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# 2025 Housing Element & Fair Share Plan

Borough of Demarest

May 14, 2025

Prepared for:

Borough of Demarest

Prepared by:

A handwritten signature in blue ink, appearing to read "Darlene A. Green".

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# 2025 Housing Element & Fair Share Plan

Borough of Demarest

Bergen County, New Jersey

Adopted by the Planning Board: June 5, 2025

Endorsed by the Council: June 5, 2025

Prepared by:



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

DEB-005B

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# I. Introduction

According to the 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 each municipality within the State has a constitutional obligation to provide a realistic opportunity for the construction of their fair share of affordable housing. 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 upheld its Mount Laurel I decision and created builder's remedy as a means of enforcement (known as Mount Laurel II). 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 ("March 2015 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 obligations. 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 Demarest's present need obligation as 0 and its prospective need obligation as 106. Municipalities were required to adopt a binding resolution outlining their present and prospective fair share obligations by January 31, 2025. On January 27, 2025, the Borough Council adopted Resolution No. 035-25 accepting the DCA's calculation of the Borough's present need and correcting the developable land data regarding Demarest's prospective obligation. The modifications resulted in an adjusted Fourth Round Obligation, which was subject to any vacant land and/or durational adjustment. The Borough of Demarest also filed a "Complaint for a Declaratory Judgment of Compliance with the Fair Housing Act" on January 29, 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") challenged the Borough's Fourth Round Obligation. Mediation was conducted and the Borough negotiated with the NJBA and settled at a Fourth Round Obligation of 100. The Borough adopted a resolution entitled "Resolution of the Borough of Demarest, Bergen County, Approving a Mediation Agreement Between Fair Share Housing Center Regarding the Borough's Fourth Round Affordable Housing Obligation" on April 7, 2025 accepting the obligation of 100.

This is the Borough of Demarest's Housing Element and Fair Share Plan ("HEFSP") for the period between 2025 and 2035, known as the Fourth Round. Demarest seeks to voluntarily comply with its constitutional obligation to provide a realistic opportunity for affordable housing. This HEFSP is prepared utilizing the Prior Round Rules<sup>1</sup>, Third Round Rules<sup>2</sup> (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 Demarest's historic affordable housing timeline is included below:

- **June 27, 2001** | Final Judgment of Compliance issued by Judge Harris.
- **December 30, 2008** | Demarest petitioned COAH for Third Round Substantive Certification.
- **March 10, 2009** | COAH granted Demarest Third Round Substantive Certification via Resolution #59-18.

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<sup>1</sup> NJAC 5:91 (Procedural) and NJAC 5:93 (Substantive) Rules, which can be found at: [New Jersey Department of Community Affairs | Second Round Regulations](#)

<sup>2</sup> NJAC 5:96 (Procedural) and NJAC 5:97 (Substantive) Rules, which can be found at: <https://nj.gov/dca/dlps/hss/thirdroundregs.shtml>

- **July 8, 2015** | Demarest 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.
- **January 23, 2018** | Demarest executed a Settlement Agreement with FSHC.
- **March 26, 2018** | Fairness Hearing before Judge Toskos.
- **April 11, 2018** | Conditional Order of Compliance issued by Judge Toskos.
- **February 13, 2020** | Demarest executed a Settlement Agreement with Sylco Investments 6, 8, 9, and 10, LLC, an intervenor.
- **June 18, 2020** | Compliance Hearing before Judge Farrington.
- **July 8, 2020** | Conditional Final Judgment of Compliance and Repose issued by Judge Farrington.
- **February 8, 2024** | Final Judgment of Compliance and Repose issued by Judge Farrington.
- **January 27, 2025** | Resolution No. 035-25 Committing to the Fourth Round Obligation approved by Council.
- **January 29, 2025** | Complaint for a Declaratory Judgment of Compliance with the Fair Housing Act filed.
- **April 7, 2025** | Resolution No. 081-25 Approving Mediated Fourth Round Obligation approved.
- **May 5, 2025** | Decision and Order on Fair Share Obligation entered by Judge Corrison establishing the Fourth Round Obligation.

## Municipal Summary

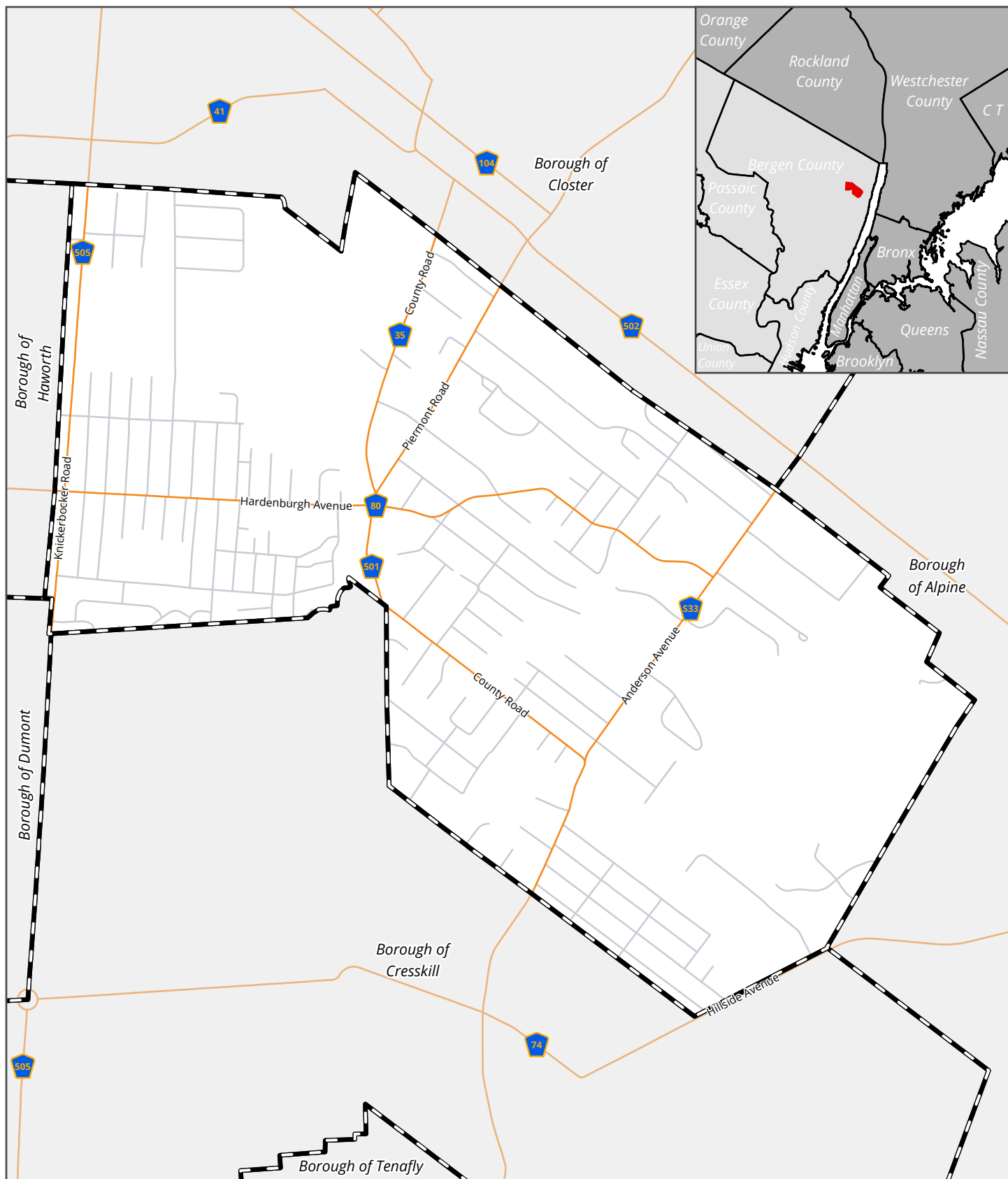
The Borough of Demarest is located in northeastern Bergen County and encompasses just over two square miles. Demarest is a suburban community with various amenities including recreational fields, a swim club, and a nature center. The Borough's retail "village" is located at the intersection of Hardenburgh Avenue and Park Street. See the map on page 4 for Demarest's location within the region.

The Borough is surrounded by the Boroughs of Closter, Alpine, Cresskill, Dumont, and Haworth. The Borough does not have access to any NJTransit passenger rail or bus lines. However, bus routes are available in nearby communities of Closter, Cresskill, Dumont, and Haworth.

According to the Census, between 2010 and 2020, Demarest's population increased 2% (100 residents) from 4,881 to 4,981 residents.<sup>3</sup> It should be noted that the 2023 American Community Survey ("ACS"), which is the most recent Survey available from the US Census Bureau, estimates

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<sup>3</sup> Information sourced from Historical Population Trends in Bergen County 1900-2020 <https://co.bergen.nj.us/planning-engineering-regional-planning-transportationdata-resources-and-technology/census-data>, accessed November 12, 2024.



**REGIONAL LOCATION**  
**BOROUGH OF DEMAREST**  
 BERGEN COUNTY, NEW JERSEY

0 0.15 0.3  
 1 inch = 0.3 miles



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

April 30, 2025  
 DEB005B

Demarest's population at 4,916 residents.<sup>4</sup> Looking into the future, the North Jersey Transportation Planning Authority ("NJTPA") projects that the Borough will grow to 5,436 residents by the year 2050.<sup>5</sup>

## Affordable Housing Obligation

The Borough of Demarest has agreed to a Rehabilitation Obligation of zero units. The Borough's Prior Round Obligation ("PRO"), as indicated by its Second Round Substantive Certification is 66. However, the Borough conducted a Vacant Land Adjustment ("VLA") analysis using tax data and environmental data to determine a Realistic Development Potential ("RDP") of 23 units, which was approved by the Court. The RDP subtracted from the PRO results in an Unmet Need of 43 units. The Borough's Third Round Obligation ("TRO") was 309 units. Again, the Borough conducted a VLA analysis to determine an RDP of nine units and resulting Unmet Need of 300 units, which was approved by the Court (see Appendix A and Appendix C).

The Borough settled on a Fourth Round Obligation ("FRO") of 100 (see Appendix E). However, the Borough conducted a Vacant Land Adjustment analysis using tax data and environmental data to determine an RDP of 0. The RDP subtracted from the FRO results in an Unmet Need of 100.

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	0	66	309	100
RDP	-	23	9	0
Unmet Need	-	43	300	100

## 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, and density of the Borough of Demarest.

<sup>4</sup> Information sourced from <https://data.census.gov/>, accessed May 12, 2025

<sup>5</sup> Information sourced from NJTPA Plan 2050, Appendix E, "Demographic Forecasts", <https://www.njtpa.org/plan2050>, accessed May 12, 2025.



# HOUSING ELEMENT

Borough of Demarest

## 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.). Demarest's four-part obligation is discussed in Chapter XI. Additionally, Demarest is not within the jurisdiction of the Highlands Council and, as a result, subsection h. is not applicable.

### III. Demarest's Population Demographics

The Borough of Demarest saw modest growth between 1900 and 1950. However, the population of the Borough exploded in the 1950s when the population more than doubled from 1,786 residents to 4,231 residents. The Borough would see one more decade of growth in the 1960s by just over 900 residents, which was followed by a period of decline until 2000. Population growth since 2000 has been slow but steady with just over 180 new Borough residents by 2020. However, the 2022 ACS estimated the Borough's population at 4,930 residents, which is 51 less than reported during the 2020 Census. See the table below for details.

