

CLMC File 15187-0001

**RESOLVED BY THE PLANNING BOARD  
OF THE TOWNSHIP OF SOUTH HACKENSACK,  
COUNTY OF BERGEN, STATE OF NEW JERSEY:**

**RESOLUTION ACCEPTING THE JANUARY 2025  
FOURTH ROUND HOUSING AND FAIR SHARE PLAN REPORT  
OF THE NEGLIA GROUP**

**WHEREAS**, the Township of South Hackensack (hereinafter the “Township”) has demonstrated a history of voluntary compliance with its affordable housing obligations as evidenced by its “Third Round” record; and

**WHEREAS**, the Township continues to actively implement its Third Round Housing Element and Fair Share Plan; and

**WHEREAS**, on March 20, 2024, the Governor of New Jersey signed into law P.L. 2024, c.2 (A-4/S-50), which amended the 1985 New Jersey Fair Housing Act (hereinafter the “Amended FHA” or the “Act”), and in so doing further set forth the manner in which municipal affordable housing obligations for the “Fourth Round” – the period of 2025-2035 – were to be calculated and the process for municipalities to address the aforesaid affordable housing obligations; and

**WHEREAS**, the Amended FHA required the Department of Community Affairs (hereinafter the “DCA”), to produce non-binding estimates of need for municipalities, on or before October 20, 2024; and

**WHEREAS**, on October 18, 2024, the DCA issued a report wherein it recorded its estimate of the obligation for all municipalities, based upon its interpretation of the standards in the Amended FHA (hereinafter the “DCA Report”); and

**WHEREAS**, pursuant to the Act, every municipality in the State of New Jersey has an obligation to adopt a binding resolution establishing its fair share affordable housing obligation for the Fourth Round by June 30, 2025; and

**WHEREAS**, on January 23, 2025, the Township memorialized Resolution #2025-71 stating the Present Need (rehabilitation) Obligation of seven (7) units and a Prospective Need Obligation of one-hundred seventy-four (174) units as reported by the DCA for the Fourth Round (2025-2035) and detailed in the January 2025 report authored by the Township's affordable housing professional, Neglia Group; and

**WHEREAS**, the Neglia Group has independently reviewed the present need and prospective share published in the DCA Report and, as inscribed with detail in its January 2025 report entitled "Fourth Round Housing Element and Fair Share Plan – Township of South Hackensack, Bergen County, New Jersey", recommended that the Township adopt these amounts as its Fourth Round Fair Share obligation; and

**WHEREAS**, upon notice duly provided pursuant to N.J.S.A 40:55D-13, and the specifications set forth in the Municipal Land Use Law (hereinafter the "MLUL") The Planning Board of the Township of South Hackensack (Hereinafter, the "Planning Board") held a public hearing on the Fourth Round Fair Housing Element and Fair Share Plan on June 5, 2025; and

**WHEREAS**, the Planning Board is desirous of obtaining immunity from the filing of service of any third party or builder's remedy lawsuits with respect to the Township's satisfaction of its Mount Laurel Obligations, as well as setting forth a declaration of its compliance with the Mount Laurel doctrine and Fair Housing Act of 1985 (hereinafter, the "FHA"), N.J.S.A. 53:27D-301 *et seq.*; and

**WHEREAS**, a Fair Housing Element of the Master Plan is required for the municipality to adopt and enforce a zoning ordinance pursuant N.J.S.A. 40:55D-28b(3) and 52:27D-310; and

**WHEREAS, N.J.A.C. 5:94-2.2(a)** requires the adoption of the Fair Housing Element by the Planning Board and endorsement by the Governing Body; and

**WHEREAS, N.J.A.C. 5:94-2.2(a)** requires the adoption of the Fair Share Plan in accordance with the Fair Housing Element and Master Plan; and

**WHEREAS,** legal notice was properly provided for the June 5, 2025 public meeting of the Planning Board pursuant to the specifications set forth in the MLUL as well as N.J.S.A. 40:55D-13; and

**WHEREAS,** the January 2025 report of the Neglia Group was discussed at the Planning Board's June 5, 2025 public hearing and said meeting was conducted with Anthony Kurus, P.E., P.P., C.M.E. of Neglia Engineering appearing on behalf of the Neglia Group, and with Mr. Kurus providing testimony and answering inquiry; and

**WHEREAS,** the Planning Board's public hearing of June 5, 2025 was opened to the public, and with no public comment being received, and with an audio recording being maintained for the entirety of the in-person meeting; and

