

Ringwood Challenges

Highlands Regulations

Sustainable Economic Development

Environmental Responsibility

and

Affordable Housing

I am Tom Dunn. I am the attorney for the planning board and have been serving the governing body as special counsel for redevelopment and affordable housing. Scott Heck, Dick Clemack and I have been working for some months to see if we can address some of the challenges it faces. We have been assisted by Chuck McGroarty, planner; Jens Riedel, environmental consultant; Dave Hals, engineer; and John Montoro, architect.

As we see it these are the challenges that Ringwood faces.

Highlands Regulations, Sustainable Economic Development, Environmental Responsibility, and Affordable Housing.

I will talk briefly about them and then present a conceptual proposal for addressing them.

Ringwood Challenges

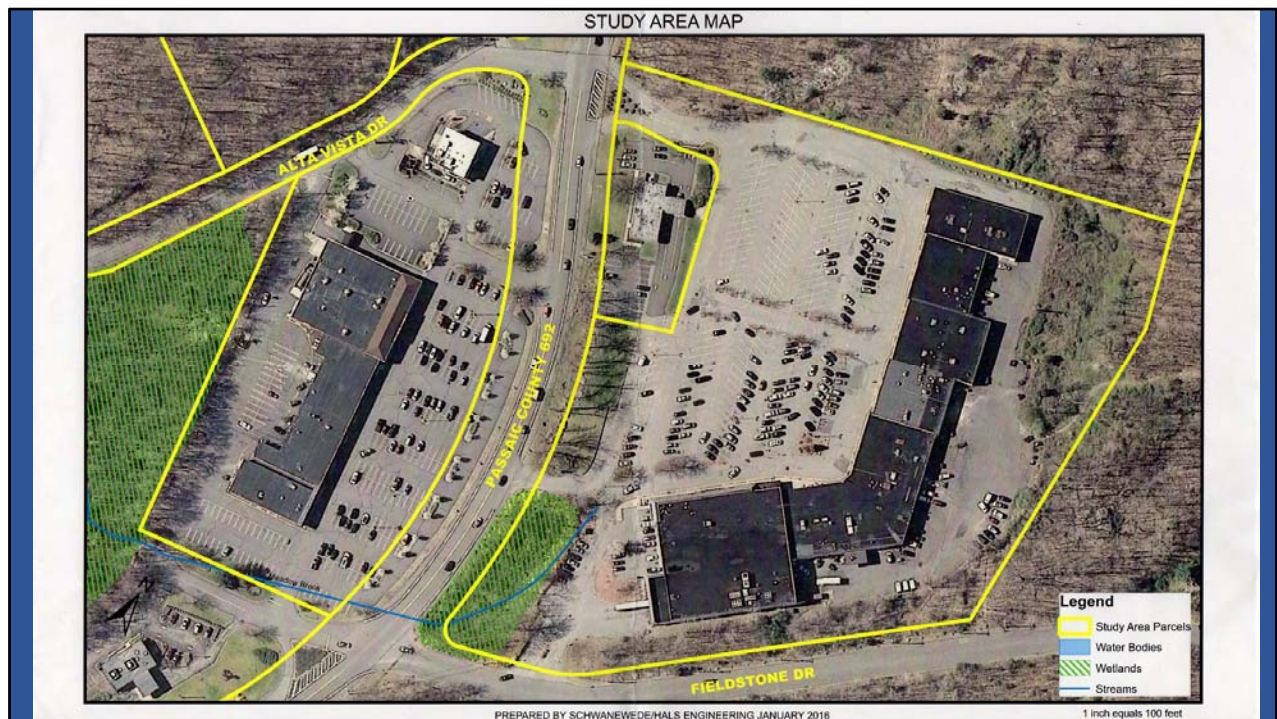
Highlands Regulations

The **Highlands Regulations**, as you know are very restrictive. Aside from the addiction center and a few small expansions of existing facilities, the Planning Board has had virtually no business since 2004. There are only two exceptions that can benefit Ringwood if it wants to create any economic development :

- Exemption 4 which allows the owner of existing impervious coverage to add ¼ acre more coverage. For that exemption the property owner has to have adequate sanitary sewer capacity.
- Highlands Redevelopment which allows the Highlands Council on a case-by-case basis to approve redevelopment of a property that already has 70% or more of impervious coverage.

