

Fair Share Housing Center

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In the Matter of the
Application of Borough of
River Edge, County of Bergen.

SUPERIOR COURT OF NEW JERSEY
Law Division, Bergen County
Docket No. BER-L-602-25

CIVIL ACTION
(Mount Laurel)

Consent Order Final Compliance
Certification (N.J.S.A.
52:27D-304(q))

THIS MATTER having come before the Court via the joint request of the Borough via counsel Edward J. Buzak, Esq., of Surenian, Edwards, Buzak & Nolan, LLC as well as Fair Share Housing Center, via counsel Laura S. Smith-Denker, Esq. (on behalf of Fair Share Housing Center), seeking a certification of compliance with the Fair Housing Act ("FHA"); and

WHEREAS, the Borough of River Edge (the "Borough" or "River Edge") having filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the "Program") and a declaratory judgment action on January 24, 2025; and

WHEREAS, the above-named parties having previously presented a settlement agreement (a.k.a. mediation agreement) to

the Court which was filed on eCourts on February 3, 2026, and which settlement agreement is incorporated herein by reference; and

WHEREAS, the Court having entered an Order on March 4, 2026 accepting and adopting the Program Member's Report and Recommendations for approval of the Settlement and the Amended Housing Element and Fair Share Plan ("HEFSP") of the Borough;

WHEREAS, the Borough having filed its Amended HEFSP on March 13, 2026 and implementing ordinances and resolutions on March 13, 2026; and

WHEREAS, Fair Share Housing Center ("FSHC") having reviewed the Borough's filing in accordance with the parties' settlement agreement and confirmed that the Borough has complied with all terms outlined in the settlement agreement; and

WHEREAS, no other interested-party filed a challenge or any other communication; and

WHEREAS, the Court having reviewed the Borough's Amended HEFSP, attachments, and implementing ordinances and resolutions, incorporating therein any changes from the Program and Court's prior order(s) and determined that they meet the "objective standard" and are in compliance with the Fair Housing Act and the Mount Laurel doctrine so long as the conditions set forth in this order are met; and

WHEREAS, the Court incorporates the Court's prior orders

and for good cause shown:

IT IS on this 14th day of May,

2026, **ORDERED** as follows:

1. The Borough's Fourth Round HEFSP, attachments, and applicable implementing ordinances and resolutions, collectively referenced herein as Exhibit A and as the "HEFSP" and "Implementing Ordinances & Resolutions," see River Edge's March 13, 2026 eCourts filing (LCV202666871), are admitted into evidence and entered into the record.
2. Subject to the satisfaction of the Conditions of this Order and the deadlines established therein, the Borough of River Edge's HEFSP (Exhibit A) is hereby approved and deemed to meet the "objective standard" pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) of complying with the Fair Housing Act and the Mount Laurel doctrine and the Borough is granted a Compliance Certification as to its Rehabilitation Obligation ("Present Need"), its Prior Round Obligation (1987-1999), its Third Round Obligation (consisting of both its Gap Obligation for 1999-2015 and its Prospective Need Obligation for 2015-2025), and its Fourth Round obligation pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, et. seq.) ("FHA").
3. The Borough's Compliance Certification shall be subject to the Borough's continued compliance with the Fair Housing

Act (N.J.S.A. 52:27D-301, et. seq.) ("FHA"), the Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.1, et seq.) ("UHAC"), applicable Council on Affordable Housing (hereinafter "COAH") substantive rules, and Mount Laurel case law, including the New Jersey Supreme Court's Mount Laurel IV decision, unless otherwise provided in the Mediation Agreement or in this Compliance Certification Order.

4. The Borough's Compliance Certification shall remain in effect for ten (10) years beginning on July 1, 2025 and ending on June 30, 2035, and during this ten (10) year period the Borough shall have repose from exclusionary zoning litigation, including, but not limited to, Builder's Remedy lawsuits, as provided for in the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et. seq. The Borough's Compliance Certification shall remain subject to prevailing law and rules of Court..
5. As per the Borough's Amended HEFSP and earlier court orders, the Borough's Present Need or Rehabilitation Obligation is 7, the Borough's Prior Round Obligation (1987-1999) is 73, the Borough's Third Round Obligation (1999-2025) is 197 as adjusted by a vacant land analysis ("VLA") to a RDP of 0, and the Borough's Fourth Round

Prospective Need (2025-2035) is 159 units as adjusted by a VLA to a RDP of 0.

