



# Housing Element & Fair Share Plan

Borough Of Old Tappan  
Bergen County, New Jersey  
May 30, 2025




# **2025 HOUSING ELEMENT AND FAIR SHARE PLAN**

**BOROUGH OF OLD TAPPAN  
BERGEN COUNTY, NEW JERSEY**

**PREPARED FOR:**

**BOROUGH OF OLD TAPPAN PLANNING BOARD  
BA# 4156.06**

**The original document was appropriately signed and sealed on May 30, 2025 in accordance with Chapter 41 of Title 13 of the State Board of Professional Planners.**

A handwritten signature in black ink, appearing to read "John P. Stabo, Jr.", is written over a horizontal line.

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**The Housing and Fair Share Plan was adopted by the Borough of Old Tappan Planning Board after public hearing on June 11, 2025.**

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## **EXECUTIVE SUMMARY**

The following **2025 Housing Element and Fair Share Plan (HE&FSP) of the Master Plan** has been prepared for the Borough of Old Tappan, Bergen County, New Jersey.

This plan is designed to outline the manner in which the Borough will address its affordable housing obligations for the upcoming Fourth Round. As will be discussed in greater detail in this document, these obligations were derived from a variety of different sources including the Council on Affordable Housing (COAH), prior Court-approved Judgments of Compliance and Repose, settlement agreements with Fair Share Housing Center (FSHC), and most recently from Fourth Round obligation calculations provided by the Department of Community Affairs (DCA).

In summary, the Borough's affordable housing obligation over the prior and current Fourth Round is as follows:

**Table 1: Affordable Housing Obligations Summary**

Category	Obligation
Present Need (Rehabilitation) Obligation	4
First & Second Round Obligation (1987-1999)	98
Third Round Obligation (1999-2025)	271
Fourth Round Obligation (2025-2035)	212

### **Historic Overview**

The Borough of Old Tappan has a long-standing history of compliance with its constitutional obligation to provide for affordable housing in the community having received substantive certification from the Council on Affordable Housing for the First and Second Rounds and a judgement of compliance and repose for the Third Round.

The Borough of Old Tappan has prepared a number of Housing Elements and Fair Share Plans over the years to address its affordable housing obligations. In 1987 and again in 1994, COAH had adopted a 'fair share' methodology to determine housing-need numbers for all municipalities in the state. COAH subsequently adopted a combined first and second round housing need numbers for Old Tappan covering the years 1987-1999 which indicated the Borough had a 98-unit affordable housing obligation.

The Borough's planning response to its obligation was to designate several sites for affordable housing. These developments include Winding Creek, Villages at Woods Edge, Foxwoods Estates, and Dorotockey's Run, all inclusionary developments yielding credits totaling 47 units. The Russell Avenue Senior Rental Housing yielded additional credits for 33 units. The Borough also participated in a Regional Contribution Agreement whereby 21 affordable units were transferred to Jersey City through a monetary contribution. The Borough received substantive certification from COAH on



February 7, 1996 with the certified Prior Round Plan resulting in credits totaling 101 units for a 98-unit obligation. The Borough was subsequently granted extended substantive certification by COAH on April 13, 2005.

In December 2004, COAH adopted new substantive (N.J.A.C. 5:94) and procedural (N.J.A.C. 5:95) rules for the period beginning December 20, 2004. At the same time, COAH re-adjusted all municipal first and second round housing-need new construction and indigenous (rehab) need housing obligations. While this initially reduced the Borough's affordable housing obligation from 98 to 79 units, a subsequent Appellate Division court decision required COAH to recalculate its figures which eventually resulted in COAH restoring the Borough's 98-unit prospective need obligation.

In response to the adoption of Third Round Rules, the Borough prepared a Plan, adopted on December 3, 2008, to address its Third Round obligation by analysis of the Borough's growth share projections. However, as detailed previously, the Third Round methodology, based upon growth share, has been invalidated by the New Jersey Supreme Court requiring the preparation of a new plan based upon the prior round fair share methodology.

The New Jersey Supreme Court has established a "judicial" process for the review of municipal affordable housing plans. The Borough opted to participate in the judicial process established by the New Jersey Supreme Court and filed its declaratory judgement action with the Court seeking a judicial determination of compliance with its affordable housing obligation. A judicial determination that the Borough's settlement with FSHC and SMDCLLC was "fair and equitable" and protected the interests of low and moderate-income families pursuant to the judicial standards prescribed by the Appellate Division in East/West Venture v. Borough of Fort Lee, 289 N.J. Super. 311 (App. Div. 1996) and in Morris County Fair Housing Council v. Boonton Township, 197 N.J. Super. 359 (Law Div. 1984), aff'd o.b., 209 N.J. Super. 108 (App. Div. 1986) was made by court order filed on March 6, 2018.

#### Fourth Round Obligation

Governor Murphy signed the A-40/S-50 Bill into law on March 20, 2024 upon adoption by the State Senate and Assembly. This legislation (FHA-2) amended the Fair Housing Act (FHA or the Act) by abolishing COAH and created a new process that involved the creation of an entity known as the Affordable Housing Dispute Resolution Program (the Program), which is overseen by seven retired Mount Laurel judges. The Program has taken the place of the trial courts and COAH regarding the approval process involving municipal HE&FSPs. The DCA and the Administrative Office of the Courts (AOC) are both also involved in assisting the Program with this process.

FHA-2 directed the DCA to calculate the Present Need (also referred to as the Rehabilitation obligation) and the Prospective Need (also known as the new construction obligation) for Round Four based upon the standards set forth in the Act. The DCA issued its report on October 18, 2024, and, in accordance with the Act, made clear that the obligations generated by the report were advisory only and were non-binding. For the Borough of Old Tappan, the DCA Report identified a Present Need of 4 units and a Prospective Round Four Need of 233 units.

Since the DCA report was non-binding, each municipality the legislation provided municipalities the opportunity to study and define why its obligations should be different based on the standards in the Act. This analysis, conducted by Burgis Associates on behalf of the Borough, established a prospective need of 121 units. The Borough's calculation of obligation was challenged by the New Jersey Builder's Association who sought higher obligations. Ultimately the matter was settled and the Borough adopted a binding resolution which committed to the present and prospective need obligations identified by DCA as modified by the Court settlement that ultimately resulted in a Fourth Round Obligation of Present Need of 4 units and Round Four Prospective Need at 212 units.

## **FAIR SHARE OBLIGATION**

The following section provides an overview of the Borough's fair share obligation. It includes a brief overview of the methodology utilized to calculate affordable housing obligations throughout the state.

Accordingly, the remainder of this 2025 HE&FSP is divided into the following sections

### ❖ Section 1: Introduction

The first section of the 2025 HE&FSP provides an introduction to affordable housing. It summarizes what affordable housing is, offers an overview of the history of affordable housing in the state, and explains the role of a housing element and fair share plan.

### ❖ Section 2: Housing Element

Section 2 contains the Housing Element for the Borough of Old Tappan. It offers a community overview of the Borough, as well as background information regarding its population, housing, and employment characteristics. It also provides projections of the Borough's housing stock and employment.

### ❖ Section 3: Fair Share Obligation

Next, Section 3 provides an overview of the Borough's fair share obligation. It includes a brief history of the methodologies utilized to calculate affordable housing obligations throughout the state.

### ❖ Section 4: Fair Share Plan

Finally, Section 4 details the manner in which the Borough has addressed its prior First, Second and Third Round obligations, how it will address its Fourth Round Prospective Need Obligation, and how same is consistent with the FHA, applicable COAH and UHAC regulations, and state planning initiatives.

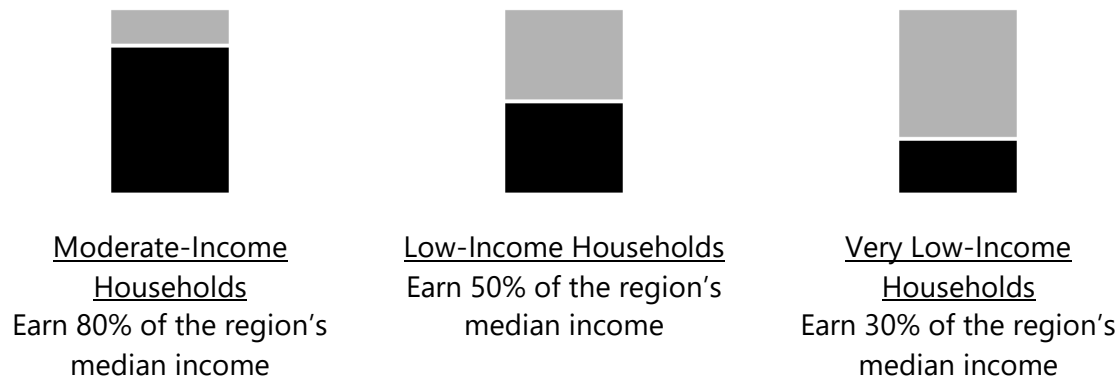


## **SECTION I: INTRODUCTION**

The following section provides an introduction to affordable housing. It summarizes what affordable housing is, offers an overview of the history of affordable housing in the state, and explains the role of a housing element and fair share plan.

# A. What is Affordable Housing?

Affordable housing is income-restricted housing that is available for sale or for rent. Typically, affordable housing is restricted to very-low, low-, and moderate-income households. These categories are derived from median regional income limits established for the state. New Jersey is delineated into six different affordable housing regions. Old Tappan is located in Region1, which includes Bergen, Hudson, Passaic and Sussex counties.



Regional income limitations are updated every year, with different categories established for varying household sizes. Table 2 identifies the 2024 regional income limits by household size for Region 1. As shown, a three-person family with a total household income of no greater than \$86,697 for moderate income and \$54,185 for low income units could qualify for affordable housing in the Borough's region.

**Table 2: 2024 Affordable Housing Region 1 Income Limits by Household Size**

Income Level	2 Person	3 Person	4 Person	5 Person
Median	\$96,329	\$108,371	\$120,412	\$130,045
Moderate	\$77,064	\$86,697	\$96,329	\$104,036
Low	\$48,165	\$54,185	\$60,206	\$65,022
Very-Low	\$28,899	\$32,511	\$36,124	\$39,013

One of the most common forms of affordable housing is inclusionary development, in which a certain percentage of units within a multifamily development are reserved as affordable to low and moderate income families, adults with special needs and seniors that also qualify under the income guidelines. Affordable housing can be found in a variety of other forms, including but not limited to 100% affordable housing developments, deed-restricted accessory apartments, alternative living arrangements such as special need/supportive housing or group homes, assisted living facilities, and age-restricted housing.

**B. WHAT IS THE HISTORY OF AFFORDABLE HOUSING IN NEW JERSEY?**



The history of affordable housing in New Jersey can be traced back to 1975, when the Supreme Court first decided in *So. Burlington Cty. NAACP v. Borough of Mount Laurel* (known as Mount Laurel I) that every developing municipality throughout New Jersey had an affirmative obligation to provide for its fair share of affordable housing. In a subsequent Supreme Court decision in 1983 (known as Mount Laurel II), the Court acknowledged that the vast majority of municipalities had not addressed their constitutional obligation to provide affordable housing.

As such, the Court refined this obligation to establish that every municipality had an obligation, although those within the growth area of the State Development and Redevelopment Plan (SDRP) had a greater obligation. The Court also called for the state legislature to enact legislation that would save municipalities from the burden of having the courts determine their affordable housing needs. The result of this decision was the adoption of the Fair Housing Act in 1985, as well as the creation of the New Jersey Council on Affordable Housing (COAH), which became the state agency responsible for overseeing the manner in which New Jersey's municipalities address their low- and moderate-income housing needs.

