale is eligible for **16 credits** pursuant to NJAC 5:93-5.6 (inclusionary development).

The District

This site has many names, starting in the 2018 HEFSP it was referred to as “Mercedes”. Other Borough documents refer to the site as “Hekemian” and “North Market”. The 2017 FSHC Settlement Agreement refers to the site as “MB”, short for Mercedes Benz. Today this mechanism is referred to as “The District”, which includes a 308-unit inclusionary multi-family development located on the west side of DePiero Drive within a larger mixed-use development.

The property owner and developer, Hekemian, entered into a Settlement Agreement with Montvale on November 14, 2017. The Settlement Agreement permits 308 units on Block 2702, Lot 1.01 (formerly Block 2702, Lot 1 and Block 2801, Lot 2), consisting of 264 market rate units and 44 family rental units. The agreement also permits 42 units on the Glenview site (Block 3201, Lot6), including nine affordable units. The Borough adopted Ordinance No. 2017-1436 on December 11, 2017, which created the M-PUD Mixed-Use Planned Unit Development District. The zoning standards can be viewed here <https://ecode360.com/36135777#36135777>. The Ordinance permits a maximum of 350 multi-family units across the properties, as well as retail, office, and hotel space.

The Planning Board granted SHG Montvale MB, LLC (Hekemian) Preliminary and Final Site Plan approval to develop the site into an inclusionary mixed-use development via Resolution

memorialized on May 21, 2019. This resolution approved 308 units including 44 affordables on Block 2702, Lot 1.01. A third phase located along Glenview Road, which is yet to be approved, will include 42 units inclusive of 9 affordable units. The 44 approved affordable units are in Buildings 100 and 300, which received their COs in 2022 and 2023.

A deed restriction was recorded on August 2, 2022, which has a 30-year term. The bedroom and income distribution are included in the deed restriction, which can be found in Appendix R. The affordable units are family rentals.

Based on the above information, The District is eligible for **44 credits** pursuant to NJAC 5:93-5.6 (inclusionary development). This site is also eligible for **44 bonus credits** pursuant to NJAC 5:93-5.15(d)1.

Woodland Square

Depending on what document one reads, this site has had several names over the past ten years. The 2018 HEFSP refers to the site as “Sony”. The 2017 FSHC Settlement Agreement identifies the site as “Hornrock”. Other documents indicate the site as “AR Landmark”. This 185-unit inclusionary residential development is located at 12 Van Riper Road (Block 3302, Lot 1) and is currently identified as “Woodland Square”.

Lot 1 is part of the former Sony headquarters campus that was located on 37 acres within the Boroughs of Montvale, Park Ridge, and Woodcliff Lake. Lot 1 comprised seven of the 37 acres. In 2018, Hornrock Properties, MPR, LLC (“Hornrock”) was the owner of the property. Hornrock entered into a Settlement Agreement with the Borough on November 14, 2017. The Settlement Agreement permits a maximum of 185 residential rental units and requires a 20% affordable housing set-aside, resulting in a maximum of 37 affordable rental units if all 185 units are constructed. The Borough adopted Ordinance No. 2017-1438 on December 11, 2017, which created the Affordable Housing 26 (AH-26) District). The Ordinance permits inclusionary multi-family development on the property. The buildings are permitted to be a maximum of four residential stories over one level of parking.

On August 20, 2019, the Planning Board granted Hornrock preliminary and final site plan approval to develop an inclusionary multi-family development containing 185 residential units. Of those, 37 units would be affordable family rental units, which are comprised of seven one-bedroom units, 22 two-bedroom units, and eight three-bedroom units. Hornrock then sold the property to AR Landmark, LLC, who built the development. The building received a CO on July 2, 2024.

A 30-year deed restriction was recorded on September 21, 2023. The income breakdown is described in Article 2 (see Appendix S).

Pursuant to NJAC 5:93-5.6 (inclusionary development), Woodland Square is eligible for **37 credits**. This site is also eligible for **2 bonus credits** pursuant to NJAC 5:93-5.15(d)1. (Note that we have shifted the two bonuses that were previously allocated to The District to this mechanism. As the owner of The District has elected not to proceed with the Glenview site to date, we believe these bonus credits should instead be allocated to a property that moved forward, built the units, and provide affordable rentals presently.)



Photo 5 – Woodland Square

Greenway - Extensions of Controls

On January 11, 2022, the Mayor and Council adopted Resolution 39-2022, which extended the controls on 12 of the low- and moderate-income units within the site identified as “Greenway” in the 2018 HEFSP. (See Appendix T.) The 59-unit inclusionary condominium development is also known as “Summit Ridge”. The 12 affordable units are 95/5 units with the option for municipal rejection of repayment on the 95/5 units. The governing body elected to reject the repayment option and instead extend the controls on the units. The units were sold between 2000 and 2002. The new 30-year controls extended the deed restriction until 2050 through 2052. It should be noted that this mechanism is new and was not included in the 2017 Settlement Agreement with FSHC or in the 2018 Final Judgment of Compliance and Repose.

Based on the above, the 12 units with extended controls are eligible for **12 credits** pursuant to NJAC 5:97-6.14 (extension of expiring controls).

Fourth Round Mechanisms & Credits

Surplus Credits

As discussed in the preceding section, the Borough implemented numerous mechanisms over the past decade and has 210 existing credits that can be applied against the Third Round 181-unit RDP. The 2017 FSHC Settlement Agreement recognized that the Borough would be generating surplus credits above and beyond its TRO RDP. Paragraphs 9 and 10 of the 2017 Agreement both recognize an overall Third Round Surplus of 44 credits over and above the Borough’s Third Round RDP. Presently, **29** of the 44 **surplus credits** exist on the ground today and can be allocated to the Fourth Round Obligation.

Summary of Existing Mechanisms & Credits

Montvale has a total of 355 credits and 110 bonuses that are existing today and can be applied to its PRO, TRO, and FRO. See the table on the following page for details.

Existing Mechanisms & Credits

Mechanism	Credit Type	Tenure	Age-Restricted	Credit	Bonus	Total
<i>Prior Round Credits</i>						
Janovic I (Brookview Estates)	RCA	-	-	15		15
Janovic II	RCA	-	-	2		2
Chamberlain	RCA	-	-	10		10
K. Hovnanian / Rink / Dill	RCA	-	-	32		32
Greenway	Inclusionary	Rental	No	2	2	4
	Inclusionary	Sale	No	10		10
Bear Brook / US Cable	Inclusionary	Rental	No	5	5	10
Baldanza / Charlestowne Court	Inclusionary	Rental	No	3	3	6
Nottingham Manor	Inclusionary	Rental	No	8	8	16
National Institute for People with Disabilities	Alternative Living Arrangement	Rental	No	5	5	10
Axxin / K. Hovnanian (Valley View)	Inclusionary	Sale	No	26		26
Montvale Senior Housing / Montvale Commons	100% Affordable	Rental	No	18	18	36
	Alternative Living Arrangement	Rental	No	10	10	20
Del Ben / Montvale Reserve	Inclusionary	Sale	No	6		6
Cornerstone at Montvale	100% Affordable	Rental	No	25		25
The Alexa	Inclusionary	Rental	No	18	13	31
Total				195	64	259
<i>Third Round RDP Credits</i>						
Surplus Prior Round Credits				4		4
Children's Aid and Family Services	Alternative Living Arrangement	Rental	No	6		6
School #2	100% Affordable	Rental	Yes	10		10
	Alternative Living Arrangement	Rental	No	4		4
Linda Vista Townhomes	Inclusionary	Sale	No	2		2
Montvale Station	Inclusionary	Rental	No	3		3
Thrive at Montvale	Assisted Living	Rental	Yes	26		26
Village Springs at Montvale	Inclusionary	Sale	No	16		16
The District	Inclusionary	Rental	No	44	44	88
Woodland Square	Inclusionary	Rental	No	37	2	39
Greenway - Extensions of Controls	Extensions of Controls	Rental & Sale	No	12		12
Total				164	46	210
<i>Fourth Round Credits</i>						
Surplus Third Round Credits				29		29
Total				29	0	29

Proposed Mechanisms & Credits

The sections below detail the proposed mechanisms and credits to address the Borough's four-part affordable housing obligation.

Rehabilitation Mechanisms & Credits

The Borough proposes two mechanisms to address its 30-unit Rehabilitation Obligation.

