

**BOROUGH OF HARRINGTON PARK
PLANNING BOARD**

**AMENDED FOURTH ROUND
HOUSING ELEMENT AND FAIR SHARE PLAN ADOPTION
RESOLUTION**

PB-__-26

WHEREAS, the Borough of Harrington Park (hereinafter the "Borough") has a demonstrated history of voluntary compliance with its affordable housing obligations as evidenced in its Third Round record; and

WHEREAS, pursuant to N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), the Borough of Harrington Park filed a Declaratory Judgment Complaint in the Superior Court, Law Division seeking, among other things, a judicial declaration that its Third Round Housing Element and Fair Share Plan, satisfied its "fair share," of the regional need for low and moderate housing pursuant to the "Mount Laurel doctrine," and,

WHEREAS, that culminated in a Third Round Housing Element and Fair Share Plan adopted by the Planning Board and a Final Judgement of Repose in 2017; and,

WHEREAS, the Borough continues to incorporate and implement its Third Round Housing Element and Fair Share Plan; and

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2. which amended the 1985 Fair Share Housing Act (hereinafter the "Amended FHA"); and,

WHEREAS, on October 18, 2024, New Jersey Department of Community Affairs ("NJCA") published local and regional affordable housing obligations pursuant to P.L. 2024, c.2. proposing that Borough of Harrington Park has a Fourth Round present need, or rehabilitation, obligation of 0 units and a prospective need obligation of 202 units; and

WHEREAS, in accordance with the Amended FHA and the Administrative Office of the Courts ("AOC") Directive #14-24, the Borough filed a timely Fourth Round Declaratory Judgment Complaint ("DJ Action") with the Affordable Housing Dispute Resolution Program (the "Program") on January 31, 2025; and,

WHEREAS, the Fair Share Housing Center ("FSHC") filed an Answer to the DJ Action, objecting to the position taken by the Borough on the prospective need obligation; and

WHEREAS, pursuant to the Amended FHA and the AOC's Directive #14-24, the Borough and the FSHC entered into negotiations as part of the Program; and

WHEREAS, a settlement was entered into between the parties before the Honorable Thomas Miller, A.J.S.C. (ret.) of the Program providing that the Borough's Fourth Round affordable housing obligation for present need is 0 units and prospective need is 188 units; and

WHEREAS, an Order was entered by The Honorable Ronald Bookbinder, A.J.S.C (Ret.) establishing the present and prospective need obligations as 0 units and 188 units, respectively, on May 19, 2025; and

WHEREAS, the Borough authorized the preparation of a Fourth Round Housing Element and Fair Share Plan ("HEFSP") to be prepared by the Borough Planners, Elizabeth Leheny, AICP/PP and Nikhil Ramachandran, AICP/PP of Phillips Preiss Grygiel Leheny Keller, LLC, and after proper notice and public hearing the Planning Board of the Borough of Harrington Park adopted the Fourth Round HEFSP on June 24, 2025; and

WHEREAS, interested parties were permitted to file challenges with the Program to the HEFSP and a challenge by Fair Share Housing Center were filed to the Borough's Fourth Round HEFSP; and

AMENDMENT TO

THE FOURTH ROUND HOUSING ELEMENT & FAIR SHARE PLAN FOR THE BOROUGH OF HARRINGTON PARK

Prepared for:

Planning Board and Borough Council
Borough of Harrington Park
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March 2026

The original copy of this document was signed and sealed
in accordance with N.J.S.A. 45:14 A-1 et seq.



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Acknowledgments

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I. Introduction & Purpose

This amendment to the Borough of Harrington Park's Housing Element and Fair Share Plan ("HEFSP") amends the HEFSP adopted on June 24, 2025 ("2025 HEFSP"). Those portions of the 2025 HEFSP that are not amended by the following remain in full force and effect as the policy and implementation document for affordable housing in Harrington Park.

The Borough of Harrington Park filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the "Program") and a declaratory judgment action pursuant to N.J.S.A. 52:27D-301 et. seq. (the "Fair Housing Act") on January 31, 2025. The Court subsequently entered an order on May 19, 2025, setting the Borough's Fourth Round fair share obligations as a Present Need of 0 units and a Prospective Need of 188 units, which no party appealed, and ordered the Borough to file its HEFSP by June 30, 2025. The Borough then filed its HEFSP on June 25, 2025 via a resolution adopted by the governing body endorsing the 2025 HEFSP. On September 2, 2025, Fair Share Housing Center ("FSHC") filed a challenge to the Borough's 2025 HEFSP pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b). The Borough and FSHC in December 2025 then agreed to settle the litigation and to present an agreement to the Program and the Court with jurisdiction over this matter to review, recognizing that the settlement of Mount Laurel litigation is favored because it ends delays and the expense of trial and results more quickly in the construction of homes for very-low-, low- and moderate-income households. The Borough executed a Settlement Agreement with FSHC on December 15, 2025. That Settlement Agreement established the Borough's affordable housing obligation and mechanisms to satisfy the obligation, which notably included a vacant land adjustment. As such, this Amendment to the 2025 HEFSP has been prepared to be consistent with the Settlement Agreement reached with FSHC dated December 15, 2025.

II. Amendment to the 2025 HEFSP

Fourth Round Affordable Housing Obligation

In accordance with the settlement agreement reached between the Borough of Harrington Park and FSHC, Harrington Park's Fourth Round affordable housing obligation is as follows:

- Present Need or Rehabilitation Obligation: 0
- Fourth Round (2025-2035) Prospective Need obligation: 188

Satisfaction of the Fourth Round Obligation

The Borough prepared a VLA for the Fourth Round which established, consistent with the Settlement Agreement with FSHC, that the Borough has a Fourth Round RDP of 12 units.

The proposed affordable housing mechanisms that would address Harrington Park's Fourth Round RDP of 12 units are discussed below and shown in Table 1, Entitlement to Fourth Round Affordable Housing Credits for Planned Projects.

Allegro Assisted Living Facility

As part of the Borough's compliance with its Third Round obligations, it adopted the OALSR Office/Assisted Living/Senior Residential Community Zone District, which facilitated the construction of the Allegro Senior Living facility. Pursuant to State law, 10 percent of assisted living beds are Medicaid beds. The Borough is accordingly meeting a portion of its Fourth Round obligation through 9 Medicaid beds or 9 credits toward its Fourth Round RDP.

Accessory Apartment Program

The Borough will meet the remainder of its Fourth Round RDP through 3 accessory apartment units to be created through its accessory apartment program established within the Borough's affordable housing ordinance. The Borough will contribute \$30,000 per unit to owners of rental accessory apartments. The Borough will also implement an annual tax credit to owners of rental accessory apartments, initially by 25% per year increasing to a maximum of a \$50,000 credit. For all rental accessory apartment units, the permit and review fees will be waived. The Borough will work with its contracted administrative agent, Rehabco, to prepare an "Accessory Apartment Program Guide" that shall be circulated annually to Borough residents, along with other outreach about the program.

Table 1: Entitlement to Fourth Round Affordable Housing Credits for Planned Projects

Plan Component	Type	Units	Anticipated Bonus Credits	Total Credits
Allegro Assisted Living	Medicaid	9	-	9
Accessory Apartment Program	Family Rental	3	-	3
Total		12	-	12

Bergen County United Way Group Home

Additionally, recognizing its overall lack of available and developable land, the Borough intends to continue to make efforts to provide realistic opportunities for affordable housing development. Accordingly, the Borough is in discussions with Bergen County United Way (“BCUW”) regarding the potential development of special needs housing for seniors, on property identified on the Tax Maps of the Borough as Block 707, Lots 1 and 16 and Block 728, Lot 1. The Borough will proceed diligently and act in good faith to work with BCUW to construct a 4-bedroom group home for seniors on these three parcels which are owned by the Borough of Harrington Park. BCUW will have 60 days from January 5, 2026 to perform due diligence on the aforementioned parcels. The Borough reserves the right to grant BCUW reasonable extensions of time to perform due diligence if needed. If BCUW determines the parcels are suitable for the group home, then the Borough will reserve the land by ordinance deed to BCUW subject to BCUW obtaining the necessary funding for the project. If BCUW determines it cannot develop the group home on the Borough’s parcels, the Borough will make good faith and best efforts to find another location in Harrington Park for BCUW to develop a group home. If despite the good faith and best efforts of the Borough and BCUW, the group home has not been completed by the mid-way point of the Fourth Round compliance period (i.e., July 1, 2030), then the Borough will create a realistic opportunity for the development of 4-units of affordable housing by adjusting its existing or proposed affordable housing overlay zones. The Borough will report annually to the Court and Fair Share Housing Center regarding the progress made on development of the group home.

The following provides a description of the site and its suitability for development.

The Second Round Substantive Rules of the former New Jersey Council on Affordable Housing (COAH) are the recognized guide for determining the suitability of a property for the production of affordable housing. A “Suitable site” is defined in these rules at N.J.A.C. 5:93-1.3 as “a site that is adjacent to compatible land uses, has access to appropriate streets and is consistent with the environmental policies delineated in N.J.A.C. 5:93-4.” Additional requirements for site suitability at N.J.A.C. 5:93-5.3(b) include that affordable housing sites are “available, suitable, developable and approvable, as defined in N.J.A.C. 5:93-1.” Sites where infrastructure is currently or imminently available are given priority.

The site is available, suitable, developable and approvable, as described below:

Available: The parcels comprising the site are owned by the Borough of Harrington Park and are available for the development for affordable housing, as they are not encumbered by any title, deed restriction, or other hindrance.

Suitable: The site is generally located within the central portion of the Borough, measuring approximately 0.508 acres in area, with ±54 feet of frontage along the western side of Guy Street, ±76 feet of frontage along the eastern side of Dora Street, and ±52 feet of frontage along the northern end of Dora Street. The site is currently undeveloped, consisting of vacant, wooded land. Two of the parcels are located in the R-1 Zone (Block 707, Lots 1 and 16) and the other is located in the R-2 Zone (Block 728, Lot 1). Surrounding land uses include primarily single-family residential development. A wooded open space conservation area lies further northwest amidst abutting single-family dwellings. Other notable uses in the greater neighborhood include the municipal complex further south, and the Harrington Park Public School and George Street Park further southwest. The residential character of the surrounding neighborhood and its proximity to open space/recreational areas make the site suitable for potential development with special needs senior housing.

Developable: The site is developable given that it is located in an area with existing infrastructure, within the Bergen County Utilities Authority Wastewater Management Plan and the Northeast Water Quality Management Plan. Furthermore, the site does not contain any wetlands or water bodies as discerned from the New Jersey 2020 Land Use/Land Cover dataset nor any FEMA delineated flood hazard areas located within the 100-year floodplain. The site also does not contain any steep slope areas exceeding 15 percent greater than 5,000 square feet as per 10 foot digital elevation model LiDAR data.

Approvable: Both the R-1 and R-2 District permit one-family dwellings; customary accessory uses and buildings; public utility distribution lines and mains necessary for the service of the area; reservoir on water supply reservation; and real estate signs. The R-1 District additionally permits churches or similar places of worship, parish houses and convents; elementary and secondary day schools; public parks and playgrounds and other municipal recreation uses; public libraries, museums and municipal facilities. Permitted conditional uses within the R-1 District include satellite antennas and home occupations and professional offices. Furthermore, pursuant to N.J.S.A. 40:55D-66.1 of the Municipal Land Use Law, “community residences for persons with developmental disabilities, community shelters for victims of domestic violence, community residences for persons with terminal illnesses, community residences for persons with head injuries, and adult family care homes for persons who are elderly and adults with physical disabilities shall be a permitted use in all residential districts of a municipality, and the requirements therefor shall be the same as for single family dwelling units located within such districts.” As such, the potential special needs senior housing development is a permitted use within the Borough’s R-1 and R-2 residential districts.

The potential development is anticipated to be provided within a single-family detached dwelling, effectively reflecting the character of the existing neighborhood. Moreover, the site can be developed consistent with RSIS and other state regulations including those from NJDEP.

In addition, with respect to consistency with the 2025 State Development and Redevelopment Plan, the site is located within both the Metropolitan Planning Area 1 (PA1) and the Environmentally Sensitive Planning Area 5 (PA5). Block 707, Lots 1 and 16 are located entirely in PA1. Block 728, Lot 1 is split between PA1 and PA5, with the southeastern corner of Lot 1 being located in PA1 and the remaining majority of the lot being located in PA5. The stated intent of PA 1 includes providing for compact development and the protection and enhancement of existing stable communities, which will be achieved through development in an area with existing infrastructure and community facilities, while also reflecting the general character of the surrounding community. State policy also encourages inclusionary development within PA-1 as per N.J.A.C. 5:93-5.4.(a), which is consistent with Smart Growth planning principles. The stated intent of PA5 includes to protect environmental resources, which will be upheld as the potential affordable housing development will not encroach upon any existing areas of environmental constraints. As such, the site is approvable for development with low- and moderate-income housing. See Figure 2 for an aerial context depiction of the site.

[Mechanisms to Address Unmet Need](#)

The Fourth Round RDP of 12 units subtracted from the Fourth Round obligation of 188 units results in an unmet need of 176 units. Pursuant to N.J.S.A. 52:27D-310.1, any municipality that receives an adjustment of its prospective need obligations for the Fourth Round or subsequent rounds based on a lack of vacant land shall, as part of the process of adopting and implementing its housing element and fair share plan, 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 (25 percent of 188 units is 44 units) and adopt realistic zoning that allows for such adjusted obligation. The Borough will address its unmet need through the following mechanisms.

[Inclusionary Overlay Zoning](#)

The Borough will adopt new and expand existing inclusionary overlay zoning at the following sites (shown in Figure 1). This will not only address the 25 percent unmet need requirement stated above, but will also increase permitted densities within existing overlay zones to enhance the Borough's ability to continue to provide realistic opportunities for the creation of affordable housing.

Table 2: The Borough of Harrington Park Affordable Housing Overlay Zones

Property	Permitted Number of Total Residential Units	Minimum Number of Affordable Units
Block 1204, Lots 1 & 2	16	3
Block 1204, Lots 4 & 5	15	3
Block 1204, Lots 6, 9, 10, & 11	30	6
Block 1204, Lot 8	8	2
Block 1205, Lots 2 & 5	36	7
Block 1205, Lot 4;	8	2
Block 1206, Lot 1	10	2
Block 1207, Lot 2	60	12
Block 1316, Lots 1-7, 9 & 11	47	9
Block 1406, Lots 24, 25 & 26	71	14
	Total	60

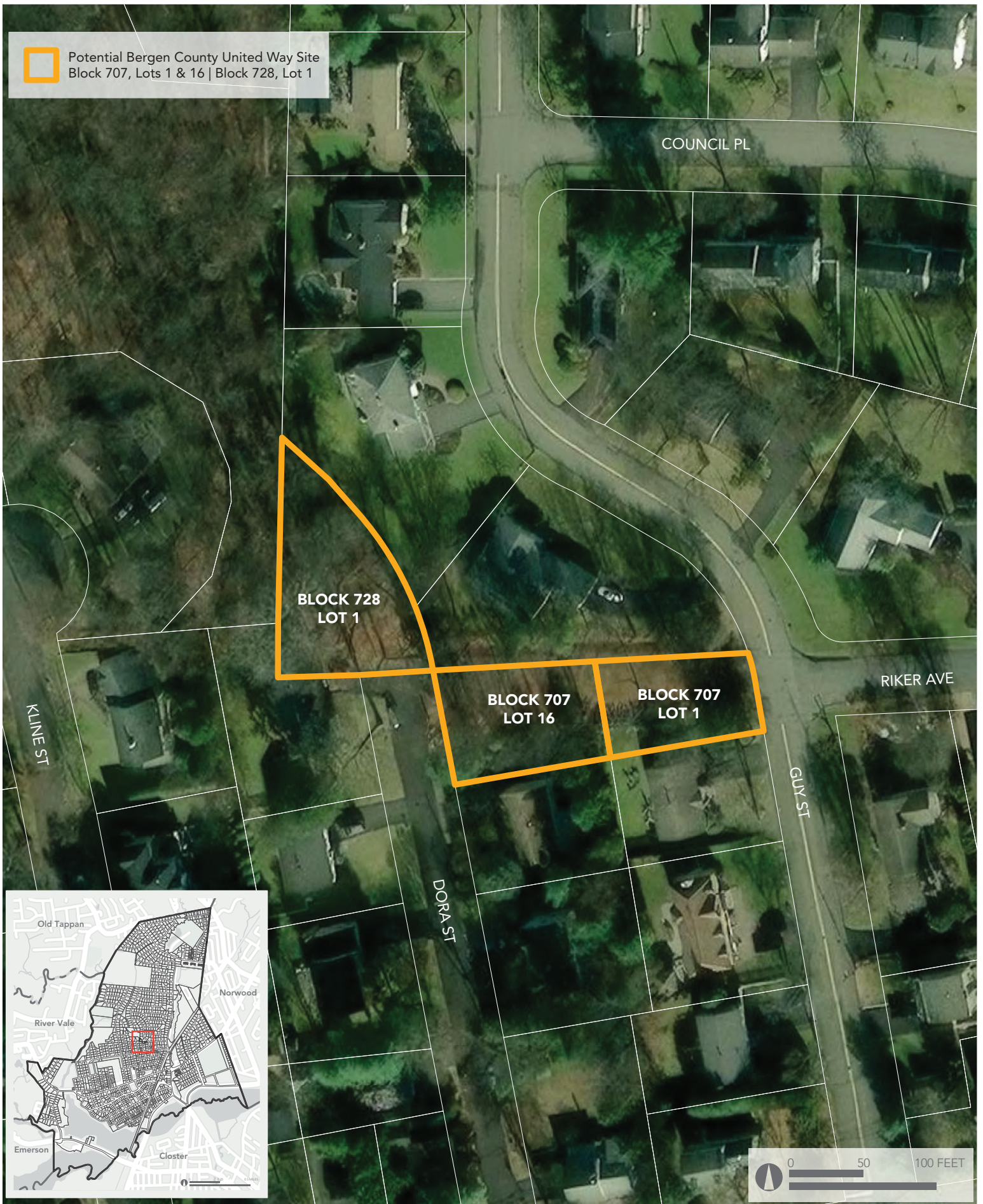


Figure 1: Block 707, Lots 1 & 16 | Block 728, Lot 1

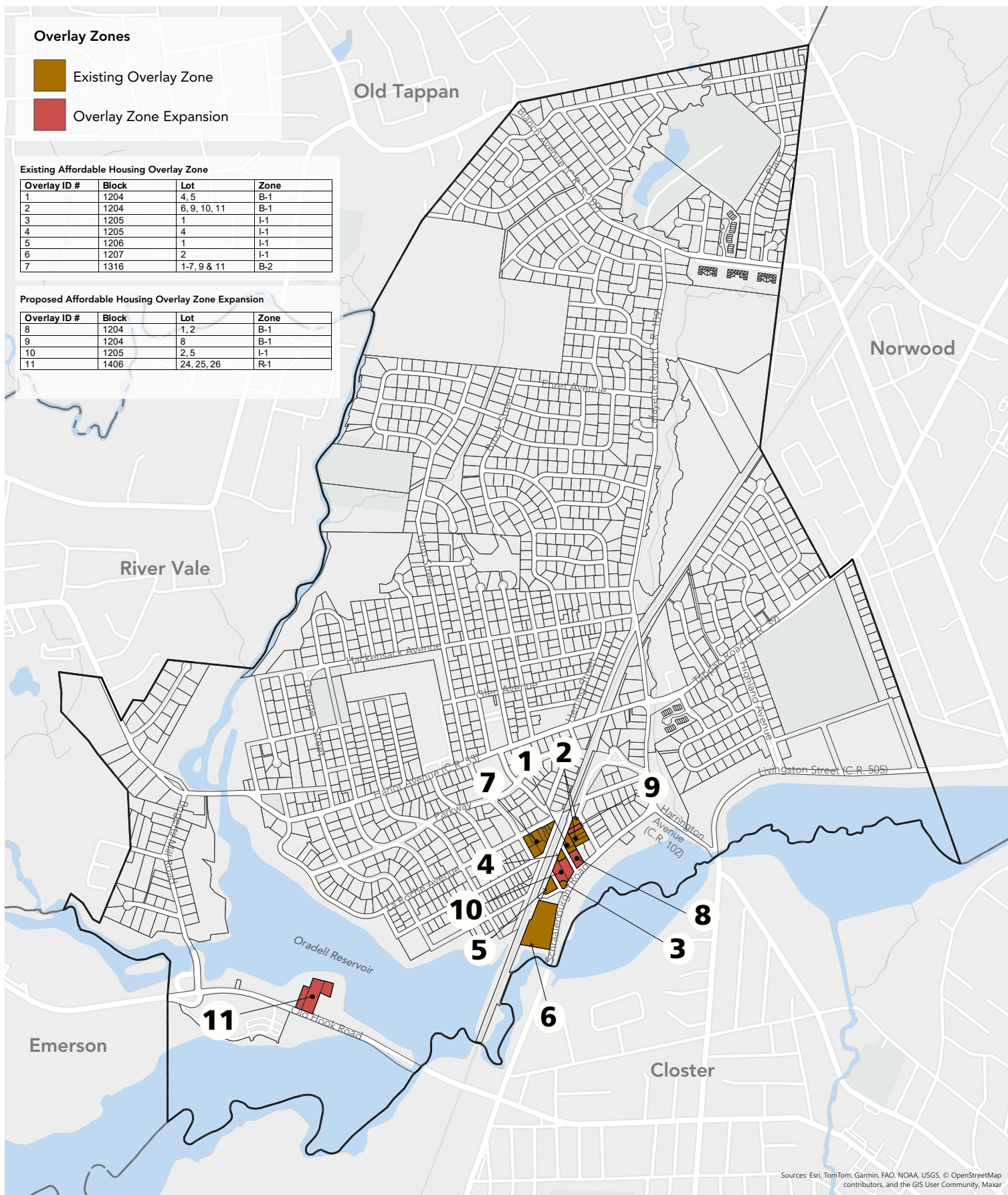


Figure 2: Affordable Housing Overlay Zones



Summary

The Borough of Harrington Park has limited resources in terms of vacant and/or developable land. However, the Borough is committed to addressing its fair share obligation to provide affordable housing. Harrington Park will continue to pursue and encourage realistic opportunities for the development of new affordable housing units in the Borough through innovative mechanisms including accessory apartment incentives, overlay zoning, municipal mandatory set-aside, and continued pursuit of a partnership to develop special needs housing on Borough-owned land with Bergen County United Way.

WHEREAS, the Borough participated in mediations and sessions pursuant to, and before, the Program and ultimately entered into Settlement Agreements with FSHC; and

WHEREAS, Hon. Ronald Bookbinder, A.J.S.C, serving as the Mount Laurel Judge, entered an Order, dated February 4, 2026, ordering that (1) the Settlements are approved, (2) the endorsed Fourth Round HEFSP (as amended) is approved, (3) the challenge filed by Fair Share Housing Center is dismissed, (4) the Borough is authorized to adopt and file the Amended Fourth Round HEFSP and notice and adopt the implementing ordinances and resolutions on or before March 16, 2026, and (5) thereafter the Court shall schedule a Fairness and/or Compliance Hearing to consider approval of the Amended Fourth Round HEFSP and enter the Borough's certification of compliance and repose from builder's remedy and/or exclusionary zoning litigation in the Fourth Round and the period 2025 to 2035; and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board of the Borough of Harrington Park held a public hearing on the Amended Fourth Round HEFSP on March 4, 2026; and,

WHEREAS, the Planning Board determined, after hearing testimony from the Borough Planner and the public, that the attached Amended Fourth Round HEFSP will guide the use of lands in the Borough in a manner which protects public health and safety and promotes the general welfare in accordance with N.J.S.A. 40:55D-28, and is designed to achieve access to affordable housing to meet the Borough's Fourth Round Mount Laurel constitutional affordable housing obligations and considers the lands that are most appropriate for construction of low and moderate income housing in accordance with N.J.S.A. 52:27D-310; and

WHEREAS, the Planning Board recommends by this Resolution that the Borough Council of the Borough of Harrington Park endorse the amended Fourth Round HEFSP; and

NOW, THEREFORE, BE IT RESOLVED, on this 4th day of March 2026, that the Planning Board of the Borough of Harrington Park, County of Bergen, State of New Jersey, as follows:

1. The foregoing recitals are incorporated herein as if set forth in full.
2. The Planning Board, having reviewed the proposed Amended Fourth Round HEFSP, finds the same will guide the use of lands in the Borough in a manner which protects public health and safety and promotes the general welfare in accordance with N.J.S.A. 40:55D-28, and is designed to achieve access to affordable housing to meet the Borough's Fourth Round Mount Laurel constitutional affordable housing obligations and considers the lands that are most appropriate for construction of low and moderate income housing in accordance with N.J.S.A. 52:27D-310.
3. The Planning Board hereby adopts the Amended Fourth Round HEFSP attached hereto as Exhibit A.
4. This Resolution and the Amended Fourth Round HEFSP shall be filed with the Superior Court no later than March 16, 2026;
5. The Secretary of the Planning Board shall forward a copy of this Resolution, with the attached Fourth Round HEFSP, to the New Jersey State Office of Planning Advocacy and to the Bergen County Planning Board, within 30 days of the date of adoption of this resolution, and a notice that the Fourth Round HEFSP has been adopted shall be sent to the municipal clerk of each adjoining municipality; and
6. This Resolution shall be effective immediately upon adoption.

Adopted: March 4, 2026

Memorialized: March 4, 2026

I, Carolyn Lee, Secretary of the Planning Board, in the County of Bergen, and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a Resolution passed at a regular meeting of the Borough of Harrington Park held on March 4, 2026.

BOROUGH OF HARRINGTON PARK
PLANNING BOARD



Carolyn Lee, Secretary
Borough of Harrington Park Planning Board