



**BOROUGH OF ENGLEWOOD CLIFFS
BERGEN COUNTY, NEW JERSEY**

**Mayor and Council
Special Meeting *Agenda**

September 26, 2018

CALL TO ORDER: 7:30 P.M.

LOCATION: 10 Kahn Terrace, Englewood Cliffs, N.J.

ROLL CALL

FLAG SALUTE

"OPEN PUBLIC MEETINGS ACT" STATEMENT

PUBLIC PORTION

RESOLUTIONS 2018:

18-196 - Closed Session on Pending Litigation/Potential Litigation

1. *In Re Borough of Englewood Cliffs*, Docket No. BER-L-6119-15 (Affordable Housing)
2. *800 Sylvan Avenue LLC v. Borough of Englewood Cliffs, Mayor and Council and Planning Board*, Docket No. BER-L-69-18 (Builder's remedy lawsuit)
3. *800 Sylvan Avenue LLC v. Planning Board*, Docket No. BER-L-9088-17 (Builder's suit to challenge Planning Board denial including Resident Carine Geiger's Motion to Intervene in Support of 800 Sylvan LLC against the Borough of Englewood Cliffs Planning Board)
4. Attorney-Client Advisory and Consultation on pending litigation-disciplinary matters, appointment of two Hearing Officers (general discussion)
5. ~~*Discussion of Attorney Schettino letter requesting payment of fees in *Eastwood v. Borough, Oh, Aversa and Ellen Park*, Docket No. BER-L-2490-18~~
*Matter not discussed in Closed Session

18-197 – Appointment of Hearing Officer Motion failed

18-198 – Appointment of Hearing Officer Motion failed

ORDINANCES 2018: Public Hearing

18-14 AN ORDINANCE ESTABLISHING MANDATORY INCLUSION OF AFFORDABLE HOUSING THROUGH USE OF PERCENTAGE SET-ASIDES

ADJOURN

**(Agenda is subject to change.)*

	MOTION	SECOND	YES	NO	ABSTAIN	RECUSE	ABSENT
AVERSA			✓				
E. PARK			✓				
OH	✓		✓				
MCMORROW		✓	✓				
M. PARK			✓				
WOO			✓				
MAYOR (TIE)							

**BOROUGH OF ENGLEWOOD CLIFFS
BERGEN COUNTY, NEW JERSEY**

RESOLUTION 18-196

**RESOLUTION AUTHORIZING CLOSED SESSION AT MEETING
PURSUANT TO THE OPEN PUBLIC MEETINGS ACT**

WHEREAS, the Mayor and Council of the Borough of Englewood Cliffs has deemed it necessary to go into closed session to discuss certain confidential matters; and

WHEREAS, the minutes of this Closed Session will remain confidential as permitted under the Open Public Meetings Act or shall be released when there is no further need for confidentiality, as authorized by the Borough Attorney.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Englewood Cliffs will go into closed session for the following matters as permitted under the Open Public Meetings Act, N.J.S.A. 10:4-12:

Pending Litigation/Potential Litigation

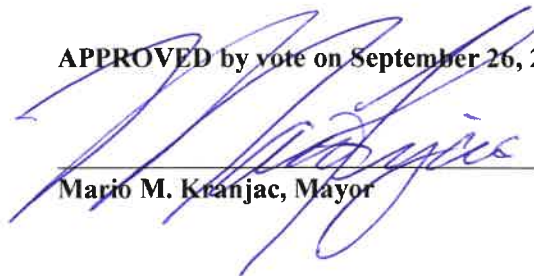
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ATTEST:



Lisette M. Duffy, RMC, Borough Clerk

APPROVED by vote on September 26, 2018



Mario M. Kranjac, Mayor

	MOTION	SECOND	YES	NO	ABSTAIN	RECUSE	ABSENT
Aversa				✓			
E. Park				✓			
Oh				✓			
McMorrow	✓			✓			
M. Park		✓		✓			
Woo				✓			
Mayor (TIE)				✓			

**BOROUGH OF ENGLEWOOD CLIFFS
BERGEN COUNTY, NEW JERSEY**

ORDINANCE 18-14

AN ORDINANCE ESTABLISHING MANDATORY INCLUSION OF AFFORDABLE HOUSING THROUGH USE OF PERCENTAGE SET-ASIDES

WHEREAS, the Mayor and Council of the Borough of Englewood Cliffs desires to ensure that any property that benefits from a rezoning, variance or redevelopment plan approved by the Borough and/or the Planning Board that results in multi-family residential development of five (5) or more dwelling units shall require inclusion of and mandatory set-aside for affordable housing units.