Borough-Sponsored Rehabilitation Program

The purpose of a rehabilitation program is to rehabilitate substandard housing units occupied by low- and moderate-income households. A substandard housing unit is defined as a unit with health and safety code violations that require the repair or replacement of a major system. A major system includes weatherization, a roof, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems) and/or a load bearing structural system. Upon rehabilitation, housing deficiencies must be corrected, and the house must be brought up to code standard. The standard for evaluating rehabilitation activity shall be the local property maintenance code, or, if none is available, the BOCA Property Maintenance Code, in effect at the time of evaluation. The rehabilitation activity shall not include luxury improvements, the purchase of appliances (with the exception of stoves) or improvements that are strictly cosmetic. A rehabilitated unit is considered complete at the date of final inspection.

Montvale has retained an experienced entity to administer the rehabilitation program. The designated entity has prepared a marketing plan for Montvale's rehabilitation program. The rehabilitation program will be marketed through a combination of some, though not necessarily all, of the following: brochures; posters in prominent locations; notices in municipal tax bills; notices included in municipal publications; and informational meetings with civic and religious leaders, senior citizen groups and fraternal organizations.

The designated entity will maintain files on each program applicant. Montvale will require at least 10-year controls on affordability. The controls on affordability will be in the form of an amortized depreciating lien filed with the appropriate property's deed. Rents in rehabilitated units may increase annually based on the standards in N.J.A.C. 5:93-9.15.

Montvale will set aside \$20,000 per unit for ten units. Based on the Borough's experience administering this program in the Third Round, they believe this funding will be sufficient.

It is anticipated that the Borough's Rehabilitation Program will be structured to encourage rehabilitation and continued occupancy with a forgivable loan/lien program. If a housing unit is sold prior to the end of the controls on affordability, at least part of the loan shall be recaptured and used to rehabilitate another housing unit. If the Borough structures a loan program to recapture money, recaptured money shall be used for another low- and moderate-income housing purpose or to repay a municipal bond issued to finance a low- and moderate-income housing activity. See Appendix U for a copy of the proposed Rehabilitation Program Manual.

Based on the above, the Borough's Rehabilitation Program would generate **credits** towards the Rehabilitation Obligation.

Bergen County Home Improvement Program

The Borough will work with the Bergen County Home Improvement Program and advertise the program to residents. Through advertising, five to ten units are anticipated to use the County's program. Montvale will advertise the program on the Borough website and through other mediums. Any units completed through the program would be credit worthy and based on past history the program is likely to produce **credits** towards the Rehabilitation Obligation.

Prior Round Mechanisms

The 2018 HEFSP proposed three mechanisms to address the Borough PRO. However, two mechanisms have been completed as noted above and one mechanism is no longer viable as discussed in the section below.

127 Summit Avenue

This 28.4-acre site (Block 1002, Lot 7) was identified in the 2018 HEFSP and 2017 FSHC Settlement Agreement as a proposed mechanism to provide up to 13 credits. However, the Mayor and Council adopted Ordinance No. 2022-1523 on August 9, 2022 authorizing the purchase of 127 Summit Avenue. According to online tax records, the Borough purchased the property on November 2, 2022 and the deed was recorded on December 13, 2022. Subsequently, the property was sold to Veolia Water New Jersey, Inc. The property has a deed restriction, which limits the use to water utilities and related purposes (see Appendix V).¹⁵

Veolia intends to build a water tower and water tank on the site. As mentioned in the utilities section, current water capacity is unlikely to be able to support any new development requiring a fire suppression system or other significant draw upon the existing water supply. This situation is unlikely to change until Veolia is able to have approved, and thereafter construct, a new water tower, water tank, and pump station on the property. As a result, the site is no longer approvable, developable, or suitable for multi-family housing.

As a result, the Borough is requesting a reverse Cherry Hill change in circumstance to remove 127 Summit Avenue as a mechanism to address the Borough's PRO as it is no longer able to support inclusionary multi-family housing.

Third Round RDP Mechanisms & Credits

Eight mechanisms were included in the 2018 Final Judgment of Compliance and Repose to satisfy the 181-unit Third Round RDP. Seven of the eight mechanisms have been built. One remains outstanding.

Glenview

The 2018 HEFSP included this site under the "Mercedes" proposed mechanism to address the Borough's Third Round RDP. The former Mercedes Benz campus consisted of Block 2702, Lot 1 and Block 2801, Lot 2 ("Mercedes") and Block 3201, Lot 6 ("Glenview"). The 2018 HEFSP anticipated the Mercedes site to provide 308 units, including 44 family rental units and the Glenview site to provide 42 units, including nine affordable units. The Borough adopted an Ordinance in 2017 rezoning the three parcels to the Mixed-Use Planned Unit Development (M-PUD) District. As discussed above, the

¹⁵ FSHC was notified that the site would not longer be available for inclusionary development via email on October 2, 2023 (see Appendix V).

Mercedes site has been constructed, is occupied, and is now known as The District. However, the development of the Glenview site has yet to be approved, and the Borough is awaiting a formal application for development. See the map on page 64.

The affordable housing rules require municipalities to designate sites that are available, suitable, developable and approvable, as defined in NJAC 5:93-1. These terms are defined below:

- Approvable site means a site that may be developed for low- and moderate-income housing in a manner consistent with the rules or regulations of all agencies with jurisdiction over the site. A site may be approvable although not currently zoned for low- and moderate-income housing.
- Available site means a site with clear title, free of encumbrances which preclude development for low- and moderate-income housing.
- Developable site means a site that has access to appropriate water and sewer infrastructure, and is consistent with the applicable areawide water quality management plan (including the wastewater management plan) or is included in an amendment to the areawide water quality management plan submitted to and under review by DEP.
- Suitable site means a site that is adjacent to compatible land uses, has access to appropriate streets and is consistent with the environmental policies delineated in NJAC 5:93-4.

Glenview meets the Four-Prongs Test as follows:

- Approvable site – The Borough entered into a Settlement Agreement with S. Hekemian Group, LLC on November 14, 2017 to develop the former Mercedes Benz campus, including the Mercedes and Glenview sites, with no more than 350 units, including 53 affordable units. The Borough established the M-PUD District on December 11, 2017 via Ordinance No. 2017-1436. The Borough awaits an application to develop the Glenview site.
- Available site – The parcel is privately owned and developed with a former office/industrial building and associated improvements. The Borough is unaware of any title issues for the property.
- Developable site – The site is within water and sewer service areas.
- Suitable site – Glenview is adjacent to office uses to the north, east, and west. There is a townhome development to the south in the Borough of Park Ridge. The site does not have direct street frontage. However, there is an existing access easement over Block 3201, Lot 5, which allows ingress and egress to West Grand Avenue. The Mill Brook, a Category 1 stream, meanders along the eastern boundary. As a result, a majority of the site is within the associated 300-foot C1 stream buffer. Additionally, an area of wetlands is located to the east, which has a 150-foot buffer due to the presence of a threatened and/or endangered species. Said buffer encompasses the eastern half of the site. Furthermore, small areas along the eastern property line are within a flood hazard area and contains slopes greater than 15%. Overall, 3.3 acres of the 3.8-acre site (86.8%) is constrained by environmental features. However, the building, parking area, and other existing site improvements are within the 300-ft C1 stream buffer and/or 150-foot wetlands buffer. See the map on page 64 for the location of these environmental constraints.

Based on the information above, Glenview is anticipated to provide **9 credits** pursuant to NJAC 5:93-5.6 (inclusionary development).

26 North Kinderkamack Road

Lot 7 of Block 1601 is located at 26 North Kinderkamack Road at the intersection with Nottingham Court (see map on page 65). This site was not in the 2017 FSHC Settlement Agreement or the 2018 HEFSP.

On August 12, 2020, the Borough purchased the property, which was developed with a pre-existing non-conforming two-bedroom apartment and doctor's office. Then, on March 14, 2023, the Borough authorized a Developer's Agreement with Nouvelle, LLC via Resolution No. 82-2023 to construct a 100% affordable housing development of between four and six very-low-income housing units for disabled veteran families. The Agreement was signed on March 14, 2023. Subsequently, the Planning Board granted Nouvelle, LLC preliminary and final site plan approval on November 21, 2024 to construct a six-unit 100% affordable building for disabled veterans and their families (see Appendix W). All units will be very-low-income and deed restricted for at least 30 years. The six units comprise of two one-bedroom units and four two-bedroom units.

The image to the right shows the construction progress. It is anticipated that the building will be completed in 2026.