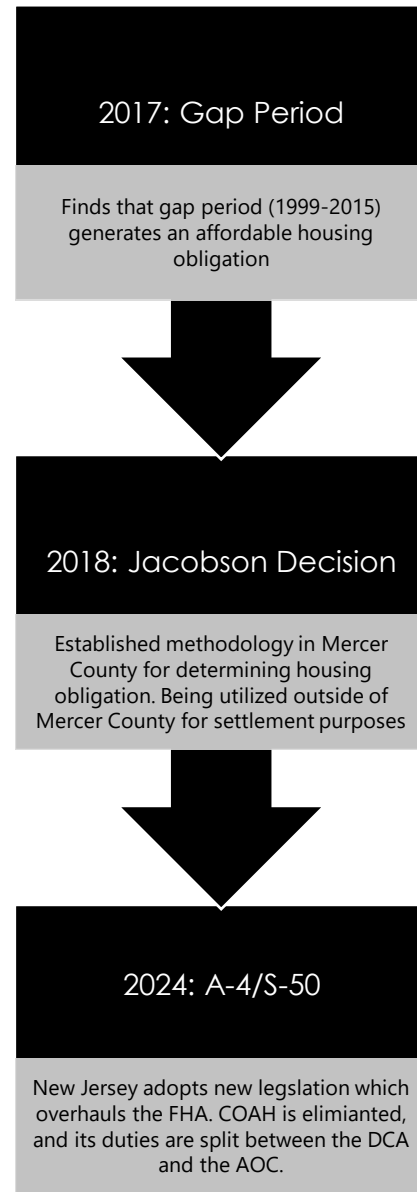
COAH proceeded to adopt regulations for the First Round obligation, which covered the years 1987 to 1993. It also

established the Second Round housing-need numbers that cumulatively covered the years 1987 through 1999. Under both the First and Second Rounds, COAH utilized what is commonly referred to as the "fair share" methodology. COAH utilized a different methodology, known as "growth share," beginning with its efforts to prepare Third Round housing-need numbers. The Third Round substantive and procedural rules were first adopted in 2004.

These regulations were challenged and in January 2007, the Appellate Division invalidated various aspects of these rules and remanded considerable portions of the rules to COAH with the directive to adopt revised regulations.

In May 2008, COAH adopted revised Third Round regulations which were published and became effective on June 2, 2008. Coincident to this adoption, COAH proposed amendments to the rules they had just adopted, which subsequently went into effect in October 2008. These 2008 rules and regulations were subsequently challenged, and in an October 2010 decision, the Appellate Division invalidated the Growth Share methodology, and also indicated that COAH should adopt regulations pursuant to the Fair Share methodology utilized in Rounds One and Two. The Supreme Court affirmed this decision in September 2013, which invalidated much of the third iteration of the Third Round regulations and sustained the invalidation of growth share. As a result, the Court directed COAH to adopt new regulations pursuant to the methodology utilized in Rounds One and Two.

Deadlocked with a 3-3 vote, COAH failed to adopt newly revised Third Round regulations in October



2014. Fair Share Housing Center, who was a party in both the 2010 and 2013 cases, responded by filing a motion in aid of litigants' rights with the New Jersey Supreme Court. The Court heard the motion in January 2015 and issued its ruling on March 20, 2015. The Court ruled that COAH was effectively dysfunctional and, consequently, returned jurisdiction of affordable housing issues back to the trial courts where it had originally been prior to the creation of COAH in 1985.

This 2015 Court decision created a process in which municipalities may file a declaratory judgment action seeking a declaration that their HE&FSP is constitutionally compliant and receive temporary immunity from affordable housing builders' remedy lawsuits while preparing a new or revised HE&FSP to ensure their plan continues to affirmatively address their local housing need as may be adjusted by new housing-need numbers promulgated by the court or COAH.

Subsequently, the Supreme Court ruled on January 18, 2017 that municipalities are also responsible for obligations accruing during the so-called "gap period," the period of time between 1999 and 2015. However, the Court stated that the gap obligation should be calculated as a never-before calculated component of Present Need, 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).

On March 20, 2024, Governor Murphy signed the A4/S50 Bill into law, which amended the FHA for the Fourth Round and beyond. The amendments to the FHA eliminated COAH, moved away from just allowing trial courts to approve municipal HE&FSPs, and created a new entity to approve the plans known as The Program, which consists of seven retired Mount Laurel Judges. FHA-2 also involved the DCA and the AOC in the process.

The DCA was designated by the amended FHA as the entity responsible for calculating the state's regional needs as well as each municipality's present and prospective fair share obligations pursuant to the Jacobson Decision. However, the Amended FHA makes clear that these numbers are advisory and non-binding, and that each municipality must set its own obligation number utilizing the same methodology. The Program was tasked to handle any disputes regarding affordable housing obligations and plans, and to ultimately issue a Compliance Certification to approve a municipality's HE&FSP, which would continue immunity from all exclusionary zoning lawsuits until July 30, 2035.

C. What is a Housing Element and Fair Share Plan? A HE&FSP serves as the blueprint for how a municipality will address its fair share of affordable housing. It is designed to help a community broaden the accessibility of affordable housing.

While technically a discretionary component of a municipal master plan, a HE&FSP is nevertheless an effectively obligatory plan element. As established by N.J.S.A. 40:55D-62.a of the Municipal Land Use Law (MLUL), a municipality must have an adopted HE&FSP in order

The Municipal Land Use Law (MLUL) is the enabling legislation for municipal land use and development, planning, and zoning for the State of New



to enact its zoning ordinance. Thus, from a public policy perspective, a HE&FSP is an essential community document. Moreover, without an approved HE&FSP, a municipality may be susceptible to a builder's remedy lawsuit in which a developer could file suit to have a specific piece of property rezoned to permit housing at higher densities than a municipality would otherwise allow, provided a certain percentage of units are reserved as affordable.

The Fair Housing Act, as most recently amended pursuant to FHA-2, establishes the required components of a HE&FSP. These are summarized as follows:

1. 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;
2. 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;
3. An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age;
4. An analysis of the existing and probable future employment characteristics of the municipality;
5. 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;
6. A consideration of the lands that are most appropriate for construction of low- and moderate-income housing and 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;
7. 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;
8. 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.

## Section 2: Housing Element

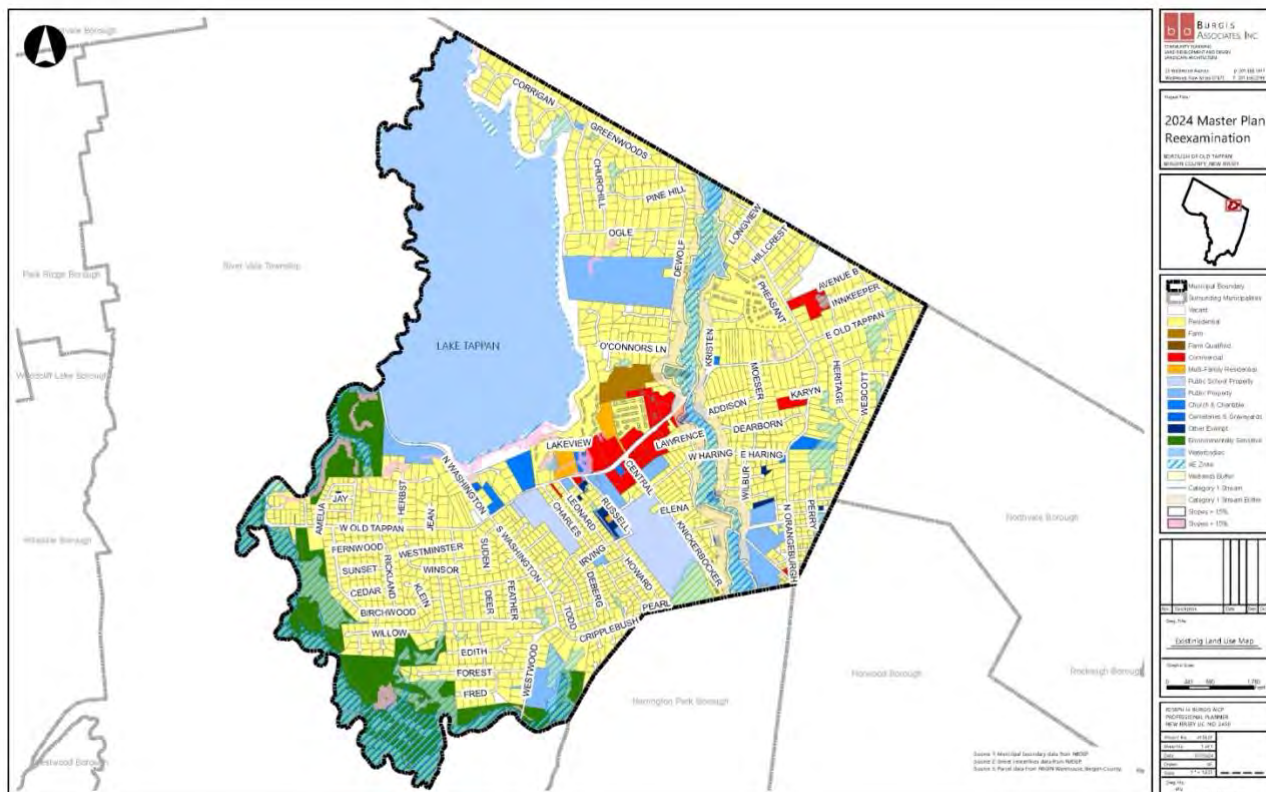
The following section provides the housing element for the Borough of Old Tappan. It offers a community overview of the Borough, as well as background information regarding its population, housing, and employment characteristics. It also provides projections of the Borough's housing stock and its employment.

## A. COMMUNITY OVERVIEW

The Borough of Old Tappan is located in northeastern Bergen County. Several Bergen County municipalities surround Old Tappan, including the Boroughs of Northvale and Norwood to the east, the Borough of Harrington Park to the south, and the Township of River Vale to the south and west. Rockland County, New York is located on Old Tappan's northern boundary. Old Tappan has a land area of approximately 3.9 square miles. County roadways provide regional access to the Borough since no major highways transverse Old Tappan.

The Borough is predominantly a developed community, consisting primarily of single-family residences. Commercial development accounts for approximately two percent of the Borough's land area. The second largest land use category consists of lands owned by the United Water Company. These lands occupy just over one third of the Borough's land area, consisting of Lake Tappan and its associated watershed area. Based on our review the available, developable vacant land in the Borough is only twenty-five (25.58) acres. A significant portion of the Borough's land area is restricted from development due to rules adopted by the New Jersey Department of Environmental Protection

**Map 1: Existing Land Use**



**B. INFORMATION REGARDING DATA SOURCES**

The background information contained in Section 2.C entitled "Inventory of Municipal Housing Stock," Section 2.D entitled "Projection of Municipal Housing Stock," Section 2.E entitled "Demographic and Population Data," and Section 2.F entitled "Employment Characteristics and Projections" was obtained from a variety of publicly available data sources. These are summarized below:

<p>United States Decennial Census</p> <p>The US Census is described in Article I, Section 2 of the Constitution of the United States, which calls for an enumeration of the people every ten years for the apportionment of seats in the House of Representatives. Since the time of the first Census conducted in 1790, it has become the leading source of data about the nation's people and economy. Please note that all incomes reported in the Census are adjusted for inflation.</p>	<p>New Jersey Department of Community Affairs (DCA)</p> <p>The New Jersey Department of Community Affairs is a governmental agency of the State of New Jersey. Its function is to provide administrative guidance, financial support, and technical assistance to local governments, community development organizations, businesses, and individuals to improve the quality of life in New Jersey.</p>
<p>American Community Survey (ACS)</p> <p>The American Community Survey is a nationwide ongoing survey conducted by the US Census Bureau. The ACS gathers information previously contained only in the long form version of the decennial census, such as age, ancestry, educational attainment, income, language proficiency, migration, disability, employment, and housing characteristics. It relies upon random sampling to provide ongoing, monthly data collection. Please note that all incomes reported in the ACS are adjusted for inflation.</p>	<p>New Jersey Department of Labor and Workforce Development</p> <p>The New Jersey Department of Labor and Workforce Development is a governmental agency of the State of New Jersey. One of its roles is to collect labor market information regarding employment and wages throughout the state.</p>
<p>New Jersey Department of Health</p> <p>The New Jersey Department of Health is a governmental agency of the State of New Jersey. The department contains the Office of Vital Statistics and Registry, which gathers data regarding births, deaths, marriages, domestic partnerships, and civil unions.</p>	

### C. INVENTORY OF MUNICIPAL HOUSING STOCK

This section of the Housing Element provides an inventory of the Borough's housing stock, as required by the MLUL. The inventory details housing characteristics such as age, condition, purchase/rental value, and occupancy. It also details the number of affordable units available to low- and moderate-income households and the number of substandard housing units capable of being rehabilitated.