There are only two areas in Ringwood that can qualify for designation by the Highlands as a Highlands Redevelopment Area and have the remotest possibility of being sewered.

<CLICK>



The first is the two shopping centers. Fieldstone and Ringwood Plaza on Skyline Drive.



The second is a cluster of properties near the intersection of Greenwood Lake Turnpike and Skyline Drive.

Ringwood Challenges

Sustainable Economic Development

Economic Sustainability is very important to Ringwood because;

- Without new ratables, the rising cost of quality local government and services and schools falls on the same old tax base. That means taxes have to rise or services have to be drastically cut.
- Without new taxes there is little room to provide money to improve schools or respond to emergencies.
- The rising taxes make commercial properties less sustainable. If rents are increased to keep pace with taxes, tenants leave and it is hard to replace them. Or the landlord makes less profit so does not take as good care of its property.
- Tax appeals follow. If they are successful, they further reduce the tax base and the burden on the rest of the property owners.
- People can't afford to pay their taxes so more properties go into foreclosure. In that case the taxes can't be counted on for the budget so the taxes on everyone else has to increase.
- If the taxes on single family homes are higher than those in neighboring towns, the market value of those homes decreases. At a meeting with the Highlands Council Executive Director, I called this a "death spiral." Maybe too harsh, but you can recognize some of the symptoms I am sure.

Scott Heck can tell you about the problems Ringwood faces in this regard. [SCOTT TO

INTERJECT]

Ringwood Challenges

Environmental Responsibility

Environmental Responsibility. In order to promote activities that make Ringwood economically sustainable, those activities must have adequate sewage collection and treatment systems. It cannot rely on septic tanks for this activity. In the Skyline Drive area there are five existing treatment facilities for existing developed properties.



#1 is the housing development served by the James Drive Plant. This is the only municipal treatment plant. All others are private.

#2 is the treatment plant serving the Ringwood Plaza (CVS) shopping center. This is located on a 24 acre parcel of land owned by the owner of the shopping center and services the shopping center, the TD Bank, the gas station, the ambulance corps, and 8 adjacent homes.

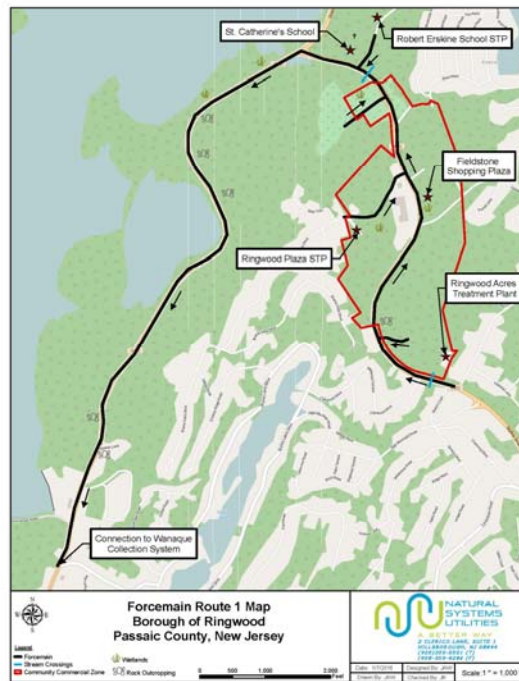
#3 is a septic system with aeration facilities serving the Fieldstone Shopping Center. It is grandfathered under the DEP Regulations.

#4 is a grandfathered septic system serving the St. Catherine of Bologna Church and School

#5 is a the treatment plant servicing only the Board of Education's Robert Erskine School.

Force main to Wanaque
Via
Greenwood Lake Turnpike

COST ESTIMATE
\$3,395,000



Ideally, a solution to all of the existing and potential problems with these various treatment and discharge facilities might be to combine them and construct a low pressure sewer force main with grinder pumps and connect it to the Wanaque Valley Regional Treatment Plant through the Wanaque local sewer system

Unlike a gravity system which requires the effluent to flow by gravity and thereby needs deep trenches (sometimes through rock), the low pressure system can follow the surface elevation at a specified bury depth. The advantages of this system include lower construction cost, easier installation and a significant reduction in the potential for extraneous stormwater or groundwater entering the system.