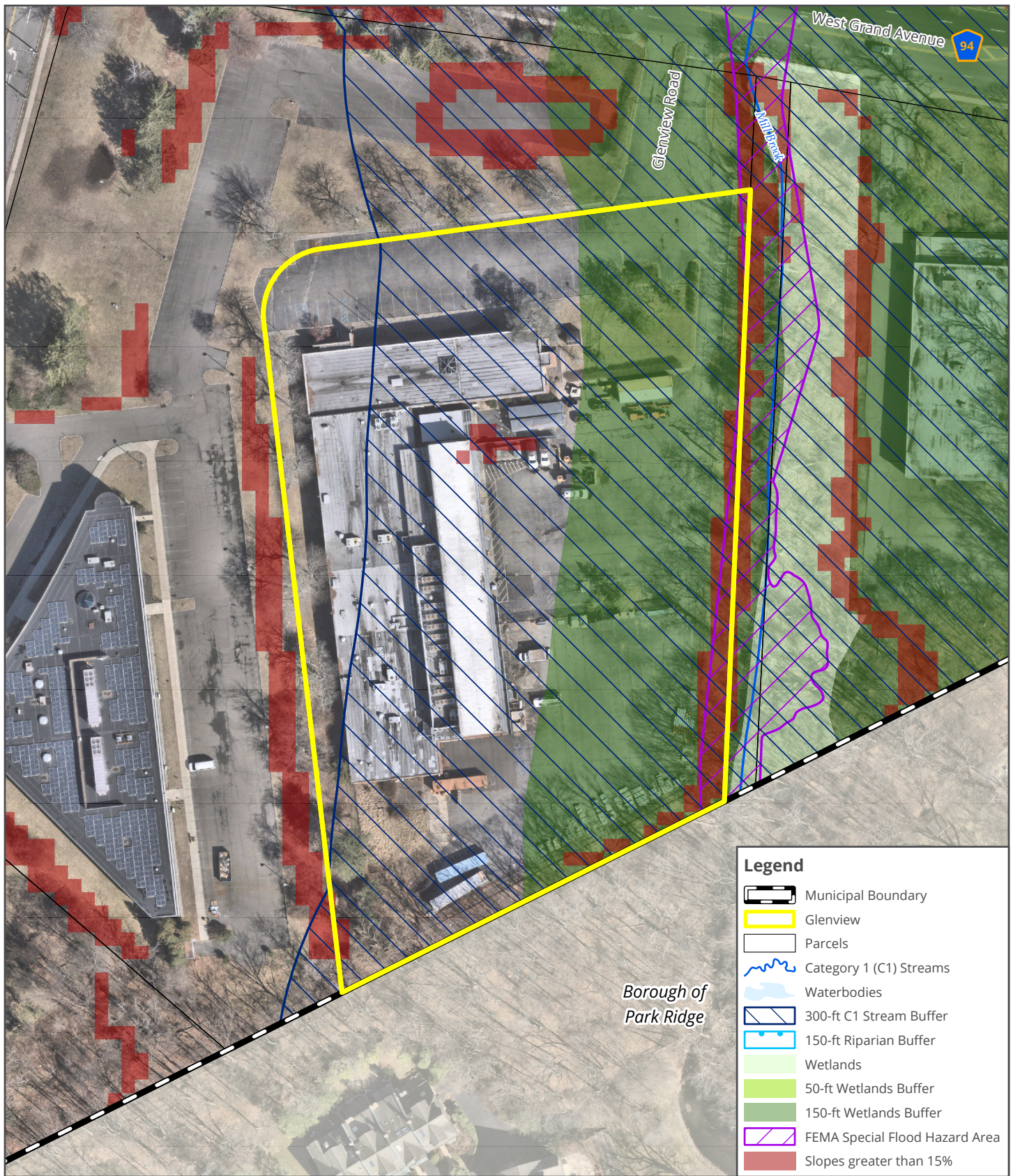
26 North Kinderkamack Road meets the four prongs of the rules as follows:

- Approvable site – As noted above, the Borough granted Nouvelle, LLC preliminary and final site plan approval to construct a six-unit 100% affordable housing development for disabled veteran families. The existing building has been demolished to make way for the approved development.
- Available site – The Borough owns the site and there are no title issues or encumbrances.
- Developable site – The site is within water and sewer service acres.
- Suitable site – 26 North Kinderkamack Road is surrounded by residential uses, both single-family and a garden apartment complex. The site has frontage along Nottingham Court (north) and North Kinderkamack Road (east). 0.07 acres of the 0.34-acre property (20.6%) is within the 300-foot C1 stream buffer associated with the Muddy Creek to the north. See the map on page 65 for the location of the 300-foot C1 stream buffer.



Photo 6 – 26 N. Kinderkamack Road

Based on the information above, 26 North Kinderkamack Road is eligible for **6 credits** pursuant to 5:93-5.8 (alternative living arrangements) and NJAC 5:93-5.15 (rental housing).



ENVIRONMENTAL CONSTRAINTS - GLENVIEW

BLOCK 3201, LOT 6
BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY

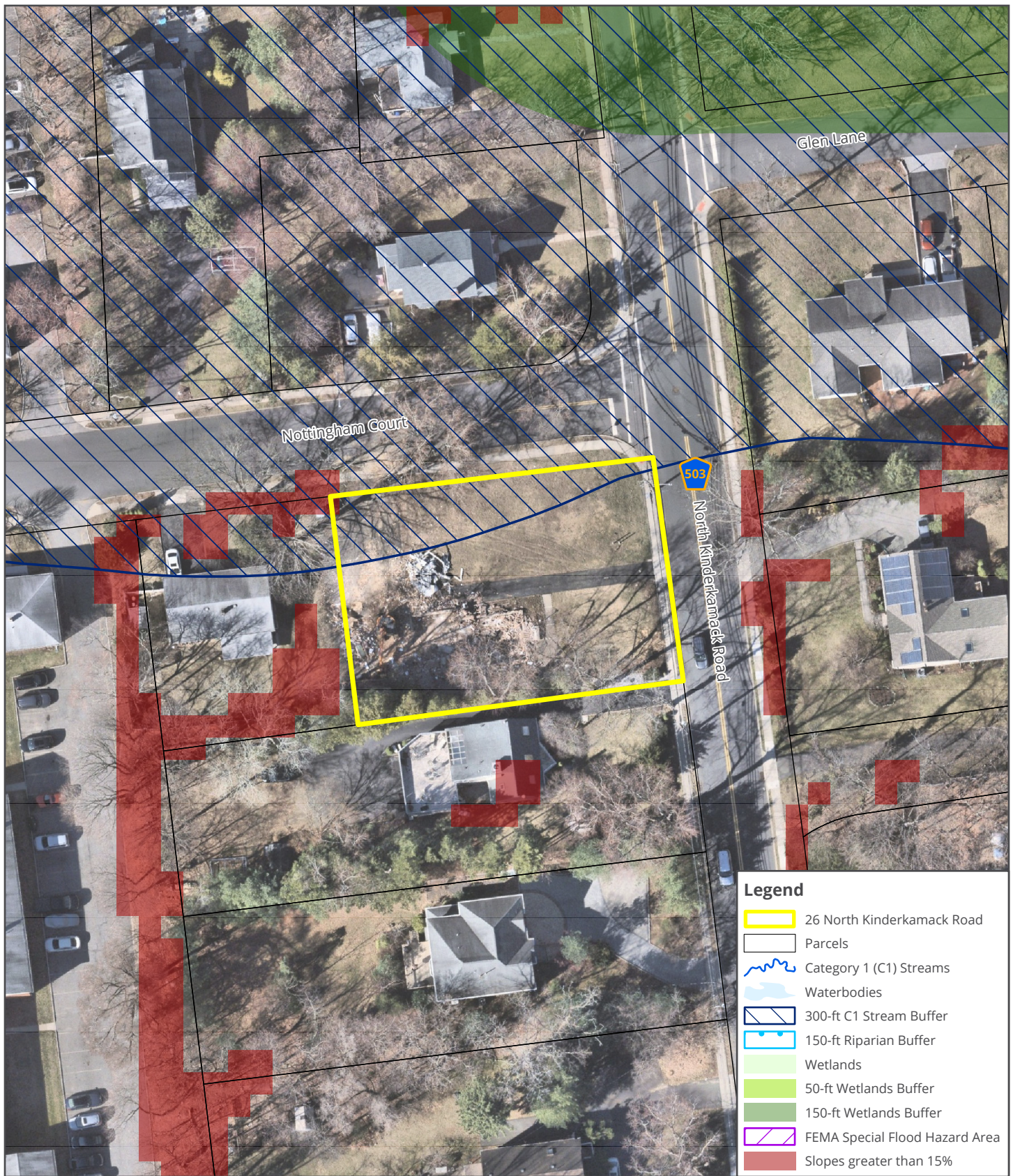
0 50 100
1 inch = 100 feet



Colliers
Engineering
& Design

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ENVIRONMENTAL CONSTRAINTS - 26 NORTH KINDERKAMACK ROAD

BLOCK 1601, LOT 7
BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY

0 30 60
1 inch = 60 feet



Colliers
Engineering
& Design

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Third Round Unmet Need Mechanisms & Credits

The FSHC agreed, and the Court approved, the following four mechanisms to satisfy the Third Round Unmet Need.