**Population Growth**

Year	Population	Change	Percent
1900	393	-	-
1910	560	167	42.5%
1920	654	94	16.8%
1930	1,013	359	54.9%
1940	1,165	152	15.0%
1950	1,786	621	53.3%
1960	4,231	2,445	136.9%
1970	5,133	902	21.3%
1980	4,963	-170	-3.3%
1990	4,800	-163	-3.3%
2000	4,845	45	0.9%
2010	4,881	36	0.7%
2020	4,981	100	2.0%

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 5,436 residents by 2050 from their baseline 2015 population of 4,968. This represents an increase of 468 residents, or an average increase of approximately 14 residents annually over 35 years. It should be noted that the 2020 Decennial Census reported Demarest's population to be 4,981. Utilizing this population, the Borough would need to gain 455 residents over the next 30 years, which translates to approximately 15 residents annually over 30 years.

**Population Projection**

Year	Population	Change	Percent
2015	4,968	---	---
2020	4,981	13	0.3%
2050	5,436	455	9.1%

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

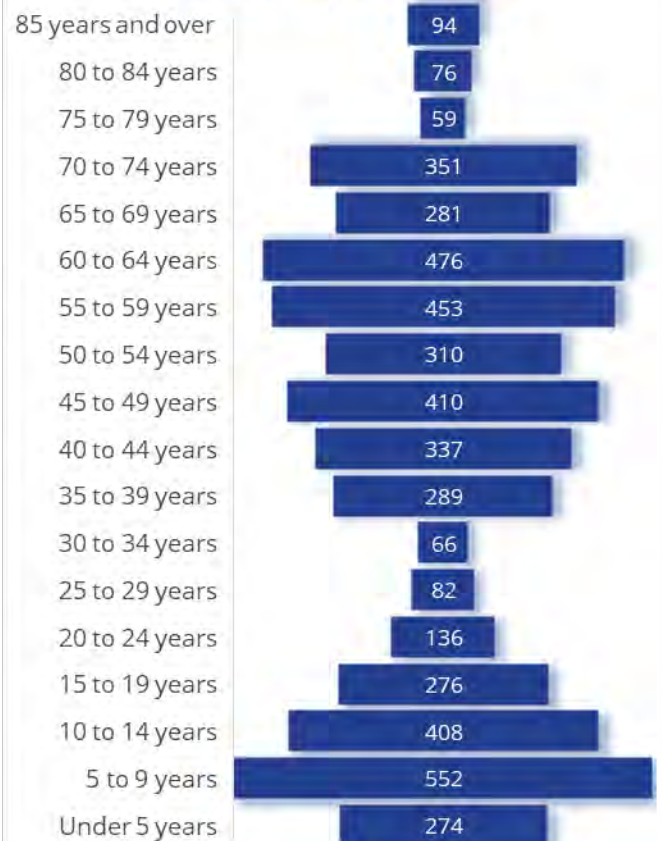
The 2022 ACS estimates 17.5% of Demarest's population was 65 years or older, while 30.7% of the population was 19 years or younger. This is due to the largest age cohort being those five to nine years old, which contained an estimated 552 residents (11.2%). Residents aged 60 to 64 years comprised the second-largest cohort with 476 residents, followed by those aged 55 to 59 years with an estimated 453 residents. The 2022 ACS estimated the median age of Demarest's residents at 45.6 years. See the table and chart below for further details.

**Population by Age Cohort**

Age	Total	Percent
85 years and over	94	1.9%
80 to 84 years	76	1.5%
75 to 79 years	59	1.2%
70 to 74 years	351	7.1%
65 to 69 years	281	5.7%
60 to 64 years	476	9.7%
55 to 59 years	453	9.2%
50 to 54 years	310	6.3%
45 to 49 years	410	8.3%
40 to 44 years	337	6.8%
35 to 39 years	289	5.9%
30 to 34 years	66	1.3%
25 to 29 years	82	1.7%
20 to 24 years	136	2.8%
15 to 19 years	276	5.6%
10 to 14 years	408	8.3%
5 to 9 years	552	11.2%
Under 5 years	274	5.6%
<b>Total</b>	<b>4,930</b>	<b>100%</b>

Source: 2022 ACS Table S0101

**Population by Age Cohort**



## Household Size & Type

According to the 2022 ACS, Demarest had 1,690 households. A majority were married-couple families, which comprised 79.5% of all households. Of those, 632 had children under 18 years old. Female householders with no spouse present comprised 14% of all households, while male householders with no spouse present comprised only 4.4%. Only female householders with no spouse present had children under 18 years old (25 households). Of all households with no spouse present, 187 were living alone (11.1%). See the table on the following page for complete details.

### Household Type

Type	Number	Percent
Married-couple family	1,344	79.5%
<i>with children under 18</i>	632	37.4%
Cohabiting couple	35	2.1%
<i>with children under 18</i>	15	0.9%
Male householder, no spouse	75	4.4%
<i>with children under 18</i>	0	0.0%
<i>living alone</i>	57	3.4%
Female householder, no spouse	236	14.0%
<i>with children under 18</i>	25	1.5%
<i>living alone</i>	130	7.7%
<b>Total</b>	<b>1,690</b>	<b>100%</b>

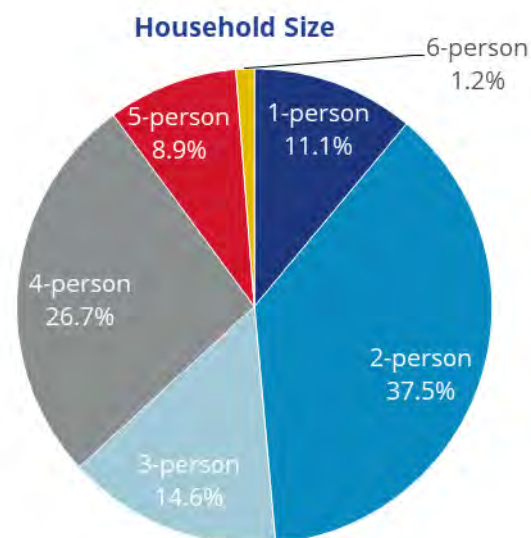
Source: 2022 ACS Table DP02

The ACS also provides data on household size. Two-person households, which comprised 37.5% of Demarest's households, were estimated to be the most common household size according to the 2022 ACS. Second-most common were four-person households, representing 26.7% of all households. Finally, three-person households comprised 14.6% of the 1,690 households in Demarest. It should be noted that 10.1%, or 171 households, contained five or more people. The table and pie chart below graphically illustrate the household size composition in Demarest. Additionally, the 2022 ACS estimated the average household size at 2.91 persons, which is slightly less than reported in the 2010 Census (3.05 persons).

### Household Size

Size	Total	Percent
1-person	187	11.1%
2-person	634	37.5%
3-person	247	14.6%
4-person	451	26.7%
5-person	150	8.9%
6-person	21	1.2%
7+ person	0	0.0%
<b>Total</b>	<b>1,690</b>	<b>100%</b>

Source: 2022 ACS Table B11016



### Income & Poverty Status

The 2022 ACS estimated the median household income for the Borough of Demarest to be \$165,119, which is \$46,000+ higher than Bergen County's and nearly \$68,000 more than the State's. Similarly, the median family income for Demarest was estimated at \$200,104, which is \$55,500+ greater than the County's and nearly \$81,000 greater than the State's. Finally, the Borough's per

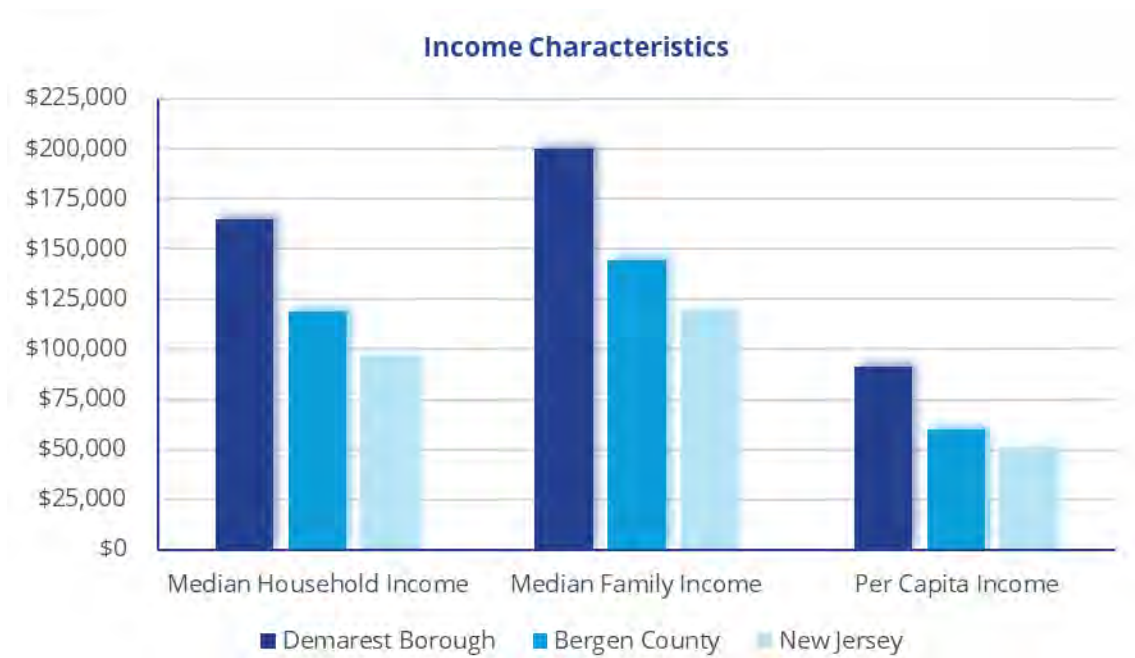
capita income was estimated at \$91,523, which is more than the County's and State's per capita income.