1. Number of Dwelling Units. As shown in the table below,

**Table 3: Dwelling Units (1980-2023)**

Year	Dwellings	Numerical Change	% Change
1980	1,177	-	-
1990	1,303	126	11%
2000	1,778	475	36%
2010	1,995	217	12%
2023*	2,027	32	2%

Sources: U.S. Census, \*American Community Survey 5-Year Estimates

The Borough's housing stock witnessed its greatest increase, 36 percent, in its housing stock from 1990 to 2000. Since that time however, housing unit growth declined dramatically by 2023 where the Borough added only 249 units over a 13 year period. Decline can be due to a number of factors but most significantly the lack of available land as the Borough has reached its limit of housing growth.

The following table 4 provides details regarding the tenure and occupancy of the Borough's housing stock. As shown below, since 2010, the Borough's housing stock remains primarily owner occupied where 85.7% of the Borough is owner occupied which is a slight increase of 2%. During the same period, the Borough also experienced a 3.4% decline in renter occupied units.

**Table 4: Housing Units by Tenure and Occupancy Status (2010 and 2023)**

	2010		2023*	
Category	# of Units	%	# of Units	%
Owner Occupied	1,670	83.7%	1,738	85.7%
Renter Occupied	261	13.1%	197	9.7%
Vacant Units	64	3.2%	92	4.5%
<b>Total</b>	<b>1,995</b>	<b>100.0%</b>	<b>2,027</b>	<b>100.0%</b>

Source: American Community Survey 5-Year Estimates

2. Housing Characteristics. This section provides additional information on the characteristics of the Borough's housing stock, including the number of units in a structure (Table 5). The Borough is primarily a single family community which accounts for 71.3% percent of the Borough's housing stock, although this is a decrease from the 80.5% percent reported in 2010. The single greatest growth occurred with attached single family units (primarily townhouses) which almost doubled during the same time period.

**Table 5: Units in Structure (2010 and 2023)**

Units in Structure	2010*		2023*	
	No.	%	No.	%
Single Family, Detached	1584	80.5%	1446	71.3%
Single Family, Attached	252	12.8%	459	22.6%
2	29	1.5%	29	1.4%
3 or 4	10	0.5%	0	0.0%
5 to 9	50	2.5%	55	2.7%
10 to 19	20	1.0%	22	1.1%
20+	22	1.1%	7	0.3%
Mobile Home	0	0.0%	0	0.0%
Other	0	0.0%	9	0.4%
<b>Totals</b>	<b>1,967</b>		<b>2,027</b>	

Source: American Community Survey 5-Year Estimate



3. Housing Age. Table 6 shows that 39% of the Borough's housing units were built between 1990 to 2009. This is consistent with the housing expansion reported earlier in Table 3.

**Table 6: Year Structures Built**

2023*		
Year Units Built	Number	Percent
2020 or Later	40	2.0%
2010 to 2019	124	6.1%
2000 to 2009	289	14.3%
1990 to 1999	500	24.7%
1980 to 1989	157	7.7%
1970 to 1979	199	9.8%
1960 to 1969	390	19.2%
1950 to 1959	199	9.8%
1940 to 1949	64	3.2%
1939 or earlier	65	3.2%
<b>Total</b>	<b>2,027</b>	<b>100.0%</b>

Source: American Community Survey 5-Year Estimates

4. Housing Conditions. Table 7 provides an indication of overcrowded housing units, represented by units containing more than one occupant per room which is an indicator used to gauge substandard housing. The data indicates that, in both 2010 and 2023, only a very small percentage of the Borough's dwelling units can be considered overcrowded less than 0.4% were considered crowded which is also a decrease from 2010 of 1%.

**Table 7: Occupants per Room (2010 and 2023)**

Occupants Per Room	2010*		2023*	
	Number	%	Number	%
1.00 or less	1,805	98.6%	1,928	99.6%
1.01 to 1.50	25	1.4%	7	0.4%
1.51 or more	0	0.0%	0	0.0%
<b>Total Occupied Units</b>	<b>1,830</b>	<b>100%</b>	<b>1,935</b>	<b>100.0%</b>

Source: American Community Survey 5-Year Estimates

Table 8 presents additional detail regarding housing conditions, including the presence of complete plumbing and kitchen facilities and the type of heating equipment used. These statistics are also indicators of substandard housing. As shown below, the housing stock reflects only a very small proportion of housing that lack these critical facilities.

**Table 8: Equipment and Plumbing Facilities (2010 and 2023)**

Facilities	2010*		2023*	
	Number	Percent	Number	Percent
Kitchen:				
With Complete Facilities	1817	99.3%	1,891	97.7%
Lacking Complete Facilities	13	0.7%	44	2.3%
Plumbing:				
With Complete Facilities	1830	100.0%	1,891	97.7%
Lacking Complete Facilities	0	0.0%	44	2.3%
Heating Equipment:				
Standard Heating Facilities	1830	100%	1,920	99.2%
Other Fuel	0	0%	8	0.4%
No Fuel Used	0	0.0%	7	0.4%
<b>Total Occupied Units</b>	<b>1830</b>	<b>100</b>	<b>1,935</b>	<b>100</b>

Source: American Community Survey 5-Year Estimates

5. Purchase and Rental Values. The Borough experienced a rise in housing rental and purchase prices between 2010 and 2023, as shown in the following tables. The median gross rent for the Borough's rental housing stock increased doubled (131%) between 2010 and 2023, from \$1.398 in 2010 to \$3,241 in 2023.

**Table 9: Gross Rent of Specified Renter-Occupied Units (2010 and 2023)**

Rent	2010		2023*	
	Number	Percent	Number	Percent
Less than \$500	18	11%	22	11.2%
\$500 to \$999	20	13%	7	3.6%
\$1,000 to \$1,499	61	39%	0	0.0%
\$1,500 to \$1,999	58	37%	0	0.0%
\$2,000 to \$2,499			6	3.0%
\$2,500 to \$2,999			19	9.6%
\$3,000 or more			133	67.5%
No cash rent	25	X	10	X
<b>Total Occupied units paying rent</b>	<b>157</b>	<b>100%</b>	<b>197</b>	<b>100.0%</b>
<b>Median Gross Rent</b>	<b>1,398</b>		<b>\$3,241</b>	

Source: American Community Survey 5-Year Estimates

The median value of owner-occupied units in Old Tappan also increased during this period, though perhaps not nearly as much as renter-occupied units. The median value of owner-occupied units in the Borough increased 13.4% percent between 2010 and 2023, from \$802,300 in 2010 to \$910,600 in 2023.

**Table 10: Value of Specified Owner-Occupied Housing Units (2010 and 2023)**

Value	2010*		2023*	
	Number	Percent	Number	Percent
Less than \$50,000	0	0.0%	65	3.7%
\$50,000 to \$99,999	28	1.7%	0	0.0%
\$100,000 to \$149,999	29	1.8%	0	0.0%
\$150,000 to \$199,999	12	0.7%	0	0.0%
\$200,000 to \$299,999	11	0.7%	0	0.0%
\$300,000 to \$499,999	199	12.1%	28	1.6%
\$500,000 to \$999,999	855	51.9%	948	54.5%
\$1,000,000 or more	514	31.2%	697	40.1%
<b>Total Owner Occupied</b>	<b>1648</b>	<b>100.0%</b>	<b>1738</b>	<b>100.0%</b>
<b>Median Value</b>	<b>\$802,300</b>		<b>\$910,600</b>	

Source: American Community Survey 5-Year Estimates

6. Number of Units Affordable to Low- and Moderate-Income Households. Based on the Affordable Housing Professionals of New Jersey (AHPNJ) 2024 regional income limits, the median household income for a three-person household in COAH Region 1, Old Tappan's housing region comprised of Bergen, Hudson, Passaic and Sussex Counties is \$108,371. A three-person moderate-income household, established at no more than 80 percent of the median income, would have an income not exceeding \$86,697. A three-person low-income household, established at no more than 50 percent of the median income, would have an income not exceeding \$54,185.

An affordable sales price for a three-person moderate-income household earning 80 percent of the median income is estimated at approximately \$346,788. An affordable sales price for a three-person low-income household earning 50 percent of the median income is estimated at approximately \$216,740. These estimates are based on the UHAC affordability controls outlined in N.J.A.C. 5:80-26.1 et seq. Only 3.7 percent of Old Tappan's owner-occupied housing units are valued at less than \$200,000 for low income families. The same holds true for moderate income families. It is noted that these numbers actually declined from the previous decade.

Rental costs similarly impact both income groups. For renter-occupied housing, an affordable monthly rent for a three-person moderate-income household is estimated at approximately \$1,565. An affordable monthly rent for a three-person low-income household is estimated at approximately \$1,128. According to the 2023 American Community Survey, only 14.8% of Old Tappan's rental units would be considered affordable to moderate income families whereas, about less than 2% have a gross rent less affordable to lower income families.

7. Substandard Housing Capable of Being Rehabilitated. The DCA utilized a formula for calculating the number of units in a community that are in need of rehabilitation and are not likely to experience "spontaneous rehabilitation." Old Tappan's rehabilitation share has been determined by the DCA to be 4 units. This is consistent with the previous tables outlining the housing conditions in the Borough that indicate a very low percentage of what may be considered substandard housing.

#### **D. Projection of Municipal Housing Stock**

Applicable fair housing regulations require a projection of the community's housing stock, including the probable future construction of low- and moderate-income housing, for the ten years subsequent to the adoption of the Housing Element. This projection shall be based upon an assessment of data which minimally must include the number of residential construction permits issued, approvals of applications for residential development, and probable residential development of lands. Each of these items are identified and outlined below.

1. Housing Units Constructed During the Last Ten Years. The table below provides data concerning residential building permits issued for new construction during the past ten years. During this period, a total of 335 residential building permits were issued for new construction, most of which

consisted of single family units. Overall, the Borough experienced modest growth in its single family housing stock from 2014 to 2021. On average that would suggest 33.5 dwelling units per year. However, the table shows that there were two years of significant multifamily construction. These occurred in 2021 and 2022. Since 2022, the Borough experience a sharp decline in housing construction where only 24 units were constructed.

**Table 11: Number of Residential Building Permits issued for New Construction (2014-2023)**

Year Issued	One & Two Family	Multi-Family	Mixed- Use	Total
2014	9			9
2015	6			6
2016	9			9
2017	3			3
2018	8			8
2019	5			5
2020	9			9
2021	37	10		47
2022	69	146		215
2023	24			24
Total	179	156		335

Source: New Jersey Department of Community Affairs (DCA) Construction Reporter

2. Probable Residential Development of Lands. Considering the rate of residential growth experienced in Old Tappan over the past decade, current economic uncertainty, and the fact that there are few developable parcels remaining in the Borough, it is anticipated that Old Tappan's residential growth over the next decade will be driven primarily in the form of new inclusionary multi-family development as a result of affordable housing zoning adopted by the Borough. Presently these housing units have yet to develop. A good example would be the redevelopment of the Pearson site 200 Old Tappan Road where 229 multifamily units within a mixed use development has been approved and is under construction. However, there is limited areas to develop and it is anticipated that housing construction will result from redevelopment opportunities primarily in the Borough's business areas. While it is difficult to predict how many units will actually be constructed it can be anticipated that over time that area will absorb a similar number of units

## **E. DEMOGRAPHIC AND POPULATION DATA**

The MLUL requires that the Housing Element of this plan provide data on the municipality's population, including population size, age and income characteristics.