Annie Sez

Annie Sez, identified as Block 703, Lot 7 on the Borough Tax Maps, is a 5.5-acre parcel located on the east side of North Kinderkamack Road, less than 200 feet from the New York Border (see map page 68). The site is currently developed with a strip mall known as “Montvale Center”. The property is adjacent to a retail business to the north, the Pascack Valley Rail Line to the east, utilities and a restaurant to the south and the Alayna and Katy townhouse developments to the west across North Kinderkamack Road. The property is currently located in the B-1 Zoning District.

On May 29, 2018, the Borough adopted Ordinance No. 2018-1452, which established the MI-1 Mixed-Use Inclusionary 1 Overlay District on the property. The MI-1 Overlay District permits multi-family residential development above the ground floor at a density of 12 units per acre. A 15% affordable housing set-aside is required for rental developments, while a 20% set-aside is required for units offered for sale.

Annie Sez meets the four prongs of the rules as follows:

- Approvable site – In 2018, the Borough adopted the MI-1 Overlay District on the site, which permits inclusionary residential development above the ground floor at a density of 12 units per acre. A 15% affordable housing set-aside is required for rental units and a 20% set-aside is required for units offered for sale.
- Available site – The property is privately owned and is currently developed with a strip mall. The Borough is unaware of any title issues. However, there is a utility easement along the southern edge of the property.
- Developable site – The existing building is connected to water and sewer services.
- Suitable site – The property is surrounded by a variety of uses including commercial and residential. The site has frontage along North Kinderkamack Road. As for environmental constraints, a majority of the property is within the 300-foot C1 stream buffer from the Muddy Creek, which traverses the eastern edge of the property. A flood hazard area is also present on the east side of the property. The southeastern corner of the site is within a 150-foot buffer from wetlands to the south, while the eastern edge of the site contains slopes greater than 15%. Overall, 4.1 acres of the 5.5-acre site (74.5%) are encumbered by environmental constraints. However, a majority of the encumbered area is already developed. See the map on page 68 for the location of these environmental constraints.

Based on the information above, the Annie Sez overlay zone has the potential to yield affordable housing credits pursuant to NJAC 5:93-5.6 (inclusionary development).

MI-2 Mixed-Use Inclusionary 2 Overlay District

This site was identified as “Southeast B-1 District (east of the train tracks)” in the 2018 HEFSP. The Borough has four areas within the municipality zoned B-1 Business District. The southeastern B-1 District is commonly referred to as the downtown area in and around the intersection of

Kinderkamack Road and Grand Avenue. The area is also the location of the Borough's train station along the Pascack Valley rail line.

On May 29, 2018, the Borough adopted Ordinance No. 2018-1452, which established the MI-2 Mixed-Use Inclusionary 2 Overlay District. This Overlay District encompasses 16 parcels totaling approximately 17 acres located to the west of the Pascack Valley rail line (see map on page 69). The MI-2 Overlay District encompasses parcels fronting on West Grand Avenue and Railroad Avenue with the Pascack Valley Rail line running along the eastern boundary. This Overlay District permits multi-family residential development above the ground floor at a density of 12 units per acre. A 15% affordable housing set-aside is required for rental developments, while a 20% set-aside is required for units offered for sale.

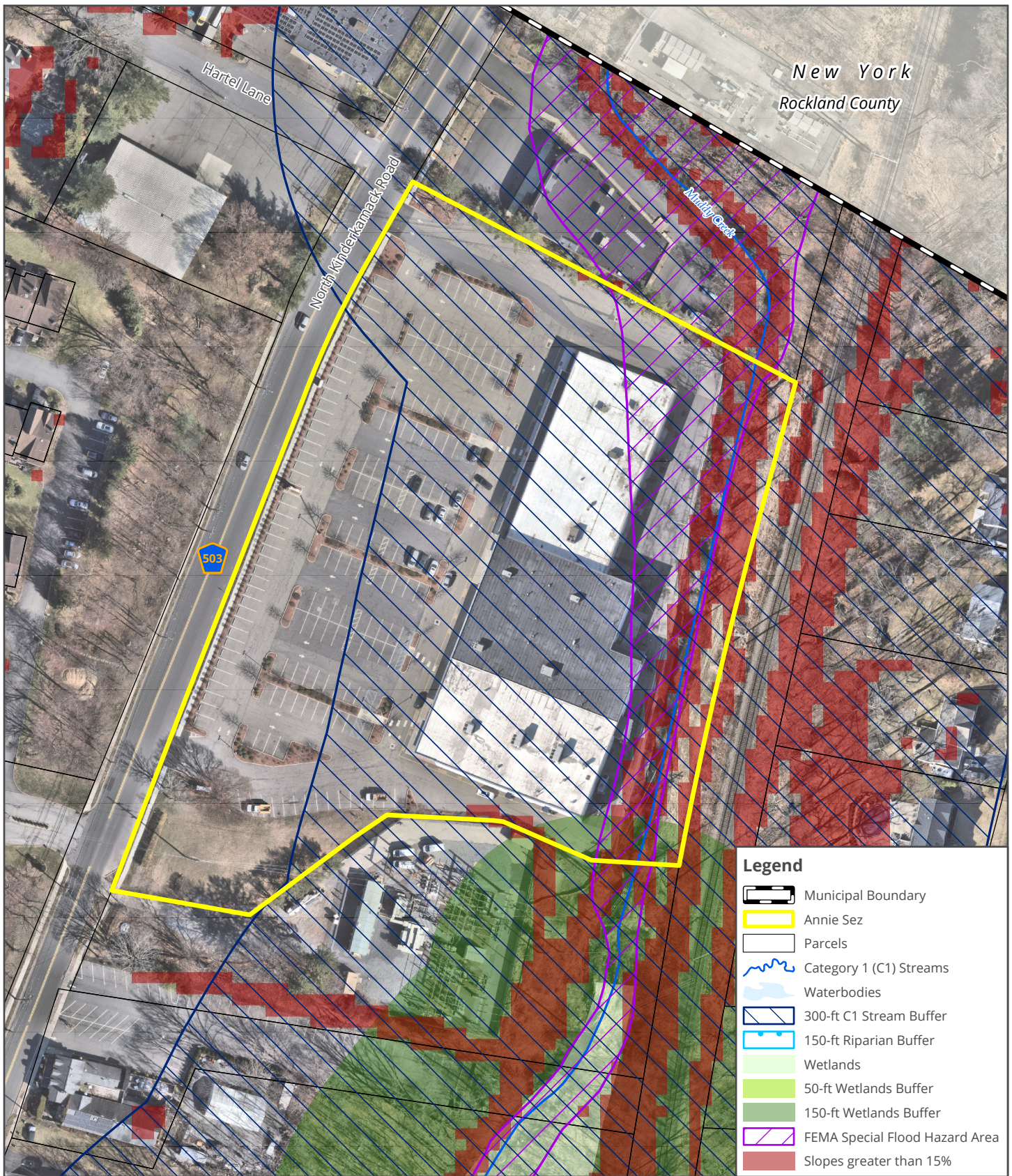
The MI-2 Overlay District meets the four prongs of the rules as follows:

- Approvable site – In 2018, the Borough adopted the MI-2 Overlay District on the site, which permits inclusionary residential development above the ground floor at a density of 12 units per acre. A 15% affordable housing set-aside is required for rental units and a 20% set-aside is required for units offered for sale.
- Available site – The 16 privately-owned parcels are all developed with a variety of uses. It is anticipated that redevelopment may occur, either through redevelopment by existing property owners or through acquisition of parcels by a motivated developer. The Borough is unaware of any title issues for the properties.
- Developable site – The 16 parcels are within the water and sewer service areas.
- Suitable site – The 16 parcels within the MI-2 Overlay District have frontage along either West Grand Avenue or Railroad Avenue. The area is adjacent to a variety of uses including single-family residential to the north, non-residential uses to the east and south, open space to the west, and multi-family housing to the northwest. A majority of the MI-2 Overlay District is free of environmental constraints. However, the western portion of the area is within the 300-foot C1 stream buffer from the Pascack Brook that traverses the west side of the Overlay District. Areas adjacent to the Pascack Brook are also within a flood hazard area. Additionally, wetlands and associated buffers encompass the far western areas and the rear of properties along Railroad Avenue. Finally, areas with slopes 15% or greater are scattered throughout the Overlay District. Approximately 6.7 acres of the 17-acre Overlay District (39.4%) is encumbered by environmental constraints. See the map on page 69 for the location of these environmental constraints.