The route is approximately 3.8 miles long and ties into the Wanaque system at the intersection of Greenwood Lake Turnpike and Skyline Lake Drive. The cost estimate is \$3,395,000.

If the shopping centers are redeveloped, the anticipated flow through the system would be about 118,000 GPD for the Skyline Drive area alone. Much of the route will not disrupt existing residences or businesses. The vast majority of the vacant land along the route is dedicated open space or owned by the Water Commission. A further study might show that it would be economical to include sewerage for a potential redevelopment area on

Greenwood Lake Turnpike without substantial additional cost. We would expect that the capital cost of this construction would be spread over all the users over a long term period. Ringwood would no longer have the financial responsibility for any treatment.

However, at a recent meeting with the Highlands Council and the DEP we were told that this would be a 'heavy lift' for the Highlands Council and the DEP and that Ringwood have to prove that all other alternatives have been explored and that there are valid health and safety reasons for choosing this alternative. In addition, the DEP and Highlands frown on taking effluent from one sub-watershed area to another, which they say this would do.

If there is conceptual approval by Ringwood of the redevelopment proposal, it will need to engage a sewer and water engineer to continue to explore alternatives and the capacity of the existing brooks to take more flow.

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The current sewer consultants have looked at two alternatives for improving sewer treatment facilities. Neither of them is comprehensive. Both of them would keep Ringwood on the financial hook for treatment. This is the James Drive Plant. Its NJPDES permit allows 36,000 GPD and it is estimated that it may be close to capacity. It is estimated that the cost of repair to bring its old infrastructure up to the standards under which it was built, would cost \$908,000 without addressing the infiltration into the collection system that is undoubtedly causing it to be at capacity. To replace the plant with a modern Membrane Bio-Reactor Plant is estimated to cost \$2,200,000 and the infiltration would still need to be addressed.



Another alternative would be to construct a new larger plant on the Ringwood Plaza 24 acres and then to abandon the old plant

The report suggests that a new **Membrane Bio-Reactor Treatment Plant** could be built adjacent to the existing Ringwood Plaza Plant and could have a capacity of 60,000 gallons per day to take in existing uses plus the Fieldstone Shopping center and a redevelopment project that includes housing. There is a detailed analysis of this system, together with a cost estimate of \$2.4 million. This does not include the cost of demolition of the existing plant. It also does not include the cost of reconfiguring the collection systems on the either of the shopping centers or the cost of crossing Skyline Drive from Fieldstone to CVS.

This would have not have capacity to take the effluent from the James Drive Plant so that plant would still need to be upgraded.

All of these alternatives would have to be explored in more detail in preparing any submission to the DEP.

Ringwood Challenges

Affordable Housing

Affordable Housing. COAH was originally designed to protect municipalities against the chaos that resulted from the Mount Laurel decision of 1983 that said the municipalities had a constitutional obligation- to be supervised by the Courts –to provide for a fair share of affordable housing. When COAH disintegrated in 2014, the Supreme Court put the decisions about affordable housing back in the courts. Virtually all of the municipalities in the State are in the courts driven by a process in which the Builders Association and the Fair Share Housing Council and the Builders Association are producing astounding numbers of the number of affordable units municipalities are required to build and the municipalities -- through an expert cooperatively hired—are advocating for much smaller numbers. Most of the cases are being settled and most of the litigated cases have gone against the municipality. Ringwood could fight tooth and nail against a responsibility for any affordable housing. Because it is entirely in the Preservation Area under the Highlands it is different from others. However, arguing that it had no responsibility for affordable housing would undercut efforts to get sustainable economic development and environmental responsibility.

Meeting the Challenges

Zone for Redevelopment of the Shopping Centers into a mixed use town center

Implement a sewer solution.