Demarest's poverty rate for individuals was estimated at only 0.5%, which is significantly less than the County's rate of 6.8% and the State's rate of 9.7%. Similarly, the Borough's poverty rate for families was estimated at 0.7%, which is much 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	Demarest Borough	Bergen County	New Jersey
Median Household Income	\$165,119	\$118,714	\$97,126
Median Family Income	\$200,104	\$144,348	\$119,240
Per Capita Income	\$91,523	\$60,222	\$50,995
Poverty Status (Percent of People)	0.5%	6.8%	9.7%
Poverty Status (Percent of Families)	0.7%	5.2%	6.9%

Source: 2022 ACS Table DP03



According to the 2022 ACS, almost 45% of households in Demarest (759) earn over \$200,000 annually. Households earning \$100,000 to \$149,999 comprised 16% of households (271). In total, over 72% or 1,218 households in Demarest had an annual income of \$100,000 or more. Only 57.3% 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 11.2% of households in Demarest 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	Demarest Borough		Bergen County		New Jersey	
	Total	Percent	Total	Percent	Total	Percent
Less than \$10,000	0	0.0%	11,292	3.2%	139,920	4.1%
\$10,000 to \$14,999	0	0.0%	7,640	2.2%	102,608	3.0%
\$15,000 to \$24,999	27	1.6%	14,611	4.2%	185,476	5.4%
\$25,000 to \$34,999	8	0.5%	17,170	4.9%	196,998	5.7%
\$35,000 to \$49,999	154	9.1%	24,037	6.9%	281,264	8.2%
\$50,000 to \$74,999	101	6.0%	40,351	11.5%	455,543	13.2%
\$75,000 to \$99,999	182	10.8%	35,009	10.0%	397,730	11.6%
\$100,000 to \$149,999	271	16.0%	62,655	17.9%	620,335	18.0%
\$150,000 to \$199,999	188	11.1%	45,184	12.9%	396,837	11.5%
\$200,000 or more	759	44.9%	92,894	26.5%	661,451	19.2%
<b>Total</b>	<b>1,690</b>	<b>100%</b>	<b>350,843</b>	<b>100%</b>	<b>3,438,162</b>	<b>100%</b>

Source: 2022 ACS Table DP03



## IV. Demarest's Housing Demographics

### Housing Type

The 2022 ACS estimated the Borough's housing stock at 1,743 units, which is comprised primarily of single-family dwellings (97.9%). There were also 25 units in structures containing three or four units, commonly known as triplexes or quadruplexes and 12 units in two-unit structures (duplexes). The Borough did not contain any single-family attached dwellings (e.g. townhomes) or dwelling units in structures with five or more units. See the table below for details. Of the estimated 1,743 units in 2022, 5 or 0.28% of the housing stock is affordable.

**Housing Units in Structure**

Structure	Number of Units	Percent
1-unit, detached	1,706	97.9%
1-unit, attached	0	0.0%
2 units	12	0.7%
3 or 4 units	25	1.4%
5 to 9 units	0	0.0%
10 to 19 units	0	0.0%
20 or more units	0	0.0%
Mobile Home	0	0.0%
Other (boat, RV, van, etc.)	0	0.0%
<b>Total</b>	<b>1,743</b>	<b>100%</b>

Source: 2022 ACS Table DP04

### Occupancy Status

Of the 1,743 residential units, 1,690 units, or 97% of the housing stock, was occupied. This includes 1,437 owner-occupied units and 253 rental units. The 53 vacant units include properties listed for rent or for sale and those classified as "other" vacant. See the table on the following page for details.

### Occupancy Status

Status	Units	Percent
Occupied Total	1,690	97.0%
Owner Occupied	1,437	85.0%
Renter Occupied	253	15.0%
Vacant Total	53	3.0%
For rent	0	0.0%
Rented, not occupied	0	0.0%
For Sale	30	56.6%
Sold, not occupied	0	0.0%
Seasonal	0	0.0%
For migrant workers	0	0.0%
Other	23	43.4%
<b>Total</b>	<b>1,743</b>	<b>100%</b>

Source: 2022 ACS Tables DP04 & B25004

The 2022 ACS estimated the average household size in Demarest was 2.91 persons, while the average family size was 3.66 persons. Comparing tenure, the average owner-occupied household was 2.91 persons, while the average renter-occupied household was 3.15 persons.

### Value & Rent of Housing Stock

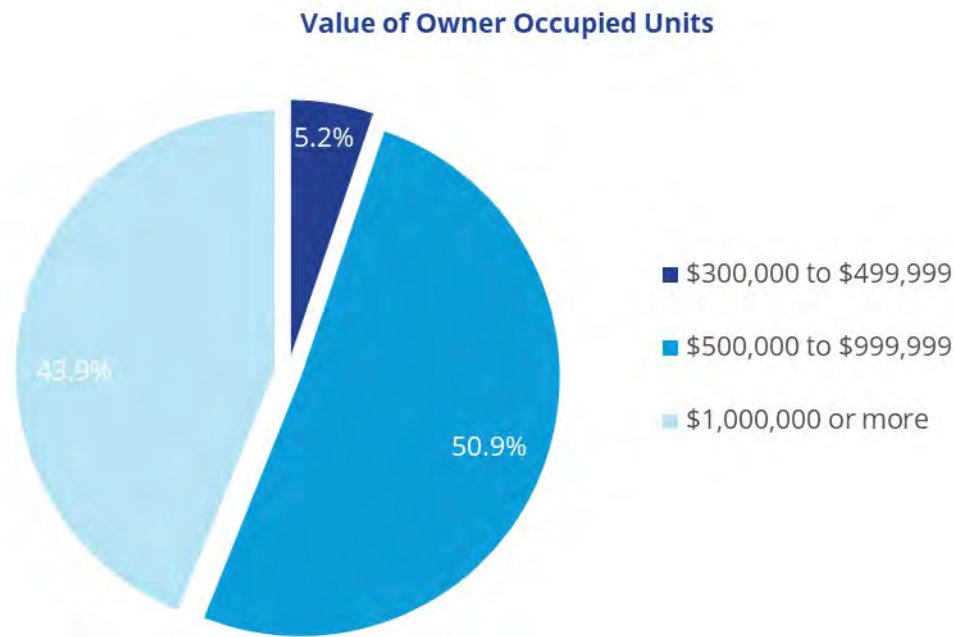
The 2022 ACS provided data regarding the value of owner-occupied housing units within Demarest. According to the data, a majority of homes in the Borough are worth between \$500,000 and \$999,999 (50.9%). Homes worth \$1 million or more comprised nearly 44% of the Borough's owner-occupied housing stock. It should be noted that no homes in Demarest were estimated to be worth less than \$300,000. The median home value estimated in the 2022 ACS was \$938,700. See the table below and chart on the following page.

### Value of Owner Occupied Units

Value	Number of Units	Percent
Less than \$99,999	0	0.0%
\$100,000 to \$199,999	0	0.0%
\$200,000 to \$299,999	0	0.0%
\$300,000 to \$499,999	75	5.2%
\$500,000 to \$999,999	731	50.9%
\$1,000,000 or more	631	43.9%
<b>Total</b>	<b>1,437</b>	<b>100%</b>

Median Value \$938,700

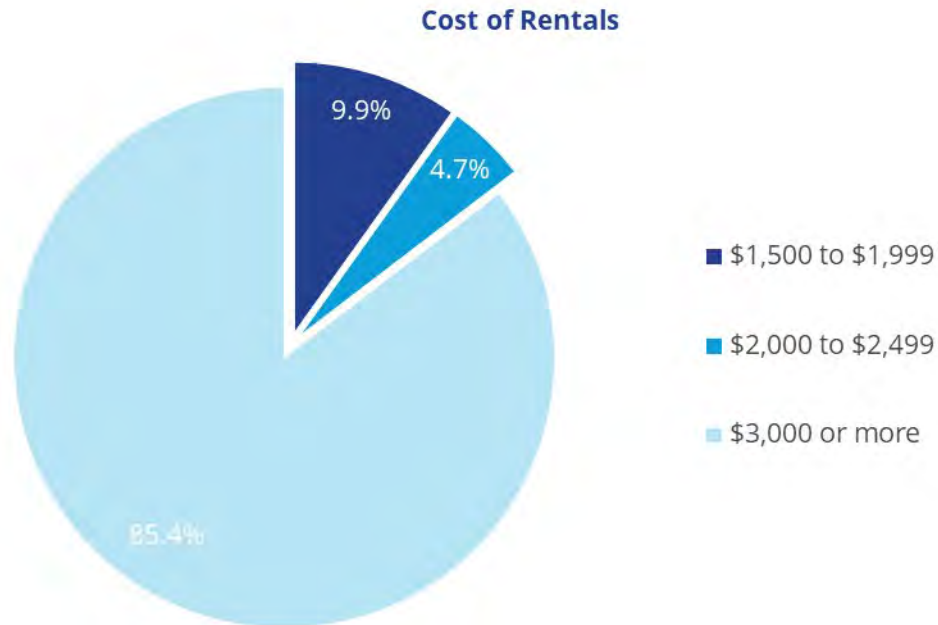
Source: 2022 ACS Table DP04



The median rent in the Borough was estimated at more than \$3,500 per the 2022 ACS. Looking at the rent range for the Borough’s 253 rental units, most cost \$3,000 or more per month (216 units). There was an estimated 25 units that rent between \$1,500 and \$1,999 and 12 units that rent between \$2,000 and \$2,499 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	0	0.0%
\$1,500 to \$1,999	25	9.9%
\$2,000 to \$2,499	12	4.7%
\$2,500 to \$2,999	0	0.0%
\$3,000 or more	216	85.4%
No rent paid	0	0.0%
Total	253	100%
Median (in dollars)		\$3,500+

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 Demarest. According to the 2022 ACS, none of the Borough's occupied dwelling units lack complete plumbing facilities, complete kitchen facilities, or adequate heat.

**Condition of Housing Stock**

Condition	Number of Units	Percent
Lack of complete plumbing	0	0.0%
Lack of complete kitchen	0	0.0%
Lack of telephone service	0	0.0%
Lack of adequate heat	0	0.0%
<b>Occupied Housing Units</b>	<b>1,690</b>	<b>0.0%</b>

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.<sup>6</sup> According to the 2022 ACS, none of the Borough's 1,690 occupied housing units contained more than 1.01 persons per room.

<sup>6</sup> <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 April 3, 2025.



**Occupants Per Room**

Occupants	Number of Units	Percent
1.00 or less	1,690	100.0%
1.01 to 1.50	0	0.0%
1.51 or more	0	0.0%
<b>Occupied Housing Units</b>	<b>1,690</b>	<b>100%</b>

Source: 2022 ACS Table DP04

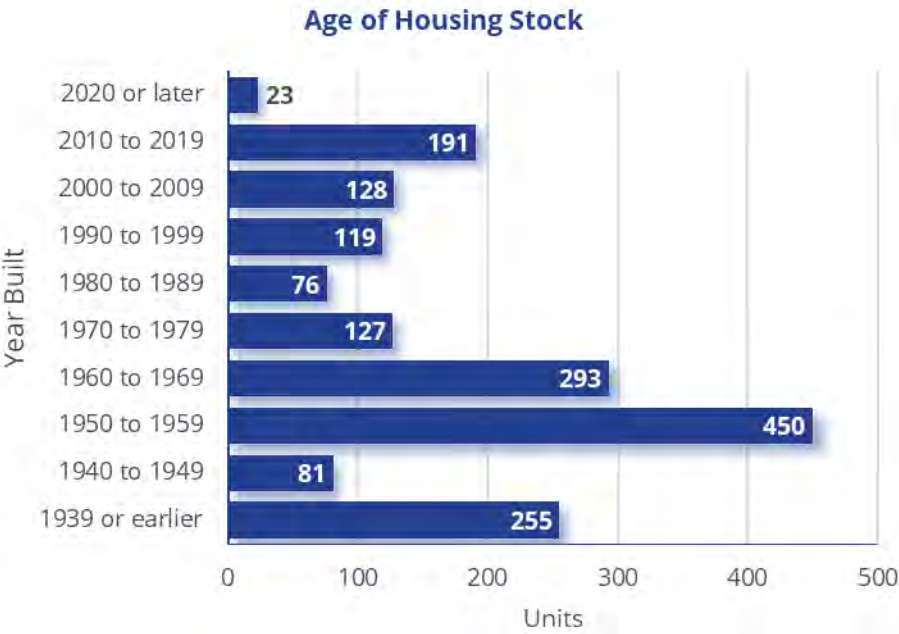
The table below and bar graph on page 19 provide the 2022 ACS estimates for the age of housing units in Demarest. An estimated 1,206 units, or 69.1%, of the Borough's housing stock were constructed prior to 1980. This includes the 25.8% of the housing stock constructed in the 1950s. Additionally, almost 17% of homes were constructed in the 1960s. Residential development has slowed since 1980 with only 537 homes built since then. However, almost 200 homes were constructed in the 2010s. According to the ACS, 23 homes have been constructed since 2020. The Borough's Rehabilitation Obligation is zero units, reflecting the relatively good condition of these older homes.