Based on the information above, the MI-2 Overlay District has the potential to yield affordable housing credits pursuant to NJAC 5:93-5.6 (inclusionary development).

MI-3 Mixed-Use Inclusionary 3 Overlay District

This site was identified as "Southeast B-1 District (west of the train tracks)" in the 2018 HEFSP. On May 29, 2018, the Borough adopted Ordinance No. 2018-1452, which established the MI-3 Mixed-Use Inclusionary 3 Overlay District on the area of the southeastern B-1 District on the opposite side of the Pascack Valley rail line from the MI-2 Overlay District. The MI-3 Overlay District encompasses 30 parcels totaling approximately 20.4 acres (see map on page 71). The MI-3 Overlay District



ENVIRONMENTAL CONSTRAINTS - ANNIE SEZ

BLOCK 703, LOT 7
BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY

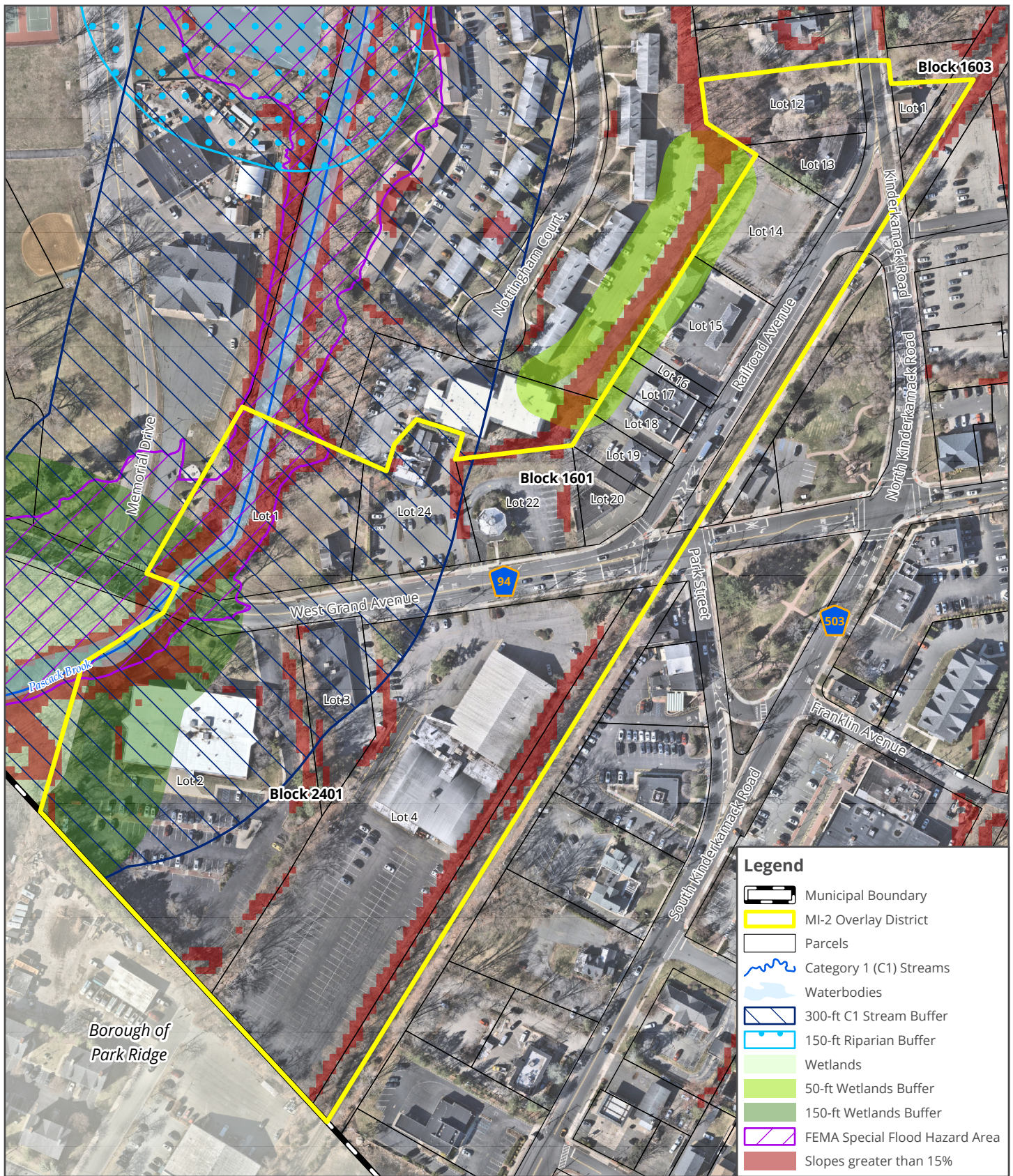
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1 inch = 120 feet



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ENVIRONMENTAL CONSTRAINTS - MI-2 MIXED-USE INCLUSIONARY 2 OVERLAY DISTRICT
PORTIONS OF BLOCKS 1601, 1603, & 2401
BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY

0 100 200
 1 inch = 200 feet



Colliers
 Engineering
 & Design

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May 30, 2025
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encompasses parcels fronting on Grand Avenue, Kinderkamack Road, Wortendyke Avenue, Park Street, Franklin Avenue, Hamilton Street, and Wayne Street with the Pascack Valley rail line running along the western boundary. This Overlay District permits multi-family residential development above the ground floor at a density of 15 units per acre. A 15% affordable housing set-aside is required for rental developments, while a 20% set-aside is required for units offered for sale.

The MI-3 Overlay District meets the four prongs of the rules as follows:

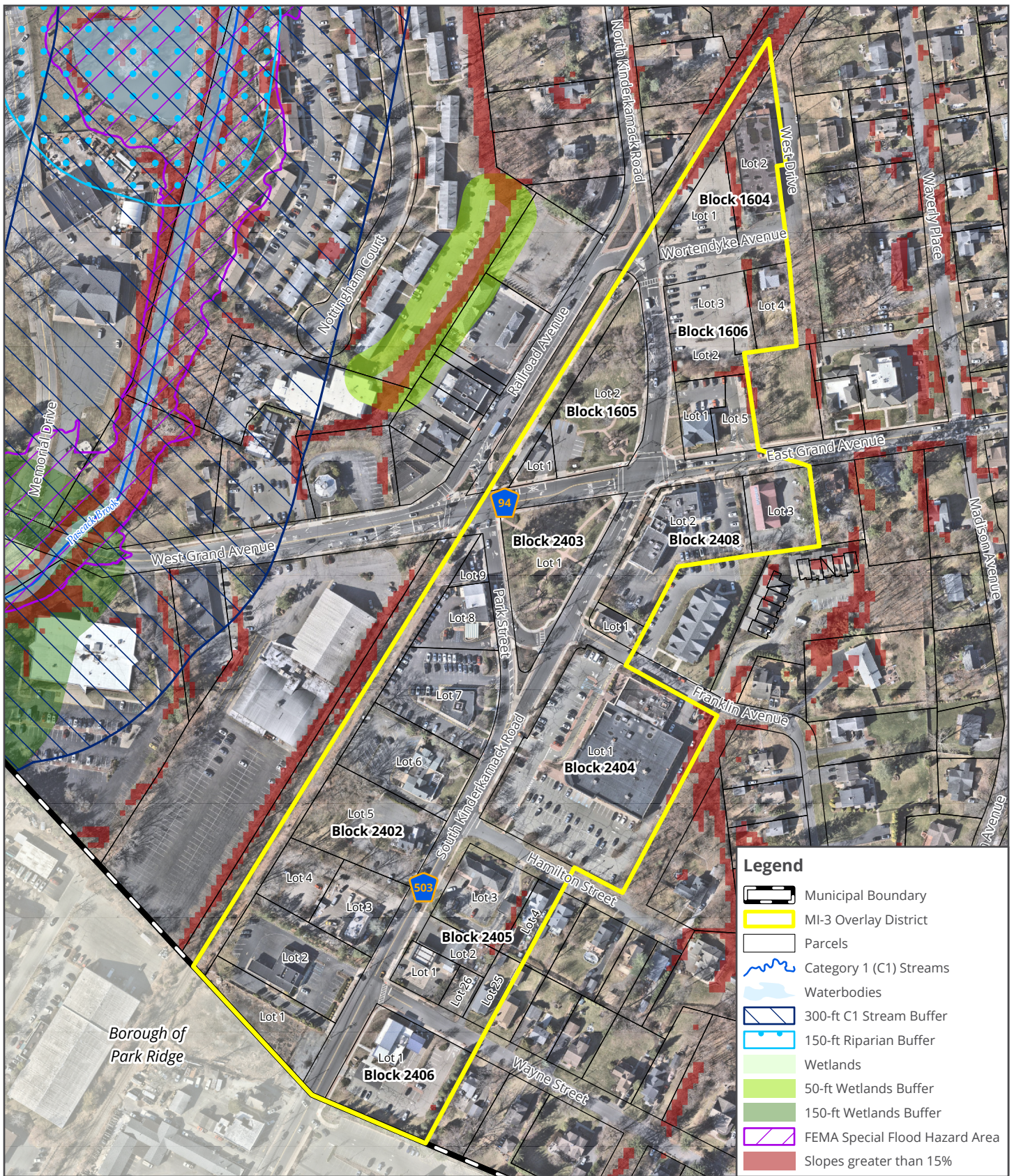
- Approvable site – In 2018, the Borough adopted the MI-3 Overlay District on the site, which permits inclusionary residential development above the ground floor at a density of 15 units per acre. A 15% affordable housing set-aside is required for rental units and a 20% set-aside is required for units offered for sale.
- Available site – The 30 privately-owned parcels are all developed with a variety of uses. It is anticipated that redevelopment may occur, either through redevelopment by existing property owners or through acquisition of parcels by a motivated developer. The Borough is unaware of any title issues for the properties.
- Developable site – The 30 parcels are within the water and sewer service areas.
- Suitable site – The 30 parcels within the MI-3 Overlay District have frontage along Grand Avenue, Kinderkamack Road, Wortendyke Avenue, Park Street, Franklin Avenue, Hamilton Street, and Wayne Street. The area is adjacent to a variety of uses including single-family residential to the north and east, multi-family residential uses to the east, and non-residential uses to the south and west. In general, the MI-3 Overlay District is free of environmental constraints. However, areas with slopes of 15% or greater are scattered throughout the area. Said slopes encompass 0.37 acres of the 20.4-acre Overlay District (1.8%). See the map on page 71 for the location of the steep slope areas.