1. Population Size. As seen in the table below, the Borough's population experienced a significant increase between 1950 to 1960 where the population increased by 181%. The next decade also experienced significant growth but not quite as dramatic. The Borough experienced another surge in population in 2000 however, population growth has declined rapidly from that time to the present.

**Table 12: Population Growth (1920-2023)**

Year	Population	Population Change	Percent Change
1920	404	--	--
1930	600	196	49%
1940	609	9	1.5%
1950	828	219	36.0%
1960	2,330	1502	181.4%
1970	3,917	1587	68.1%
1980	4,168	251	6.4%
1990	4,254	86	2.1%
2000	5,482	1228	28.9%
2010	5,750	268	4.9%
2020	5,888	138	2.4%
2023*	5,896	8	0.1%

Sources: U.S. Census, \*American Community Survey 5-Year Estimates

2. Age Characteristics. The Borough's age characteristics are represented in Table 13 below. Like most communities, the Borough is slowly aging as the average age has increased from 43.5 years of age in 2010 to 44.8 % by 2023. The largest cohort jumps occurred in the 65 and over group (18%), followed by the 45 to 54 age group (16%). This is consistent with the "greying of America" that is being experienced nationwide as the nation grows older.



**Table 13: Age Characteristics (2010 and 2023)**

Age Group	2010		2023*	
	Pop	%	Pop	%
under 5	289	5.1%	263	4%
5-9	330	5.8%	423	7%
10-14	527	9.3%	515	9%
15-19	518	9.1%	306	5%
20-24	210	3.7%	323	5%
25-34	384	6.8%	411	7%
35-44	769	13.5%	721	12%
45-54	1,140	20.1%	925	16%
55-59	351	6.2%	610	10%
60--64	363	6.4%	289	5%
65-74	371	6.5%	556	9%
75-84	336	5.9%	426	7%
85+	88	1.6%	128	2%
<b>Total</b>	<b>5,676</b>	<b>100%</b>	<b>5,896</b>	<b>100%</b>
<b>Median Age</b>	<b>43.5</b>		<b>44.8</b>	

Source: American Community Survey 5-Year Estimates

3. Average Household Size. The average size of Old Tappan households decreased slightly from 2000 to 2010 but increased to 3.05 average persons per household. The average household size has remained unchanged from 2020.

**Table 14: Average Household Size (2000-2023)**

Year	Total Population	Number of Households	Average Household Size
2000	5,482	1,778	3.02
2010	5,750	1,931	2.98
2020*	5,888	1,945	3.05
2023*	5,896	1,935	3.05

Sources: U.S. Census, \*American Community Survey 5-Year Estimates

4. Household Income. The median household income for Old Tappan households increased modestly over the past decade by approximately 14.8 percent between 2010 and 2023, rising from a median income of \$173,490 to \$199,250. Detailed household income figures are shown in the table below.

**Table 15: Household Income Distribution (2010 to 2023)**

Income Category	2010*		2020*		2023*	
	Number	%	Number	%	Number	%
less than \$10,000	56	3%	47	2%	52	2.7%
\$10,000 to \$14,999	18	1%	10	1%	19	1.0%
\$15,000 to \$24,999	54	3%	42	2%	9	0.5%
\$25,000 to \$ 34,999	42	2%	14	1%	47	2.4%
\$35,000 to \$ \$49,999	161	9%	112	6%	20	1.0%
\$50,000 to \$74,999	144	8%	68	3%	149	7.7%
\$75,000 to \$99,999	199	11%	149	8%	176	9.1%
\$100,000 to \$149,999	322	18%	422	22%	255	13.2%
\$150,000 to \$199,000	267	15%	312	16%	248	12.8%
\$200,000 or more	567	31%	769	40%	960	49.6%
Total households	<b>1,830</b>	100%	<b>1,945</b>	100%	<b>1,935</b>	100.0%
Median Income (Household)	<b>\$125,435</b>		<b>\$173,490</b>		<b>\$199,250</b>	

Source: American Community Survey 5-Year Estimates

#### F. Employment Characteristics and Projections

The MLUL requires that a Housing Element include data on employment levels in the community. The following tables present information on the Borough's employment characteristics.

1. Employment Status. Table 16 provides information on Old Tappan's employment status for the segment of the population 16 and over. Approximately 59.5 percent of the Borough's population 16 and over was in the labor force in 2023, slightly down from the 61.7 percent reported in 2010. During the same period between 2010 and 2023, the percentage of the Borough's labor force that was unemployed decreased from 4.5 percent in 2010 to 1.5 percent in 2023. Significantly, 40.5% of the population reported themselves as not in the labor force though a slight reduction from 2010 reflecting a growing segment of the elderly influencing this statistic.

**Table 16: Employment Status - Population 16 & Over (2010 and 2023)**

Employment Status	2010*		2023*	
	Number	%	Number	%
In labor force	2,687	61.7%	2,707	59.5%
Civilian labor force	2,687	61.7%	2,707	59.5%
Employed	2,493	57.2%	2,638	58.0%
Unemployed	194	4.5%	69	1.5%
% of civilian labor force	--	7.2%	--	2.5%
Armed Forces	0	0.0%	0	0.0%
Not in labor force	1,671	38.3%	1,839	40.5%
<b>Total Population 16 and Over</b>	<b>4,358</b>	100.0%	<b>4,546</b>	100.0%

American Community Survey 5-Year Estimates

2. Employment Characteristics of Employed Residents. The following two tables detail information on the employment characteristics of Old Tappan residents. Table 17 details employment by occupation and Table 18 details employment by industry.

**Table 17: Employed Residents Age 16 and Over, By Occupation (2010 and 2023)**

Occupation	2010		2023*	
	Number	Percent	Number	Percent
Management, business, science, and arts occupations	1,237	49.6%	1966	74.5%
Service occupations	143	5.7%	90	3.4%
Sales and office occupations	847	34.0%	473	17.9%
Natural resources, construction, and maintenance occupations	126	5.1%	80	3.0%
Production, transportation, and material moving occupations	140	5.6%	29	1.1%
<b>Total</b>	<b>2,493</b>	100.0%	<b>2,638</b>	100.0%

Source: American Community Survey 5-Year Estimates

**Table 18: Employed Residents Age 16 and Over, By Industry (2010 and 2023)**

Industry	2010*		2023*	
	Number	Percent	Number	Percent
Agriculture, forestry, fishing and hunting, and mining	0	0.0%	0	0.0%
Construction	222	8.9%	117	4.4%
Manufacturing	119	4.8%	161	6.1%
Wholesale trade	218	8.7%	141	5.3%
Retail trade	340	13.6%	212	8.0%
Transportation and warehousing, and utilities	45	1.8%	72	2.7%
Information	51	2.0%	50	1.9%
Finance, insurance, real estate, and rental and leasing	370	14.8%	328	12.4%
Professional, scientific, management, administrative, and waste management services	341	13.7%	577	21.9%
Educational, health and social services	492	19.7%	766	29.0%
Arts, entertainment, recreation, accommodation and food services	137	5.5%	84	3.2%
Other services (except public administration)	53	2.1%	120	4.5%
Public administration	105	4.2%	10	0.4%
<b>Total</b>	<b>2,493</b>	<b>100.0%</b>	<b>2,638</b>	<b>100.0%</b>

Source: American Community Survey 5-Year Estimates

As indicated in both table, Borough residents are employed primarily in management, business, science, and arts occupations which is 74.5% of the population. The primary industries that are engaged is education, health and social services (29%) followed by professional occupations (21.9%).

3. Employment Projections. A projection of the Borough's probable future employment characteristics is based on an assessment of historic employment trends, the number of non-residential construction permits issued, and probable non-residential development of lands. Each of these items are identified and outlined below.

- a. Historic Employment Trends. As shown in the table below, employment in Old Tappan has experienced modest gains in 2021 and 2022 but has fluctuated over the years with job losses and gains with the largest loss of jobs occurring in 2017 and not surprisingly, in 2020 during the COVID epidemic when the economy shed jobs.

b.

**Table 19: Average Covered Employment Trends (2012-2023)**

Year	Number of Jobs	Change in Number of Jobs	Percent Change
2012	1,696		
2013	1,654	-42	-2.5%
2014	1,595	-59	-3.7%
2015	1,733	138	8.0%
2016	1,783	50	2.8%
2017	1,559	-224	-14.4%
2018	1,651	92	5.6%
2019	1,762	111	6.3%
2020	1,559	-203	-13.0%
2021	1,651	92	5.6%
2022	1,762	111	6.3%
2023	1,748	-14	-0.8%

Sources: New Jersey Department of Labor and Workforce Development

- c. Non-Residential Square Footage Constructed During the Last Ten Years. The table below provides data concerning the amount of non-residential square footage authorized by building permits in Old Tappan between 2014 and 2023. During this period, building permits were issued for only 5,601 square feet of non-residential space, all of which was for office space. This is reported as occurring in one year, 2017.

**Table 20: Non-Residential Space Authorized by Building Permits (2014-2023)**

<b>Year Issued</b>	<b>Office</b>	<b>Retail</b>	<b>A-1, A-2, A-3</b>	<b>Education</b>	<b>Total</b>
2014	0	0	0	0	0
2015	0	0	0	0	0
2016	0	0	0	0	0
2017	5,601	0	0	0	5,601
2018	0	0	0	0	0
2019	0	0	0	0	0
2020	0	0	0	0	0
2021	0	0	0	0	0
2022	0	0	0	0	0
2023	0	0	0	0	0
<b>Total</b>	<b>5,601</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>5,601</b>

Source: New Jersey Department of Community Affairs (DCA) Construction Reporter

- d. Probable Non-Residential Development of Lands. As indicated above the Borough experienced virtually no new non-residential space construction per year over the past decades. Given the lack of available land and the fact that the Borough is primarily a single family community, this trend is highly unlikely to change.
- e. Probable Future Employment Characteristics. As detailed in Table 18 above, employment coupled with the lack of non-residential construction, Old Tappan is not expected to experience significant job growth over the next decade.



### **SECTION 3: FAIR SHARE OBLIGATION**

The following section provides an overview of the Borough's fair share obligation. It includes a brief overview of the methodology utilized to calculate affordable housing obligations throughout the state.

## **SUMMARY OF FAIR SHARE OBLIGATION**

On March 20, 2024, Governor Murphy signed the A4/S50 Bill into law, which amended the FHA for the Fourth Round and beyond. The amendments to the FHA eliminated COAH, moved away from just allowing trial courts to approve municipal HE&FSPs, and created a new entity to approve the plans known as The Program, which consists of seven retired Mount Laurel Judges. FHA-2 also involved the DCA and the AOC in the process.

The Amended FHA now designates the DCA as the entity responsible for calculating the state's regional needs. Specifically, N.J.S.A. 52:27D-304.2 establishes the methodology to be utilized by the DCA to determine the state's regional prospective needs of low- and moderate-income housing for the ten-year period spanning from July 1, 2025 to June 30, 2035. In summary, the projected household change for this period is estimated by establishing the household change experienced in each region between the most recent federal decennial census and the second-most recent decennial census. This household change, if positive, is then to be divided by 2.5 to estimate the number of low- and moderate-income homes needed to address low- and moderate-income household change in the region for the next ten years. This methodology resulted in a statewide prospective need of 84,698 low- and moderate-income units.