It should be noted that the "2020 or later" line item may be inaccurate. The New Jersey DCA's Division of Codes and Standards website provides data on building permits, certificates of occupancy, and demolition permits for both residential and non-residential development. We have reviewed the data from the State for 2020 through August of 2024 and 34 certificates of occupancy have been issued for new residential units since the beginning of 2020. See the table on page 24 for additional details.

**Age of Housing Stock**

Year Built	Number of Units	Percent
1939 or earlier	255	14.6%
1940 to 1949	81	4.6%
1950 to 1959	450	25.8%
1960 to 1969	293	16.8%
1970 to 1979	127	7.3%
1980 to 1989	76	4.4%
1990 to 1999	119	6.8%
2000 to 2009	128	7.3%
2010 to 2019	191	11.0%
2020 or later	23	1.3%
<b>Total</b>	<b>1,743</b>	<b>100%</b>

Source: 2022 ACS Table DP04



## V. Demarest's Employment Demographics

The 2022 ACS estimated that Demarest had 2,329 residents over the age of 16 in the workforce. Of those, 2,217 (95.2%) were employed, which translates to a 4.8% unemployment rate. A majority of workers were private wage and salary worker (81.5%). However, 8.8% were workers employed by the government and 4.9% were self-employed. See the table below for details.

Class of Workers		
Class	Workers	Percent
Private wage and salary workers	1,898	81.5%
Government workers	206	8.8%
Self-employed workers	113	4.9%
Unpaid family workers	0	0.0%
<b>Total employed residents</b>	<b>2,217</b>	<b>95.2%</b>
Total unemployed residents	112	4.8%
<b>Total residents in workforce</b>	<b>2,329</b>	<b>100%</b>

Source: 2022 ACS Table DP03

### Occupational Characteristics

The 2022 ACS estimated 1,409 workers were employed management, business, science, and arts fields, which represents 63.6% of the Borough's employed residents. Sales and office workers totaled just over a quarter of employed residents, while 4.2% were employed in service positions. See the table below for details.

Occupation of Employed Population		
Occupation	Workers	Percent
Management, business, science, & arts	1,409	63.6%
Service	93	4.2%
Sales & office	561	25.3%
Natural resources, construction, & maintenance	86	3.9%
Production, transportation, & material moving	68	3.1%
<b>Total</b>	<b>2,217</b>	<b>100%</b>

Source: 2022 ACS Table DP03

### Employment Projections

NJTPA's Plan 2050 estimates that the number of available jobs in Demarest will increase from 849 reported in 2015 to 979 in 2050. This represents an increase of 130 jobs, or an average annual increase of four jobs.

### Employment Projection

Year	Jobs	Change	Percent
2015	849	---	---
2050	979	130	15.3%

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"). The latest Municipal Report was completed in 2022. According to the data, there were 188 private sector jobs within Demarest, which were provided by an average of 86 employers. It should be noted that the Municipal Report redacted data from multiple private-sector industries for not meeting publication standards (manufacturing, wholesale trade, transportation/warehousing, 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 Demarest had an average of 496 private-sector jobs provided by 111 employers, including the redacted data. It should be noted that the QCEW data reflects employment within Demarest, regardless of where the employee lives.

Based on the 2022 QCEW data provided, the "other services" industry had the largest number of employers and employed the second-most workers in the Borough with an average of 40 jobs (21.3%) provided by 24 employers (27.9%). The professional/technical industry had an average of 48 jobs (highest) provided by 20 employers (second-highest). There was an average of 29 jobs in the accommodations/food industry, which had the sixth-most number of employers (5). In the public sector, the 2022 QCEW Municipal Report indicated that there was one federal government employer, which had an average of ten jobs and four local government employers, which had an average of 405 jobs. This included two local government education employers providing an average of 326 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	
Construction	9	10.5%	10	5.3%	\$64,845
Manufacturing	-	-	-	-	-
Wholesale Trade	-	-	-	-	-
Retail Trade	3	3.5%	4	2.1%	\$14,341
Transportation/Warehousing	-	-	-	-	-
Information	-	-	-	-	-
Finance/Insurance	5	5.8%	5	2.7%	\$73,949
Real Estate	-	-	-	-	-
Professional/Technical	20	23.3%	48	25.5%	\$70,404
Admin/Waste Remediation	6	7.0%	24	12.8%	\$37,069
Education	-	-	-	-	-
Health/Social	14	16.3%	28	14.9%	\$54,425
Arts/Entertainment	-	-	-	-	-
Accommodations/Food	5	5.8%	29	15.4%	\$21,457
Other Services	24	27.9%	40	21.3%	\$28,868
Unclassifieds	-	-	-	-	-
<b>Private Sector Total</b>	<b>86</b>	<b>100%</b>	<b>188</b>	<b>100%</b>	<b>\$118,649</b>
Federal Government	1	20.0%	10	2.4%	\$66,909
Local Government	4	80.0%	405	97.6%	\$85,155
Local Government Education	3	60.0%	326	78.6%	\$90,382
<b>Public Sector Total</b>	<b>5</b>	<b>100%</b>	<b>415</b>	<b>100%</b>	<b>\$80,815</b>

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

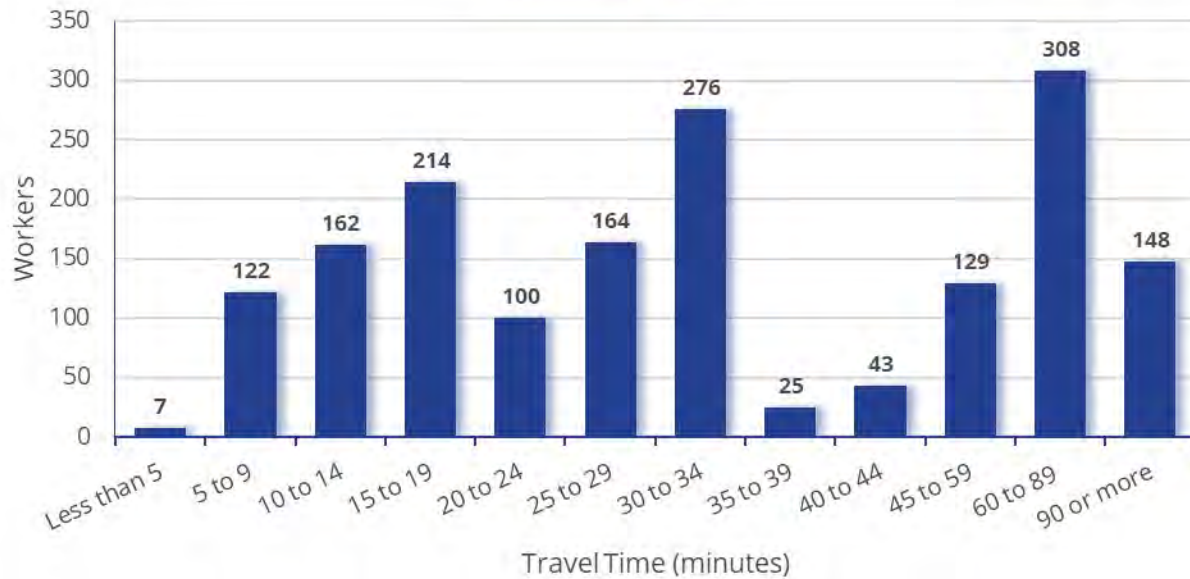
The 2022 ACS collected data regarding employed resident's commute time. The most common commute time was between 60 and 89 minutes, which was made by 308 workers (18.1%). Commutes of 30 to 34 minutes were made by 276 workers or 16.3% of employed residents. Finally, the third-most common commute was between 15 and 19 minutes, which was made by 214 workers (12.6%). The mean travel time was estimated at 36.8 minutes reflecting the varying commute times of Borough residents. It should be noted that 486 workers, or 21.9% 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	7	0.4%
5 to 9	122	7.2%
10 to 14	162	9.5%
15 to 19	214	12.6%
20 to 24	100	5.9%
25 to 29	164	9.7%
30 to 34	276	16.3%
35 to 39	25	1.5%
40 to 44	43	2.5%
45 to 59	129	7.6%
60 to 89	308	18.1%
90 or more	148	8.7%
<b>Total</b>	<b>1,698</b>	<b>100.0%</b>

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 tables below, residential COs vary from year to year. A total of 20 certificates were issued between 2013 and 2015. The following three years saw an increase in issued certificates with 15 in 2016, 14 in 2017, and 13 in 2018. Since then, the issuance of COs have slowed, with four or less certificates issued annually. During the same time period, 159 demolition permits have been issued, which is approximately 16 permits annually. Therefore, there was a net loss of 83 units in the Borough over the 12-year period. Based on the DCA data, the number of residential units in the Borough of Demarest has been declining during the past ten years.

**Historic Trend of Residential Certificates of Occupancy & Demolition Permits (2013-2023)**

	'13	'14	'15	'16	'17	'18	'19	'20	'21	'22	'23	'24	Total
COs Issued	6	9	5	15	14	13	2	1	0	3	4	4	76
Demolitions	9	13	15	12	22	16	14	9	13	12	10	14	159
<b>Net Development</b>	<b>-3</b>	<b>-4</b>	<b>-10</b>	<b>3</b>	<b>-8</b>	<b>-3</b>	<b>-12</b>	<b>-8</b>	<b>-13</b>	<b>-9</b>	<b>-6</b>	<b>-10</b>	<b>-83</b>

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

Projecting into the future, the Borough presently has 18 detached single-family homes that have been approved, have active permits, and are under construction. Four homes have received a zoning permit, but no building permits have been issued to date. Additionally, there are eight attached single-family (e.g. townhomes) currently under construction at 95 County Road, which is further discussed on page 42. The townhomes are anticipated to receive their COs in 2025. Moreover, 17 rental units have been approved at 127 Hardenburgh Avenue (see discussion on page 46). The developer, Bergen County United Way, anticipates occupancy of the new building in 2027. 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	0	0	0	4	3	4	3	4	3	4	3	28
Approved Development with Permits Issued and Under Construction												27
1 Blanche Avenue		1										1
7 Central Avenue	1											1
8 Blanche Avenue	1											1
11 Central Avenue	1											1
12 Irene Court	1											1
16 Donnybrook Drive	1											1
17 Duck Pond Road		1										1
22 Northwood Avenue	1											1
31 Wellwood Road	1											1
38 Evergreen Place	1											1
44 Orchard Road	1											1
48 Meadow Street	1											1
54 Everett Road		1										1
61 Ross Avenue		1										1
70 Prospect Street	1											1
74 Pine Terrace	1											1
95 County Road	8											8
97 Prescott Street		1										1
242 Hardenburgh Avenue		1										1
379 Hillside Avenue			1									1
Approved Development, Permits Not Yet Issued												21
3 Central Avenue			1									1
15 Brenner Place			1									1
41 Orchard Road			1									1
127 Hardenburgh Avenue			17									17
592 Piermont Road			1									1
Future Projects	None											
<b>Total</b>	<b>20</b>	<b>6</b>	<b>22</b>	<b>4</b>	<b>3</b>	<b>4</b>	<b>3</b>	<b>4</b>	<b>3</b>	<b>4</b>	<b>3</b>	<b>76</b>

Of the 76 new residences projected to be built between now and 2035, 19 are anticipated to be reserved for low- and moderate-income households. See the table on the following page for further details.