Based on the information above, the MI-3 Overlay District has the potential to yield affordable housing credits pursuant to NJAC 5:93-5.6 (inclusionary development).

Borough-Wide Set-Aside

The Borough adopted a Borough-Wide Set-Aside Ordinance on May 29, 2018 via Ordinance No. 2018-1449 pursuant to the Borough's 2017 Settlement Agreement with FSHC. This Ordinance amended Chapter 400 "Zoning", Article V "Affordable Housing Districts and Regulations", Section 36 "Borough-wide set-aside requirements". Section 400-36A requires any property that receives a use or density variance, that is rezoned to permit multi-family residential development where not previously permitted, or a new redevelopment or rehabilitation plan permitting multi-family residential development that would yield five or more residential units to provide an affordable housing set-aside. The set-aside for rental developments is 15%, while the set-aside for units offered for sale is 20%. Section 400-36B excludes properties already zoned for inclusionary residential development.

The Borough's Borough-Wide Set-Aside Ordinance could provide affordable housing credits.



ENVIRONMENTAL CONSTRAINTS - MI-3 MIXED-USE INCLUSIONARY 3 OVERLAY DISTRICT
PORTIONS OF BLOCKS 1604, 1605, 1606, 2402, 2403, 2404, 2405, 2406, & 2408
BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY

0 125 250
 1 inch = 250 feet



Fourth Round RDP Mechanisms & Credits

Montvale proposes the following mechanism to address the Fourth Round 3-unit RDP.

Third Round Surplus Credits

The remaining 15 surplus credits are from Glenview and 26 N. Kinderkamack. This plan allocates **3** of those **surplus credits** towards the Fourth Round RDP.

Fourth Round Unmet Need Mechanisms & Credits

An RDP of 3 translates to a 177 to 234-unit Unmet Need for the Borough.

However, the Amended FHA, specifically NJSA 52:27D-310.1, added a new requirement for towns seeking a VLA. The statute now requires towns to “identify sufficient parcels likely to redevelop during the current round of obligations to address at least 25 percent of the prospective need obligation that has been adjusted and adopt realistic zoning that allows for such adjusted obligation, or demonstrate why the municipality is unable to do so”. Therefore, municipalities seeking a VLA must identify sufficient parcels that could “realistically” be redeveloped during the current obligation round (2025 through 2035) to address at least 25% of its prospective need obligation that has been adjusted. The prospective need obligation “has been adjusted” to an RDP of 3 for the Borough. Therefore, a plain language reading of the statute is “25% of the RDP”.

Therefore, in the case of Montvale, a 3-unit RDP $\times$ 25% = 0.75, which is rounded up to 1, and the Borough is required to identify parcels that are likely to redevelop pursuant to NJSA 52:37D-310.1.

In any event, the Borough did examine additional opportunities for overlay zoning. In this regard, the environmental data provided on page 28 demonstrates the numerous natural limitations Montvale faces as 41.26% of the Borough is limited by one or more natural resources, which constrain development and redevelopment within Montvale. Furthermore, several of the Borough’s commercial zones have already been overlay zoned to permit inclusionary development.

Due to the Borough’s proactive efforts since 2018, Montvale steps into the Fourth Round with an overall **surplus of 44 units** as outlined in the above sections. This surplus has been created through the redevelopment of numerous sites, such as, but not limited to Thrive at Montvale, Village Springs at Montvale, The District, Woodland Square, and 26 N. Kinderkamack. The 2017 FSHC Settlement Agreement recognized that the Borough would be generating surplus credits above and beyond its TRO RDP. Paragraphs 9 and 10 of the 2017 Agreement both recognize an overall Third Round Surplus of 44 credits over and above the Borough’s Third Round RDP.

Third Round Surplus Credits

Glenview and 26 N. Kinderkamack will contribute 15 surplus credits. This plan allocates **1** of those **surplus credits** towards the Fourth Round redevelopment requirement. The remaining **11 surplus credits** are allocated towards the Fourth Round Unmet Need.

7 E. Grand Avenue

The Borough owns Block 1606, Lot 6.01, which is commonly known as 7 East Grand Avenue. The property is 0.5453 acres and is adjacent to residential uses to the north and southeast, the School #2 100% affordable senior apartment building and group home development to the east, commercial uses to the southwest and west, and train station parking to the northwest. The Borough's train station is approximately 400 feet to the west along Grand Avenue.

The Borough is working with Nouvelle, LLC to construct a 100% affordable family rental building on the site, which will contain 18 units. The image to the right is the concept plan for the site provided by Nouvelle. The Borough will rezone the property to permit 100% affordable multi-family housing as-of-right (see Appendix X for a copy of the draft ordinance).