Furthermore, the DCA is also the entity responsible for calculating each municipality's present and prospective fair share obligations. However, FHA-2 makes clear that these calculations are advisory and non-binding, and that each municipality may set its own obligation number utilizing the same methodology.

On January 21, 2025, the Borough of Old Tappan adopted its resolution which established its affordable housing obligations for the Fourth Round. A copy of this resolution with the Borough's filing for Declaratory Relief is located in Appendix A of this plan. As noted in that resolution, the Borough accepted DCA's Present Need calculation of 4 units however, a detailed analysis of parcels identified by the DCA were found to statutorily exempt and should not have been counted towards the Borough's developable acreage. This analysis reduced the Borough's obligation from 233 to 121 units. A subsequent challenge by the NJ Builder's Association, was filed with the Program and by settlement, the prospective need was established by the Program as 222 units.

**Table 21: Summary of Fair Share Obligation**

Affordable Obligation	Units
Present Need (Rehabilitation)	4
Prospective Need	212

## **SECTION 4: FAIR SHARE PLAN**

The following Fair Share Plan outlines the components and mechanisms the Borough will utilize to address its affordable housing obligations.

## A. PLAN SUMMARY

The Fair Share Plan identifies the manner in which the Borough's fair share affordable housing obligations – inclusive of a Present Need (Rehabilitation) obligation of 4 units, and the Prospective Need from the First and Second Round obligation of 98 units, a Third Round need of 271 units and a Fourth Round obligation of 212 are to be addressed. These obligations are summarized as follows:

**Table 22: Affordable Housing Obligations Summary**

Category	Obligation
Present Need (Rehabilitation) Obligation	4
First & Second Round Obligation (1987-1999)	98
Third Round Obligation (1999-2025)	271
Fourth Round Obligation (2025-2035)	212
Total	585

## B. PLAN COMPONENTS

This section of the plan details the projects, mechanisms and funding sources which will be used to meet the Borough's affordable housing obligations, as discussed above. The Plan Components Map included at the end of Section 4.C. of this plan illustrates the location of all developments identified herein.

### (1) Present Need (Rehabilitation) Obligation

Old Tappan has a Present Need obligation of four (4) units. The Borough established a housing rehabilitation program under the Third Round cycle and will continue its program into the Fourth Round and partner with the Bergen County Housing Rehabilitation Program.

### (2) First and Second Round RDP

As discussed in Section 3 of this plan, Old Tappan's combined prior First and Second Round RDP obligation was 98 units. As verified during the Third Round certification process, the Borough addressed its entire First and Second Round obligation. The following table illustrates the manner in which the Borough satisfied this obligation.

**Table 23: Plan Components Satisfying Prior 1985-1999 First & Second Round RDP**

Development	Units	Bonus	Credits
Winding Creek	8	8	16
Villages at Wood's Edge	9	0	9
Foxwood Estates	6	0	6
Dorotockey's Run	8	8	16
Russell Avenue Senior Rental Housing	29	4	33
RCA with Jersey City (Foxwood Estates – 7 units and Wood's Edge – 14)	21	0	101

The Borough's compliance resulted in a credit of 3 units that was subsequently carried and credited to the Third Round.

(3) Third Round Prospective Need

The Borough's affordable housing obligation was informed by a vacant land adjustment (VLA) and the imposition of a realistic development potential (RDP) analysis that was undertaken pursuant to the Second Round regulations. The vacant land analysis identified all vacant sites of minimally 0.83 acres in size, imposed wetland, steep slope and flood plain information pursuant to the applicable regulations, and calculated the remaining acreage that is to be utilized to determine the Borough's RDP. The vacant land analysis and map is included in the Appendix.

Based on an analysis of property information from the Borough, including tax records, the vacant land assessment identified 51.02 acres of vacant land on 36 parcels in the community. This figure did not include the United Water property that comprises Lake Tappan. Although this property is listed as "vacant" in the tax records, this 845-acre site comprises a reservoir and surrounding buffers, making it wholly unsuitable for any type of development. Orange & Rockland Electric Utility also owns several parcels as noted in the vacant land inventory in this report.

Ultimately, a total of 44.56 acres comprised of parcels that were either 0.83 acres in size or less, had environmentally sensitive features, or were found to be in the process of construction. As a result, the total potential developable acreage was reduced to 25.58 acres.

Pursuant to the applicable regulations, a minimum presumptive density of six dwelling units per acre was imposed on these 25.58 acres, and then a 20 percent set-aside was presumed on that calculation. This formula resulted in an RDP of 30.6 units. Rounding that number upwards, the RDP for the Borough of Old Tappan in the Third Round was established as 31 units.

The following table summarizes the Borough's Third Round components used to satisfy this RDP.

**Table 24: Plan Components Satisfying 3<sup>RD</sup> Round RDP**

<b>Plan Component</b>	<b>Number of Units</b>	<b>Bonus</b>	<b>Credits</b>	<b>Status</b>
Prior Round Surplus Credits-Russell Avenue	3	0	3	Completed
Bergen County United Way/Madeline	4	2	6	Completed
Accessory Apartment Ordinance	10	0	10	Incomplete
Central Avenue Inclusionary Zoning	6	6	12	Completed
<b>Total</b>	<b>23</b>	<b>8</b>	<b>31</b>	

It is noted that the Borough has fulfilled almost the entirety its RDP obligation under the Third Round and took all of the required actions under its settlement agreement with FSHC and the Court Judgement of Compliance and Repose. The only outstanding RDP item relates to the implementation of the Accessory Apartment Ordinance. The Borough has implemented the required actions required under its settlement with FSHC and court order however, more time is needed to garner interest in the program that would yield results. Based upon past success with its accessory apartment program, the Borough maintains that the accessory apartment program is still viable and remains committed to implementing the plan which will continue into the Fourth Round.

(4) Fourth Round RDP

- a. By settlement with the New Jersey Builder's Association through the Program settlement process, the Borough of Old Tappan has a Fourth Round Prospective need of 212 affordable units.
- b. Pursuant to N.J.A.C. 5:97-5.1(d) and the Borough's 2018 Settlement Agreement with FSHC, the Borough is entitled to rely on the previous Vacant Land Adjustments which established its RDP and that said RDP shall not be revisited absent any substantial "changed circumstances". FSHC vs Twp. of Cherry Hill, 173 NJ. 303 (2002) is the leading case that called for the possible recalibration of an RDP based upon changed circumstances.

Based upon the above, a detailed vacant land analysis of potential changed circumstances to evaluate whether any such change would warrant a recalibration of the RDP previously assigned and agreed upon, including a review of all vacant Class 1, Class 3B and Class 15 properties in the Borough was conducted.

The analysis confirmed that there were no properties representing a changed circumstance requiring a 4th Round RDP obligation. This is largely due to the fact that the Borough lacks developable land as demonstrated by the VLA. As such, the Borough's RDP is 0.

Because the Borough has a 4th Round RDP obligation of zero (0) units, the entirety of the Borough's 4th Round Prospective Need obligation of 212 units is considered Unmet Need.

FHA-2 includes language requires VLA municipalities to satisfy a 25% portion of their Fourth Round

RDP obligation by identifying sites likely to redevelop and then applying “realistic zoning,” an undefined term, to those parcels. Specifically, amended Section 1 of P.L.1995, c.231 (C.52:27D-310.1) of FHA-2 reads as follows:

*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, and adopt realistic zoning that allows for such adjusted obligation, or demonstrate why the municipality is unable to do so.*

For the Fourth Round, Old Tappan’s “prospective need obligation that has been adjusted” (i.e., its RDP obligation) is zero (0) units. As such, the Borough has no redevelopment obligation to address, as 25 percent of zero (0) is zero (0).

Compliance mechanisms to address unmet need is discussed below.

### **C. Plan Components**

The following mechanisms form the basis of the Borough’s Fourth Round compliance plan for unmet need.

- (1) 244 Old Tappan Road Assisted Living Housing. The Borough has recently approved a 100-bed senior assisted living facility located at 244 Old Tappan Road. This development is required to set aside 10% or 100 units as affordable beds yielding 15 credits including bonus credits.
- (2) 1043 Washington Avenue. A ten bed group home of adult special needs housing has been constructed and is occupied at 1043 Washington Avenue. The group home provides 24 credits including bonus credits.
- (3) Town Center Overlay Zone (TCO). The Borough will create a Town Center Overlay that will provide for mixed use commercial/residential development within the commercial district of the Borough along Old Tappan Road as illustrated in the following map.





- (4) Mandatory Set-aside Ordinance Amendment. The Borough adopted a mandatory set-aside ordinance as part of its compliance components in the Third Round. The ordinance required a 15% set-aside for rentals and 20% for owner occupied units. The Borough will amend the mandatory set-aside ordinance to require a 20% set-aside for both rental and owner occupied developments.

The plan components are summarized by Table 25 below.

**Table 25: Plan Components For 4th Round**

Plan Component	Number of Units	Bonus	Credits
Adult Special Needs Housing 1043 Washington Avenue (beds)	12	12*	24
244 Old Tappan Road Assisted Living Housing (beds)	10**	5***	15
Town Center Overlay	32	0****	32
Total	54	17	71

Note: Bonus credits capped at 25% of obligation = 53 units

\* 2:1 Bonus for special needs adult housing

\*\*100 beds x .10%

\*\*\*1/2 Bonus per bed

\*\*\*\* No bonus for family rental units

As there is no RDP, all of the units will be applied to the Borough's unmet need.

#### **D. OTHER PROVISIONS**

The following additional requirements are noted:

1. Fourth Round Bonuses. Fourth Round bonuses will be applied in accordance with N.J.A.C. 52:27d-311.k.
2. Very-Low Income and Low-Income Units. At least 50 percent of the units addressing the Fourth Round Prospective Need obligation shall be affordable to very low-income and low-income households with the remainder affordable to moderate-income households. A minimum of 13 percent of the affordable units will be made available to very low-income households, defined as households earning 30 percent or less of the regional median income by household size.
3. Rental Component. At least 25 percent of the Fourth Round Prospective Need obligation shall be met through rental units, including at least half in rental units available to families.

4. Families. At least half of the actual units created to address the Fourth Round Prospective Need obligation must be available to families.
5. Age-Restricted Cap. No more than 30 percent of all units developed or planned to meet the Fourth Round Prospective Need obligation shall be met with age-restricted units.

#### **E. REJECTED DEVELOPMENT SITES**

The Borough formed a subcommittee whose members included the Mayor, a Councilperson, the Borough Administrator and two Class IV members of the Planning Board including the Chairman. Given the lack of developable land and limited options available to the Borough, the most logical area to investigate was Bi-State Shopping Center and the commercial buildings adjoining the municipal building. Consequently, there were no specific sites that were rejected but rather, the focus was on determining how to best incorporate inclusionary development within the Borough while also achieving the goal of creating a true downtown with design standards and guidelines that reflect the character of the community.

#### **F. OTHER PROVISIONS**

The following additional requirements are noted:

1. Fourth Round Bonuses. Fourth Round bonuses will be applied in accordance with N.J.A.C. 52:27d-311.k.
2. Very-Low Income and Low-Income Units. At least 50 percent of the units addressing the Fourth Round Prospective Need obligation shall be affordable to very low-income and low-income households with the remainder affordable to moderate-income households. A minimum of 13 percent of the affordable units will be made available to very low-income households, defined as households earning 30 percent or less of the regional median income by household size.
3. Rental Component. At least 25 percent of the Fourth Round Prospective Need obligation shall be met through rental units, including at least half in rental units available to families.
4. Families. At least half of the actual units created to address the Fourth Round Prospective Need obligation must be available to families.
5. Age-Restricted Cap. No more than 30 percent of all units developed or planned to meet the Fourth Round Prospective Need obligation shall be met with age-restricted units.

