

**Midpoint Review – June 2020**  
**Borough of New Milford**

The Borough of New Milford (the "Borough" or "New Milford"), hereby publishes its midpoint realistic opportunity review status report pursuant to N.J.S.A. 52:27D-313.

**Conditions of Compliance**

*1. What conditions from the court's approval of the municipal housing element and fair share plan and judgment of compliance and repose (or whatever standard terms is being used), if any, have not yet been satisfied? Explain the reasons for any delay and the steps the municipality is taking to satisfy the condition(s).*

New Milford received a Declaratory Judgment of Compliance and Repose on March 21, 2017. There are no conditions from the Court's approval that have not yet been satisfied.

**Developments that Are Not Completed**

*2. For each court-approved inclusionary development project that is not yet constructed, please provide a narrative as to its status and any progress towards construction.*

The Borough of New Milford in 2017 adopted ordinances establishing two PUD zones as required by the 2016 Settlement Agreement signed by the Borough, New Milford Redevelopment Associates ("NMRA"), and Inserra Associates.

One PUD zone, the "Madison Avenue Site," Block 1309, Lot 1.02, permits construction of a bank and a new supermarket. The second PUD zone, the "River Road Site," Block 501, Lots 9 and 10, permits the construction of 135 multifamily housing units of which 20 per cent are reserved for low- and moderate-income households, and 12,500 square feet of retail space.

Section 2d of the NMRA Settlement Agreement stipulates that the Madison Avenue Site is an integral element of creating a realistic opportunity for the development of low and moderate income housing in the Borough and is linked to the River Road Site because the existing supermarket at the River Road Site would be demolished and a replacement supermarket would be constructed in accordance with the PUD ordinance requirements at the Madison Avenue Site.

The construction in the PUD zones as contemplated by the Borough's Plan has been implemented halfway. The Developers have received the financial benefits and incentives from the commercial rezoning of the Madison Avenue Site and Inserra Associates has entered into a long-term supermarket lease (as described in a recorded Memorandum of Lease) located on the Madison Avenue Site.

The Borough is waiting for the Developers to complete the second half of the PUD Rezoning development which includes 27 affordable units at the River Road Site. The Developers have not filed for or received any permits or approvals for the construction of the affordable units at the River Road Site.

Section 5b of the NMRA Settlement Agreement stipulated that the River Road Site is "approvable," "available," "developable" and "suitable" for the construction of the required affordable units. This opinion that the sites provided a realistic opportunity for the construction of affordable housing was

confirmed by the experts who testified at the Court Fairness Hearing. There have been no changes of conditions or circumstances which require any revisions or supplementation to the PUD development regulations for the River Road Site. The supermarket occupant has relocated to the Madison Avenue Site as anticipated and there are no known physical or legal limitations to development of affordable housing units on the River Road Site as rezoned in accordance with the approved Plan.

*3. Have any non-inclusionary development projects (including 100% affordable projects, group homes, accessory apartments, market-to-affordable, extensions of affordability controls, etc.) included in the court-approved plan not yet been built/converted to affordable housing/controls extended? If yes, explain how many units, if any, have been built for each non-inclusionary project or mechanism and when construction is expected to be completed on the remaining units.*

No.

*4. Are there any projects that have missed any construction deadline established in the court-approved Settlement Agreement, or other mechanisms (e.g. market-to-affordable, accessory apartments, extensions of affordability controls) that have not met the completion schedule set forth in the Settlement Agreement or Housing Element and Fair Share Plan? If yes, what steps is the municipality taking to complete construction and what is the current timetable?*

No.

*5. Are all unbuilt developments currently in a sewer service area, and if not what has the municipality done to incorporate the site into a sewer service area?*

Yes.

*Are there any barriers to obtaining water or sewer for any unbuilt site?*

No.

*Are there any other regulatory conditions (e.g. changes to DEP permits or conditions) that make it not possible to complete any site as originally contemplated?*

No.

### **Rehabilitation Obligation**

*6. Is the rehabilitation program being administered by a municipality, county, or both?*

Municipality, by its COAH Administrative Agent

*Do the program(s) include rental rehabilitation?*

Yes, it includes both owner-occupied multifamily rental units and investor-owned multifamily rental units

*If the municipality has not met at least half of its rehabilitation obligation by this midpoint review, what affirmative steps is the municipality taking to meet the obligation and to facilitate participation by homeowners and/or landlords?*

The Borough of New Milford's Rehabilitation Manual was completed in March 2020. New Milford is planning to fully spend the \$175,000 allocated in its spending plan to demonstrate its effort to meet the obligation.

**For Municipalities with a Prior Round and/or Third Round Vacant Land Adjustment (note please make sure any development referenced in the answers to these questions that includes or will include affordable housing is also in the monitoring spreadsheet):**

7. If the municipality's court-approved Prior and/or Third Round plan includes Unmet Need:

a. Has there been any development, proposal for development received by the municipality (even if ultimately rejected), adoption of rezoning or a redevelopment plan for of any parcel larger than 0.5 acres since the settlement was approved by the court on a parcel that was neither previously identified in calculating the municipality's RDP nor included in an inclusionary overlay zone?

No.

b. Has any development occurred or been proposed to occur within any inclusionary overlay zone or for which a mandatory set-aside ordinance, if required to be adopted by the municipality, would apply since the settlement?

No.

c. Have any changed circumstances occurred that result in additional parcels becoming available for development that were neither previously identified in calculating the municipality's RDP nor included in an inclusionary overlay zone? If yes, please identify the parcel(s) and describe how the municipality plans to address the changed circumstances.

No.

**For Municipalities with a Prior Round and/or Third Round Durational Adjustment:**

NOT APPLICABLE

**PLEASE BE ADVISED THAT ANY INTERESTED PARTY IS INVITED TO SUBMIT COMMENTS TO THE MUNICIPALITY, WITH A COPY TO FAIR SHARE HOUSING CENTER, 510 PARK BOULEVARD, CHERRY HILL, NJ 08002, REGARDING WHETHER ANY SITES NO LONGER PRESENT A REALISTIC OPPORTUNITY AND SHOULD BE REPLACED AND WHETHER ANY MECHANISMS TO MEET UNMET NEED SHOULD BE REVISED OR SUPPLEMENTED. COMMENTS TO THE MUNICIPALITY SHOULD BE SENT TO THE BOROUGH ADMINSTATOR, 930 RIVER ROAD, NEW MILFORD, NEW JERSEY 07646.**