Projection of Affordable Units

	'25	'26	'27	'28	'29	'30	'31	'32	'33	'34	'35	Total
Approved Development												19
95 County Road	2											2
127 Hardenburgh Avenue			17									17
Future Projects	None											
Total	2	0	17	0	0	0	0	0	0	0	0	19

## 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

Demarest'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, 586.11 acres of Demarest, or 44.06% of the Borough's 1,330.31 acres, are encumbered by at least one environmentally sensitive area. Environmental constraints within the Borough of Demarest include:

- Waterbodies – 11.67 acres (0.88% of the Borough's area), which includes 5.03 acres of the Tenakill Brook.
- 300-foot C1 stream buffer – 285.29 acres (21.45% of the Borough's area)
- 150-foot Riparian Buffer – 9.65 acres (0.73% of the Borough's area)
- 50-foot Riparian Buffer – 13.14 acres (0.99% of the Borough's area)
- Wetlands – 108.59 acres (8.16% of the Borough's area)
- 150-foot Wetlands Buffer (excluding wetlands area) – 23.77 acres (1.79% of the Borough's area)
- 50-foot Wetlands Buffer (excluding wetlands area) – 106 acres (7.97% of the Borough's area)
- FEMA Special Flood Hazard Area Zone AE – 88.74 acres, including 31.76 acres within the Floodway.
- Slopes greater than 15% - 127.22 acres (9.56% of the Borough's area)
- State Threatened species habitat (Landscape Rank 3) – 21 acres (1.58% of the Borough's area)
- State Endangered species habitat (Landscape Rank 4) – 107.08 acres (8.05% of the Borough's area)
- Confirmed Vernal Pool Habitat – 203.39 acres (15.29% of the Borough's area)
- Potential Vernal Pool Habitat – 19.95 acres (1.50% of the Borough's area)

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

## Utility Capacity

As noted in the prior section, utility capacity impacts a community's ability to accommodate its present and prospective affordable housing need. Veolia provides the Borough's water and Bergen County Utilities Authority processes Demarest's sewage. According to Nick Chelius, Borough Engineer, there are no known capacity issues with either water or sewer.<sup>7</sup>

## Appropriate Locations for Affordable Housing

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

1. 127 Hardenburgh Avenue, Block 23, Lot 13
2. 95 County Road, Block 145, Lot 5
3. Downtown Redevelopment Area including Block 23, Lots 9, 10, 12, 13, 14, 16, 16, 17.01, 17.02, 19, 20, 21 and 23; Block 49, Lots 50, 51 and 52; and Block 49.01, Lots 42, 43.01, 43.02, 44, 45, 47.01 and 47.02)

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, 0 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, 95 County Road is an inclusionary development that is currently under construction. Additionally, 127 Hardenburgh Avenue has been approved for a 100% affordable development.

As of April 28, 2025, one developer has submitted a concept plan for inclusionary development within the Borough. A letter dated April 28, 2025, was submitted by Matthew G. Capizzi, Esq. for M&M Bergen Developers II, who is the contract purchaser of Block 27, Lot 269 with a street address of 30 Hardenburgh Avenue. The site contains four apartments and a dentist office. However, the Borough's tax records indicate only three apartments and an office. All units are one bedroom. The parcel is in the R-D Zone where a minimum lot size of 10,000 square feet is required. According to the letter, the site contains 29,000 square feet.

The letter indicates that the developer seeks to demolish the existing structure and build seven townhomes and two affordable flats.

The site is surrounded by single-family homes. The proposed rear yard setbacks (to Woodland Road and Prescott Street) are only 18 feet, which are undersized and inadequate. The proposed front yard setback from Hardenburgh Avenue (a busy County roadway) is only 20 feet. The proposed density is 13.52 units per acre in an area where the density is 4.4 units to the acre. The site as proposed is not compatible with the surrounding land uses and is more than three times the density

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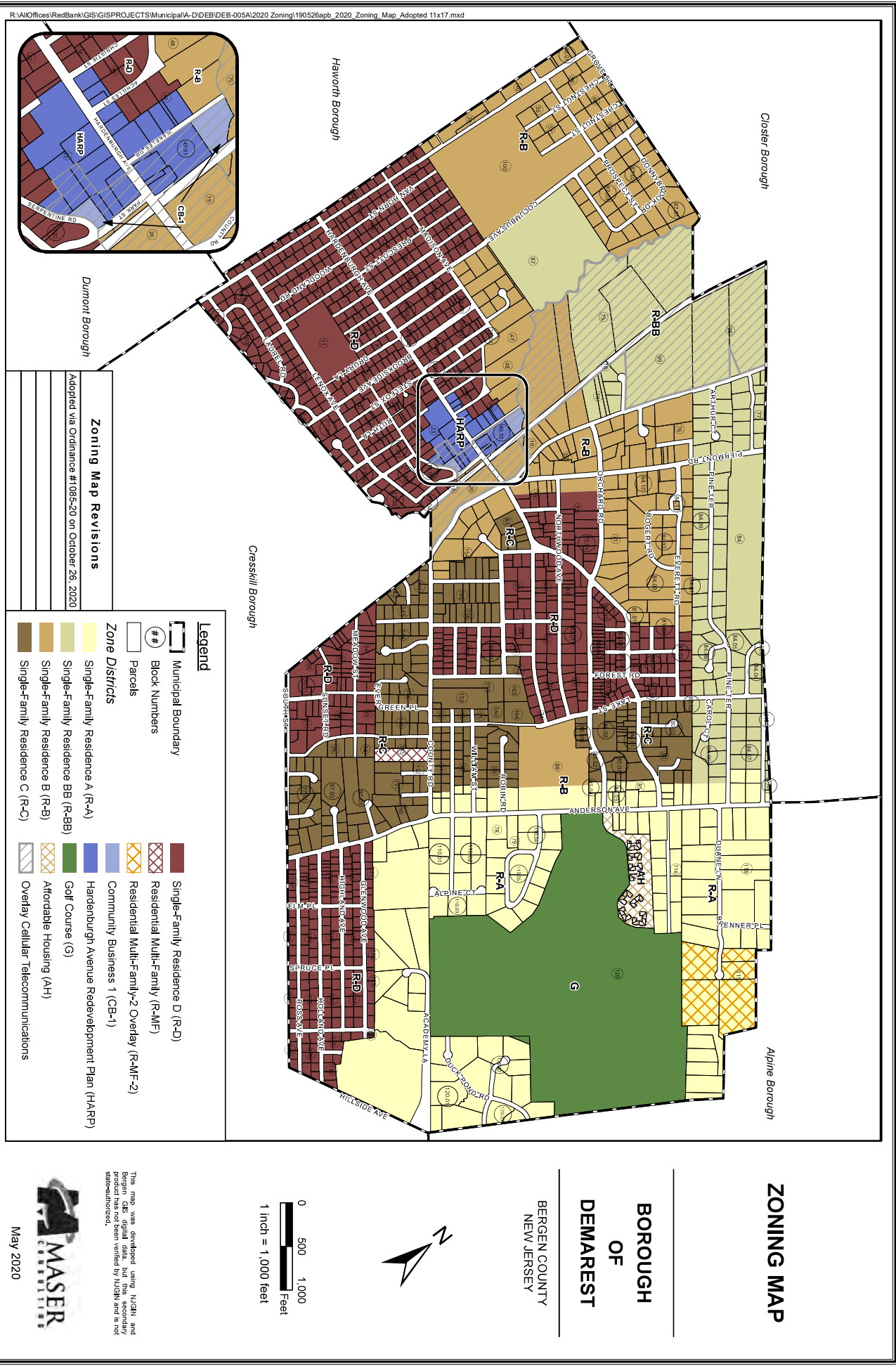
<sup>7</sup> Email from Nick Chelius, P.E., November 5, 2024.

permitted for the zone. Pursuant to the definition of “suitable site” in NJAC 5:93, 30 Hardenburgh Avenue is not a site suitable for inclusionary development at a density of 13.52 units per acre.

### Anticipated Development Patterns

Anticipated land use patterns within the Borough of Demarest will most likely follow the established zoning map (shown on the next page). The Borough’s zones include five single-family residential zones, two multi-family residential zones, a multi-family residential overlay zone, one business zone, and a golf course zone. Additionally, the Borough has a designated Area in Need of Rehabilitation in its “downtown” area. The Borough adopted a Downtown Redevelopment Plan for the Rehabilitation Area, which is identified as the Hardenburgh Avenue Redevelopment Plan (HARP) District. Furthermore, the Governing Body recently designated certain lots in Blocks 23 and 49.01, which are currently within the Rehabilitation Area, as an Area in Need of Redevelopment. However, a Redevelopment Plan for the designated Redevelopment Area has not been adopted.





## 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 April 24, 2025. 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 April 24, 2025. DCA's website is silent regarding the Commission, its annual required reports, studies, and/or recommendations. Without recommendations from the Commission, Demarest 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 Demarest'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. As the document is a draft, we cannot opine on consistency until the final version is adopted. Demarest has not received guidance concerning water or wastewater from the State Planning Commission.

# FAIR SHARE PLAN

Borough of Demarest

## 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. Demarest is located in Region 1, which contains Bergen, Hudson, Passaic, and Sussex Counties.

Using the Affordable Housing Professionals of New Jersey's latest 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](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	0	66	309	100
RDP	-	23	9	0
Unmet Need	-	43	300	100

As discussed in Chapter XI., Demarest has conducted a Vacant Land Analysis and determined the RDP to be 0, which means the Unmet Need for the Fourth Round is 100.



## XI. Demarest's Affordable Housing Obligation

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

### Four-Part Obligation

#### Rehabilitation

Demarest accepted DCA's rehabilitation obligation of 0 for the Fourth Round.

#### Prior Round (1987-1999)

The Borough of Demarest has a PRO of 66 units. However, the Borough received a VLA which resulted in a 23-unit RDP. This VLA was approved by the Court. Therefore, the Borough has a Prior Round Unmet Need of 43 units.

There are minimum and maximum requirements regarding the development of rentals, age-restricted and Regional Contribution Agreement (hereinafter "RCA") units for the PRO. Demarest must follow the formulas in NJAC 5:97-3.11(b) since the Borough received a VLA to determine the rental unit requirement. The formula to determine the minimum number of rental units is as follows:

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

$$= 25\% (23) = 5.75 \sim 6$$

Demarest must provide at least **6 rental units**. It should be noted that the maximum number of rental bonuses is the same as the rental requirement.

Demarest must follow the formula in NJAC 5:97-3.11(c)2 for age-restricted units. The formula is as follows:

$$= 25\% \text{ (RDP - RCA units)}$$

$$= 25\% (23 - 9)$$

$$= 25\% (14) = 3.5 \sim 4$$

Demarest can provide no more than **4 age-restricted units** towards the Prior Round RDP.