Include affordable housing

This presentation is intended to outline to you – as the policy makers of the Borough– a potential plan for meeting the challenges facing Ringwood.

It includes

- Zoning for a private enterprise redevelopment of the shopping centers. Incentivize redevelopment by allowing multi-family housing, to be built as part of a mixed use town center development.
- Implementing an environmentally responsible sewer solution and is environmentally responsible.
- Include affordable housing in the plan.

This proposal for meeting the challenges is not without challenges itself.

- It needs Highlands Council Approval for one or more Redevelopment Areas.
- More importantly it needs DEP approval, particularly for the sewer portion. This will probably be the most challenging of the challenges.
- Ideally, there would be court approval of a settlement, although it is possible that the shopping center redevelopment could proceed without that. To get a settlement we will have to deal not only with the Fair Share Housing Center and the Builders Association and Mr. Pagano and Mr. Forbes who have intervened seeking to build housing on their tracts of land.

The Concept

- A minimum retail component and a maximum retail component
- Minimum multi family housing at 6 units per acre of impervious coverage and a maximum of 8 units per acre of impervious coverage.
- Height limitations of 45 feet measured to the midpoint of a sloping roofed building. 36 feet in flat roofed buildings
- Parking ratio of 1:250 square feet of retail and approximately 2 per unit, with shared parking as permitted by Residential Site Improvement Standards (RSIS).

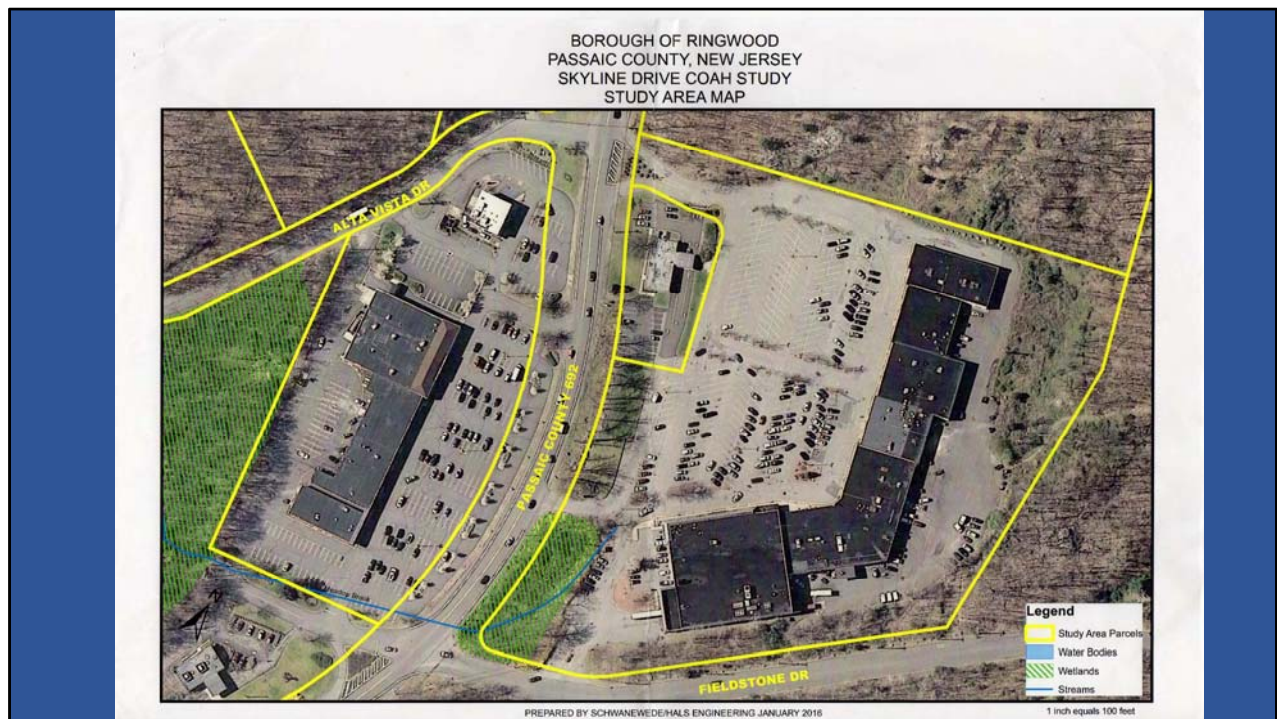
In doing planning and zoning that incentivizes redevelopment, the municipality cannot necessarily design a project for a developer, but needs to provide a concept that is somewhat flexible.