**WHEREAS,** Section 3 of the Act provides that: "the municipality's determination of its fair share obligation shall have a presumption of validity, if established in accordance with sections 6 and 7" of the Act; and

**WHEREAS,** the Planning Board has reviewed this matter and agreed to accept the recommendations of the Township's affordable housing professional and take other necessary actions in connection with the Amended FHA; and

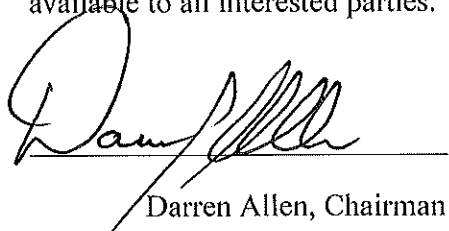
**WHEREAS,** in addition to the foregoing, the Township specifically reserves all rights to revoke this resolution and commitment in the event of a successful challenge to the Act in the context of the Montvale case (MER-L-001778-24), any other such action challenging the Act, or any legislation adopted and signed into law by the Governor of New Jersey that alters the deadlines and/or requirements of the Act.

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Board of the Township of South Hackensack, as follows:

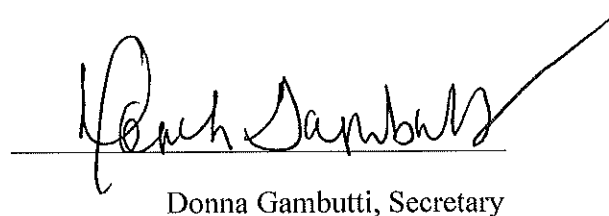
1. The aforesaid recitals are incorporated herein as if set forth in their entirety.
2. The Township hereby establishes its Fourth Round Affordable Housing Fair Share obligation as a present need of seven (7) units and a prospective need of one-hundred seventy-four (174) units, subject to all reservations of rights, which specifically include:
  - a. All rights to revoke this Resolution in the event of a successful legal challenge, or legislative change, to the Act;
  - b. All rights to take any contrary position in the event of a third-party challenge to the obligations.
3. The Township's affordable housing attorney is hereby authorized and directed to file an action in the form of a declaratory judgment complaint and civil case information statement within forty-eight (48) hours after the adoption of this resolution.
4. The Township's affordable housing professional shall submit the Township of South Hackensack into the DCA affordable housing dispute program and take any other action necessary to comply with the Amended FHA and implement its Fourth Round Affordable Housing Fair Share obligation, including but not limited to defending any challenges to the Township's actions herein.
5. The Township also authorizes and directs its affordable housing professionals to prepare the appropriate Housing Element and Fair Share Plan as a component of the Township's Master Plan so that is filed with DCA on or about June 30, 2025.
6. This Resolution shall take effect immediately, according to law.
7. A certified copy of this Resolution shall be submitted to the DCA upon its adoption.

The undersigned, Secretary of the Planning Board of the Township of South Hackensack, hereby certifies that the above is a true copy of a Resolution duly memorialized by said Board on July 10, 2025 and that the within Resolution was adopted by the Board and memorialized pursuant to N.J.S.A. 40:55D-10(g).

**BE IT FURTHER RESOLVED** that the Board Secretary is hereby authorized and directed to cause a notice of this decision to be published in the official newspaper at the Township's expense and to send a certified copy of this Resolution to the Township's Governing Body and also the Township Clerk, Engineer, Attorney and Tax Assessor, and shall make same available to all interested parties.

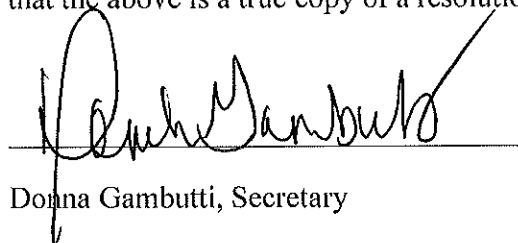


Darren Allen, Chairman



Donna Gambutti, Secretary

The undersigned, Secretary of the Township of South Hackensack Planning Board, hereby certifies that the above is a true copy of a resolution duly approved by said Board on June 5, 2025.



Donna Gambutti, Secretary

Township of South Hackensack Planning Board

Approved Motioned June 5, 2025 by: DeRiso

Seconded by: D'Ambrosio

Ayes: D'Ambrosio, DeRiso, Mayor Anzevino, Vigilanti, Orzechowski, Peccoraro, Cagas

Nays: none

Abstentions: none

Absent: Allen