## **G. CONSISTENCY WITH STATE PLANNING INITIATIVES**

As noted in Section 1 of this plan, a HE&FSP must also include:

- ❖ 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; and
- ❖ 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.

Accordingly, the following subsection analyzes the consistency of this HE&FSP to the above referenced state planning initiatives.

### **1. Multigenerational Family Housing Continuity Commission**

The Multigenerational Family Housing Continuity Commission was established by the State of New Jersey in 2021. As noted in N.J.S.A. 52:27D-329.20, one of the primary duties of the Commission is to “prepare and adopt 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.”

As of the date of this HE&FSP, the Multigenerational Family Housing Continuity Commission has not yet adopted any recommendations.

### **2. State Development and Redevelopment Plan**

As established by N.J.S.A. 52:18A-200(f), the purpose of the State Development and Redevelopment Plan (SDRP) is to “coordinate planning activities and establish Statewide planning objectives in the following areas: land use, housing, economic development, transportation, natural resource conservation, agriculture and farmland retention, recreation, urban and suburban redevelopment, historic preservation, public facilities and services, and intergovernmental coordination.”

As such, the SDRP establishes a number of goals and strategies related to a number of

different topics, including the development of affordable housing, the redevelopment of existing properties to avoid sprawl, and promoting smart growth principles.

As indicated by the SDRP's Policy Map, the entirety of Old Tappan Borough is located in the PA-1, Metropolitan Planning Area which encompasses cities and their surrounding areas where development and redevelopment is to be directed.

Accordingly, this HE&FSP is consistent with the intents of the PA-1 designation. Specifically, it is designed to encourage redevelopment and growth in addressing its affordable housing obligation by repurposing existing developed sites while revitalizing an area of the Borough to be a more active place for residents to enjoy.

# Appendices

## Spending Plan

May 30, 2025  
Borough of Old Tappan  
Affordable Housing Trust Fund Spending Plan

## INTRODUCTION

The Borough of Old Tappan (hereinafter the “Borough”), Bergen County, has prepared a Housing Element and Fair Share Plan that addresses its regional fair share of the affordable housing need in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Fair Housing Act (FHA) (N.J.S.A. 52:27D-301) and the regulations contained in (N.J.A.C. 5:91-1 et seq. and N.J.A.C. 5:93-1 et seq.). The Borough of Old Tappan Affordable Housing Trust Fund was opened on November 2, 2009.

As of April 17, 2025, the Borough of Old Tappan has a balance of \$992,155 in its Affordable Housing Trust fund. All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by the fees are deposited in a separate interest-bearing affordable housing trust fund account for the purposes of affordable housing. These funds shall be spent in accordance with N.J.A.C. 5:93-8.16 as described in the sections that follow.

## 1. REVENUES FOR CERTIFICATION PERIOD

It is anticipated that between now and June 30, 2035, which is the end of the Fourth Round period, the Borough will add an additional \$768,000 to its Affordable Housing Trust Fund. This revenue is projected to consist of \$750,000 in anticipated development fee revenues and \$18,000 in anticipated interest, as shown in the table below.

	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	Total
(a) Development fees:	\$75,000	\$75,000	\$75,000	\$75,000	\$75,000	\$75,000	\$75,000	\$75,000	\$75,000	\$75,000	\$75,000	\$750,000
(b) Payments in Lieu of Construction	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
(c) Other Funds	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
(d) Interest	\$1,800	\$1,800	\$1,800	\$1,800	\$1,800	\$1,800	\$1,800	\$1,800	18,000	18,000	18,000	\$18,000
<b>Total</b>	<b>\$76,800</b>	<b>\$76,800</b>	<b>\$76,800</b>	<b>\$76,800</b>	<b>\$76,800</b>	<b>\$76,800</b>	<b>\$76,800</b>	<b>\$76,800</b>	<b>\$76,800</b>	<b>\$76,800</b>	<b>\$76,800</b>	<b>\$768,000</b>



In sum, the Borough of Old Tappan projects a total of \$768,000 in revenue to be collected between June 30, 2025 and June 30, 2035. This projected amount, when added to Old Tappan's current trust fund balance of \$992,155 results in a total anticipated trust fund balance of \$1,760,155 available to fund and administer the Borough's affordable housing plan. All interest earned on the account shall be used only for the purposes of affordable housing.

## **2. ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS**

The following procedural sequence for the collection and distribution of development fee revenues shall be followed by the Borough:

- (a) Collection of development fee revenues: Collection of development fee revenues shall be consistent with Old Tappan's development fee ordinance for both residential and non-residential developments in accordance with applicable regulations pursuant to P.L.2008, c.46, sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.8), and as may be amended.
- (b) Distribution of development fee revenues: The Planning Board adopts and forwards a resolution to the governing body recommending the expenditure of development fee revenues as set forth in this spending plan. The governing body reviews the request for consistency with the spending plan and adopts the recommendation by resolution. The release of funds requires adoption of the governing body resolution in accordance with the spending plan. Once a request is approved by resolution, the Chief Financial Officer releases the requested revenue from the trust fund for the specific use approved in the governing body's resolution.

### 3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

- (a) Rehabilitation. The Borough has a rehabilitation obligation of 4 units based upon the DCA calculation. In order to address its rehabilitation obligation, the Borough will continue to participate in the Bergen County Housing Rehabilitation Program and will utilize funds from the Borough's affordable housing trust fund to help fund this program. The Borough will commit \$20,000 per unit, which will require a total contribution of \$80,000.

Affordable Housing regulations require municipalities to set aside sufficient funds to address one-third of their rehabilitation obligation within one year of approval of their plan. In addition, municipalities are required to set aside sufficient funds to address one-sixth of their rehabilitation obligation each subsequent year of the substantive certification period. As such, the Borough will set aside \$40,000 for to rehabilitate two units in the first year following the granting of a certificate of compliance from the Program, and an additional \$20,000 each year thereafter, until the rehabilitation share is addressed.

- (b) Affordability Assistance. Pursuant to N.J.A.C. 5:93-8.16(c), the Borough will commit to spend at least 30% of the revenues collected from development fees, less funds collected to finance a rehabilitation program, towards affordability assistance to very low-, low- and moderate-income households. As shown in the table below, the Borough projects that approximately \$251,866 will be available from the affordable housing trust fund for this purpose through June 30, 2035, one-third of which will need to be dedicated toward affordability assistance for very-low income households.

Actual development fees + interest through 4/17/25		\$992,155
Development fees + interest projected 6/30/25-6/30/2035	+	\$ 768,000
Less rehabilitation expenditures through 5/2/2025	-	\$0
Less rehabilitation expenditures projected 6/30/2025-6/30/35	-	\$40,000
<b>Total</b>	=	<b>\$1</b>
30 percent requirement	x 0.30 =	\$516,046
Less affordability assistance expenditures through 6/30/2035	-	\$0
<b>Projected Minimum Affordability Assistance Requirement 2025-2035</b>	=	<b>\$516,046</b>
<b>Projected Minimum Very Low-Income Affordability Assistance Requirement 2025-2035</b>	÷ 3 =	<b>\$172,015</b>

- (c) Administrative Expenses. Per N.J.A.C. 5:93-8.16(e), no more than 20% of the revenues collected from development fees shall be expended on administration. The Borough of Old Tappan projects that a maximum of \$259,457 will be available from the affordable housing trust fund to be used for administrative purposes from June 30, 2025 through June 30, 2035. Projected administrative expenditures, subject to the 20% cap, include the salaries and benefits for municipal employees and consultant fees necessary to develop or implement the following:

1. An updated Housing Element and Fair Share Plan.
2. A rehabilitation program.
3. An affirmative marketing program.

4. An affordability assistance program.
5. Other affordable housing activities that do not involve litigation.

Actual development fees + interest through 5/2/2025		\$992,155
Development fees + interest projected 6/10/2025-6/30/35	+	\$ 768,000
<b>Total</b>	=	\$1,760,155
20 percent requirement	x 0.20 =	\$352,031
Less administrative expenditures through 6/30/2025	-	\$0
<b>PROJECTED MAXIMUM Administrative Expenses Requirement 2025-2025</b>	=	<b>\$ 352,031</b>

#### 4. EXPENDITURE SCHEDULE

The Borough of Old Tappan intends to use affordable housing trust fund revenues for rehabilitation activities, affordability assistance, and administration. Where applicable, the funding schedule below parallels the implementation schedule set forth in the Housing Element and Fair Share Plan and is summarized as follows.

PROJECTS/PROGRAMS			
	6/30/2025-6/30/2026	6/30 2027-6/30/2035	Total
Rehabilitation	\$40,000	\$20,000/year	\$80,000
Affordability Assistance	\$51,604	\$51,604/year	\$516,046
Administration	\$35,203	\$352,031/year	\$352,031
<b>Total</b>	<b>\$99,263</b>	<b>\$81,263</b>	<b>\$948,077</b>

## **5. EXCESS OR SHORTFALL OF FUNDS**

In the event of excess funds, any remaining funds above the amount necessary to satisfy the municipal affordable housing obligation will be dedicated toward its rehabilitation program and/or for its affordability assistance program and/or for administrative expenses up to the 20% cap.

In the event that a shortfall of anticipated revenues occurs, the Borough of Old Tappan will handle the shortfall of funds through an alternative funding source to be identified by the Borough or by adopting a resolution with an intent to bond, or the Borough will amend its spending plan to reduce the amount of funds available for the affordability assistance program and administrative expenses.

## **6. BARRIER FREE ESCROW**

Collection and distribution of barrier free funds shall be consistent with the Borough's Affordable Housing Ordinance and in accordance with applicable regulations.

## **SUMMARY**

The Borough of Old Tappan intends to spend affordable housing trust fund revenues pursuant to N.J.A.C. 5:93-8.16 and consistent with the housing programs outlined in the Borough's Housing Element and Fair Share Plan.

The Borough of Old Tappan has a balance of \$992,155 as April 17, 2025 and anticipates an additional \$768,000 in revenues through June 30, 2035 for a total of \$1,760,000 . During the period of the Borough's Fourth Round period through June 30, 2035, the Borough will agree to fund \$40,000 towards a rehabilitation program, a minimum of \$516,046 towards an affordability assistance program, and a maximum of \$352,031 towards administrative costs.

Any shortfall of anticipated funds will be offset by an alternative funding source to be identified by the Borough or, in the unlikely event that no alternative funding is available, the Borough of Old Tappan will bond to provide the necessary funding. The Borough also reserves the right to amend its spending plan to reduce the amount of funds available for the affordability assistance program and administrative expenses if a shortfall of anticipated revenues occurs.