It also cannot dismiss a concept based upon its impressions of the current owner's operation of the facility or the likelihood that the current owner will proceed. If a current owner is not interested in pursuing a project, someone may come along who is willing at the right price.

The basic outlines of the concept the Team is suggesting :

Mixed use redevelopment with:

- A minimum retail component and a maximum retail component
- Minimum multi family housing at 6 units per acre of impervious coverage and a maximum of 8 units per acre of impervious coverage.
- Height limitations of 45 feet measured to the midpoint of a sloping roofed building. 36 feet in flat roofed buildings
- Parking ratio of 1:250 square feet of retail and approximately 2 per unit, with shared parking as permitted by RSIS.



Under Highlands Regulations if a property had 70% coverage on the date of adoption of the Highlands Act, it can increase its coverage by 30% with the approval of the Highlands Council. If this rule is applied to the Fieldstone Center it could pick up about 1.3 acres of impervious coverage. In addition, the current parking ratio is out of line with industry standards. Current standards are 4 per thousand or one parking space for every 250 SF of retail. This center has 1 to 175 SF of retail. By reducing the number of required parking spaces, the owner can pick up some impervious coverage that it can devote to housing.



John Montoro presented a scheme for redevelopment of the Fieldstone Shopping Center. It preserves the supermarket, the bank and a small segment of existing retail (in tan). It shows in blue some apartments with retail under (in blue) and some potential new retail in pink. It is schematic and not fully engineered.

Keep in mind that this is not necessarily something that will be built. The owner is the one who takes the risk and who determines what is marketable and doable.



This is a rendering of how that plan might look from the southwest corner of the property with the mixed use apartments and retail in the foreground and the existing retail in the far background..



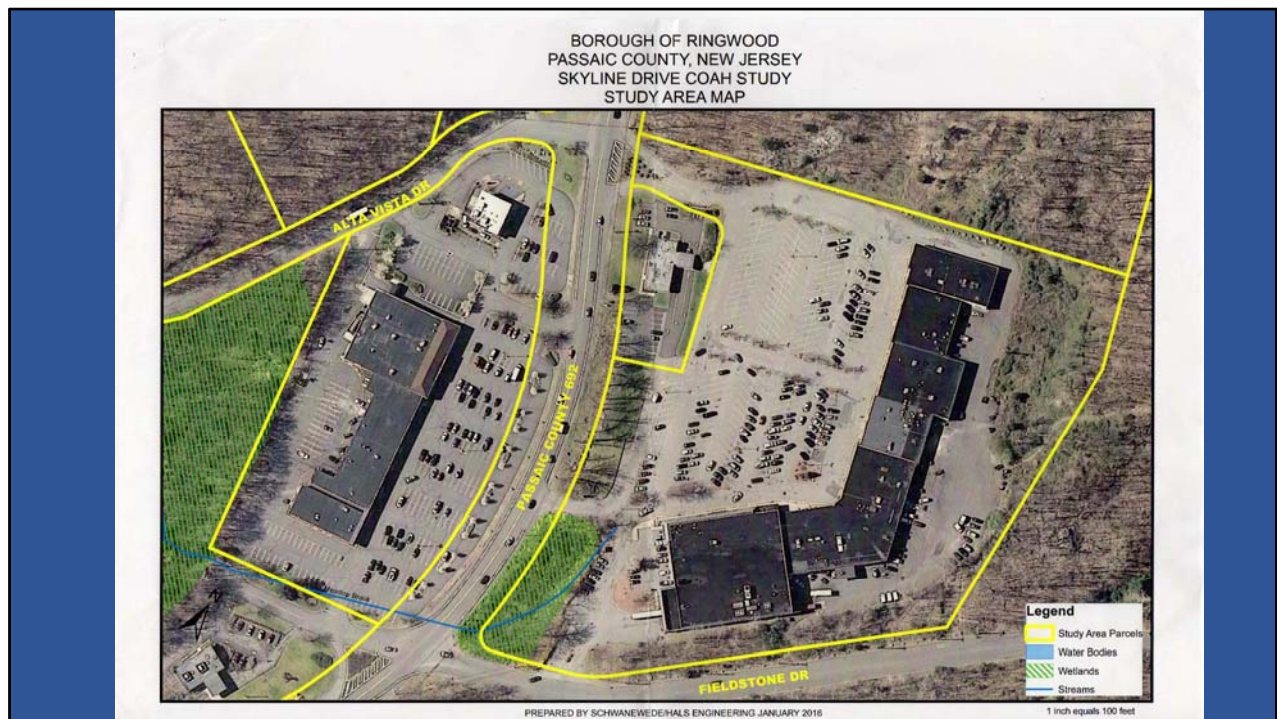
And here is how it might look at the place where the mixed use meets existing retail space with façade updates..