Since the Borough received a VLA, the formula in NJSA 5:97-3.11(c)2 is used to calculate the maximum number of age-restricted units that can be applied to the Unmet Need. The formula is as follow:

$$= 25\% \text{ (Unmet Need - RCA units)}$$

$$= 25\% (43 - 9)$$

$$= 25\% (34) = 8.5 \sim 9$$

Demarest can provide no more than **9 age-restricted units** towards the Prior Round Unmet Need.

### Third Round (1999-2025)

Demarest must plan for a TRO of 309 units. However, the Borough received a VLA for an RDP of 9. The 9-unit RDP subtracted from the TRO results in a 300-unit Unmet Need. The same minimum and maximum requirements apply to the TRO.

The formula to determine the minimum number of rental units is as follows:

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

$$= 25\% (9) = 2.25 \sim 2$$

As per the formula, Demarest must provide at least **2 rental units** for the TRO.

Furthermore, 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, Demarest may receive a **maximum of 2 rental bonuses** for the TRO.

The formula to determine the maximum number of age-restricted units for the Third Round RDP is as follows:

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

$$= 25\% (9) = 2.25 \sim 2$$

As per the formula, Demarest may age-restrict a maximum of **2 units** for the Third Round RDP.

Additionally, the maximum number of age-restricted units for the Third Round Unmet Need is determined by the following formula:

$$= 25\% \text{ (Unmet Need)}$$

$$= 25\% (300) = 75$$

As per the formula, Demarest may age-restrict up to **75 units** for the Third Round Unmet Need.

### Fourth Round (2025-2035)

As indicated in the May 5, 2025 Order Fixing Municipal Obligations for "Present Need" and "Prospective Need" for the Fourth Round Cycle, the Borough's Fourth Round Obligation is 100.

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

## 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 Non-C1 streams were georeferenced into ArcGIS from the following Plans. A 50-foot Riparian buffer and 50-foot Wetlands buffer was applied to the streams and wetlands illustrated on the below Plans.
  - For Block 119, Lots 1.05, 1.06, and 1.07 and Block 120, Lot 1.03, 1.04, and 1.50, plans entitled “The Woodlands in Demarest; Proposed Condominium Development”, prepared by Hubschman Engineering, PA, dated March 15, 2019, revised through October 12, 2021.
  - For Block 120, Lot 1.55, a plan entitled “Conservation Easement Survey”, prepared by Hubschman Engineering, PA, dated December 16, 2008.

Next, an exhaustive analysis of all vacant properties in the Borough was conducted utilizing 2025 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 2025 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, zero properties in the Borough of Demarest were identified to be vacant, contain at least 0.625 acres of unconstrained land, and have access to sewer and water infrastructure. Therefore, the Borough's RDP was determined to be zero based on the results of this VLA. See Appendix G for details.

### **Unmet Need**

The RDP has been calculated to be 0; therefore, the Unmet Need is the result of subtracting the RDP (0) from the FRO (100). This results in an Unmet Need of 100.

## XII. Mechanisms & Credits

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

### Existing Mechanisms & Credits

Demarest has a total of 21 existing credits, including nine RCA credits, four credits of inclusionary units, and eight credits of alternative living arrangements that exist on the ground today.

### Rehabilitation Mechanisms & Credits

Demarest does not have a Rehabilitation Obligation, and no rehabilitation credits exist.

### Prior Round Mechanisms & Credits

Three of Demarest's four Prior Round mechanisms exist today. All three mechanisms were included in the Borough's 2024 Final Judgment of Compliance and Repose issued in connection with the TRO.

### RCA to Hoboken

On November 22, 2004, COAH approved a nine-unit RCA between Demarest and the City of Hoboken. Demarest agreed to pay \$25,000 per unit, \$225,000 in total, to construct nine deed restricted affordable units in a 216-unit inclusionary housing project in the Northwest Hoboken Redevelopment Area. This RCA was included in the Borough's 2010 Third Round Substantive Certification from COAH.

Based on this information, this RCA is eligible to receive **9 credits**.

### Alpine Country Club

The Alpine Country Club/Bellaire Drive project is located along Bellaire Drive and is an inclusionary development. These affordable units are age-restricted, for-sale units and are deed restricted for 30 years. The inclusionary units are located at:

- 111 Bellaire Drive, Unit A-1 (Block 120, Lot 11.32 CO-A1), low-income
- 116 Bellaire Drive, Unit A-3 (Block 120, Lot 11.32 CO-A3), low-income
- 121 Bellaire Drive, Unit A-2 (Block 120, Lot 11.32 CO-A2), moderate-income
- 122 Bellaire Drive, Unit A-4 (Block 120, Lot 11.32 CO-A4), moderate-income

All of the units are two bedrooms. Unit 111 and 116 are low-income and Unit 121 and 122 are moderate income. The development was the subject of a Court Settlement Agreement. Alpine Country Club agreed to build the four affordable units on-site and fund the above noted RCA.

Pursuant to NJAC 5:93-5.6 (inclusionary development), Alpine Country Club is eligible to receive **4 credits**.

### Advancing Opportunities, Inc.

Advancing Opportunities, Inc. operates a licensed group home for four very-low-income clients. The home is located at 23 Knickerbocker Road (Block 2, Lot 51.02). Advancing Opportunities purchased the home in 2012 and is currently licensed by the Department of Human Services (see Appendix H



for a copy of the most recent license). Clients are age 18 or older. The home has a 40-year deed restriction, which commenced on May 9, 2013.

Pursuant to NJAC 5:93-5.8 (alternative living arrangements) the facility is eligible for crediting and per NJAC 5:93-5.15(d), the site is eligible for bonuses. Based on this information the Advancing Opportunities facility is eligible to receive **4 credits** and **4 bonus credits**.

### Third Round Mechanisms & Credits

There are no existing credits for the Third Round Obligation.

### Fourth Round Mechanisms & Credits

There are no existing credits for the Fourth Round Obligation.

### Summary of Existing Mechanisms & Credits

Demarest has a total of 17 credits and four bonuses that can be applied to its various obligations. See the table below for details.

Existing Mechanisms & Credits						
Mechanism	Credit Type	Tenure	Age-Restricted	Credit	Bonus	Total
<i>Prior Round Credits</i>						
RCA to Hoboken	RCA	Rental	No	9	0	9
Alpine Country Club	Inclusionary	Sale	Yes	4	0	4
Advancing Opportunities, Inc.	Alternative Living Arrangement	Rental	No	4	4	8
<b>Total</b>				<b>17</b>	<b>4</b>	<b>21</b>

### 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

Demarest does not have a Rehabilitation Obligation, and consequently, no rehabilitation mechanisms are proposed.

#### Prior Round Mechanisms & Credits

One PRO mechanism is proposed as described below. This mechanism was included in the 2024 Final Judgment of Compliance and Repose.

#### 95 County Road

This site is known as Block 145, Lot 5 on the Borough's Tax Map and contains 2.13 acres (see map on page 45). 95 County Road was included in the Borough's Settlement Agreement with FSHC, executed on January 23, 2018, and the 2024 Final Judgment of Compliance and Repose. Additionally, the site is the subject of the Borough's April 10, 2019 Settlement Agreement with Carol E. and Quentin D. Avery, intervenors in Demarest's Third Round Declaratory Judgment Action.

On March 22, 2023, the Planning Board granted Preliminary and Final Site Plan approval to 95 County Demarest, LLC to construct a two building, eight-unit townhouse development, including two affordable units. A resolution memorializing the approval was adopted on the same date. (See Appendix I for the Board Resolution.) The approved affordable units are located in Townhouse Building A in the form of stacked townhouse flats. The unit on the first floor will be a three-bedroom moderate-income unit, while the second-floor unit will be a two-bedroom low-income unit. Both affordable units will be rentals. The site is currently under construction and the Borough anticipates the units will receive their CO on/about July of 2025.



**Photo 1 - Progress of 95 County Road Inclusionary Development as of May 7, 2025**

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.

95 County Road meets the four prongs of the rules as follows:

- Approvable site – The Borough rezoned the site to the Residential Multi-Family (R-MF) District via Ordinance No. 1066-19 on August 26, 2019. The R-MF Zone permits townhomes and stacked flats at density of four units per acre. Two affordable units are required. On March 22, 2023, the Planning Board granted Preliminary and Final Site Plan approval for the construction of an eight-unit townhouse development, including two affordable units. The site is under construction and is anticipated to receive Certificates of Occupancy on/about July of 2025.
- Available site – Construction of an eight-unit inclusionary townhouse development is underway, and occupancy is anticipated in the next few months.
- Developable site – The site received Preliminary and Final Site Plan approval for an eight-unit inclusionary townhouse development. The site is under construction and will be connected to public water and sewer service.
- Suitable site – The property is surrounded on all sides by single-family dwellings and has frontage along County Road. The site is encumbered by 1.13 acres of environmental features including a 300-foot C1 stream buffer, wetlands and associated 150-foot buffer, slopes greater than 15%, and FEMA Special Flood Hazard Area. These environmental features encompass the southern half of the site, and the approved inclusionary development is in the northern half of the site, outside of the environmentally constrained area. This is not a site the Borough would have willingly rezoned for multi-family development, due to the surrounding single-family neighborhood. However, the Borough was forced to settle with the prior owners who intervened in the Borough's Third Round Declaratory Judgment Action.

Based on the above, 95 County Road is eligible for 2 credits pursuant to NJAC 5:93-5.6 (inclusionary development) and 2 bonus credits pursuant to NJAC 5:93-5.15(d)1. However, only **1 credit** and **1 bonus credit** will be applied to the PRO. The remaining credit and bonus will be applied to the Third Round RDP.

### Third Round RDP Mechanisms & Credits

Two mechanisms were included in the 2024 Final Judgment of Compliance and Repose to satisfy the nine-unit Third Round RDP. The following sections detail each site.

#### 95 County Road

As noted above, **1 credit** and **1 bonus credit** from the 95 County Road townhouse development will be applied to the Third Round RDP.





## ENVIRONMENTAL CONSTRAINTS - 95 COUNTY ROAD

BLOCK 145, LOT 5

BOROUGH OF DEMAREST

BERGEN COUNTY, NEW JERSEY

0 50 100  
1 inch = 100 feet



Engineering  
& Design

April 30, 2025  
DEB005B

This map was developed using GIS digital data from FEMA, NJDEP, NJDOT, NJGIN, but this secondary product has not been verified and is not state-authorized. Aerial image sourced from NearMap, dated March 19, 2025.



## 127 Hardenburgh Avenue

This site is known as Block 23, Lot 13 on the Borough's Tax Map and contains 0.54 acres (see the map on page 47). This site was included in the Borough's 2018 Settlement Agreement with FSHC and was envisioned in the Settlement Agreement to be an inclusionary residential development of 16 units, including eight affordable units. The Third Round documents envisioned the site would have a 50% affordable housing set-aside.

The Borough has partnered with Bergen County United Way ("BCUW") to develop a 17-unit, 100% affordable building containing a mix of residential types including family units, supportive housing units, and age-restricted units. On February 1, 2023, the Planning Board granted Preliminary and Final Site Plan approval to BCUW/Madeline Housing Partners, LLC to construct a 17-unit residential building containing eight family rental units, five one-bedroom supportive housing units, and four one-bedroom age-restricted units. The eight family units include one one-bedroom unit, five two-bedroom units, and two three-bedroom units. The Board's approval was memorialized via Resolution adopted on April 11, 2023, which requires a 30-year deed restriction for the affordable units. The Resolution also requires compliance with the UHAC rules in place at the time of approval regarding income distribution, which would be a minimum 13% very-low-income, minimum of 37% low-income, and maximum 50% moderate income. The Applicant has received \$680,000 from Federal Home Loan Bank and the Borough has committed up to \$930,000 from the Affordable Housing Trust Fund to fund the construction of the 17-unit residential building. An application has been submitted to the DCA's Affordable Housing Production fund for grant monies to assist with the cost of construction. Construction is anticipated to commence in the fall of 2025 with occupancy in 2027.

127 Hardenburgh Avenue meets the four prongs of the rules as follows:

- Approvable site – On February 1, 2023, the Planning Board granted Preliminary and Final Site Plan approval for the construction of a 100% affordable 17-unit residential building, including eight family rental units, five one-bedroom supportive housing units, and four one-bedroom age-restricted units. Construction is anticipated to start in 2025 with occupancy expected in 2027.
- Available site – Approval was granted to develop the site with a 17-unit 100% affordable housing building. Construction is anticipated to commence in 2025. The Borough owns the site and will transfer the property to BCUW once certain milestones are achieved.
- Developable site – The site received Preliminary and Final Site Plan approval for a 100% affordable 17-unit building with family rentals, supportive housing, and age-restricted units. Construction of the site will commence in 2025 and the building will be connected to public water and sewer service.
- Suitable site – The property is surrounded by mixed-use development to the northeast, a former bank to the east, the Borough's municipal building to the south, and residential uses to the west and northwest. The property has street frontage along Hardenburgh Avenue. The site contains approximately 2,400 square feet of slopes greater than 15% and is relatively free of environmental features.





**ENVIRONMENTAL CONSTRAINTS - 127 HARDENBURGH AVENUE**  
**BLOCK 23, LOT 13**  
**BOROUGH OF DEMAREST**  
**BERGEN COUNTY, NEW JERSEY**

0 25 50  
 1 inch = 50 feet



**Colliers**  
 Engineering  
 & Design

This map was developed using GIS digital data from FEMA, NJDEP, NJDOT, NJGIN, but this secondary product has not been verified and is not state-authorized. Aerial image sourced from NearMap, dated March 19, 2025.

May 14, 2025  
 DEB005B



A copy of the Board Resolution and the pro-forma can be found in Appendix J. Based on the information above, 127 Hardenburgh Avenue is eligible to receive 17 credits pursuant to NJAC 5:93-5.6 (inclusionary development), -5.8 (alternative living arrangements), and -5.14 (age-restricted housing). However, only **4 credits** and **1 bonus** from family rental units and **2 credits** from supportive housing units will be applied to the Third Round RDP. The remaining 11 credits will be distributed between the Second and Third Round Unmet Need and the Fourth Round Unmet Need.



**Photo 2 - 127 Hardenburgh Avenue**

### **Second & Third Round Unmet Need Mechanisms & Credits**

Four mechanisms were approved via the 2024 Final Judgment of Compliance and Repose to address Demarest's combined Second and Third Round Unmet Need of 343.

#### **127 Hardenburgh Avenue**

The Borough will apply **2 credits** from the age-restricted units to the Second & Third Round Unmet Need.

#### **Accessory Apartment Ordinance**

The Borough has an existing accessory apartment ordinance that was originally adopted on August 20, 2001 via Ordinance No. 842. The ordinance originally permitted accessory apartments to be constructed in the A, BB, or B Single-Family Residence Districts, subject to the following requirements:

- The lot must fully conform to the minimum lot dimensions specified for the subject zoning district in the schedule entitled Limiting Schedule, District;
- The lot must have direct driveway access either to County Road, Piermont Road, Anderson Avenue, and Knickerbocker Road; and
- The lot must have a single-family detached dwelling situated thereon.

The Borough would provide property owners \$10,000 to subsidize the creation of the accessory apartment unit under the Ordinance.

However, the Borough amended the accessory apartment ordinance on August 26, 2019 via Ordinance No. 1069-19, which expanded the permitted Districts for accessory apartments to be located to include the C and D Single-Family Residence Districts. Additionally, the ordinance was amended to eliminate the specified street requirement and increase the Borough's subsidized payment to \$20,000 (see Section 175-11D.(3)).

Unfortunately, no property owner has taken advantage of the program to date. Due to the increased costs of construction, Demarest believes the subsidy payment should be increased to \$75,000. A draft ordinance increasing the subsidy can be found in Appendix K.



The accessory apartment program meets the four prongs of the rules as follows:

- Approvable site – The Borough permits accessory apartments in the Residence A, B, BB, C, and D Districts. Demarest will utilize funds from the Affordable Housing Trust Fund to subsidize the creation of new accessory apartments.
- Available site – No specific property has been identified for an accessory apartment. However, nothing prevents a property owner from choosing to construct an accessory apartment in the five Residence Districts where they are permitted.
- Developable site – Any future development of an accessory apartment would be serviced by public water and sewer infrastructure.
- Suitable site – Accessory apartments can fit within the character of existing single-family neighborhoods and can be designed to resemble smaller dwellings and/or accessory buildings. Therefore, any future accessory apartment would be compatible with the existing residential character of the Residence A, BB, B, C, and D Districts. Accessory apartments would be located on properties with public street access.

A copy of the current accessory apartment ordinance can be found in Section 175-11, <https://ecode360.com/31312318#31312318>.

Based on the above information, the Borough's accessory apartment ordinance may yield up to **10 credits** pursuant to NJAC 5:93-5.9.

### **Downtown Rehabilitation Area**

The Borough has designated the “downtown” area along Hardenburgh Avenue, Park Street, and Serpentine Road as an Area in Need of Rehabilitation. The Rehabilitation Area totals 11.23 acres and includes 23 tax lots according to the tax records, which include the following:

- Block 23, Lots 9, 10, 12, 13 (including Lot 14), 15, 16, 17.01, 17.02 (including Lots 19, 20, and 23), and 21
- Block 46, Lots 664, 760, and 764
- Block 49, Lots 39.01, 40.01 (including Lot 41.02), 41.01, 50, 51, and 52
- Block 49.01, Lots 43.01, 43.02, 44, 45, and 47.02

The Downtown Redevelopment Plan, which guides development within the Rehabilitation Area, was adopted by the Mayor and Council on November 25, 2019. The Plan has been amended two times since its adoption, most recently on July 25, 2021. The Amendment #2 of the Downtown Redevelopment Plan permits a variety of non-residential uses, single-family dwellings, and multi-family residential on the upper floors of buildings as-of-right. The permitted density of multi-family residential varies based on lot size as follows:

- Lots containing less than 12,000 square feet – 25 units per acre;
- Lots between 12,000 and 20,000 square feet – 30 units per acre; and
- Lots containing more than 20,000 square feet – 35 units per acre.

The Plan also conditionally permits stand-alone multi-family residential uses on lots of 0.5 acres or more at a maximum density of 40 units per acre. At least 50% of the total units in a stand-alone multi-family residential building are required to be reserved for affordable housing.

The Borough then designated Block 23, Lots 15, 16, and 17.01 and Block 49.01, Lots 43.01, 43.02, 44, 45, and 47.02 as a non-condemnation redevelopment area via Resolution No. 153-24 on September 9, 2024.

The Downtown Rehabilitation Area meets the four prongs of the rules as follows:

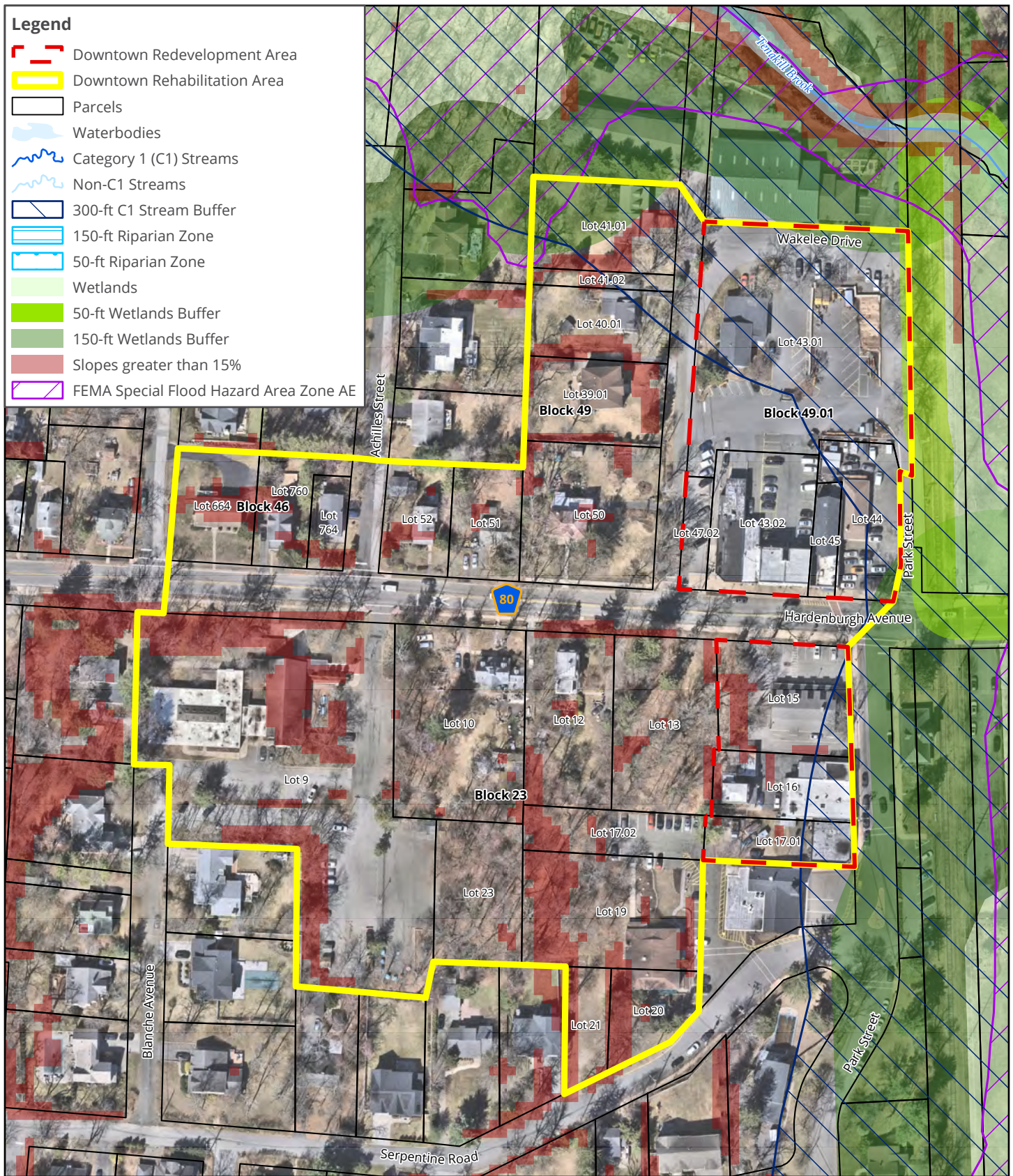
- Approvable site – The Downtown Redevelopment Plan permits inclusionary residential development on the upper floors of a mixed-use building as-of-right and conditionally permits stand-alone inclusionary residential buildings. Property owners can submit as-of-right or conditional use applications to the Planning Board.
- Available site – The site has been designated as an Area in Need of Rehabilitation and a Redevelopment Plan has been adopted. Additionally, certain lots in Blocks 23 and 49.01 were subsequently designated as an Area in Need of Redevelopment. The Borough envisions redevelopment to occur through the sale of properties between a willing seller and buyer or by existing property owners. The Borough is unaware of any title issues on the parcels.
- Developable site – The Rehabilitation Area is within water and sewer service areas.
- Suitable site – The Rehabilitation Area is located in the Borough’s “downtown” area. Surrounding the downtown is the Borough’s Department of Public Works and recreation fields to the north, open space to the east, the Demarest Fire Department to the southeast, and single-family residential uses to the south and west. Environmental Constraints in the area include a 300-foot C1 stream buffer, which encompasses Lots 15, 16, and 17.01 of Block 23, Lots 40.01, 41.01, and 41.02 in Block 49, and Lots 43.01 and 44 in Block 49.01. Wetland buffers encroach into Block 49, Lot 41.01, and Block 49.01, Lots 43.01 and 44. The northeast corner of Lot 41.01 of Block 49 is within the FEMA Special Flood Hazard Area. Additionally, except for the properties in Block 49.01, slopes greater than 15% scattered throughout the Rehabilitation Area. All but two lots have access to public streets. One of these lots is wooded and owned by the Borough. The second site is the Borough Hall parking lot, which achieves street access via the Borough Hall property. See the map on page 51 for additional details.



**Photo 3 - Downtown looking east**

Based on the information above, the Downtown Rehabilitation Area has the potential to yield affordable housing credits pursuant to NJAC 5:93-5.6 (inclusionary development).





# ENVIRONMENTAL CONSTRAINTS - DOWNTOWN REHABILITATION AREA

PORTIONS OF BLOCKS 23, 46, 49, & 49.01

BOROUGH OF DEMAREST

BERGEN COUNTY, NEW JERSEY

0 75 150  
1 inch = 150 feet



This map was developed using GIS digital data from FEMA, NJDEP, NJDOT, NJGIN, but this secondary product has not been verified and is not state-authorized. Aerial image sourced from NearMap, dated March 19, 2025.

April 30, 2025  
DEB005B



### **Borough-Wide Set-Aside Ordinance**

The Mayor and Council adopted a Borough-Wide Set-Aside Ordinance on August 26, 2019 via Ordinance No. 1065-19 pursuant to the Borough's 2018 Settlement Agreement with FSHC. This Ordinance amended Chapter 175 "Zoning", Article IX "Affordable Housing District", Section 46 "Affordable housing regulations". Section 175-46E.(1) 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 plan permitting multi-family residential development that would yield five or more residential units at a density of six or more units per acre 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 175-46F excludes properties already zoned for inclusionary residential development.

As the Borough is a Vacant Land Adjustment town, Demarest seeks to increase the affordable housing set-aside to 20% regardless of tenure. The draft ordinance can be found in Appendix K.

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

### **Fourth Round RDP Mechanisms & Credits**

Demarest has a 0-unit RDP; therefore, no mechanisms are proposed towards the RDP.

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 that has been adjusted, or RDP, is 0 for the Borough. Therefore, a plain language reading of the statute is "25% of the RDP".

Therefore, in the case of Demarest, a 0-unit RDP x 25% = 0 and the Borough is not required to identify parcels that are likely to redevelop pursuant to NJSA 52:37D-310.1.

The Borough does not believe there is any ambiguity in the words "prospective need obligation that has been adjusted". However, we are aware that developers and FSHC are attempting to convert the plain meaning of the statute into something that it simply does not say. "[T]he prospective need obligation that has been adjusted" does not mean unmet need for Round 4 despite the mental gymnastics being used to change the plain meaning. Notwithstanding the foregoing, if a court of competent jurisdiction interprets this or any other provision of law in a manner inconsistent with this HEFSP, the Borough will voluntarily amend its HEFSP accordingly.

In any event, the environmental data provided on page 27 demonstrates the numerous natural limitations Demarest faces as 44.06% of the Borough is limited by one or more natural resources, which constrain development and redevelopment within the Borough. Furthermore, the existing non-residential areas in the Borough's "downtown" area are already encompassed by a Redevelopment Plan that permits mixed-use inclusionary development.

## **Fourth Round Unmet Need Mechanisms & Credits**

An RDP of 0 translates to a 100-unit Unmet Need for the Borough. This number should be added to the combined Second and Third Round Unmet Need of 343 for an overall Unmet Need of 443. The Borough offers the following additional mechanism to address Unmet Need beyond those described in the “Second & Third Round Unmet Need Mechanisms & Credits” section.

### **127 Hardenburgh Avenue**

The remaining **9 credits** at 127 Hardenburgh Avenue from four family units, three supportive units, and two age-restricted units will be applied to the Fourth Round Unmet Need. The Borough negotiated with BC UW, gave them the land, and committed additional funds to enable the construction of the 100% affordable development; as a result, the Borough should be entitled to carry forward these surplus credits that were not envisioned or included in the Third Round FSHC Settlement Agreement.

Note that if the Program or a Court of competent jurisdiction disagrees with the legal interpretation of “at least 25 percent of the prospective need” the Borough reserves the right to amend the HEFSP to shift these 9 credits.

## **Summary of Proposed Mechanisms & Credits**

The table on the following page summarizes the mechanisms and credits Demarest proposes to address its four-part affordable housing obligation.

### Proposed Mechanisms & Credits

Mechanism	Credit Type	Tenure	Age-Restricted	Credit	Bonus	Total
<i>Prior Round Credits</i>						
95 County Road	Inclusionary	Rental	No	1	1	2
<b>Total</b>				<b>1</b>	<b>1</b>	<b>2</b>
<i>Third Round RDP Credits</i>						
95 County Road	Inclusionary	Rental	No	1	1	2
127 Hardenburgh Avenue	Inclusionary	Rental	No	4	1	5
	Alternative Living Arrangement	Rental	No	2	0	2
<b>Total</b>				<b>7</b>	<b>2</b>	<b>9</b>
<i>Second &amp; Third Round Unmet Need Credits</i>						None
127 Hardenburgh Avenue	Inclusionary	Rental	Yes	2	0	2
Accessory Apartment Ordinance	Accessory Apartment	Rental	TBD	TBD	TBD	TBD
Downtown Rehabilitation Area	Inclusionary	TBD	TBD	TBD	TBD	TBD
Borough-Wide Set-Aside	Inclusionary	TBD	TBD	TBD	TBD	TBD
<b>Total</b>				<b>TBD</b>	<b>TBD</b>	<b>TBD</b>
<i>Fourth Round Unmet Need Credits</i>						
127 Hardenburgh Avenue	Inclusionary	Rental	No	4	0	4
	Alternative Living Arrangement	Rental	No	3	0	3
	Inclusionary	Rental	Yes	2	0	2
<b>Total</b>				<b>9</b>	<b>0</b>	<b>9</b>

### Summary of Mechanisms & Credits

The table on the following page provides 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 &amp; Proposed Credits

Mechanism	Credit Type	Credit	Bonus	Total
<i>Prior Round Credits</i>				
RCA to Hoboken	RCA	9	0	9
Alpine Country Club	Inclusionary	4	0	4
Advancing Opportunities, Inc.	Alternative Living Arrangement	4	4	8
95 County Road*	Inclusionary	1	1	2
<b>Total</b>		<b>18</b>	<b>5</b>	<b>23</b>
<i>Third Round RDP Credits</i>				
95 County Road*	Inclusionary	1	1	2
127 Hardenburgh Avenue*	Inclusionary (Family)	4	1	5
	Alternative Living Arrangement	2	0	2
<b>Total</b>		<b>7</b>	<b>2</b>	<b>9</b>
<i>Second &amp; Third Round Unmet Need Credits</i>				
127 Hardenburgh Avenue*	Inclusionary (Senior)	2	0	2
Accessory Apartment Ordinance*	Accessory Apartment	TBD	TBD	TBD
Downtown Rehabilitation Area*	Inclusionary	TBD	TBD	TBD
Borough-Wide Set-Aside*	Inclusionary	TBD	TBD	TBD
<b>Total</b>		<b>TBD</b>	<b>TBD</b>	<b>TBD</b>
<i>Fourth Round RDP Credits</i>				None
<i>Fourth Round Unmet Need Credits</i>				
127 Hardenburgh Avenue*	Inclusionary (Family)	4	0	4
	Alternative Living Arrangement	3	0	3
	Inclusionary (Senior)	2	0	2
<b>Total</b>		<b>9</b>	<b>0</b>	<b>9</b>

\*Proposed Mechanisms

## XIII. Implementation Schedule

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

Implementation Schedule											
Mechanism	'25	'26	'27	'28	'29	'30	'31	'32	'33	'34	'35
95 County Road											
Construction											
Occupancy											
127 Hardenburgh Avenue											
Construction											
Occupancy											
Accessory Apartment Ordinance											
Application Review & Approval											
Construction											
Occupancy											
Downtown Rehabilitation Area											
Application Review & Approval											
Construction											
Occupancy											
Borough-Wide Set-Aside											
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. Affordable Housing Ordinance
2. Development Fee Ordinance
3. Affirmative Marketing Plan
4. Operating Manuals
5. 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. Prior to that date, the 5:99 rules will be adopted and HMFA will have addressed the interim UHAC rules.

A copy of the Affirmative Marketing Plan and associated approving resolution are included in Appendix L. Both of these documents were approved by the 2024 Final Judgment of Compliance and Repose. A copy of the operating manuals and associated governing body resolutions are included in Appendix M. All of these documents were approved by the 2024 Final Judgment of Compliance and Repose.

A copy of the Borough’s current Development Fee Ordinance can be found in Chapter 175 Zoning, Article VIII Administration, Section 34 Development Fees (<https://ecode360.com/31312723>). Demarest’s current Affordable Housing Ordinance can be found in Chapter 175 Zoning, Article X Affordable Housing Obligations (<https://ecode360.com/31312873>).

## XV. Appendix

- A. 2018 FSHC Settlement Agreement
- B. 2020 Sylco Settlement Agreement
- C. 2024 Final Judgment of Compliance and Repose
- D. Council Resolution No. 035-25 Committing to Fourth Round Obligation
- E. 2025 Complaint for a Declaratory Judgment of Compliance
- F. Council Resolution No. 081-25 Approving a Mediated Fourth Round Obligation
- G. Vacant Land Adjustment Documents
- H. Advancing Opportunities, Inc. License
- I. March 22, 2023 Planning Board Resolution for 95 County Road
- J. February 1, 2023 Planning Board Resolution for 127 Hardenburgh Avenue and Pro-forma
- K. Draft Ordinance
- L. Third Round Affirmative Marketing Plan and Resolution
- M. Third Round Operating Manuals and Resolutions
- N. 2025 Spending Plan
- O. Intent to Bond Resolution
- P. Municipal Housing Liaison Resolution
- Q. Administrative Agent Resolution
- R. County Level Order Entering Fourth Round Obligation
- S. Planning Board Resolution Adopting HEFSP
- T. Council Resolution Endorsing HEFSP