<b>SPENDING PLAN SUMMARY</b>		
Balance as of April 17, 2025		<b>\$ 992,155</b>
<b>PROJECTED REVENUE 3/9/23-6/30/25</b>		
Development fees	+	\$ 750,000
Payments in lieu of construction	+	\$0
Other funds	+	\$0
Interest	+	\$ 18,000
SUBTOTAL REVENUE	=	\$ 1,760,155
<b>TOTAL REVENUE</b>	<b>=</b>	<b>\$1,760,155</b>
<b>EXPENDITURES</b>		
Rehabilitation Program	-	\$80,000
Affordability Assistance	-	\$516,046
Administration	-	\$ 352,031
<b>TOTAL PROJECTED EXPENDITURES</b>	<b>=</b>	<b>\$ 948,077</b>
<b>REMAINING BALANCE RESERVED FOR ADDITIONAL AFFORDABLE HOUSING ACTIVITY</b>	<b>=</b>	<b>\$ 812,078</b>

# Draft Town Center Overlay Ordinance

**DRAFT**  
BOROUGH OF OLD TAPPAN

ORDINANCE No. \_\_\_\_\_

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 255: ZONING OF THE ORDINANCES OF THE BOROUGH OF OLD TAPPAN ESTABLISHING THE TOWN CENTER OVERLAY ZONE**

**WHEREAS**, the Fair Housing Act has been amended by the legislature to create a new process for the approval of municipal affordable housing plans for the Fourth Round pursuant to the New Jersey Supreme Court’s Mount Laurel doctrine; and

**WHEREAS**, the Borough of Old Tappan has filed a declaratory judgement action seeking a certificate of compliance from the newly created Program for the Fourth Round certifying the Borough’s Housing Element and Fair Share Plan satisfies the Borough’s constitutional obligation to provide for affordable housing; and

**WHEREAS**, the Borough has determined to amend the Borough’s zoning ordinance to establish the Town Center Overlay Zone in order to implement the Borough’s Fourth Round Housing Element and Fair Share Plan;

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the Borough of Old Tappan, Bergen County, New Jersey that it does hereby amend, modify and supplement Chapter 255, Zoning as follows:

**BE IT ORDAINED** by the governing body of the Borough of Old Tappan that it does hereby amend and supplement Chapter Zoning Ordinance of the Borough of Old Tappan as follows:

**SECTION 1.** Article II, Zoning Districts and Zoning Map, §255-5, Districts Enumerated, is hereby amended and supplemented with the following new zoning districts:

TCO-C	Town Center Overlay-Commercial District
TCO-P	Town Center Overlay-Professional District

**SECTION 2.** Article II, Zoning Districts and Zoning Map, §255-7, Metes and bounds descriptions, is hereby amended and supplemented to zone the following properties within the TCO district:

Zoning Map is hereby amended and supplemented as follows:

- a. Block 1606, Lots 5 and 6 comprising 9.74 acres of land is hereby zoned within the TCO-C District.
- b. Block 1605, Lots 4, 5 and 6 comprising of 3.72 acres of land is hereby zoned within the TCO-P District.

**SECTION 3.** New Article XXVI entitled Town Center Overlay District is hereby added establishing district regulations as follows:

**XXVI Town Center Overlay District.**

**§255-125 Purpose.** The purpose of this zoning district is to encourage the construction of low and moderate-income housing in conformance with the latest procedural and substantive rules for affordable housing as required by the New Jersey Fair Housing Act or other applicable authority, by permitting mixed use commercial development with inclusionary multi-family development subject to the Town Center Overlay regulations enumerated herein. It is further the intent of the zone to promote neighborhood scale mixed use development. Large scale single user commercial development is to be discouraged in this zone

**§255-126 Zone Intent.** It is intended that this zone be developed as a mix of residential and commercial uses to satisfy the Borough's affordable housing obligation. It is further intended that the zone be developed in a comprehensive and coordinated fashion. Therefore, no development may proceed without a comprehensive development plan that demonstrates that the mix of commercial and residential components, including the affordable housing obligation, as required by this zone, are satisfied. This requirement should not be construed as precluding a phased development plan provided however, that such phasing guarantees the development of affordable housing as contemplated in the zone and in accordance with the Borough's affordable housing requirements and State affordable housing laws and regulations.

**§255-127 Principal permitted uses.**

A. Town Center Overlay-Commercial District (TCO-C).

- (1) Uses as permitted within the B-1 District.
- (2) Mixed-use development consisting of ground floor nonresidential development as permitted within the B-1, Local Business District, and apartment lobby, with apartments above, located within only that portion of the property subject to the minimum area and bulk requirements of the TCO Zone. Drive-throughs shall be permitted for any permitted nonresidential use component of mixed-use development, with the exception of restaurants or refreshment stands.
- (3) Multifamily residential in a stand-alone building provided that no more than 30% of the land area within the District shall be devoted to multifamily development that is not mixed-use.

B. Town Center Overlay-Professional District.

- (1) Business, executive and professional offices, such as, but not limited to, administrative offices, utility offices, medical and dental offices, insurance offices, offices of architects, engineers, surveyors or lawyers, real estate offices
- (2) Child care centers for which a license is required from the Department of Human Services pursuant to N.J.S.A. 30:5B-1 et seq.

**§255-128 Accessory Uses.** Any use which is ordinarily subordinate and customarily incidental to the principal permitted uses allowed in the TCO Zone.

**§255-129 Prohibited Uses.** Any use not specifically permitted herein is prohibited.

**§255-130 Permitted Density.** The maximum permitted residential density shall not exceed 12 dwelling units per acre.

**§255-131 TCO Zone District Regulations.** The following regulations are applicable to any development within the TCO District.

A. TCO-C Regulations

- |  |              |
|--|--------------|
| (1) Minimum lot area (acres):                        | 9            |
| (2) Minimum setbacks from external lot lines (feet): |              |
| (a) Front yard:                                      | 50           |
| (b) Side yard:                                       |              |
| 1. Abutting residential use                          | 50           |
| 2. Abutting commercial use                           | 15           |
| 3. Rear yard:  | 50           |
| (3) Maximum number stories and building height:      | 3 stories/45 |



- (4) Maximum building lot coverage: 35 percent
- (5) Maximum impervious lot coverage: 65 percent

**B. TCO-P Regulations**

- (1) Minimum lot area (square feet): 30,000
- (2) Minimum setbacks from external lot lines (feet):
  - (a) Front yard: 25
  - (b) Side yard:
    - 1. Abutting residential use 50
    - 2. Abutting commercial use 15
  - (c) Rear yard: 50
- (3) Maximum number stories and building height: 3 stories/45
- (4) Maximum building lot coverage: 35 percent
- (5) Maximum impervious lot coverage: 65 percent

- C. Buffer Requirements.** Where development abuts a residential zone a required buffer shall correspond to the required setback and shall comply with the requirements of §255-133 B.

**§255-132 TCO Zone District Parking Regulations**

- A. Residential Site Improvement Standards (RSIS) shall apply for stand-alone multifamily development.
- B. Required parking for mixed use buildings shall be calculated as the sum of required parking for each component use.
- C. Recognizing there may be opportunities to reduce parking due to the mixed use nature of development contemplated in the Town Center Overlay District, an applicant may request that parking standards be relaxed in accordance with a detailed parking demand analysis submitted by a qualified New Jersey Licensed Professional Traffic Engineer. Such request may be granted at the discretion of the Planning Board and only if the Board is satisfied that such reduction is warranted based upon the information presented.
- D. Parking Design Requirements.
  - 1. All exterior parking shall be landscaped, screened, and lighted, as specified in §250-133 C herein pursuant to site plan approval to be granted by Planning Board.
  - 2. Structured parking is permitted but shall be contained below principal buildings and not as stand-alone structures. The total area of structured parking shall at minimum be no less than 75 percent below grade provided further however, that such structured parking can be accessible from proposed driveways and streets at grade level. For that portion of structured parking that is above grade the exposed walls shall not exceed a maximum height of 5-feet.
  - 3. Loading areas servicing commercial uses shall be designated and approved as part of any site plan application for development.

**§255-133 TCO Zone Site Development Requirements.**

- A. Landscaping.

1. Landscaping shall be provided to promote a desirable visual environment, to accentuate building design, define entranceways, screen parking areas, mitigate adverse visual impacts and provide windbreaks for winter winds and summer cooling for buildings, and enhance buffer areas. The impact of any proposed landscaping plan at various time intervals shall be considered. Plants and other landscaping materials shall be selected in terms of aesthetic and functional considerations. The landscape design shall create visual diversity and contrast through variation in size, shape, texture and color. The selection of plants in terms of susceptibility to disease and insect damage, wind and ice damage, habitat (wet-site, drought, sun and shade tolerance), soil conditions, growth rate, longevity; root pattern, maintenance requirements, etc., shall be considered. Consideration shall be given to accenting site entrances and unique areas with special landscaping treatment. Flowerbed displays are encouraged.
2. Landscaped islands shall be at least six feet in width to accommodate plantings.
3. A minimum 10-foot landscaped buffer consisting of a dense evergreen mass shall be planted along the perimeter of the property to form a screen from adjoining properties.
4. Landscaping within sight triangles shall not exceed a mature height of 30 inches. Shade trees shall be pruned up to an 8-foot branching height above grade.
5. All areas that are not improved with buildings, structures and other man-made improvements shall be landscaped with trees, shrubs, ground cover, street furniture, sculpture or other design amenities.
6. Shade trees shall be a minimum 2.5 to 3-inch caliper with a canopy height of at least the minimum American Nursery and Landscape Association Standards for this caliper.
  - (1) Ornamental Trees shall be installed at a minimum size of 6 feet in height.
  - (2) Shrubs shall be planted at a minimum size of 18 to 24 inches.
  - (3) All plant material shall meet the minimum latest American Nursery and Landscape Association Standards.
  - (4) Irrigation shall be provided for all landscape and lawn areas in a manner appropriate for the specific plant species.
  - (5) A growth guarantee of two growing seasons shall be provided and all dead or dying plants shall be replaced by the applicant, as required, to maintain the integrity of the site plan.
7. Landscape Plantings. The preference is for all plant materials to be indigenous to the region herein defined as the Bergen County region but in no event shall the plant materials be comprised of less than 50 percent indigenous species.
8. Plant species identified as “invasive” as identified by the New Jersey Department of Environmental Protection are prohibited.
9. Irrigation shall be provided to all landscaped areas.

10. Landscape Plan Content. A landscape plan shall be submitted with each major site plan or major subdivision application. In addition to the major site plan or subdivision submission requirements, the landscape plan shall include and identify the following information:

- (a) Existing and proposed underground and above ground utilities such as site lighting, transformers, hydrants, manholes, valve boxes, etc. existing wooded areas, rock outcroppings and existing and proposed water bodies.
- (b) Existing and proposed topography and location of all landscaped berms.
- (c) Location, species and sizes of all proposed shade trees, ornamental trees, evergreen trees and shrubs and areas for lawns or any other ground cover. Different graphic symbols shall be used to show the location and spacing of shade trees, ornamental trees, evergreen trees, shrubs and ground cover. The size of the symbol must be representative of the size of the plant shown to scale.
- (d) A plant schedule indicating botanical name, common name, size at time of planting (caliper, height and spread), quantity, root condition and any special remarks (spacing, substitutions, etc.) for all plant material proposed. Plants within the plant schedule shall be keyed to the landscape plan utilizing the first letter of the botanical plant name.
- (e) Planting and construction details and specifications.

B. Buffer Zone Requirements.

- 1. Any buffer zone shall remain in its natural state where wooded, or shall otherwise consist of new landscaping and plantings, including year-round plantings of both deciduous and evergreen type trees, which may be combined and integrated with berm areas. Said new landscaping and planting shall provide a year-round visual screen and shall be comprised of plant material that is at least six feet in height planted six feet on centers with staggered planting to be provided where practicable.
- 2. No buildings, structures, driveways, parking or loading areas or other use of the land shall be permitted within any buffer area, provided however that decorative walls and fences may be erected only at the edge or perimeter of the buffer zone.
- 3. Notwithstanding the provisions of Subsection A hereof, pertaining to the required depth of a buffer zone, upon an application for development of a particular property as a planned residential development, the Planning Board may increase the required buffer zone to a maximum depth of 100 feet, upon the Board's specific findings of particular circumstances relating to conditions of topography, natural features, lot configuration, natural vegetation or the lack thereof, soil conditions, drainage or other related site characteristics, or where such proposed planned residential development is incompatible with existing adjacent development.

C. Lighting.

- 1. All lighting fixtures and foot-candle standards for parking areas and recreation facilities shall be consistent with the standards outlined by the Illuminating Engineering Society of North America (IESNA).
- 2. A lighting plan prepared by a qualified professional shall be provided with site plan applications.