The building height will be controlled to give the owner the incentive to build slope roofed buildings rather than flat roofs.

Here is a potential elevation showing how the building height is calculated. A retail floor of 13'6" floor to floor, two floors of 11' each (9'ceilings) and a third floor with 8' minimum ceiling heights. To bring the look of the height down, your ordinance can prescribe that the gutter line of the roof be below the windows on the upper floors.

At 6 units to the impervious acre, this site can generate up to 72 units of housing (14 of which will be affordable). At 8 units to the acre, there might be 96 units of housing (18 of which would be affordable).



Ringwood Plaza contains just over 5 acres and 99% of it is covered. That owner is waiting back to hear from us but they did have a consultant who said preliminarily that it thought it could get 40 units of housing in a redevelopment. That owner also owns 24 adjacent acres that contains its treatment plant, the TD Bank building and a lot of environmental constraints.

Under the Highlands Redevelopment Regulations, there is potential for it to increase its impervious coverage by extending it further into the 24 acre parcel although there are heavy environmental constraints on that parcel. Most of that would have to remain open space. We have not made any sketches of how that might be developed, but think it is feasible to build the proposed housing density on the basic shopping center property resulting in 36-40 housing units (of which 6-8 would be affordable)..



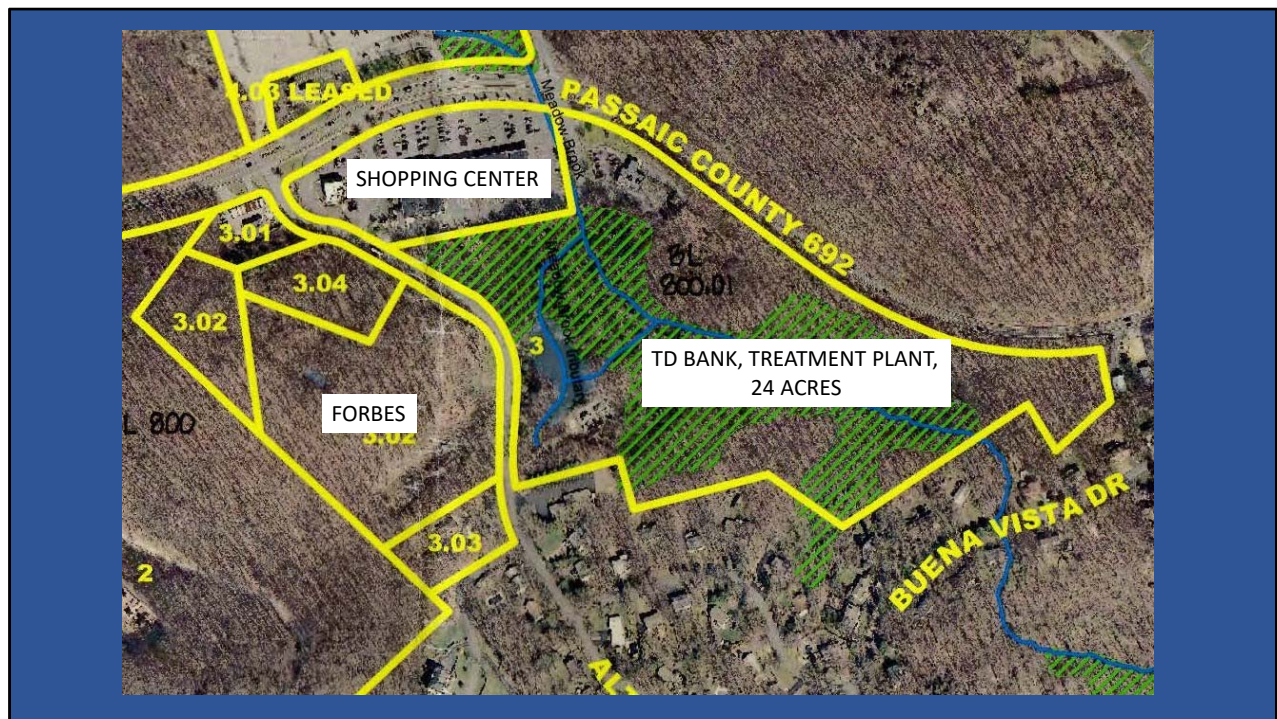
It is possible under Highlands Redevelopment Regulations that a redevelopment designation can include parts of additional properties.