7 East Grand Avenue meets the four prongs of the rules as follows:

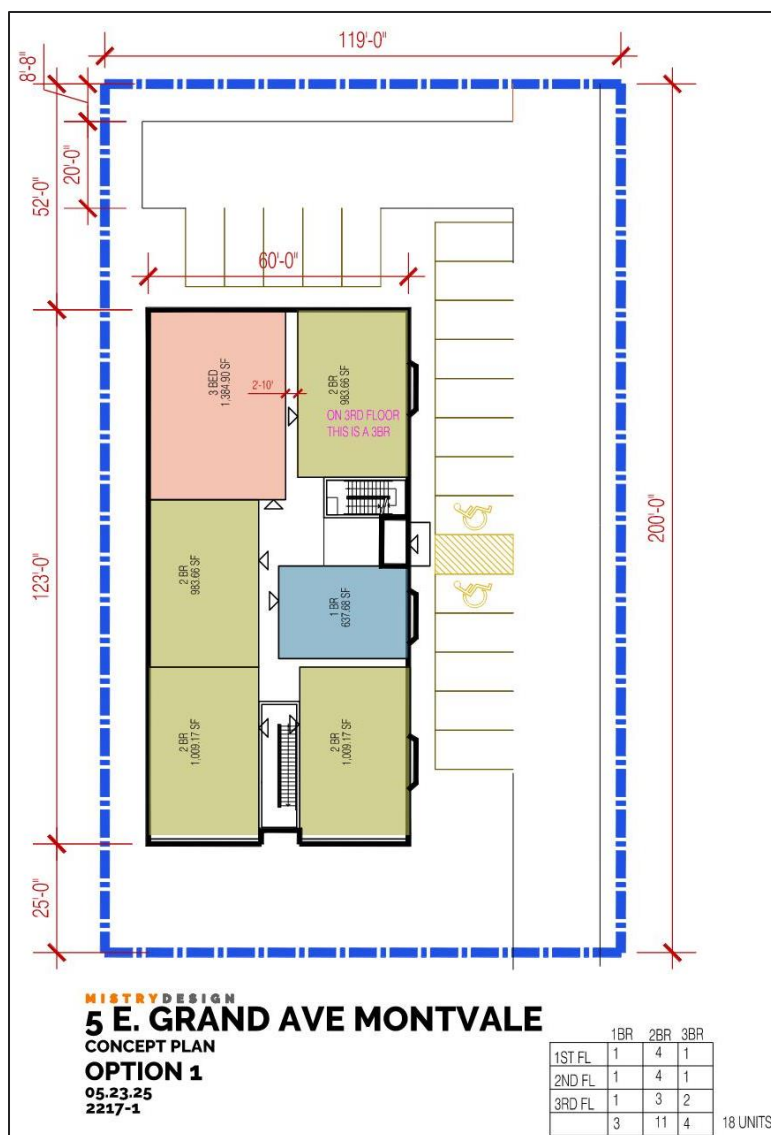
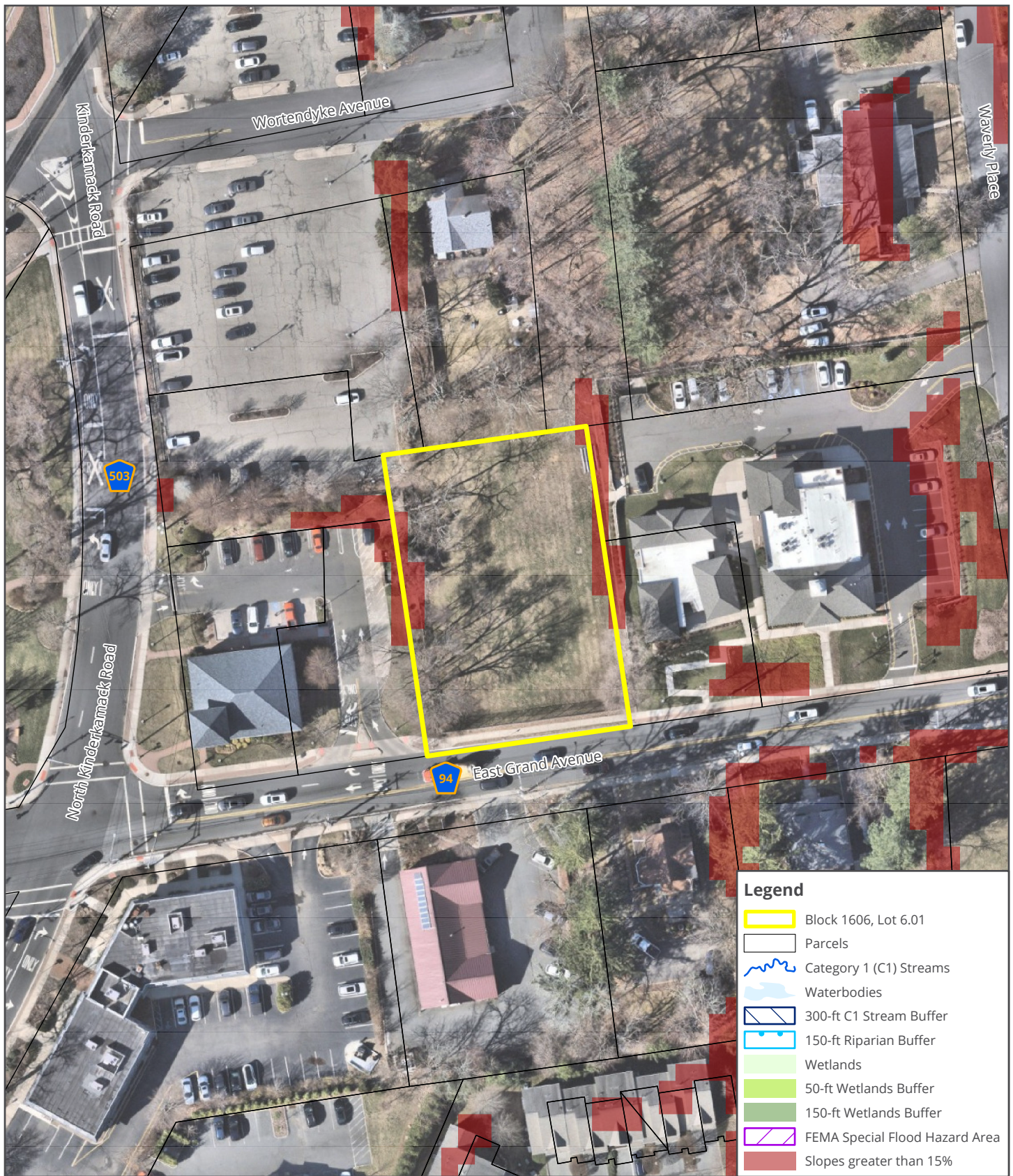


Figure 1 - Concept Plan for 7 East Grand Avenue

- Approvable site – The Borough will rezone the site to permit 100% affordable multi-family development with a maximum of 18 units. Once the ordinance is adopted, the Borough or Nouvelle can submit an as-of-right application for the multi-family development.
- Available site – The site is owned by the Borough. There are no title issues for the lot.
- Developable site – The parcel is within the water and sewer service areas.
- Suitable site – Block 1606, Lot 6.01 has frontage along East Grand Avenue. There is also a paper street to the rear of the site that is envisioned for egress. The site is surrounded by a variety of uses including residential uses to the north, east, and southeast, commercial uses to the south and west, and transit parking to the northwest. It should be noted that the School #2 100% affordable development is immediately to the east. In general, 7 East Grand Avenue is free of environmental constraints. However, areas with slopes of 15% or greater

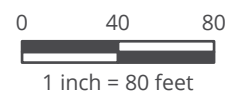


ENVIRONMENTAL CONSTRAINTS - BLOCK 1606, LOT 6.01

7 EAST GRAND AVENUE

BOROUGH OF MONTVALE

BERGEN COUNTY, NEW JERSEY



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are located along the eastern and western property lines. See the map on page 74 for the location of the steep slope areas.

Based on the information above, 7 East Grand Avenue is eligible for **18 credits** pursuant to NJAC 5:97-6.7 (100% affordable developments). Additionally, the site is eligible for a one-for-one bonus, totaling **18 bonuses**, pursuant to NJSA 52:27D-311k.(8) as this mechanism is a 100% affordable development where the Borough of Montvale is donating the land to enable the siting and construction of the project.

Summary of Proposed Mechanisms & Credits

The table below summarizes the mechanisms and credits Montvale proposes to address its four-part affordable housing obligation.

Proposed Mechanisms & Credits						
Mechanism	Credit Type	Tenure	Age-Restricted	Credit	Bonus	Total
Rehabilitation Credits						
Borough-Sponsored Rehabilitation Program	Rehabilitation	-	-	TBD		TBD
County Home Improvement Program	Rehabilitation	-	-	TBD		TBD
Total				TBD	0	TBD
Third Round RDP Credits						
Glenview	Inclusionary	Rental	No	9		9
26 North Kinderkamack Road	100% Affordable	Rental	No	6		6
Total				15	0	15
Third Round Unmet Need Credits						
Annie Sez	Inclusionary	TBD	TBD	Zoning in Place		
MI-2 Overlay District	Inclusionary	TBD	TBD	Zoning in Place		
MI-3 Overlay District	Inclusionary	TBD	TBD	Zoning in Place		
Borough-Wide Set-Aside	Inclusionary	TBD	TBD	Zoning in Place		
Total				Zoning in Place		
Fourth Round RDP Credits						
Third Round Surplus Credits	-	-	-	3		3
Total				TBD	TBD	TBD
Fourth Round Unmet Need Credits						
Third Round Surplus Credits - Redevelopment Requirement				1		1
Third Round Surplus Credits - Unmet Need				11		11
7 E. Grand Avenue	100% Affordable	Rental	Family	18	18	36
Total				30	18	48

Summary of Mechanisms & Credits

The tables on the following pages provide a summary of the mechanisms, credits, and bonuses this HEFSP proposes. It should be noted that all proposed mechanisms will meet the required very-low, low-, and moderate-income distribution and will abide by the UHAC rules in place at the time of Board approval regarding bedroom distribution.

Existing & Proposed Credits

Mechanism	Credit Type	Credit	Bonus	Total
<i>Rehabilitation Credits</i>				
Borough-Sponsored Rehabilitation Program	Rehabilitation	TBD		TBD
County Home Improvement Program	Rehabilitation	TBD		TBD
<i>Prior Round Credits</i>				
Janovic I (Brookview Estates)	RCA	15		15
Janovic II	RCA	2		2
Chamberlain	RCA	10		10
K. Hovnanian / Rink / Dill	RCA	32		32
Greenway	Inclusionary (Rental)	2	2	4
	Inclusionary (Sale)	10		10
Bear Brook / US Cable	Inclusionary	5	5	10
Baldanza / Charlestowne Court	Inclusionary	3	3	6
Nottingham Manor	Inclusionary	8	8	16
National Institute for People with Disabilities	Alternative Living Arrangement	5	5	10
Axxin / K. Hovnanian (Valley View)	Inclusionary	26		26
Montvale Senior Housing / Montvale Commons	100% Affordable	18	18	36
	Alternative Living Arrangement	10	10	20
Del Ben / Montvale Reserve	Inclusionary	6		6
Cornerstone at Montvale	100% Affordable	25		25
The Alexa	Inclusionary	18	13	31
Total		195	64	259
<i>Third Round RDP Credits</i>				
Children's Aid and Family Services	Alternative Living Arrangement	6	2	8
School #2	100% Affordable	10		10
	Alternative Living Arrangement	4		4
Linda Vista Townhomes	Inclusionary	2		2
Montvale Station	Inclusionary	3		3
Thrive at Montvale	Assisted Living	26		26
Village Springs at Montvale	Inclusionary	16		16
The District	Inclusionary	44	44	88
Woodland Square at Montvale	Inclusionary	37		37
Greenway - Extensions of Controls	Extensions of Controls	12		12
Prior Round Surplus Credits	-	4		4
Glenview*	Inclusionary	9		9
26 North Kinderkamack Road*	100% Affordable	6		6
Total		179	46	225

*Proposed Mechanisms

Existing & Proposed Credits (continued)

Mechanism	Credit Type	Credit	Bonus	Total
Third Round Unmet Need Credits				
Annie Sez*	Inclusionary	Zoning in Place		
MI-2 Overlay District*	Inclusionary	Zoning in Place		
MI-3 Overlay District*	Inclusionary	Zoning in Place		
Borough-Wide Set-Aside*	Inclusionary	Zoning in Place		
Total		Zoning in Place		
Fourth Round RDP Credits				
Third Round Surplus Credits	-	3		3
Total		3	TBD	3
Fourth Round Unmet Need Credits				
Third Round Surplus Credits - Redevelopment Requirement		1		1
Third Round Surplus Credits - Unmet Need		40		40
7 E. Grand Avenue*	100% Affordable	18	18	36
Total		59	18	77

*Proposed Mechanisms

XIII. Implementation Schedule

The chart below provides an anticipated implementation schedule for the mechanisms that are proposed within the Borough of Montvale.

Implementation Schedule											
Mechanism	'25	'26	'27	'28	'29	'30	'31	'32	'33	'34	'35
Borough-Sponsored Rehabilitation Program											
Advertise Program											
Rehabilitate as Applicable											
County Home Improvement Program											
Advertise Program											
Rehabilitate as Applicable											
Glenview											
Application Review & Approval											
Construction											
Occupancy											
26 North Kinderkamack Road											
Construction											
Occupancy											
Annie Sez											
Application Review & Approval											
Construction											
Occupancy											
MI-2 Mixed-Use Inclusionary 2 Overlay District											
Application Review & Approval											
Construction											
Occupancy											
MI-3 Mixed-Use Inclusionary 3 Overlay District											
Application Review & Approval											
Construction											
Occupancy											
Borough-Wide Set-Aside											
Application Review & Approval											
Construction											
Occupancy											
7 E. Grand Avenue											
Application Review & Approval											
Construction											
Occupancy											

XIV. Implementing Documents

The deadlines prescribed in the Amended FHA failed to realize the multitude of moving parts in the world of affordable housing. On December 20, 2024, the Housing and Mortgage Finance Agency (“HMFA”) adopted “amendments” to the Uniform Housing Affordability Controls (“UHAC”). These special adopted rules are hardly amendments as there are widespread and dramatic changes throughout the 192-page document. Furthermore, these rules are only effective until December 19, 2025, or such earlier date at which time the HMFA amends, adopts, or readopts the rules pursuant to the New Jersey Administrative Procedure Act.

Then, on March 17, 2025, the State issued proposed rules (NJAC 5:99), which are open for public comment until May 16, 2025. These rules concern the municipal ordinance requirements for development fees; monitoring requirements; regulations regarding municipal housing liaison and administrative agents, etc.

The above two documents impact several of the standard implementing documents that typically accompany a HEFSP. As municipal affordable housing trust funds are a precious and finite resource, the following documents will be drafted once permanent UHAC regulations and NJAC 5:99 rules are adopted:

1. Rehabilitation Program Manual
2. Affordable Housing Ordinance
3. Development Fee Ordinance
4. Affirmative Marketing Plan
5. Operating Manuals
6. Affordability Assistance Mini-Manuals

There is no harm in postponing the drafting of these documents as municipalities have an obligation to create a realistic opportunity for their fair share of affordable housing which ends in 2035. Furthermore, the Amended FHA does not require the adoption of implementing ordinances and resolutions until March 15, 2026.¹⁶ Prior to that date, the 5:99 rules will be adopted and HMFA will have addressed the interim UHAC rules.

A copy of the current Rehabilitation Program Manual can be found in Appendix U. A copy of the Affirmative Marketing Plan and associated approving resolution are included in Appendix Y. A copy of the operating manuals and associated governing body resolutions are included in Appendix Z. All of these documents were approved by the 2018 Final Judgment of Compliance and Repose.

A copy of the Borough’s current Development Fee Ordinance can be found in Chapter 65 Land Use Procedures, Article V Development Fees (<https://ecode360.com/36140298#36140298>). Montvale’s current Affordable Housing Ordinance can be found in Chapter 130 Affordable Housing (<https://ecode360.com/36138163#36138163>).

¹⁶ The State in its June 2, 2025 filing in the Mercer County case (Docket MER-L-000266-25) states: “As Defendants have previously explained, merely because the Addendum requires a municipality to “adopt” the ordinances it submits for plan review does not mean those ordinances are not drafts or are somehow final; read sensibly, and in harmony with the Act, the provision merely requires the governing body to approve the submission of the ordinances to the Program for review.” So the Attorney General’s position is that the ordinances and other documents need not be adopted at this time.

XV. Appendix

- A. 2017 FSHC Settlement Agreement
- B. 2017 Settlement Agreement with S. Hekemian Group, LLC
- C. 2018 Final Judgment of Compliance and Repose
- D. Resolution No. 64-2025 Committing to the Fourth Round Obligation
- E. Complaint for a Declaratory Relief Pursuant to Directive #14-24
- F. April 30, 2025 "Supplemental Program Recommendation Statement of Reasons"
- G. Fourth Round Vacant Land Analysis
- H. NIPD Current License
- I. Montvale Commons 2013 Special Needs Housing Trust Fund Grant Agreement, Deed Restriction and Regulatory Agreement
- J. Montvale Reserve Deed Restrictions
- K. Montvale Family Apartments Deed Restrictions
- L. Alexa Deed Restriction
- M. School #2 Deed Restriction
- N. Linda Vista Restrictive Covenant, Deed Restrictions
- O. Montvale Station Deed Restriction
- P. Thrive Deed Restriction
- Q. Village Springs at Montvale Restrictive Covenant, Deed Restriction
- R. The District Deed Restriction
- S. Woodland Square at Montvale Deed Restriction
- T. Resolution 39-2022 Extending Controls at Greenway
- U. Rehabilitation Program Manual
- V. 127 Summit Deed Restriction, FSHC Email
- W. 26 N. Kinderkamack Planning Board Resolution
- X. Draft 7 E. Grand Avenue Zoning Ordinance
- Y. Children's Aid Deed Restriction and License
- Z. Affirmative Marketing Plan, Resolution
- AA. Operating Manuals, Resolution
- BB. Draft 2025 Spending Plan
- CC. Draft Intent to Bond Resolution
- DD. Municipal Housing Liaison Resolution
- EE. Administrative Agent Resolutions
- FF. Planning Board Resolution Adopting HEFSP
- GG. Decision and Order Fixing Municipal Obligations