NOW THEREFORE, BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Englewood Cliffs, County of Bergen, State of New Jersey, as follows:

SECTION ONE. There is hereby established in the Code of the Borough of Englewood Cliffs a new Chapter designated as Chapter 30-19A, entitled “**Mandatory Inclusion of and Set-Aside for Affordable Housing**”, as follows:

30-19A. Mandatory Inclusion of and Set-Aside for Affordable Housing

30-19A.1 Set-Aside Percentages

If the Borough and/or the Planning Board permits the construction of multi-family or single-family attached residential development, the developer shall be required to set aside an appropriate percentage of the residential units for low and moderate income households. The appropriate percentages are as follows:

- a. For projects in which the low and moderate units are to be offered for sale, the set-aside percentage shall be no less than twenty percent (20%) percent.
- b. For projects in which the low and moderate income units are to be offered for rent, the set-aside percentage shall be no less than fifteen percent (15%) percent.
- c. As set forth in Chapter 30-18 of the Borough Code and as amended by State laws and regulations, all affordable housing units shall comply with the Uniform Housing Affordability Controls and all applicable affordable housing laws and regulations, including but not limited to, requirements regarding bedroom distribution and income distribution.

30-19A.2 Applicability and Non-Applicability.

- a. The provisions for a required percentage of units to be set aside for low and/or moderate income households shall not apply to developments containing four (4) or less dwelling units.
- b. The set aside percentage requirements shall apply to any multi-family or single-family attached residential development, including the residential portion of a mixed-use project, that consists of five (5) or more new residential units, whether permitted by zoning, a zoning amendment, a variance granted by the

Borough's Planning Board or Zoning Board, or adoption of a Redevelopment Plan or amended Redevelopment Plan in areas in need of redevelopment or rehabilitation.

c. For any such development for which the Borough's land use ordinances (for example, a zoning ordinance or an adopted Redevelopment Plan) already permitted residential development as of the effective date of this Chapter, the set-aside percentage requirements shall apply if the Borough permits an increase in approvable and developable gross residential density.

d. Nothing in this paragraph precludes the Borough and/or its Planning Board or Zoning Board from imposing an affordable housing set-aside percentage in a development not required to have a set-aside, consistent with N.J.S.A. 52:27D-311(h) and other applicable law.

e. This requirement does not create any entitlement for a property owner or applicant for a zoning amendment, variance, or adoption of a Redevelopment Plan or amended Redevelopment Plan in areas in need of redevelopment or rehabilitation, or for approval of any particular proposed project.

f. Where a project proposes demolition of existing dwelling units and construction of new dwelling units on the same site, or a project proposes to expand an existing building with residential units, the provisions of this section shall apply only if the net number of newly created dwelling units is five (5) or more.

g. All subdivision and site plan approvals of qualifying residential developments shall be conditioned upon compliance with the provisions of this section.

SECTION TWO. All ordinances of the Borough of Englewood Cliffs which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency. The remainder of all other sections and subsections not specifically amended by this Ordinance shall remain in full force and effect.


SECTION THREE. If any section, subsection, sentence, clause or phrase of this Ordinance is found by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION FOUR. This Ordinance shall take effect immediately upon its passage and publication according to law.


Introduced: September 12, 2018
Adopted: SEPTEMBER 26, 2018
Effective Date:

SO ORDAINED.

Attest:



Lisette M. Duffy, RMC
Borough Clerk

Borough of Englewood Cliffs
County of Bergen, State of New Jersey


Mayor Mario M. Kranjac