Adjacent to the Fieldstone Shopping Center there is a property owned by Mr. Pagano that is vacant and undisturbed. It contains substantial steep slopes, wetlands and rock outcrops.

Even if Fieldstone is able to use all of its property for Redevelopment, there are between 2 and 3 acres of impervious coverage that the Highlands might consider including in a Highlands Redevelopment Area designation. As we understand it the new impervious coverage must be adjacent to and substantially related to the existing impervious coverage on the shopping center. Provisions would need to be made for adequate access.

Mr. Pagano is an intervenor in the case. We have told him about what we are proposing tonight (and he is probably here to hear it). If he can come up with a realistic proposal for inclusion of a portion of his property in a Highlands Redevelopment Area and it will allow us to settle the currently pending fair housing case, we think Ringwood should be open to including it to see what the Highlands Council staff has to say. If the Highlands Council rejects that addition, nevertheless, Ringwood should have the ability to proceed with a Redevelopment Area Designation of the Shopping Center alone.

This could produce 18-24 housing units (3-5 of which would be affordable.)



Mr. Forbes is also an intervenor in the housing case. A portion of this property has been disturbed but it has wetlands and steep slopes. The inclusion of a portion of the Forbes property in a Redevelopment Area is also a possibility but not as probable as the other side of Skyline Drive.

When you count all of the existing impervious on the existing Ringwood Plaza center, there might be as much as 3 acres of new impervious that might be permitted under a Highlands Redevelopment Area Designation.. The owner cannot use any of it on the existing shopping center lot, but might be able to use some or all of it on its 24 acres that contains the TD Bank. And some of it might be needed for a sewer solution if the option to build a new plant on that property is chosen.

Anything left over might theoretically be spread to Forbes, but it would be necessary for Highlands to approve that addition and there would have to be an agreement between the shopping center owner and Forbes. Highlands approval is much more speculative on the Forbes property because the new impervious coverage would not be contiguous to the existing shopping center and we have been told by the Highlands staff that this also would be a “heavy lift.” Again, if the Highlands Council rejects that addition, nevertheless, Ringwood should have the ability to proceed with a Redevelopment Area Designation of the Shopping Center alone.

Nevertheless, if Mr. Forbes can overcome these obstacles and come up with a realistic proposal for inclusion of a portion of his property in a Highlands Redevelopment Area and it will allow us to settle the currently pending fair housing case we think Ringwood should be open to including it to see what the Highlands Council staff has to say

THE NEXT STEPS

- Authorize professionals to prepare materials for a pre-application conference at the Highlands Council that would include the shopping centers and, if feasible, portions of the Pagano and Forbes Property.
- Engage a water and sewer engineer to advise on the DEP issues and to make presentation materials.
- If those steps appear favorable authorize the preparation of a master plan amendment and revised zoning.

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