6. The Borough will address its Present Need of 7 units via the Bergen County Home Improvement Program or administer its own rehabilitation program to the extent necessary to satisfy its Fourth Round Present Need Obligation of 7.
7. The Borough's Prior Round Obligation is 73 and has been met with the following mechanisms:

Plan Mechanism	Location	Type	Tenures	#AH Units	Bonus Credits	Status
Senior Residence at St. Peter the Apostle Church	B 701 L 19,01	Senior Supportive Housing	Rental	18 (of 23)	-	Completed
New Concepts for Living, 11 June Ct.	B 1004 L 1	Group Home	Rental	5	-	Completed
Community Options, 200 Zabriskie Pl.	B 1208 L 7	Group Home	Rental	3	-	Completed
EIHAB Human Services, 328 Valley Rd.	B 905 L 19	Group Home	Rental	4	-	Completed
New Bridge Landing Station Redevelopment Plan	B 1411 L 1,01,1,02; B 1412 L 1,2,3	Inclusionary	Rental	19	19	Adopted
Kinderkamack Road Redevelopment Plan	B 1413 L 1,2,01,4,5	Inclusionary	Rental	5	-	Adopted
Total				54	19	

8. For the Third Round, the Borough prepared a new VLA that calculated a Realistic Development Potential (RDP) of zero (0). For the Fourth Round, the Borough prepared a new VLA that calculated a Realistic Development Potential (RDP) of zero (0). The Borough has identified sites likely to redevelop during Round 4 to address 25% of the prospective

need obligation that has been adjusted. The Borough's Fourth Round identification of sites likely to redevelop and sites to address Third and Fourth Round unmet need are addressed as set forth in the tables below:

Mechanism	Location	Type	Tenures	# AH Units	Status
Senior Residence at St. Peter the Apostle Church	B 701 L 19.01	Senior Supportive Housing	Rental	5 (of 23)	Completed
New Bridge Crossing	B 1302 L 3	Senior	Rental	7	Completed
Johnson Avenue Overlay Zone (40 du/ac x 20%)	B 1418 L 1,2,3,3.01,4	Inclusionary	Rental	13	To be adopted
North Kinderkamack Overlay Zone (15 du/ac x 20%)	B 203 L 2,2.01,3,4	Inclusionary	Rental	7	To be adopted
New Bridge Landing Station Redevelopment Plan (36 du/ac x 20%)	B 1411 L 1.01,1.02; B 1412 L 1,2,3	Inclusionary	Rental	29	To be Amended
AH-1 Overlay Zone (25 du/ac x 20%)	B 1303 L 3,4,5	Inclusionary	Rental	16	To be Amended
Multifamily & Senior Conditional Use Zone (20% For Sale & Rental)	B 1005 L 6.01 - 12; B 1302 L 1, 2	Senior Rental	Rental	33	To be Amended
Mandatory Affordable Set-Aside Ordinance (20% For Sale & Rental)	N/A	N/A	N/A	N/A	To be Amended

9. The Borough and FSHC recognize that substantial changes in circumstances affecting the Borough's RDP are possible and each party reserves its respective rights under applicable law in the event of such substantial changes in circumstances affecting the Borough's RDP.

10. The Borough's Compliance Certification shall be subject to required ongoing monitoring as required by the

statute, including NJSA 52:27D-329.2, 329.4, 313 and NJSA.40:55D-8.4. The Borough shall provide notice to FSHC of any action filed at the midpoint review.

11. The Court shall retain jurisdiction for the purpose of enforcing the terms and conditions of this Certification of Compliance and Repose and the Borough's adopted Fourth Round HEFSP.

12. A copy of this Order shall be entered on eCourts and shall be effective as of the date of filing.



Hon. Lina P. Corrison, J.S.C.

On behalf of the Borough of River Edge:

Edward J. Buzak

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On behalf of Fair Share Housing Center:

Laura S. Smith-Denker, Esq.

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