3. The intensity, shielding, direction and reflecting of lighting shall be subject to site plan approval by the Planning Board.
  4. All parking areas, walkways, building entrances, and driveways required for uses in this zone shall be adequately illuminated during the hours of operation that occur after sunset.
  5. Lighting shall be shielded so as to prevent glare from adversely impacting surrounding properties.
  6. Lighting shall be dark sky compliant pursuant to the standards of Dark Sky International.
- D. Sidewalks. Within the development, sidewalks shall be required in accordance with the RSIS standards or as deemed appropriate by the Board. Sidewalks proposed within the public right of way shall be no less than four feet.
- E. Signage. Identification Sign. One (1) wall mounted, non-illuminated address sign is permitted for each building with a maximum area of 5-square feet per sign, as well as a ground mounted sign, at any site driveway, setback from the property line by 10 feet and with a maximum sign area of 32 square feet and height of 6 feet (including base), which may be internally or externally illuminated. The base of the monument sign shall be appropriately landscaped.
- F. To provide for the appropriate transition and relationship of proposed development to Old Tappan Road and the surrounding area and taking into consideration the specific topographic conditions within the zone, the regulations regarding permitted maximum building height, as provided herein, are as follows:
1. Building height shall mean the vertical distance from the average ground elevation of the building or structure to the level of the highest point measured at the building corners from the first finished floor.
  2. The height limit shall not apply to roof-mounted heating, air-conditioning or other mechanical equipment, except that such equipment shall not exceed a maximum height of 10-feet and shall not occupy more than 25% of the roof area. Additionally, such equipment shall setback from the roof edge a minimum of 10 feet and be screened by a wall, cover or by other means and that such screening shall be in keeping with the architectural motif of the building.
  3. Building height for all other structures shall be limited to a building height of 3-stories over below grade structured parking. The maximum building height shall not exceed 45 feet.
- G. Architectural Design Standards.
1. Horizontal articulation between floors. Each facade should be designed to have a delineated floor line between street level and upper floors. This delineation can be in the form of a masonry belt course, a concrete lintel or a cornice line delineated by wood detailing.
  2. Vertical articulation. Each building facade facing a public right-of-way must have elements of vertical articulation comprised of columns, piers, recessed windows or entry designs, overhangs, ornamental projection of the molding, different exterior materials or wall colors, or recessed portions of the main surface of the wall itself. The vertical articulations shall be designed in accordance with the following:
    - (a) Each vertical articulation shall be no greater than thirty (30) feet apart.
    - (b) Each vertical articulation shall be a minimum of one (1) foot deep.

- (c) Each vertical projection noted above may extend into the required front yard a maximum of eighteen (18) inches in depth.
- (d) Building walls with expansive blank walls are prohibited on any building façade regardless of its orientation.

3. Architectural Materials.

- (a) Permitted Foundation Materials: Brick masonry, stone masonry, cement-parged concrete block;
  - (b) Permitted Façade Materials: Brick masonry, stone masonry, stucco, wood siding/shingles for buildings designed to resemble a single-family residential building type only, fiber-cement siding/shingles to resemble a single-family residential building type only;
  - (c) Permitted Façade Accent Materials: Cast Stone, wood, fiber-cement trim, siding, and panels, composite trim, siding, and panels, architectural metal.
4. Rooflines. Roofline offsets, dormers or gables shall be provided in order to provide architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.
  5. All ground level retail and service use that face a public street shall have clear glass on at least 60% of their facades between two and eight feet above grade.
  6. Fenestration shall be architecturally compatible with the style, materials, colors and details of the building. Windows shall be vertically proportioned.
  7. All buildings should relate harmoniously to the site's natural features and existing buildings, as well as other structures in the vicinity that have a visual relationship and orientation to the proposed buildings. Such features should be incorporated into the design of building form and mass and assist in the determination of building orientation in order to preserve visual access to natural and man-made community focal points.
  8. Buildings should be broken into segments having vertical orientation. A visual or physical break shall be required where buildings have a front wall that exceeds 125 feet in length, and in such case a visual or physical break shall be provided minimally every 50 linear feet.
  9. Buildings with expansive blank walls are prohibited. Appropriate facade treatments should be imposed to ensure that such buildings and facades are integrated with the rest of the development and the entirety of the building.
  10. New buildings are encouraged to incorporate such building elements as entrances, corners, graphic panels, display windows, etc., as a means to provide a visually attractive environment.
  11. Cornices, awnings, canopies, flagpoles, signage, and other ornamental features should be encouraged as a means to enhance the visual environment. Such features may be permitted to project over pedestrian sidewalks, with a minimum vertical clearance of 8.5 feet, to within four feet of a curb.
  12. A "human scale" of development should be achieved at grade and along street frontages through the use of such elements as windows, doors, columns, awnings and canopies.

13. Multi-tenant buildings shall provide varied storefronts and such elements as noted above for all ground-floor tenants. Upper floors shall be coordinated with ground floors through common materials and colors.
14. Design emphasis should be placed on primary building entrances. They should be vertical in character, particularly when there is the need to provide contrast with a long linear building footprint, and such details as piers, columns, and framing should be utilized to reinforce verticality.
15. Refuse and recycling shall be located interior to a building or alternatively, if located outside, the refuse area shall be appropriately screened by decorative masonry wall consistent with the type of building materials used within the development not to exceed 6 feet.
16. Rooftop utilities including HVAC units shall be shielded from public view with appropriate screening that complements the character of the building's architecture.

**§255-134 Affordable Housing Requirements.** Residential development, as permitted by this Article, shall comply with all provisions of Chapter 80 of the Borough Code titled "Affordable Housing."

**SECTION 4.** The Borough Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Somerset County Planning Board and to all other persons or entities entitled thereto pursuant to N.J.S.A. 40:55D-15 and 40:55D-62.1. The Borough Clerk shall execute any necessary Proofs of Service of the notices required by this section and shall keep any such proofs on file along with the Proof of Publication of the notice of the required public hearing on the proposed change.

**SECTION 5.** After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Land Use Board of the Borough of Peapack for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Land Use Board, acting in its capacity as Planning Board, is directed to make and transmit to the Borough Council, within thirty-five (35) days after referral, a report including identification of any provision in the proposed Ordinance which are inconsistent with the Master Plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

**SECTION 6.** If any paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

**SECTION 7.** All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 8.** This ordinance shall take effect immediately upon: (i) adoption; and (ii) publication in accordance with the laws of the State of New Jersey.

Introduced:

Adopted:

# Draft Mandatory Set-Aside Amendment

**DRAFT**  
**Borough Of Old Tappan**  
**BERGEN COUNTY, NEW JERSEY**  
**ORDINANCE 2025 -**

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 255, ARTICLE XXIV, MANDATORY SET-ASIDE REQUIREMENTS**

**WHEREAS**, the Fair Housing Act has been amended by the legislature to create a new process for the approval of municipal affordable housing plans for the Fourth Round pursuant to the New Jersey Supreme Court's Mount Laurel doctrine; and

**WHEREAS**, the Borough of Old Tappan has filed a declaratory judgement action seeking a certificate of compliance from the newly created Program for the Fourth Round certifying the Borough's Housing Element and Fair Share Plan satisfies the Borough's constitutional obligation to provide for affordable housing; and

**WHEREAS**, the Borough has determined to amend the Borough's zoning ordinance to modify the mandatory set-aside for rental units from 15% to 20% pursuant to the Borough's adopted 2025 Housing Element and Fair Share Plan;

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the Borough of Old Tappan, Bergen County, New Jersey that it does hereby amend, modify and supplement Chapter 255, Article XXIV, Mandatory Set-Aside as follows:

Note: New language in ***bold italics***; eliminated language in ~~strikeouts~~.

**SECTION 1.** Article XXIV, § 255-122 A Purpose is hereby to read as follows:

**§ 255-122 Affordable housing mandatory set-aside.**

- A. Purpose. This article is intended to ensure that any site that benefits from a rezoning, variance or redevelopment plan approved by the Borough or the Planning Board that results in multifamily residential development of five dwelling units or more produces affordable housing at a set-aside rate of 20% for affordable for-sale ***and rental*** units. ~~and at a set-aside rate of 15% for affordable rental units.~~

**SECTION 2.** Article XXIV, § 255-123E Mandatory set-aside requirement is hereby to read as follows:

**§ 255-123 Mandatory set-aside requirement.**

- E. For inclusionary projects in which the low and moderate units are to be offered for sale, the appropriate set-aside percentage is 20%; for projects in which the low and moderate-income units are to be offered for rent, the appropriate set-aside percentage is ~~15~~ **20**%. Where the set-aside percentage results in a fractional unit, the total set-aside requirement shall be rounded upwards to the next whole number.

**SECTION 3.** The Borough Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Bergen County Planning Board and to all other persons or entities entitled thereto pursuant to N.J.S.A. 40:55D-15 and 40:55D-62.1. The Borough Clerk shall execute any necessary Proofs of Service of the notices required by this section, and shall keep any such proofs on file along with the Proof of Publication of the notice of the required public hearing on the proposed change.



**SECTION 4.** After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Borough Council, within thirty-five (35) days after referral, a report including identification of any provision in the proposed Ordinance which are inconsistent with the Master Plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

**SECTION 5.** If any paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

**SECTION 6.** All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 7.** This ordinance shall take effect immediately upon: (i) adoption; and (ii) publication in accordance with the laws of the State of New Jersey.

Introduced by: \_\_\_\_\_, Seconded by: \_\_\_\_\_  
Roll Call:

# Draft Ordinance Amending Control Periods

**DRAFT  
Borough Of Old Tappan  
BERGEN COUNTY, NEW JERSEY  
ORDINANCE 2025 -**

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 80, ARTICLE IV, AFFORDABLE HOUSING, CONTROL PERIODS FOR RESTRICTED UNITS**

**WHEREAS**, the Fair Housing Act has been amended by the legislature to create a new process for the approval of municipal affordable housing plans for the Fourth Round pursuant to the New Jersey Supreme Court's Mount Laurel doctrine; and

**WHEREAS**, the Borough of Old Tappan has filed a declaratory judgement action seeking a certificate of compliance from the newly created Program for the Fourth Round certifying the Borough's Housing Element and Fair Share Plan satisfies the Borough's constitutional obligation to provide for affordable housing; and

**WHEREAS**, the Borough has determined to amend the Borough's zoning ordinance to modify the required control period from 30 to 40 years for both for sale and rental residential developments as required by the amended Fair Housing Act;

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the Borough of Old Tappan, Bergen County, New Jersey that it does hereby amend, modify and supplement Chapter 80, Article IV, Control Period for restricted units as follows:

Note: New language in ***bold italics***; eliminated language in ~~strikeouts~~.

**SECTION 1.** Article IV, § 80-7, Control periods for restricted ownership units and enforcement mechanisms is hereby to read as follows:

**§ 80-7 Control periods for restricted ownership units and enforcement**

- B. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this chapter for a period of at least ~~30~~ ***40*** years, until the Borough of Old Tappan takes action to release the unit from such requirements; prior to such action, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.

**SECTION 2.** Article IV, § 80-12, Control periods for restricted rental units and enforcement mechanisms is hereby to read as follows:

**§ 80-12 Control periods for restricted rental units and enforcement**

- A. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this chapter for a period of at least ~~30~~ ***40*** years, until the Borough of Old Tappan takes action to release the unit from such requirements; prior to such action, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.

**SECTION 3.** The Borough Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Bergen County Planning Board and to all other persons or

entities entitled thereto pursuant to N.J.S.A. 40:55D-15 and 40:55D-62.1. The Borough Clerk shall execute any necessary Proofs of Service of the notices required by this section, and shall keep any such proofs on file along with the Proof of Publication of the notice of the required public hearing on the proposed change.

**SECTION 4.** After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Borough Council, within thirty-five (35) days after referral, a report including identification of any provision in the proposed Ordinance which are inconsistent with the Master Plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

**SECTION 5.** If any paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

**SECTION 6.** All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 7.** This ordinance shall take effect immediately upon: (i) adoption; and (ii) publication in accordance with the laws of the State of New Jersey.

Introduced by: \_\_\_\_\_, Seconded by: \_\_\_\_\_  
Roll Call: