



**Livingston Township
Essex County
Round 4: Housing Element and Fair Share Plan**

Prepared For:



Livingston Township
Livingston Avenue
Livingston, NJ 07039

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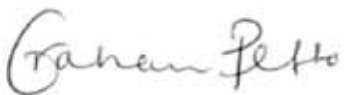
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I. Introduction

This Housing Element and Fair Share Plan will exhibit the Township of Livingston (herein the “Township” or “Livingston”) commitment to providing affordable housing within the municipality. This document seeks to frame Livingston’s efforts based on the current best knowledge of the affordable housing framework created by the State, applicable past rules established by the Council on Affordable Housing (COAH), and the requirements of P.L.2024, c.2¹ (the “Law” or “Amended Law”) which governs municipal responsibilities concerning provisions of affordable housing in the Fourth Round.

This Plan has three sections. The first section (“Introduction”) includes a brief history of New Jersey Housing Policy. The second section (“Housing Element”) includes a Demographic Analysis, Housing Inventory, Employment Analysis, and review of land uses and policies, as required by statute. The third section (Fair Share Plan) summarizes the Township’s affordable housing obligations for 2025-2035 and its plan for complying with these obligations.

A. History of New Jersey Affordable Housing Policy

1975 – 1985 | Mount Laurel Doctrine and the Fair Housing Act

In 1975 the New Jersey Supreme Court decided *Southern Burlington County NAACP v. the Township of Mount Laurel*, more commonly referred to as “Mount Laurel I,” wherein it interpreted the New Jersey Constitution to create an affirmative obligation for developing municipalities to provide a “realistic opportunity for the construction of low- and moderate-income housing in their communities.” In 1983, the New Jersey Supreme Court expanded the obligation from only developing municipalities to all municipalities in a decision commonly referred to as “Mount Laurel II.” In addition, the Supreme Court required the establishment of each municipality’s fair share obligation and required each municipality, through its zoning, to provide a realistic opportunity for the construction of that established fair share obligation. Subject to several prerequisites, conditions and requirements, Mount Laurel II also created the “builder’s remedy” as a mechanism to enforce the doctrine in instances where a developer successfully demonstrated a municipality’s zoning failed to create the requisite realistic opportunity. Under such circumstances, a plaintiff may be entitled to have its site rezoned for an inclusionary development with an affordable set aside if the site is available, developable, approvable, and suitable for the proposed project and all other requirements for a successful builder’s remedy are met and all defenses defeated.

In 1985, in response to Mount Laurel II and the flood of litigation stemming from it, the Legislature adopted the Fair Housing Act (“FHA”) to discourage litigation and incentivize voluntary compliance (see N.J.S.A. 52-27D-303). The FHA established, among other things, the Council on Affordable Housing (“COAH”) as an administrative alternative to litigation and

¹ https://pub.njleg.state.nj.us/Bills/2024/PL24/2_.PDF

judicial intervention. COAH was charged with establishing various housing regions in the state, estimating regional affordable housing obligations, and adopting criteria and guidelines for the municipal determination of housing need as well as guidelines for satisfying those obligations. The FHA also linked municipal planning and zoning powers to the satisfaction of affordable housing obligations. Under the FHA, a municipal zoning ordinance is presumptively invalid if a municipality fails to adopt a housing element as part of its master plan or enacts zoning regulations that are inconsistent with their housing plan.

1987 – 2004 | Establishment and Administration of First Round and Second Round COAH Rules

After the adoption of the Fair Housing Act, COAH adopted procedural and substantive rules to effectuate the FHA's legislative intent in both the First Round (1987-1993) (N.J.A.C 5:91 and 5:92) and Second Round (1993-1999) (N.J.A.C. 5:93). The Second Round substantive regulations (Chapter 93) superseded the First Round substantive regulations (Chapter 92) and recalculated the First Round obligations. Under COAH's regulations, low-income households were defined as those with incomes no greater than 50 percent of the area median income (AMI), adjusted for household size, and moderate-income households were those with incomes no greater than 80 percent and no less than 50 percent of the median household income. AMI limits were calculated based upon housing regions as established by COAH.

2004 – 2010 | Third Round Litigation and Revisions

In December 2004, COAH promulgated its Third Round "Growth Share" methodology, which adjusted prior round obligations and devised a new system for projecting future municipal housing obligations. Growth Share obligations were based upon municipal growth and the Third Round was defined as the period of 1999-2014. The initial Growth Share methodology required municipalities to provide one affordable housing unit for every eight market rate units and one affordable unit for every 25 jobs created. In January 2007, the Appellate Division invalidated the Growth Share Methodology and required COAH to revise its rules, which it did in May 2008 via the Third Round substantive regulations of Chapter 97.

The FHA was subsequently amended in July 2008. This round of amendments, among other things, eliminated Regional Contribution Agreements and reduced non-residential development fees. In September 2008, Executive Order #114 was which amended the COAH rules to ensure consistency with the Highlands Regional Master Plan.

2010 – 2023 | COAH's Noncompliance and Resumption of Court Responsibility

During this period, there was inaction and increased uncertainty in the realm of affordable housing.

After taking office Governor Chris Christie signed Executive Order No. 12, establishing the Housing Opportunity Task Force and charging them with a full review of the Fair Housing Act, COAH, and COAH's regulatory structure. Ultimately, the task force recommended a model which included adjusted definitions of present and prospective need, a benchmark of 10 percent

growth predicted by the State Planning Commission to guide obligations, and transferring of procedural responsibility from COAH to the Home Mortgage Finance Agency (HMFA).

Further complicating matters, in October 2010, the Appellate Division invalidated a substantial portion of COAH's rules. Most notably, the Court invalidated the Third Round Growth Share methodology and ordered COAH to revise its rules in accordance with the decision. In addition, the Court prohibited certification of housing plans that rely upon municipally sponsored affordable housing projects without specified funding and required COAH to create an incentive structure for inclusionary developments.

In January 2011, the legislature passed S-1 / A-3447, which was subsequently vetoed. Then, in June Governor Christie issued a reorganization plan which transferred the administration of the State's affordable housing program from COAH to the New Jersey Department of Community Affairs. Upon challenge by the Fair Share Housing Center, the Appellate Court invalidated Governor Christie's Reorganization Plan in March 2012. The Supreme Court upheld this decision in July 2013.

In September 2013, the Supreme Court confirmed the invalidation of the previously adopted Third Round regulations, upholding that the methodology used for projecting housing needs in these rules was unconstitutional. In that ruling, the court established a February 2014 deadline for development and adoption of new COAH rules, which was eventually extended to November 2014. Significantly, no rules were adopted.

In March 2015, in the case entitled *In re: Adoption of N.J.A.C. 5:96 & 5:97*, 221 N.J. 1 (2015), more commonly referred to as "Mount Laurel IV" the State Supreme Court determined that COAH was "moribund" and unable to carry out its duties as intended by the Fair Housing Act. The Court further held "that the courts may resume their role as the forum of first instance for evaluating municipal compliance with Mount Laurel obligations."

Thus, the Court designed a transitional process whereby municipalities could seek judicial approval of their HEFSPs. Those transitional procedures gave municipalities the choice whether to seek compliance voluntarily via a Declaratory Judgment (DJ) Action or to not file a DJ Action and risk being sued. During this period, and in the absence of COAH, many municipalities entered into court-mediated Settlement Agreements involving the Fair Share Housing Center.

2024 – Present | Adoption of P.L.2024, c.2 and Fourth Round Methodology Changes and Department of Community Affairs

With the impending end of the Third Round in 2025, there was a push at the State level to implement new legislation that would reorganize the affordable housing process and end the transitional and court-oriented process initiated by Mount Laurel IV. The result of this effort was A-4 / S-50, which was signed into law by Governor Phil Murphy on March 20, 2024. This legislation created a framework to be used for the Fourth Round and beyond. In summary, the Law:

1. Abolishes the Council on Affordable Housing ("COAH") and transfers its duties to the DCA and the Administrative Office of the Courts ("AOC");
2. Enables the DCA to implement the judicial methodology provided by Judge Mary C. Jacobson, A.J.S.C. in her March 8, 2018 decision, *In re Application of Municipality of Princeton* (the "Princeton Case"), to calculate every municipality's affordable housing obligation for the Fourth Round;
3. Creates the Affordable Housing Dispute Resolution Program (the "Program") to oversee disputes and provide for mediation; and
4. Expands the availability of bonus credits, while eliminating the previously offered "rental bonus credit." Bonus credits are further described in this Housing Element and Fair Share Plan.
5. Modifies applicable data and calculations underlying the methodology for calculation of affordable housing obligations, eliminating the prior dependence of Courts and court-appointed Special Masters to deploy accepted methodologies to determine each municipality's affordable housing obligation.
6. Sets timeframes under which municipalities must act to preserve immunity from exclusionary zoning litigation.

Critically, the Amended Law requires that municipalities adopt a housing element and fair share plan no later than June 30, 2025 to maintain immunity from exclusionary zoning litigation.

B. Housing Element and Fair Share Plan Requirements

Municipal Land Use Law ("MLUL") + Fair Housing Act ("FHA")

The MLUL, through incorporation of the New Jersey FHA, requires municipalities to include a housing element in their master plans as a prerequisite to the zoning power. The principal purpose is to enumerate and provide the data, policies, and methods by which municipalities will meet housing needs, with particular attention to low- and moderate-income households.

Pursuant to Section 10 of P.L.1985, c.222 (C.52:27D-310) and as amended per P.L.2024, c.2,² as amended, the required contents of the housing element shall contain at least:

- a. *An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low- and moderate-income households and substandard housing capable of being rehabilitated, and in conducting this inventory the municipality shall have access, on a confidential basis for the sole purpose of conducting*

² <https://law.justia.com/codes/new-jersey/title-52/section-52-27d-310/> and <https://pub.njleg.state.nj.us/Bills/2024/PL24/2 .PDF>

the inventory, to all necessary property tax assessment records and information in the assessor's office, including but not limited to the property record cards;

- b. A projection of the municipality's housing stock, including the probable future construction of low- and moderate-income housing, for the next ten years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands;*
- c. An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age;*
- d. An analysis of the existing and probable future employment characteristics of the municipality;*
- e. A determination of the municipality's present and prospective fair share for low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low- and moderate-income housing, as established pursuant to section 3 of P.L.2024, c.2 (C.52:27D-304.1);*
- f. A consideration of the lands that are most appropriate for construction of low- and moderate-income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low- and moderate-income housing, including a consideration of lands of developers who have expressed a commitment to provide low- and moderate-income housing; and*
- g. An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, adopted pursuant to paragraph (1) of subsection f. of section 1 of P.L.2021, c.273 (C.52:27D-329.20).*
- h. For a municipality located within the jurisdiction of the Highlands Water Protection and Planning Council, established pursuant to section 4 of P.L.2004, c.120 (C.13:20-4), an analysis of compliance of the housing element with the Highlands Regional Master Plan of lands in the Highlands Preservation Area, and lands in the Highlands Planning Area for Highlands-conforming municipalities. This analysis shall include consideration of the municipality's most recent Highlands Municipal Build Out Report, consideration of opportunities for redevelopment of existing developed lands into inclusionary or 100 percent affordable housing, or both, and opportunities for 100 percent affordable housing in both the Highlands Planning Area and Highlands Preservation Area that are consistent with the Highlands regional master plan; and*
- i. An analysis of consistency with the State Development and Redevelopment Plan, including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission.*

In addition to the statutory components of the Housing Element and Fair Share Plan detailed in 52:27D-310, [Administrative Directive #14-24](#),³ which promulgated the procedures and guidelines for implementing the Affordable Housing Dispute Resolution Program; contains a section entitled “Required Elements of Housing Element and Fair Share Plan.” In summary, the Directive requires four additional elements of the HEFSP to be included:

1. A site suitability analysis for any inclusionary zone and/or 100% affordable site
2. A concept plan for site development of any proposed inclusionary zone.
3. A detailed review of the credit worthiness of all existing units in the municipality
4. All ordinances and resolutions required to implement the plan attached as an Appendix to the HEFSP.

However, it should be noted that the requirement to adopt all implementing ordinances to effectuate the HEFSP as set forth in the Fair Housing Act is March 15, 2026. Given this discrepancy of the dates, the statutory necessity of implementing ordinances to be reviewed by the Planning Board and deemed consistent with this adopted HEFSP, and the potential for challenges to the HEFSP as adopted, such ordinance amendments will be prepared following adoption of this plan element.

³ https://www.njcourts.gov/sites/default/files/administrative-directives/2024/12/dir_14_24.pdf

II. Housing Element: Municipal Summary

Livingston Township is roughly 14.12 square miles in area and is in Essex County. For regional and planning purposes, Livingston Township is located in Housing Region 2, a region that consists of Essex, Morris, Union and Warren counties.

In compiling the analysis for the Housing Element, this report utilizes the following data:

1. American Community Survey ("ACS"): The most up to date information is the ACS estimates, which are generated between the decennial censuses. ACS figures are based on data collected over a 5-year time period. The estimates represent the average characteristics of population and housing between 2018-2023 and DO NOT represent a single point in time. Comparisons will be made with the 2018-2023 ACS to show change over time. See URL link⁴ utilized in this HEFSP.
2. Decennial Census: Every ten years, the Census conducts detailed data collection to create an image that is as accurate as possible of the conditions throughout the country in that year. Data from the decennial census is used for comparison when equivalent ACS information is unavailable, as well as for longitudinal analysis. See URL link⁵ utilized in this HEFSP.
3. North Jersey Transportation Planning Authority ("NJTPA"): Every four years, the NJTPA updates its regional forecasts for population, households and employment as part of updating its long range transportation plan (LRTP), the region's blueprint for transportation investment. See URL link⁶ utilized in this HEFSP.
4. State or Other Agency Sources: for select data types, State sources are used instead of the Census Bureau when equivalent Census data does not exist or the State data provides a more complete picture.

A. Housing Conditions

The analysis in this section shall satisfy Part A of P.L.1985, c.222 (C.52:27D-310), which requires:

- A) *"Inventory of housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low- and moderate-income households and substandard housing capable of being rehabilitated, and in conducting this inventory the municipality shall have access, on a confidential basis for the sole purpose of conducting the inventory, to all necessary property tax assessment records and information in the assessor's office, including but not limited to the property record cards"*

⁴<https://data.census.gov/table>

⁵<https://data.census.gov/table?d=DEC%20Demographic%20Profile>

⁶<https://www.njtpa.org/NJTPA/media/Documents/Planning/Plans-Guidance/Planning%20for%202050/draft%20final/E-2050-Demographic-Forecasts.pdf>

Housing Stock by Age and Condition

According to the 2023 ACS, there are an estimated 10,684 housing units in Livingston Township. Livingston's housing stock depicts its development predominantly in the post-war era, with 47.7% of housing stock built between 1950-1969. 66.4% of Livingston's housing stock was built prior to 1970, with two-thirds of housing stock being at least 55 years old.

Table 1: Year Structure Built

	UNITS	PERCENT
Total:	10,684	
Built 2020 or later	213	2.0
Built 2010 to 2019	906	8.5
Built 2000 to 2009	764	7.2
Built 1990 to 1999	571	5.3
Built 1980 to 1989	456	4.3
Built 1970 to 1979	683	6.4
Built 1960 to 1969	2,041	19.1
Built 1950 to 1959	3,051	28.6
Built 1940 to 1949	1,059	9.9
Built 1939 or earlier	940	8.8

Source: 5-Year American Community Survey, 2023, DP04

The table below details the condition of housing within Livingston Township based on heating fuel, plumbing facilities, kitchen facilities. These factors help determine the number of inadequate housing units within the Township. According to the current ACS estimate, 80 housing units in Livingston Township lacked either heating fuel, plumbing or kitchen facilities, which is an increase from 2018.

Table 2: Housing Condition

	2023	PERCENT	2018	PERCENT	PERCENT CHANGE
Total	80	0.7	72	1.2	-0.5
Lacking heating fuel	36	0.3	6	0.1	0.2
Lacking complete plumbing facilities	0	0.0	13	0.1	-0.1
Lacking complete kitchen facilities	44	0.4	53	0.5	-0.1

Source: 5-Year American Community Survey, 2018 & 2023, DP04

Housing Values and Costs

Since 2018, home values in the Township have increased by \$127,700 (20.65%). This change is accompanied by an increase in homes worth between \$500,000 and \$999,999 and a notable decrease in homes worth between \$300,000 and \$499,999.

Table 3: Value for Owner-Occupied Housing Units

	2023	PERCENT	2018	PERCENT	PERCENT CHANGE
Total Owner-occupied units	8,988	-	8,867	-	1.36
Less than \$50,000	26	0.3	26	0.3	0
\$50,000 to \$99,999	19	0.2	21	0.2	0
\$100,000 to \$149,999	18	0.2	60	0.7	-0.5
\$150,000 to \$199,999	8	0.1	19	0.2	-0.1
\$200,000 to \$299,999	49	0.5	125	1.4	-0.9
\$300,000 to \$499,999	757	8.4	2,417	27.3	-18.9
\$500,000 to \$999,999	6,008	66.8	5,009	56.5	10.3
\$1,000,000 or more	2,103	23.4	1,190	13.4	10
Median (dollars)	\$746,100	(X)	\$618,400	(X)	20.65
<i>Source: 5-Year American Community Survey, 2018 & 2023, DP04</i>					

The table below shows the housing expenditure for those who own and rent in Livingston. The general affordability standard is that no more than 30% of gross income should be allocated for housing costs.

A cost burden is the ratio of housing costs to household income. For renters, housing cost is the gross rent (lease rent plus utilities). For owners, housing cost is the monthly owner costs, which may include mortgage, utilities, association fees, insurance, and real estate taxes.

Table 4: Housing Cost Burden, 2023
(Monthly Costs as Percentage of Household Income)

RANGES	OWNER				RENTER	
	W/ MORTGAGE		W/O MORTGAGE		TOTAL	PERCENT
	TOTAL	PERCENT	TOTAL	PERCENT		
Less than 20%	2,849	47.3	2,017	68.1	433	33.3
20.0-24.9%	1,025	17.0	210	7.1	192	14.7
25.0-29.9%	531	8.8	141	4.8	97	7.5
30.0-34.9%	311	5.2	86	2.9	19	1.5
35.0% or more	1306	21.7	505	17.1	561	43.1
Not Computed	0	(X)	7	(X)	135	(X)

Source: 5-Year American Community Survey, 2023, DP04

Occupancy Characteristics and Type of Housing

As of 2023, the Township is predominately comprised of owner-occupied households, which account for 86.2% of the Township's households. A total of 13.8% of households are renters, and 2.4% of the Township's housing units are vacant. Since 2018, the Township has seen a shift towards renter-occupied households, with a 2.5% increase in renter-occupied units. Additionally, there was a 1.9% decrease in the Township's vacancy rate, in the same time period.

Table 5: Housing Tenure and Occupancy

	2023	PERCENT	2018	PERCENT	PERCENT CHANGE
Total	10,684		10,446		
Owner Occupied	8,988	86.2	8,867	88.7	-2.5
Renter Occupied	1,437	13.8	1,127	11.3	2.5
Vacant Units	259	2.4	452	4.3	-1.9

Source: 5-Year American Community Survey, 2018 & 2023, DP04

Housing units with more than one occupant per room are considered overcrowded. Overcrowded households in the Township rose by 0.3% since 2018.

Table 6: Occupants Per Room + Inadequate Units in Occupied Housing Units

OCCUPANTS PER ROOM	2023	PERCENT	2018	PERCENT
Total	10,425	100	9,994	100
1.00 or less	10,322	99.0	9,927	99.3
1.01 to 1.50	87	0.8	67	0.7
1.51 or more	16	0.2	0	0.0

Source: 5-Year American Community Survey, 2018 & 2023, DP04

Since 2018, the share of Township's housing stock has increased from 10,446 units to 10,684 units.

Table 7: Housing Type and Size

HOUSING UNITS	2023	PERCENT	2018	PERCENT	PERCENT CHANGE
Total housing units	10,684		10,446		
1-unit, detached	9,019	84.4	9,099	87.1	-2.7
1-unit, attached	626	5.9	454	4.3	1.6
2 units	32	0.3	56	0.5	-0.2
3 or 4 units	129	1.2	39	0.4	0.8
5 to 9 units	81	0.8	112	1.1	-0.3
10 to 19 units	109	1.0	120	1.1	-0.1
20 or more units	670	6.3	566	5.4	0.9
Mobile home	18	0.2	0	0.0	0.2
Boat, RV, van, etc.	0	0.0	0	0.0	0

Source: 5-Year American Community Survey, 2018 & 2023, DP04

Since 2018, the bedroom typology of the Township's housing stock has changed, with a decrease in the number of "family" sized 3+ bedroom units from 87% to 86.5% in 2023.

Table 8: Number of Bedrooms Per Unit

ROOMS	2023 TOTAL	PERCENT	2018 TOTAL	PERCENT	PERCENT CHANGE
Total	10,684		10,446		
No Bedroom	47	0.4	45	0.4	0
1 Bedroom	536	5.0	331	3.2	1.8
2 Bedrooms	855	8.0	985	9.4	-1.4
3 Bedrooms	3,773	35.3	4,007	38.4	-3.1
4 Bedrooms	3,702	34.6	3,619	34.6	0
5 or more Bedrooms	1,771	16.6	1,459	14.0	2.6

Source: 5-Year American Community Survey, 2018 & 2023, DP04

Existing Low- and Moderate-Income Housing Units

Livingston reviewed all property tax assessment records and information in the assessor's office, including but not limited to property record cards, to determine the number of existing low- and moderate-income housing units. Based on this review, there are 372 LMI units in Livingston. The municipality is following the applicable requirements regarding unit monitoring and reporting.

B. Housing Projections

The analysis in this section shall satisfy Part B of P.L.1985, c.222 (C.52:27D-310), which requires:

- B) *"A projection of the municipality's housing stock, including the probable future construction of low- and moderate-income housing, for the next ten years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands."*

Projection of Housing Stock

Below is a general prediction by NJTPA of Livingston Township's household population growth to 12,001 households in 2050. This 0.5% increase in households would require available units to accommodate and may be a prediction indicator of new projected housing stock.

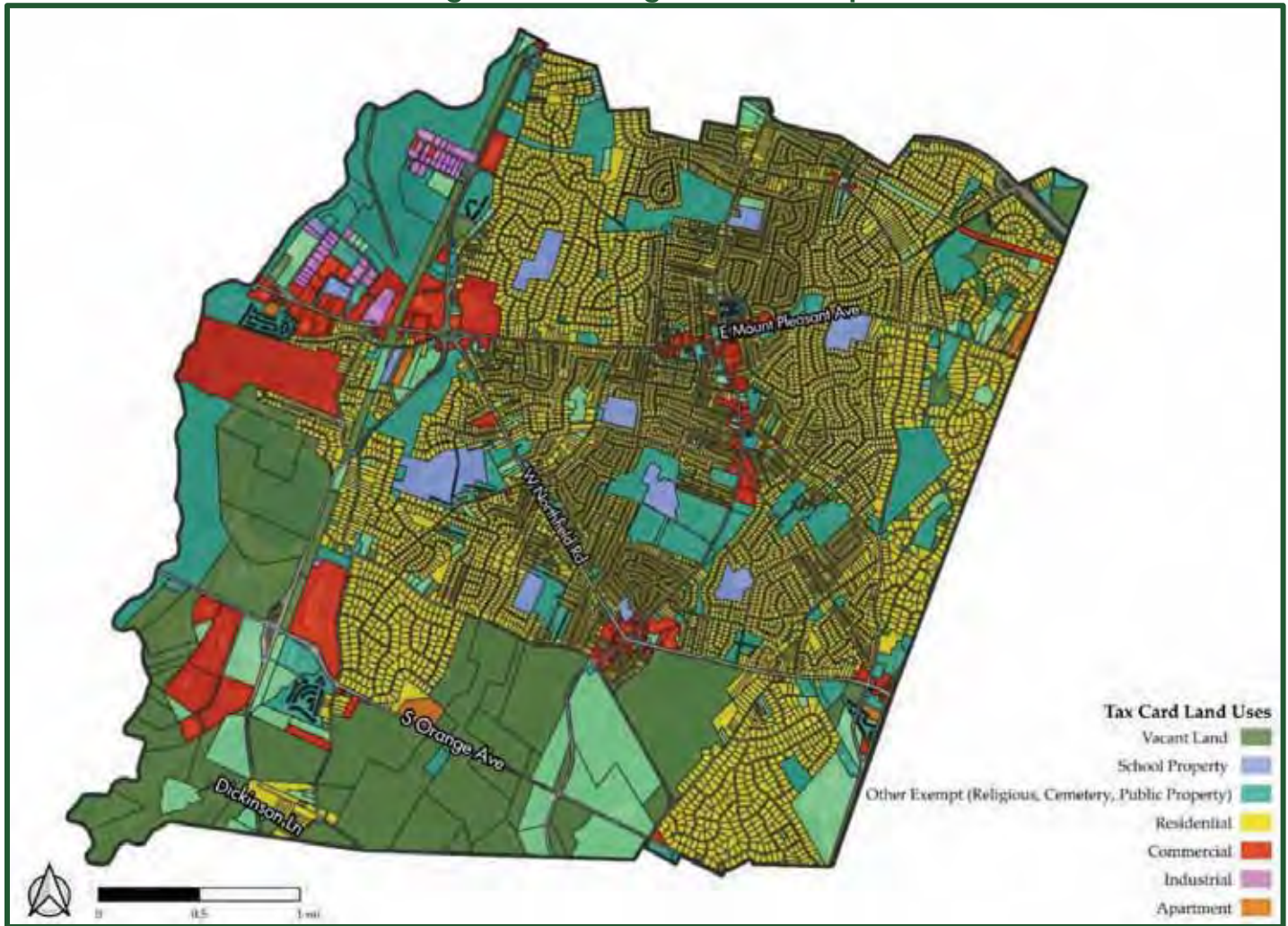
Table 9: Housing Unit Projection

YEAR	POPULATION	ANNUALIZED % CHANGE
2015	10,227	-
2050 (Predicted)	12,001	0.5%
Source: NJTPA, "Appendix E - 2050 Demographic Forecasts"		

Zoning regulations and existing capital infrastructure may help determine where growth is expected and where new housing units are likely to be developed in the future.

Livingston Township expects new developments to bear the cost that such development puts upon the existing infrastructure, including its sewer and water systems, road infrastructure, school facilities, and emergency services. This includes the addition of capacity necessitated by the new development, as well as associated maintenance costs. New development should not be a burden on the Township's infrastructure.

Figure 1: Existing Land Use Map

Livingston Township Land Use Map⁷

⁷ Map Note: Classifications are based on assessor records. "Vacant land" as depicted on this map should not be construed to limit or supersede any conclusions made in the Vacant Land Adjustments.

C. Demographic Characteristics

The analysis in this section shall satisfy Part C of P.L.1985, c.222 (C.52:27D-310), which requires:

- C) *“An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age.”*

Population General

The population estimate for Livingston Township in 2023 was 31,089, which represents a decrease of 241 from the 2020 Census (-0.8%). Despite this trend, the NJTPA predicts Livingston Township's population will grow to 34,088 people in 2050.

Table 10: Historic Population Growth

YEAR	POPULATION	CHANGE	% CHANGE
1940	5,972	N/A	71.8%
1950	9,932	3,960	66.3%
1960	23,124	13,192	132.8%
1970	30,127	7,003	30.3%
1980	28,040	-2,087	-6.9%
1990	26,609	-1,431	-5.1%
2000	27,391	782	2.9%
2010	29,366	1,975	7.2%
2020	31,330	1,964	6.7%
2023	31,089	-241	-0.8%
2050 (Predicted)	34,088	2,999	8.7%

Source: [NJ State Data Center, New Jersey Population Trends 1790 to 2000](#), [US Census Bureau](#); [NJTPA, "Appendix E - 2050 Demographic Forecasts"](#)

Population Composition by Age

The estimated current median age in Livingston Township is 44.3, compared to 37.7 for Essex County and 40.1 for New Jersey.

Table 11: Population by Age

AGE RANGE	LIVINGSTON TOWNSHIP	PERCENT	ESSEX COUNTY	PERCENT
Under 5 years	1,533	4.9	53,778	6.3
5 to 9 years	2,335	7.5	54,763	6.4
10 to 14 years	2,522	8.1	59,811	7.0
15 to 19 years	2,475	8.0	55,697	6.5
20 to 24 years	1,105	3.5	54,093	6.3
25 to 34 years	1,519	4.9	115,572	13.5
35 to 44 years	4,591	14.7	120,576	14.1
45 to 54 years	4,815	15.5	115,952	13.6
55 to 59 years	2,470	7.9	54,486	6.4
60 to 64 years	1,922	6.2	50,019	5.9
65 to 74 years	3,326	10.7	70,370	8.2
75 to 84 years	1,666	5.4	33,959	4.0
85 years and over	849	2.7	15,054	1.8
Median Age	44.3	(X)	37.7	(X)
Source: 5-Year American Community Survey, 2023, DP05				

Households

According to the US Census Bureau's classification system, people either live in a household, housing unit, or in "group quarters." Two types of "households" exist: family and non-family. A "household" consists of one or more persons living and eating together separately from other persons who may be in the same building. A "family" is a household with two or more related persons living together in the same housing unit.

Table 12: Population by Housing Type

	LIVINGSTON TOWNSHIP			ESSEX COUNTY		
	2018	2023	% CHANGE	2018	2023	% CHANGE
Total Housing Units	10,446	10,684	2.27	316,136	335,500	6.13
Total Households	9,994	10,425	4.31	282,502	317,473	12.38
Average Household Size (Owner)	3.03	2.99	-1.32	3.06	2.94	-3.92
Average Household Size (Renter)	2.23	2.73	22.42	2.47	2.37	-4.05
Householders living alone	1,563	1,555	-0.51	86,895	55,984	-35.57
Source: 5-Year American Community Survey, 2018 & 2023, DP02, DP04						

Immigration

Foreign born residents make up 30.1% percent of Livingston Township's population, which is higher than County (29.3%) and State (23.5%) levels. Less than half of Livingston Township's foreign-born residents are not U.S. citizens, comprising 30.2% of the overall Township population, a smaller share than that of Essex County (48.9%) and the State (43.1%).

Table 13: Residents Place of Birth

	LIVINGSTON TOWNSHIP		ESSEX COUNTY		NEW JERSEY	
	COUNT	PERCENT	COUNT	PERCENT	COUNT	PERCENT
Total	31,128	100	854,130	100	9,267,014	100
Born in United States	21,442	68.9	575,941	67.4	6,849,548	73.9
Foreign Born	9,382	30.1	250,406	29.3	2,181,755	23.5
Foreign Born	9,382	100	250,406	100	2,181,755	100
Naturalized Citizen	6,548	69.8	127,877	51.1	1,241,100	56.9
Not a Citizen	2,834	30.2	122,529	48.9	940,655	43.1
Source: 5-Year American Community Survey, 2023, DP02						

Income and Poverty Status

The median household income for Livingston Township grew dramatically from 2018 to 2023, growing 33.7% and far outpacing the County (27%) and the State (22.1%).

Table 14: Household Median Income

	2023	2018	CHANGE	% CHANGE
Livingston Township	218,416	163,403	55,013	33.7
Essex County	80,463	63,368	17,095	27.0
New Jersey	99,781	81,740	18,041	22.1

Source: 5-Year American Community Survey, 2018 & 2023, S2503

In Livingston Township, 673 residents (2.2%) live below the poverty line, a decrease from 2.3% in 2018, despite a modest increase in the number of individuals in poverty from 661 to 673. In this regard, the Township had a similar trend to Essex County, which experienced a decrease from 15.2% to 14.2% over the same period.

Table 15: Poverty Status

LIVINGSTON TOWNSHIP	2023	PERCENT	2018	PERCENT	CHANGE
Total Persons*	30,868		29,344		1,524
Total Below Poverty	673	2.2	661	2.3	-0.1
ESSEX COUNTY	2023	PERCENT	2018	PERCENT	CHANGE
Total Persons	833,508		779,167		54,341
Total Below Poverty	118,250	14.2	118,156	15.2	-1

Source: 5-Year American Community Survey, 2018 & 2023, S1701
**This statistic reflects the population for those for which poverty status is assessed.*

D. Multigenerational Housing Continuity

The analysis in this section shall satisfy Part G of P.L.1985, c.222 (C.52:27D-310), which requires:

- G) “An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, adopted pursuant to paragraph (1) of subsection f. of section 1 of P.L.2021, c.273 (C.52:27D-329.20).”

On November 8, 2021, the Senate and General Assembly of the State of New Jersey adopted C.52:27D-329.20⁸, which establishes the “Multigenerational Family Housing Continuity

⁸ <https://pub.njleg.gov/Bills/2020/AL21/273 .HTM>

Commission” for the purpose of conducting research, obtaining public input, and adopting recommendations on how to most effectively advance the goal of enhancing multigenerational family housing continuity, which can be defined broadly as the degree to which senior citizens are able to reside at the homes of their extended families.

In short, the bill requires a municipal housing plan element to provide 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 commission.

The municipality is committed to promoting intergenerational harmony through the provision of diverse housing options in a manner consistent with the regulation. As demonstrated in the above demographic and housing analysis, Livingston is making progress in diversifying its predominately single-family detached housing stock to provide local housing choice and accommodate residents at various life stages. The municipality has also co-located facilities serving all generations. This includes the Township’s joint Senior / Community Center, featuring a playground and programming for both young and old, as well as the recently approved Livana development (Application #2024-27-PSPF) that provides adjacent age-restricted and family housing as part of one development. The municipality, in setting forth its compliance plan, is abiding by the limitations included in the statute.

E. Employment Data

The analysis in this section shall satisfy Part D of P.L.1985, c.222 (C.52:27D-310), which requires:

- C) *“An analysis of the existing and probable future employment characteristics of the municipality.”*

Below is a general prediction by NJTPA of Livingston Township’s employment forecast, which is an increase in the total labor force from 22,330 to 24,522 in 2050.

Table 16: Employment Projection

YEAR	LABOR FORCE	CHANGE	ANNUALIZED % CHANGE
2015	22,330	-	-
2050 (Predicted)	24,522	2,192	0.3

Source: [NJTPA](#)

III. Fair Share Plan: Obligations and Compliance Plan

A. Introduction and Fourth Round Changes

As stated in the History of New Jersey Affordable Housing section of this Plan, New Jersey's Fourth Round methodology of calculating and fulfilling municipal obligations is set forth in the Law under a new system. The housing need obligations discussed herein consist of the following components: Prior Round Compliance; Present Need or "Rehabilitation Obligation;" and the "Prospective Need" Collectively, the Present ("Gap") Need and the Prospective Need are referred to as the Round 4 obligation.

The figures that are presented in the fair share obligations below have been derived the Decision and Order Fixing Municipal Obligations for "Present Need" and "Prospective Need" for the Fourth Round Housing Cycle as filed on April 10, 2025 in the Superior Court of New Jersey (Docket No. ESX-L-000756-25, see Appendix B. Under the Decision, the Township Present Need or "Rehabilitation Obligation" is 0 credits, and the "Prospective Need" is 430 credits.

The purpose of this section of the Plan is to set forth Livingston's proposed approach to satisfying its Round 4 obligation.

Importantly, the Law sets forth opportunities for bonus credits. These credits include:

- a. One (1) bonus credit for special needs or permanent supportive housing;
- b. One (1) bonus credit for 100% affordable housing projects for which the host municipality has contributed towards the cost of the project, subject to certain minimum contribution requirements;
- c. One (1) bonus credit for market rate units that are converted to affordable units;
- d. One-half (1.5) bonus credit for ownership units created in a partnership sponsorship with a non-profit housing developer;
- e. One-half (1.5) bonus credit for units located within a one-half mile radius (or a one-mile radius for projects located in a Garden State Growth Zone) of NJ Transit or Port Authority rail, bus, or ferry stations, including all light rail stations;
- f. One-half (1.5) bonus credit for age-restricted units, subject to certain caps;
- g. One-half (1.5) bonus credit for each three-bedroom unit in excess of the three-bedroom requirements set forth in the Uniform Housing Affordability Controls;
- h. One-half (1.5) bonus credit for housing units constructed on previously developed land that was utilized for retail, office, or commercial space; and
- i. One-half (1.5) bonus credit for units whose affordability controls are extended for a new term of affordability;

Municipalities will also be restricted to only claim one type of bonus credit per affordable unit. Such bonus credits may only satisfy 25% of their Fourth Round obligation.

B. Prior Round Need Compliance “Look Back” (2015-2025)

Livingston has a history of fulfilling its affordable housing obligation. Most recently, in May 2025, the Township received a final Order of Judgment of Compliance and Repose (“JCR”) relating to its Third Round obligation. The JCR was issued after a period of negotiation and settlement, primarily between the Township and Fair Share Housing Center (“FSHC”). During this period of negotiation, the Township adopted an HEFSP in March 2021. Correspondingly, the Township and FSHC entered into a settlement agreement in July 2023. The HEFSP and settlement agreements set forth the Township’s Third Round obligation and identified the actions required by the Township to fulfill these obligations. The Township’s commitments, and the corresponding status of these commitments, is reflected in the below tables.

As demonstrated in the below tables and supported by the issuance of the May 2025 JCR, the Township fully satisfied its obligations under the Third Round as articulated in its settlement with the FSHC. As such, no obligation is carried forward to the Fourth Round. To the contrary, Livingston carried 27 surplus credits into the Third Round from the prior round. In addition to these surplus credits, 113 rental bonus credits, and those projects identified below, six projects are specified in the Township’s settlement agreement as contributing to a Third Round surplus of 124 surplus credits. Pursuant to Paragraph 10.d of the Township’s settlement agreement and Paragraph 7 of its JCR, the Township is entitled to apply these surplus credits to any future round of affordable housing obligations. To that end, the specific projects identified in the Settlement Agreement as contributing to this credit surplus are identified in **bold underline** in the below table, where a portion of their credits are allocated to the Third Round.

Table 17: Projects cited to satisfy Third Round Realistic Development Potential:

PROJECT	CREDITS IDENTIFIED IN HEFSP / SETTLEMENT REQUIREMENT	STATUS
Care One at Livingston	1 Credits	Completed
Pulte Homes (JKHA)	6 Credits	Completed
Cider Mill (Block 7600 Lots 7, 8, 9, and 16)	12 Credits	Completed
Maramark (Block 5100, Lots 31 and 32) (200 W Hobart Gap Road)	2 Credits	Completed
Forest Park Commons (Block 1703 Lot 7)	2 Credits	Completed
AH Zone (Block 107, Lot 8.01)	14 Credits	Rezoned, Ord. No. 8-2021
Kearney Terrace (Block 3304, Lot 23)	2 Credits	Rezoned, Ord. No. 12-2021
Sunrise Development (290 South Orange Ave)	13 Credits	Completed
Brandywine Senior Living (369 Mount Pleasant Ave)	12 Credits	Completed
Health Resources (346 East Cedar Street)	15 Credits	Completed
32 Dickinson Lane	8 Credits	Rezoned, Ord. No. 32-2021
Livingston Corporate Park (Block 6101, Lots 47.1 & 50)	25 Credits	Completed
Northfield Baptist Church	4 Credits	Under Construction
457-461 S. Livingston Ave	5 Credits	Under Construction
11 Grand Terrace (Habitat)	1 Credits	Completed
24 Burnett Street (Habitat)	1 Credits	Completed
191 Laurel Avenue	4 Credits	Completed
7 Beacon	4 Credits	Completed
3 Dellmead Drive	4 Credits	Completed
<u>Esplanade/Westminster Hotel</u>	33 Credits	Under Construction
<u>Livingston Mall</u>	45 Credits	Redevelopment Plan Adopted
<u>Gibbs College</u>	35 Credits	Under Construction
<u>70 South Orange</u>	26 Credits	Rezoned, Ord. No. 29-2023
<u>Mark Built</u>	8 Credits	Under Construction
<u>389-405 East Mount Pleasant</u>	30 Credits	Under Construction

Table 18: Zoning actions to satisfy Third Round Unmet Need requirements:

PROJECT	CREDITS IDENTIFIED IN HEFSP / SETTLEMENT AGREEMENT	STATUS
Mandatory Set-Aside Ordinance	N/A	Adopted, Ordinance No. 27-2022
Lexus Dealership Site (Block 101, Lots 3 & 4) – 10 Credits	10	Adopted, Ordinance No. 1- 2022

C. Present and Prospective Need Obligation (2025-2035)

The analysis in this section shall satisfy Part E of P.L.1985, c.222 (C.52:27D-310), which requires:

- E) *“A determination of the municipality's present and prospective fair share for low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low and moderate income housing, as established pursuant to section 3 P.L.2024, c.2 (C.52:27D-304.1)”*

Present Need (Rehabilitation Share)

The Rehabilitation Share is described as “deficient housing units occupied by low- and moderate-income households within a municipality and is a component of “present need” under N.J.A.C. 5:93-1.3. In Livingston, the rehabilitation obligation through the end of the Fourth Round (i.e. July 2035) has been determined to be 0. Therefore, the Township is not obligated to implement compliance mechanisms to address a Present Need Obligation. Nonetheless, the Township may seek to establish or participate in rehabilitation programs, such as that operated by Essex County, to address any rehabilitation opportunities. The Township’s Spending Plan for its Affordable Housing Trust Fund will be revised if and as needed in response to such emergent needs.

Prospective Need Obligation

The Township has a Fourth Round prospective need of 430 credits.

However, as demonstrated in Appendix C, the Township does not have enough suitable land to address the obligation. Therefore, the Township seeks a vacant land adjustment (“VLA”) under the COAH Second Round Rules (N.J.A.C. 5:93-4.2) and an adjustment of its Fourth Round new construction obligation to reflect the available and developable land area within its municipal boundaries. It is the conclusion of this analysis that the Realistic Development Potential (“RDP”).

In addition to vacant properties that have a realistic development potential, the Township must also consider known projects in its RDP assessment likely to be redeveloped in the 2025-2035 Fourth Round obligation. The Legislation includes the following language (emphasis added):

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.

With a Fourth Round prospective need of 430, a Realistic Development Potential of 13, and 93 surplus Third Round credits applied to the Fourth Round, this leaves a remaining need to be addressed of 324 credits. In accordance with the above, twenty-five percent of the remaining need is 81. In addition to the RDP, this provides an adjusted obligation of 94.

The Township will satisfy this obligation through the following strategies:

Carryover Credits from Third Round Compliance Projects

Pursuant to Paragraph 10.d of the Township's settlement agreement and Paragraph 7 of its JCR, the Township is entitled to apply its 124 Third Round surplus credits to any future round of affordable housing obligations. A portion of credits from contributing projects are enumerated below to contribute to the total surplus value. Of note, the Township is not applying to the Fourth Round 31 age-restricted credits from the Esplanade/Westminster Hotel and 389-405 East Mount Pleasant Avenue projects, as these units will exceed the maximum permitted cap of age-restricted units in the Fourth Round. Therefore, the Township will instead carry these 31 credits forward to the Fifth Round.

Table 19: Third Round Surplus Credits

PROJECT	OWNERSHIP	UNITS / CREDITS	AH TYPE
Esplanade/Westminster Hotel	Rental	23	Age-Restricted (10) Family (13)
Livingston Mall	To be Determined	31	Family (Min. 28) 10% Supportive Needs (Max. 3)
Gibbs College	Rental	25	Family
70 South Orange	Rental	18	Family
Mark Built	Rental	6	Family
389-405 East Mount Pleasant	Rental	21	Age-Restricted
Grand Total Round 3 Surplus Credits		124 Total 93 Credits Applied to Round 4 31 Credits Carried to Round 5	

Figure 3: Prospective Need Projects Map



Prospective Need Projects Description and Suitability Analysis

Municipalities shall designate sites that are available, suitable, developable and approvable, as defined in N.J.A.C. 5:93-1. As such, the criteria for crediting units must meet the following:

1. "Available site" – a site with clear title, free of encumbrances which preclude development for low- and moderate-income housing.
2. "Suitable site" – a site that is adjacent to compatible land uses, has access to appropriate streets and is consistent with the environmental policies delineated in N.J.A.C. 5:93-4.

Figure 4: Prospective Need Projects Map – Environmental Constraints



3. “Developable site” – a site that has access to appropriate water and sewer infrastructure, and is consistent with the applicable area wide water quality management plan (including the wastewater management plan) or is included in an amendment to the area wide water quality management plan submitted to and under review by DEP.
4. “Approvable site” – a site that may be developed for low- and moderate-income housing in a manner consistent with the rules or regulations of all agencies with jurisdiction over the site. A site may be approvable although not currently zoned for low- and moderate-income housing.

Table 20: Projects Description and Suitability Analysis

PROJECT	DESCRIPTION
Cedar Street Commons	Total Units: 264 Units Round Four LMI Units: 53 Units
<i>Description of Availability</i>	The site is owned by the Senior Citizen Housing Corporation of Livingston and under lease to Cedar Street Livingston for development and operation of age-restricted multifamily housing. Cedar Street Livingston and the Township are in negotiations for sale of the land to Cedar Street Livingston.
<i>Description of Suitable</i>	The site is already improved as a multifamily development, with proposed expansion taking advantage of this existing condition to provide additional housing options on unconstrained portions of the site. The site is proximate to Town Hall and NJ Transit bus service on S. Livingston Avenue.
<i>Description of Developable</i>	The site is already serviced by municipal sewer and water infrastructure.
<i>Description of Approvable</i>	The Site is currently zoned for the existing age-restricted multifamily housing development under the R-6 Senior Citizen Housing District. Draft zoning standards attached under Appendix F will provide for the planned expansion.
45 S. Livingston Avenue	Total Units: 210 Units Round Four LMI Units: 34 Units
<i>Description of Availability</i>	The site was designated an area in need of redevelopment under criteria A, B, D, and H. In ownership under one entity, title nor other encumbrances were identified inhibiting redevelopment.
<i>Description of Suitable</i>	The site is unconstrained and is in a mixed-use area at the crossroads of South Livingston Avenue and East Mount Pleasant Avenue. The area is serviced by NJ Transit bus routes.
<i>Description of Developable</i>	The site is already serviced by municipal sewer and water infrastructure.
<i>Description of Approvable</i>	A redevelopment plan for the site was adopted on November 27, 2023 by Ordinance 19-2023, providing for the multifamily units identified herein.
Brightview	Total Units: 150 Units Round Four LMI Units: 14 Units
<i>Description of Availability</i>	The site is designated as an area in need of redevelopment, where the Redeveloper, Brightview Senior Living Development, LLC, is the contract purchaser of the property.
<i>Description of Suitable</i>	The Site is located on the S. Livingston Avenue corridor, a mixed-use area serviced by NJ Transit bus routes and conveniently located next to Town Hall to access municipal services. Environmental constraints are limited to a small floodplain at the rear of the property.

PROJECT	DESCRIPTION
<i>Description of Developable</i>	The site is already serviced by municipal sewer and water infrastructure.
<i>Description of Approvable</i>	The project has been approved under Application No. 2023-37-PFSPV & 2023-36-MSUB as memorialized on June 18, 2024.

Land Most Appropriate for Affordable Housing

The analysis in this section shall satisfy Part F of P.L.1985, c.222 (C.52:27D-310), which requires:

- *F) “A consideration of the lands that are most appropriate for construction of low- and moderate-income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low- and moderate-income housing, including a consideration of lands of developers who have expressed a commitment to provide low- and moderate-income housing”*

As part of this Fair Share Plan, the Township has considered land that is appropriate for the construction of low- and moderate-income housing. As noted above, the Township can satisfy its prospective need through surplus credits, adopted redevelopment plans, and forthcoming zoning amendments. The Township believes that the approach set forth in this document represents the best approach to satisfying the requirements of the Amended Law.

The Township acknowledges that developers have expressed interest in proposing projects that include low or moderate income housing. These proposals include:

- 293 Eisenhower Parkway (Block 100, Lot 44): 165 Units (33 Affordable)
- 3, 5, and 7 Regent Street (Block 102, Lots 16-18): 304 Units (61 Affordable)
- 112 Eisenhower Parkway, i.e. the Livingston Mall (Block 6200, Lots 1, 1.01, 2, and 3): Program Unspecified

Nonetheless, the Township’s position is that no additional projects are required to satisfy Livingston’s prospective or present need; as detailed below, the Township has prepared a plan that provides 78.5 credits surplus to its adjusted Prospective Need Obligation. Further, the Township is approaching capacity of its sewer systems and is in the process of analyzing the extent of remaining capacity that may remain to accommodate additional development in the Township. Given the identified surplus of credits planned toward the Township’s adjusted Prospective Need Obligation and the ongoing assessment of the Township’s sewer infrastructure and associated capital needs, it is the Township’s position that it is not practical to plan for additional, unnecessary affordable housing projects at this time.

Notwithstanding this position, the sites identified toward the Township’s Fourth Round Obligation are not the only areas in town where low- and moderate-income housing is permitted to be built. The Township zoning map includes roughly 20 zoning districts that permit multifamily housing development. In conjunction with the Township’s mandatory set-aside ordinance, this zoning creates the opportunity for new housing opportunities, both affordable and market-rate, beyond what is cited in this HEFSP as being relevant to Livingston’s prospective need. This action, while grounded in recommendations and vision set forth by the municipality’s master plan, is also consistent with the findings set forth in the Law, namely that: “comprehensive planning in alignment with smart growth principles, and the State Development and Redevelopment Plan” is critical to meeting the housing needs of the State.

Table 21: Fourth Round Prospective Obligation Compliance Summary

PROJECT	OWNER-SHIP	UNITS	AH UNITS	AH TYPE	BONUS CREDITS	BONUS TYPE
Cedar Street Commons (156 E Cedar Street)	Rental	264	53 Total 5 Capped*	Age-Restricted	26.5 Total 0 Capped*	TOD Extension
45 S. Livingston Avenue	Rental	210	34	Supportive Needs Family	25.5	Supportive Needs (17) TOD (8.5)
Brightview, 321 S. Livingston Avenue (Block 3100, Lot 56)	Rental	150	14	Age-Restricted	7 Total 1 Capped*	Age-Restricted
Grand Total: 172.5 Credits Applied • 160 Credits Produced • 80.5 Credits Produced but not Applied (Capped) • 79.5 Credits Available under Applicable Limits / Caps* • 93 Round 3 Surplus Credits Applied (See Table 19) 172.5 Credits Applied -94 Credits Required 78.5 Credit Surplus		624	101 Total 53 Capped*	N/A	59 Total 26.5 Capped*	N/A
TOD = Transit-Oriented Development Extension = Extension of affordability deed restriction *See Table 22 below. Note: Maximum bonus credits shall not exceed 25% of Prospective Need (i.e. 107.5 credits) per 52:27D-311.k.						

Below is a table reviewing additional obligation requirement thresholds.

Table 21: Mandatory Subset Obligations

MANDATORY OBLIGATIONS	CITATION	# REQUIRED OF ACTUAL UNITS*	PROPOSED
Very Low-Income Units (13% Minimum) <i>Shall count towards the minimum 50 percent of the housing units required to be made available for occupancy by low-income households to address a municipality's prospective need obligation.</i>	52:27D-329.1	13	13
Family VLI Units (50% Minimum of VLI Units)	52:27D-329.1	7	7
Low-Income Units (50% Minimum) <i>Conversely, the maximum of Moderate-Income Units shall not exceed 50%.</i>	52:27D-329.1	32	32
Family Units (50% Minimum)	52:27D-311.l	32	Min. 107
Rental Units (25% Minimum)	52:27D-311.l	16	Min. 115**
Family Rental Units (50% Minimum of Rental Units)	52:27D-311.k.5	8	Min. 79
Age-restricted units (30% Maximum)	52:27D-302.q	19	19**
Transitional Housing (10% Maximum of Total Credits)	52:27D-311.e	9	0
Age-Restricted Housing Bonus Credit (10% Maximum of Age-Restricted Units)	52:27D-311.k.4	1	1
<p><i>Note: Proposed values in italics are targets based on required units and will be enforced throughout the Fourth Round as part of site plan review and approval.</i></p> <p><i>*Except where otherwise noted, actual units do not count bonus credits. In other words, to address the adjusted Prospective Need of 94 credits with predominant bonus credits of 0.5 credits / unit, 63 units are required ($63 + 0.5 * 63 = 94.5$, $94.5 > 94$).</i></p> <p><i>**48 of Cedar Street Commons's 53 age-restricted units, are in excess of the age-restricted unit maximum threshold and are not included in calculations for the purposes of providing units.</i></p>			

IV. Appendices

- A. Regulatory Resolutions (Adopting Obligation Number)
- B. Settlement Agreement on Obligation Number, Docket ESX-L-000756-25, April 10, 2025
- C. Vacant Land Adjustment
- D. Affordable Housing and Municipal Affordable Housing Liaison Ordinance
- E. Development Fee Ordinance
- F. Prospective Obligation Plans / Compliance Mechanisms
- G. Affirmative Marketing Plan
- H. Spending Plan
- I. Rehabilitation Program Manual
- J. Resolution appointing Administrative Agent(s)

Appendix A – Regulatory Resolutions (Adopting Obligation Number)

Res 25-077

**TOWNSHIP OF LIVINGSTON
ESSEX COUNTY, NEW JERSEY**

**RESOLUTION COMMITTING TO THE DEPARTMENT OF COMMUNITY AFFAIRS'
FOURTH ROUND AFFORDABLE HOUSING PRESENT NEED AND PROSPECTIVE
NEED NUMBERS AS MODIFIED**

WHEREAS, on March 20, 2024, Governor Murphy signed into law an Amendment to the Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) (hereinafter "Amended FHA"); and

WHEREAS, the Amended FHA requires the Department of Community Affairs ("DCA") to produce non-binding estimates of fair share obligations on or before October 20, 2024; and

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

WHEREAS, the DCA Report calculates the Township of Livingston's (the "Township") Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of 0 units and a Prospective Need or New Construction Obligation of 461 units; and

WHEREAS, the Amended FHA provides that the DCA Report is non-binding, thereby inviting municipalities to demonstrate that the Amended FHA would support lower calculations of Round 4 affordable housing obligations; and

WHEREAS, pursuant to N.J.S.A. 52:27D-304.3, a municipality's average allocation factor is comprised of the equalized nonresidential factor, income capacity factor, and land capacity factor and shall be averaged to yield the municipality's average allocation factor, and

WHEREAS, the Amended FHA further provides that "[a]ll parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by COAH unless those regulations are contradicted by statute, including P.L. 2024, c.2, or binding court decisions" (N.J.S.A 52:27D-311(m)); and

WHEREAS, COAH regulations authorize vacant land adjustments as well as durational adjustments; and

WHEREAS, the DCA has released a Geographic Information Systems spatial data representation of the Land Capacity Analysis for P.L. 2024, c.2 containing the Vacant and Developable land information that serves as the basis for calculating the land capacity factor; and

WHEREAS, the Township has reviewed the lands identified by the DCA for the land capacity factor with respect to the MOD-IV Property Tax List data, construction permit data, land use board approvals, configuration, and accessibility to ascertain whether these identified developable lands may accommodate development; and

WHEREAS, based on the foregoing, the Township relies on the DCA calculations of the Township's fair share obligations as modified herein to account for the Township's review of the lands identified by the DCA for the land capacity factor with respect to the MOD-IV Property Tax List data, construction permit data, land use board approvals, configuration, and accessibility to ascertain whether these identified developable lands may accommodate development, and as further set forth in detail and explained in the attached memo prepared by Topology, the Township's affordable housing planner, and the Township seeks to commit to provide its fair share of 0 units present need and 407 units prospective need, subject to any vacant land and/or durational adjustments it may seek as part of the Housing Plan element and Fair Share Plan element it subsequently submits in accordance with the Amended FHA; and

WHEREAS, the Township reserves the right to comply with any additional amendments to the FHA that the Legislature may enact; and

WHEREAS, the Township also reserves the right to adjust its position in the event of any rulings in the Montvale case (MER-L-1778-24) or any other such action that alters the deadlines and/or requirements of the Amended FHA; and

WHEREAS, in the event that a third party challenges the calculations provided for in this Resolution, the Township reserves the right to take such position as it deems appropriate in response thereto, including that its Round 4 Prospective Need Obligation should be lower than described herein; and

WHEREAS, in light of the above, the Township Council finds that it is in the best interest of the Township to commit to the modified present need and prospective need Fourth Round affordable housing fair share numbers set forth herein, subject to the reservations set forth herein; and

WHEREAS, in accordance with AOC Directive #14-24 dated December 13, 2024, the Township Council finds that, as a municipality seeking a certification of compliance with the FHA, it is in the best interests of the Township to direct the filing of an action in the form of a declaratory judgment complaint within 48 hours after adoption of the within resolution of fair share obligations, or by February 3, 2025, whichever is sooner;

NOW, THEREFORE, BE IT RESOLVED on this 27th day of January, 2025 by the Mayor and the Township Council of the Township of Livingston, County of Essex, State of New Jersey as follows:

1. All of the above Whereas Clauses are incorporated into the operative clauses of this resolution.
2. The Township hereby commits to DCA's Round 4 Present Need Obligation of 0 units and a modification of the DCA's Round 4 Prospective Need Obligation of 461 units to 407 units, as briefly explained above and in greater detail in the attached memo from Topology, the Township's affordable housing planner, and subject to all reservations of rights set forth above.

3. The Township hereby directs its Township Attorney to file a declaratory judgment complaint in Essex County within 48 hours after adoption of the within resolution and attaching this resolution as an exhibit with the attached memo.
4. The Township authorizes its Township Attorney to submit and/or file the within resolution with attached memo with the Program or any other such entity as may be determined to be appropriate.
5. This resolution shall take effect immediately, according to law.

CERTIFICATION

I, Carolyn Mazzucco, Clerk of the Township of Livingston, County of Essex, State of New Jersey, do hereby certify that the foregoing is a true copy of a resolution adopted by the Township Council at a meeting held on January 27th, 2025.



Carolyn Mazzucco, RMC Township Clerk

MEMORANDUM

Date: January 17, 2025
 To: Township of Livingston
 From: Graham Petto, P.P., AICP, Principal

SUBJECT: FOURTH ROUND AFFORDABLE HOUSING ASSESSMENT OF DCA NUMBER

The purpose of this memorandum is to provide an assessment of the non-binding calculations of the Township of Livingston's Prospective Need Obligation for the Fourth Round of Affordable Housing, published by the NJ Department of Community Affairs. The non-binding calculations were published by the DCA on October 20, 2024, with supplemental data releases provided through November 23, 2024, with the publication of the Land Capacity Analysis GIS Composite Layer.

Under the prepared calculations, the DCA has presented a non-binding prospective need obligation for the Township of Livingston of 461 units. The following assessment reviews the component data of the DCA calculation methodology with localized data to either confirm or revise the figures presented by DCA.

Based upon the following analysis, and with consideration given to the DCA Report, in accordance with N.J.S.A. 52:27D-304.1, -304.2 and -304.3 of P.L. 2024, c.2 and the 2018 Decision, Topology recommends the Township of Livingston adopt a binding resolution committing to a Fourth Round Prospective Need Obligation of 407 units before taking into consideration any further credits, bonus credits, and/or adjustments as permitted by law.

I. Land Capacity Factor Assessment

- A. The Land Capacity Factor is calculated pursuant to N.J.S.A. 52:27D-304.3.C.4 and is determined by estimating the area of developable land within the municipality's boundaries, and regional boundaries, which may accommodate development. The DCA conducted the analysis using Land Use / Land Cover data from the NJ DEP, MOD-IV Property Tax Data from the Dept. of Treasury, and construction permit data from the DCA. The DCA calculations of land that may accommodate development exclude lands subject to development limitations, including open space, preserved farmland, category one waterways and wetland buffers, steep slopes and open waters. DCA preserved all areas that remained that were greater than 2,500 SF in size, under the assumption that an area of twenty-five feet by 100 feet may be considered developable.
- B. Under the analysis, the DCA estimates that the Township of Livingston presently has 56.892 acres of land that may accommodate development. The DCA has calculated that Region 2, which is comprised of Essex, Morris, Union and Warren Counties, contains a total of 5,358.48 acres of developable land. As calculated by DCA, the Township of Livingston contains 1.1% of the amount of developable land across the entire Region 2.
- C. To assess the Land Capacity Factor, Topology extracted the resultant Land Capacity Analysis GIS Composite Layer and overlaid the file with the parcels for the Township of Livingston. Each area was further reviewed to ascertain whether land use approvals have been rendered, if the sites contain existing development or utility infrastructure, if the site is located within a flood hazard area, or whether the configuration of developable land within these parcels is in fact practically developable. Based upon this detailed parcel-by-parcel analysis, Topology estimates that 42.684 acres of the 56.892

acres calculated by DCA are not in fact developable. A parcel-by-parcel summary is provided in the table below. Appendix A includes maps of all properties that have been identified as not available for development.

D. Properties Not Available for Development – 42.684 Acres

PROPERTY	STATUS	DCA DEVELOPABLE ACRES
Block 100, Lot 12 17 Industrial Parkway	Property is owned by the State of New Jersey as an inspection station, where the small, irregularly shaped area for development is inconducive to development. Located in FEMA Flood Hazard Area	0.152
Block 102, Lot 12 12 Industrial Parkway	Small, irregularly shaped area - inconducive to development.	0.095
Block 107, Lot 8.011 Beaufort Avenue	Small, irregularly shaped parcel without road access for development.	0.061
Block 107, Lot 16 Eisenhower Parkway	Property is a false positive and is currently fully developed with an office building.	0.880
Block 801, Lot 39 N. Hillside Avenue	Municipal water tank, where it is unclear the degree to which development can be achieved with the retention of those facilities on site.	2.488
Block 1101, Lot 30 N. Livingston Avenue	Parcel lacks road access for development.	0.781
Block 1407, Lot 9 Elizabeth Avenue	Municipal well house, where it is unclear the degree to which development can be achieved with the retention of those facilities on site.	0.804
Block 1700, Lot 32 Keyes Road	Parcel lacks road access for development.	0.184
Block 1700, Lot 33 Keyes Road	Parcel lacks road access for development.	0.359
Block 1706, Lot 32 Redwood Road	Parcel lacks road access for development.	0.309
Block 2006, Lot 30 193 E. Mt. Pleasant Avenue	House of Worship – area of Temple Beth Shalom to the rear of the house of worship development is not accessible nor conducive for development. Located in FEMA Flood Hazard Area	0.117
Block 2200, Lot 80 Laurel Avenue	Irregularly shaped area on parcel without road access. Located in FEMA Flood Hazard Area	0.196
Block 2300, Lot 6 222 Laurel Avenue	House of Worship – Narrow portion of West Essex Baptist Church is inconducive for development.	0.239

PROPERTY	STATUS	DCA DEVELOPABLE ACRES
Block 2300, Lot 7 Laurel Avenue	Part of Crestmont Country Club is at the far rear corner of the site. If the area were to be developed, the remainder of the country club would make the area landlocked without road access.	8.148
Block 2300, Lot 7.01 Laurel Avenue	House of Worship – Rear area of S.S. Nicholas, Constantine & Helen Greek Orthodox Church not accessible nor conducive for development.	0.351
Block 2301, Lot 6 Laurel Hills Homeowners Association "Common Area"	An irregularly shaped corner lot with an average width of 45' within a single-family homeowner's association community is not conducive to development.	0.242
Block 2301, Lot 51 Laurel Avenue	Location adjacent to high-voltage transmission wires and substation is inconducive for development.	1.204
Block 2400, Lot 45 37 Westmount Drive	Small, irregularly shaped areas are not conducive to development.	0.101
Block 2400, Lot 46 39 Westmount Drive	Small, irregularly shaped areas are not conducive to development.	0.022
Block 2401, Lot 31 E. Mt. Pleasant Avenue	Municipal water tank, where it is unclear the degree to which development can be achieved with the retention of those facilities on site.	0.226
Block 2401, Lot 42 346 E. Mt. Pleasant Avenue	House of Worship – portions of St. Raphael's Roman Catholic Church, Irregular geometry to the rear of the church development is not accessible nor conducive for development.	1.183
Block 2404, Lot 53 3 Argyle Court	Remainder sliver bisected by property line from area identified on Block 2404, Lot 60.	0.000
Block 2404, Lot 60 Cedar Street	Landlocked parcel without road access.	0.647
Block 2504, Lot 5 Chetwynd Terrace	Municipal water tower, where it is unclear the degree to which development can be achieved with the retention of those facilities on site.	1.272
Block 2504, Lot 23 321 E. Cedar Street	Small, irregularly shaped areas without road access are inconducive to development.	1.431
Block 2603, Lot 2 Victor Avenue	Small, irregularly shaped areas are inconducive to development.	0.159

PROPERTY	STATUS	DCA DEVELOPABLE ACRES
Block 3100, Lot 54 S. Livingston Avenue	House of Worship – small, irregularly shaped portion of property owned by and across from St. Philomena’s Roman Catholic Church. The location of the developable portion at the far rear of the property is inconducive for development and too close to the rear property line with adjacent residences. Located in FEMA Flood Hazard Area	0.177
Block 3100, Lot 55 357 S. Livingston Avenue	Township Hall – irregular, narrow portion at rear of municipal complex. Developable area is located in FEMA Flood Hazard Area	0.143
Block 3202, Lot 44 235 S. Livingston Avenue	Rear of Municipal DPW facility, where it is unclear the degree to which development can be achieved with the retention of those facilities on site. Developable area is located in FEMA Flood Hazard Area.	1.012
Block 3203, Lot 27 Beech Avenue	An irregularly shaped area with a maximum width of 35’ is inconducive for development.	0.099
Block 3903, Lot 108 258 W. Northfield Road	House of Worship – narrow, irregular shaped area at rear of Living Stone Christian Church.	0.127
Block 4400, Lot 30.01 396 S. Livingston Avenue	House of Worship – irregular, narrow areas comprising edge of side and rear yards of St. Philomena’s Roman Catholic Church.	1.488
Block 4400, Lot 30.02 Madonna Drive	Small, irregular sliver portion no more than 2’ wide at rear of municipal open space complex. Remainder sliver bisected by property line from area identified on Block 4400, Lot 30.02.	0.007
Block 4500, Lot 2 210 West Northfield Road	Parsonage of Northfield Baptist Church.	1.464
Block 4500, Lot 17 Manor Road	Small, irregularly shaped areas are inconducive to development. Remainder sliver bisected by property line from area identified on Block 4500, Lots 56 & 57.	0.005
Block 4500, Lots 56 & 57 190-196 W. Northfield Road	House of Worship – portions of Full Gospel Church of Livingston either with restricted access from the house of worship development or of too small, irregular geometry to support development.	0.071
Block 4700, Lot 26 W. Northfield Road	Municipal drainage facility – unclear the degree to which development can be achieved with the retention of those facilities on site.	1.012

PROPERTY	STATUS	DCA DEVELOPABLE ACRES
Block 5301, Lot 16 290 W. Hobart Gap Road	Small, undeveloped rear of existing lot, which would become landlocked as part of any subdivision to develop the area.	0.165
Block 5500, Lot 1 Relkin Road	Landlocked parcel with irregular, small geometry inconducive to development.	0.100
Block 5500, Lot 5 271 W. Northfield Road	House of Worship – rear of Presbyterian Church of Livingston parcel.	1.600
Block 5500, Lot 14 204 Hillside Avenue	Municipal Facility – edge portions of Livingston Office of Vital Statistics property	0.649
Block 5500, Lot 30 244 Hillside Avenue	Landlocked parcel with irregular, small geometry inconducive to development. Remainder sliver bisected by property line from area identified on Block 5500, Lot 19.	0.007
Block 5700, Lot 2 375 W. Northfield Road	Property is identified on the Township's ROSI and also is adjacent to a municipal firehouse on the same parcel.	1.293
Block 5800, Lot 9 153 Walnut Street	Parcel of limited size wedged in between Eisenhower Parkway (a limited-access roadway) and high-voltage transmission lines. Location is inconducive to sound site plan.	0.722
Block 6001, Lot 48 200 S. Orange Avenue	Roughly half the site is encumbered by 100- and 500-year floodplains, which trisect the site and render it infeasible for development.	1.034
Block 6001, Lots 103 & 132-134 Walnut Street & Baker Road	Conserved Lands – New Jersey American Water Reservoir, where identified portions do not have road access and/or are too small and irregular in shape to support development.	3.746
Block 6001, Lot 135 91 S. Orange Avenue	School Property – Newark Academy. Identified areas are either inaccessible to the rear of the school or are too small to provide for feasible development.	1.733
Block 7001, Lot 1.01 650 S. Orange Avenue	House of Worship Property – Chabat at Short Hills. Limited, irregularly shaped areas are infeasible for development.	0.193
Block 7001, Lot 2.01 652 S. Orange Avenue	Inaccessible – rear yard of a developed property.	0.118

PROPERTY	STATUS	DCA DEVELOPABLE ACRES
Block 7300, Lots 1, 3, & 85 E. Northfield Road	House of Worship Property – Temple B’nai Abraham. Wooded, undeveloped portions of property are unlikely for development given land configuration around the house of worship and restricted access to those identified portions.	4.824

- E. Given the constraints of these existing properties, Topology estimates that the amount of developable land within the Township of Livingston should be revised to from 56.892 acres to 14.208 Acres. This would also reduce the total developable land within Region 2 from 5,358.48 acres to 5,315.796 acres. Thus, the Land Capacity Factor for the Township of Livingston would be modified from 1.1% as calculated by DCA to 0.27%.

II. Equalized Nonresidential Valuation Assessment

- A. The Equalized Nonresidential Valuation Factor is calculated pursuant N.J.S.A. 52:27D-304.3.C.2 and is determined by calculating the changes in nonresidential property valuations in the municipality, since the beginning of the gap period in 1999. The change in the municipality's nonresidential valuations is divided by the regional total change in nonresidential valuations to determine the municipality's share of the regional total change, which is the resulting factor. Data to be used is from the Division of Local Government Services in the DCA, which aggregates local assessment information from all municipalities.
- B. Under the DCA calculation, the Township of Livingston experienced an equalized nonresidential valuation growth of \$693,417,456 between 1999 and 2023. This represents 2.69% of all growth experienced during this period across Region 2.
- C. Topology recommends the Township accept the Nonresidential Valuation Factor as calculated by the DCA, as Topology has reviewed and concluded that no further revisions can be made.

III. Income Capacity Factor

- A. The Income Capacity Factor is calculated pursuant to N.J.S.A. 52:27D-304.3.C.3 and is determined by averaging the municipal share of the regional sum of differences between median household income and the same calculation but weighted by number of households within the municipality. To calculate this value, the DCA used the 2018-2022 5-year Estimates published by the Census Bureau's American Community Survey program.
- B. Since the publication of the Fair Share Housing Obligations for 2025-2035 by the DCA in October 2024, the U.S. Census Bureau has released the 2019-2023 5-year estimates from the American Community Survey.
- C. Topology has prepared an update of the Income Capacity Factor for Region 2, and the Township of Livingston based upon this newly available data. In review of the new data, Topology has found no change to the Income Capacity Factor for the Township of Livingston because of the newly released data.

IV. Recalculated Fourth Round Obligation Number

Given the revisions detailed above, Topology recommends the Township of Livingston's allocation factors and prospective need obligations may be revised as follows below.

ALLOCATION FACTOR/PROSPECTIVE NEED	DCA CALCULATION	TOPOLOGY PROPOSED REVISION
Land Capacity Factor	1.06 Factor (56.892 Acres of 5,358.48 Region 2 Acres)	0.27 Factor (14.208 Acres of 5,315.796 Region 2 Acres)
Nonresidential Factor	2.69 Factor (\$693,417,456)	Accept DCA Calculation
Income Capacity Factor	3.00 Factor	Accept DCA Calculation
Average Allocation Factor	2.25 Factor	2.01 Factor
Prospective Need Obligation	461 Units	407 Units

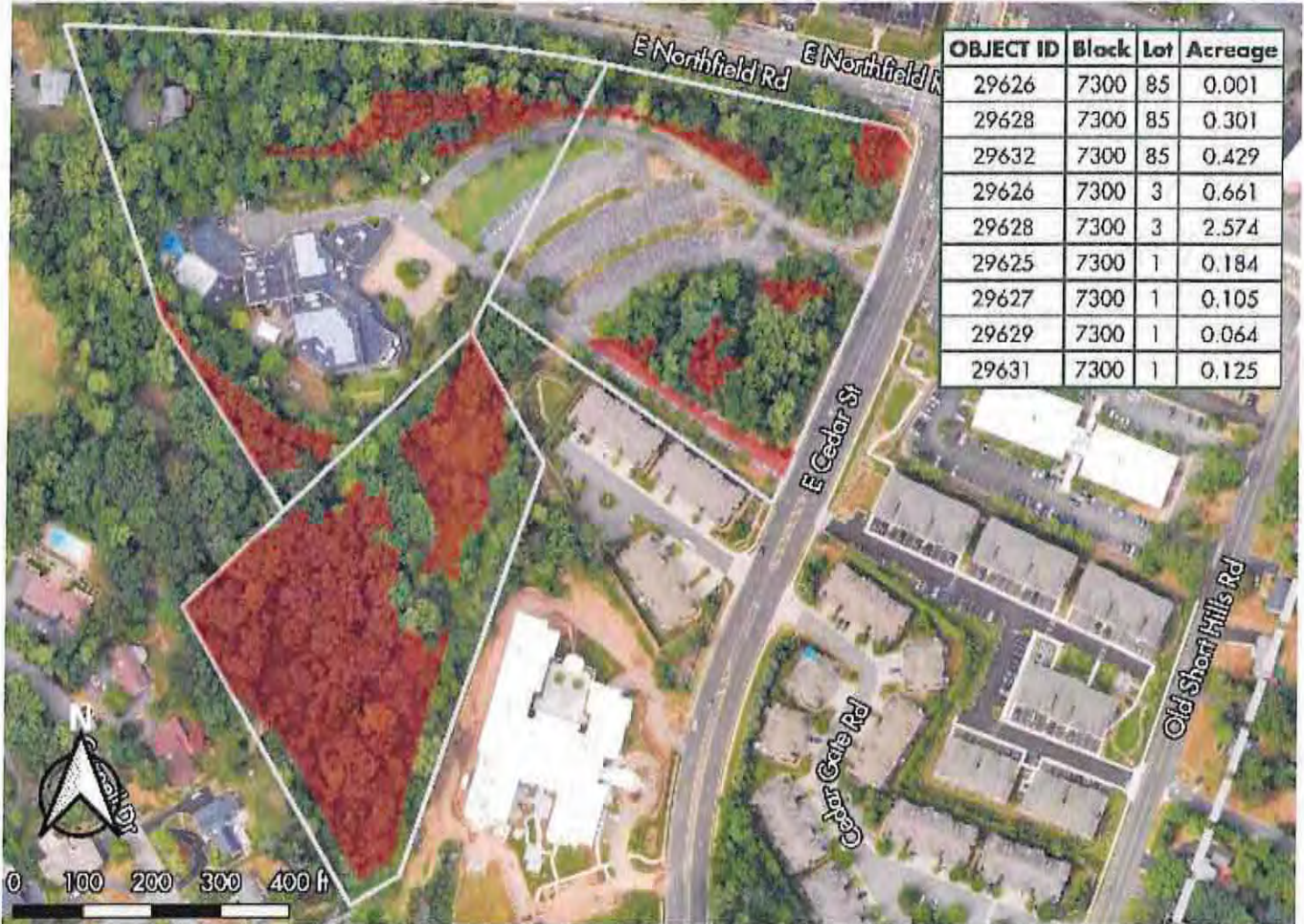
Appendix A - Parcel Maps of Excluded Developable Areas



Area in Red is DCA proposed Developable Area



Area in Red is DCA proposed Developable Area



Area in Red is DCA proposed Developable Area



Area in Red is DCA proposed Developable Area



Area in Red is DCA proposed Developable Area



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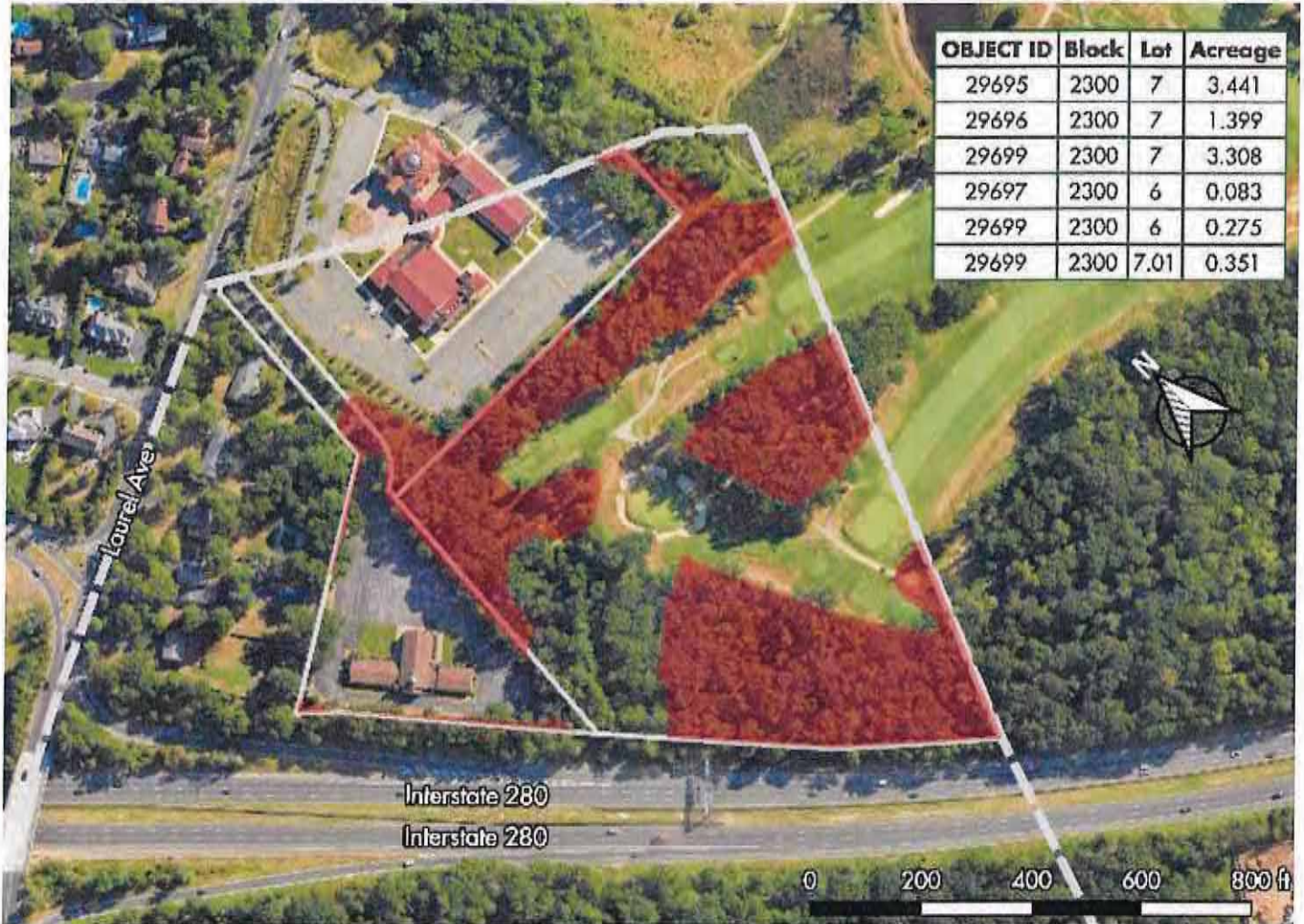
Area in Red is DCA proposed Developable Area



Area in Red is DCA proposed Developable Area



Area in Red is DCA proposed Developable Area



Area in Red is DCA proposed Developable Area



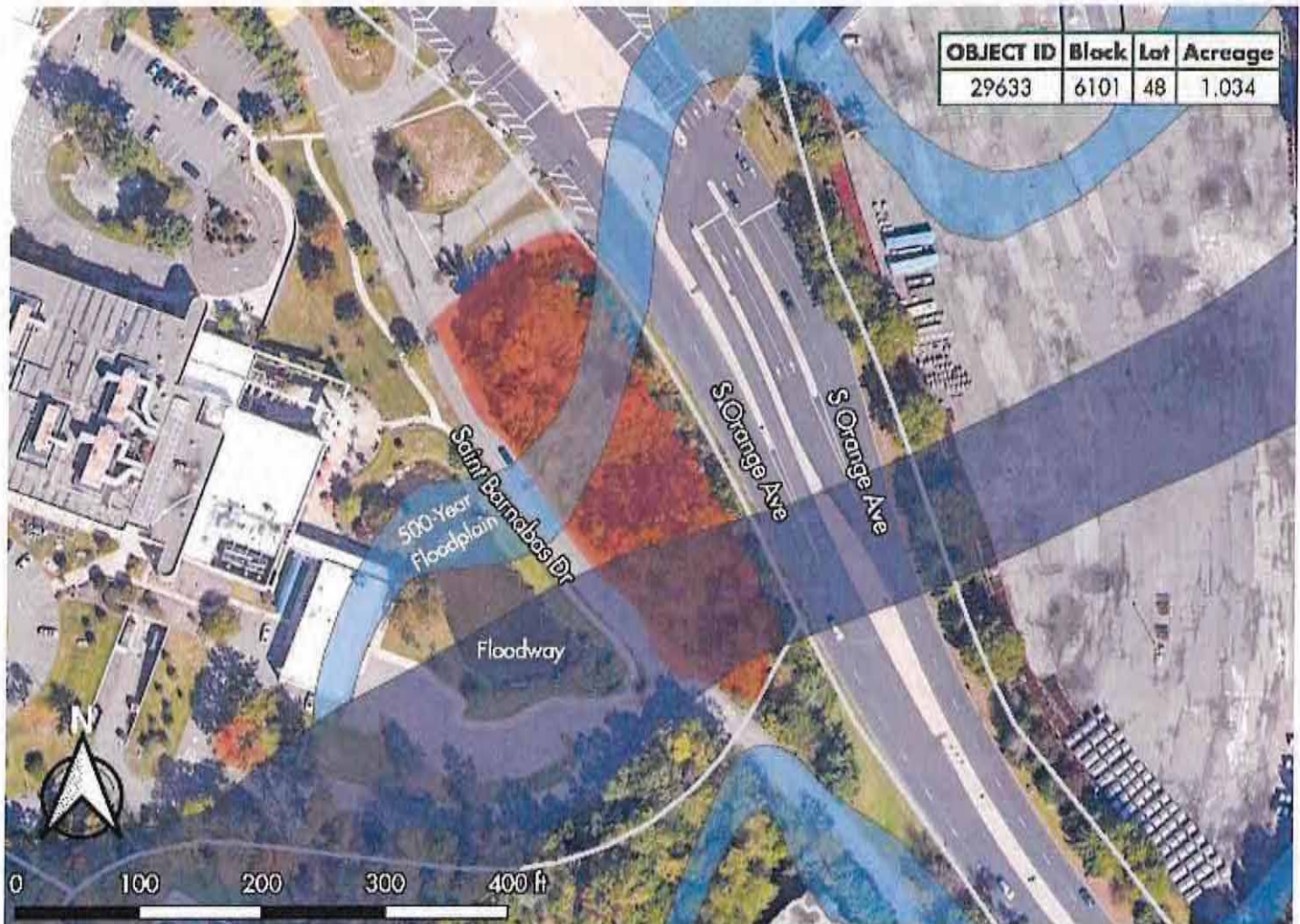
Area in Red is DCA proposed Developable Area



Area in Red is DCA proposed Developable Area



Area in Red is DCA proposed Developable Area



Area in Red is DCA proposed Developable Area

**Appendix B – Settlement Agreement on Obligation Number, Docket ESX-L-000756-25,
April 10, 2025**

FILED

April 10, 2025

Hon. Aldo J. Russo, J.S.C.

The Hon. Aldo J. Russo, J.S.C.
Superior Court of New Jersey
Law Division – Civil Part
Essex County
Historic Courthouse
470 Dr. Martin Luther King Jr. Blvd.
Chambers/Courtroom 410
Newark, New Jersey 07102

PREPARED BY THE COURT:

**IN THE MATTER OF THE
DECLARATORY JUDGMENT
ACTION OF THE TOWNSHIP
OF LIVINGSTON, ESSEX
COUNTY PURSUANT TO P.L.
2024, CHAPTER 2 (N.J.S.A.
52:27D-304.1, et seq.),**

Petitioner.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – CIVIL PART
ESSEX COUNTY
DOCKET NO. ESX-L-000756-25

Civil Action

Mt. Laurel Program

**DECISION AND ORDER FIXING
MUNICIPAL OBLIGATIONS FOR
“PRESENT NEED” AND “PROSPECTIVE
NEED” FOR THE FOURTH ROUND
HOUSING CYCLE**

THIS MATTER, having come before the Court on referral from and recommendation issued by the Affordable Housing Dispute Resolution Program (“Program”), pursuant to the Complaint for Declaratory Judgment filed on January 22, 2025 (“DJ Complaint”) by the Petitioner, **TOWNSHIP OF LIVINGSTON** (“Petitioner” or “Municipality”), pursuant to N.J.S.A. 52:27D-304.2, -304.3, and -304.1(f)(1)(c) of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, et seq. (collectively, the “FHA”), and in accordance with Section II.A of Administrative Directive

#14-24 (“Directive #14-24”) of the “Program”, seeking a certification of compliance with the FHA;

AND IT APPEARING that, the Municipality timely adopted Resolution 25-077 on January 27, 2025, seeking deviation from the “present need” and “prospective need” calculations allocated to it by the New Jersey Department of Community Affairs (“DCA”) in its report dated October 18, 2024 entitled *Affordable Housing Obligations for 2025-2035 (Fourth Round)* (the “DCA’s Fourth Round Report”), and based on the Municipality planners’ recommendation for 0 affordable housing units for “present need” and 407 units for a “prospective need” affordable housing obligation for the Fourth Round housing cycle;

AND IT APPEARING that, a challenge to the Municipality’s calculations was timely filed by the New Jersey Builders Association (“NJBA” or “Challenger”) by and through its counsel, wherein NJBA disputed the Municipality’s proposed obligation for prospective need, and supported DCA’s present and prospective need obligations, with an expert report of J. Creigh Rahenkamp;

AND IT APPEARING that, pursuant to the Program, the Administrative Office of the Courts (“AOC”) appointed and assigned the case to Program member, the Hon. Julio L. Mendz, J.S.C. (Ret.) (“Program Member”) to manage the proceedings, host settlement conferences, and make recommendations to the Court in accordance with the FHA and the AOC’s Directive #14-24 (“Directive #14-24”), and that the Program Member appointed Francis J. Banisch, III, PP, an independent affordable housing expert, as special adjudicator (“Special Adjudicator”) in this case to work with, make recommendations to and assist the Program;

AND IT APPEARING that, on March 31, 2025, a settlement conference was conducted on notice to all parties with the participation of local officials, town planner, and attorneys for the

Municipality and an attorney for the NJBA, and at which the parties engaged in extensive settlement negotiations, with the guidance and assistance of the Program Member and the Special Adjudicator;

AND IT APPEARING, that as a result of the settlement conference the Municipality and NJBA reached a resolution (“Settlement”); the Settlement was placed on the record on April 9, 2025; and that the parties committed to circulating a settlement agreement and uploading it to eCourts, with counsel for the Municipality further agreeing to present the Settlement to the governing body of the Township of Livingston for approval, with resolution confirming same to be uploaded to eCourts;

AND THE COURT, having received the Program Member’s report dated April 10, 2025, since posted to the eCourts jacket for this matter at Trans. ID: LCV20251059497, the findings, terms, and recommendations of which are incorporated by reference as though more fully set forth herein (the “Report” and the “Agreement”);

AND THE COURT, having been advised that (i) the Special Adjudicator has recommended acceptance of the Settlement, (ii) the Program Member has recommended acceptance of the Settlement as reasonable and in furtherance of the interests of low- and moderate-income households in the Municipality (collectively, the “Recommendations”), and that (iii) the Program Member further recommends that the Court adopt the findings and recommendations set forth in the Report and enter an Order, *forthwith*, implementing the terms of Settlement and thereby fix the “present need” and “prospective need” obligations of the Municipality for the Fourth Round housing cycle;

AND THE COURT, having reviewed and considered the Program Member’s Report and Recommendations, having been satisfied that an arm’s length Settlement was reached and entered

into by and between the parties that is fair and equitable as well as in the best interests of the protected class of low- and moderate-income households in the Municipality, and for good and sufficient cause having otherwise been shown:

IT IS, THEREFORE, on and as of this **10th** day of **APRIL 2025** **ADJUDGED AND ORDERED**, that the Program Member's Report and Recommendations for approval of the Settlement, be, and the same hereby **ACCEPTED** and **ADOPTED** in their entirety; and to that end, more specifically, it is further

ORDERED, as follows:

1. That the "present need" obligation of the Municipality, be, and hereby is fixed as **zero (0)** affordable units for the Fourth Round housing cycle.
2. That the "prospective need" obligation of the Municipality, be, and hereby is fixed as **four hundred thirty (430)** affordable units for the Fourth Round Housing cycle; and
3. That the Petitioner is hereby authorized to proceed to the compliance phase with preparation and adoption of its proposed Housing Element and Fair Share Plan for the Fourth Round, incorporating therein the "present need" and "prospective need" allocations aforesaid (and which plan shall include the elements set forth in the "Addendum" attached to Directive #14-24), by or before June 30, 2025, as provided for and in accordance with Section III.A of Directive #14-24, and without further delay; and
4. That any and all "challenges" to the Petitioner's Housing Element and Fair Share Plan as adopted by Paragraph 3 above must be filed by August 31, 2025, by way of Answer/Objection filed in the eCourts case jacket for this matter, and as provided for and in accordance with Section III.B of AOC Directive #14-24

IT IS FURTHER ORDERED, that a copy of this Order shall be deemed served on the Petitioner, Petitioner's counsel, and Challenger NJBA's counsel upon its posting by the Court to the eCourts case jacket for this matter pursuant to R. 1:5-1(a) and R. 1:32-2A.

SO ORDERED:


HON. ALDO J. RUSSO, J.S.C.

Designated Mt. Laurel Judge – Essex Vicinage

(X) Challenged.

R. 1:7-4(a): Having reviewed and considered the Program Member's Report and Recommendations as well as the terms of Settlement placed on the record by the parties before the Program Member on March 27, 2025, the Court is satisfied that an arm's length Settlement was reached and entered into by and between the parties, and that the terms of the Settlement attained are fair and equitable as well as in the best interests of the protected class of low- and moderate-income households in the Municipality. This Settlement disposes of all challenges filed.

Accordingly, the Court hereby adopts in full the Report and Recommendations of the Program Member and accepts the same for the detailed findings and reasons set forth therein. As a result, the Municipality retains all the protections of the above-referenced amendments to the FHA, continues to retain immunity from exclusionary zoning litigation, and that the Program retains jurisdiction for the compliance phase in accordance with the statutory framework and AOC Directive #14-24.

An appropriate form of Order implementing the Program Member's Report and Recommendations accompanies this statement of reasons.

SO ORDERED.

Appendix C – Vacant Land Adjustment



Livingston Township
Essex County
Round 4: Vacant Land Adjustment
Prepared For:



Livingston Avenue
Livingston, NJ 07039

Report Date: May 30, 2025

Prepared by:

Graham Petto, AICP/PP

Planner License No. 33LI00633500

Supporting Staff:

Marc Lincer, AICP, CAPM, Planner III

Sahana Kumar, Planner I

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I. Introduction + Methodology

A. Purpose of Vacant Land Adjustment

The foregoing analysis was prepared on behalf of the Township of Livingston (herein the “Livingston” or “Township”). This analysis reviews the Township’s inventory of available vacant properties and summarizes an adjustment in the Fourth Round affordable housing obligation due to available land capacity. The analysis also takes into consideration projects likely to be redeveloped in the Fourth Round obligation. These include projects that have existing land use approvals, are under construction or were constructed, or are part of the Township’s Fourth Round compliance plan.

This analysis is otherwise known as a Vacant Land Adjustment (“VLA”). The VLA determines a municipality’s Realistic Development Potential (“RDP”) for its Fourth Round municipal obligation. Such obligation is memorialized in the municipal Fourth Round Housing Element and Fair Share Plan (“HEFSP”), which runs from 2025-2035.

In conclusion, the Township’s RDP for its Fourth Round is 13.

B. Legislation + Changes in Fourth Round VLA Requirements

On March 20, 2024, Governor Phil Murphy signed P.L. 2025, c.2¹ (the “Legislation”), which expands and modifies the State’s affordable housing regulations. As a result of the Legislation, each municipality is assigned a non-binding affordable housing obligation to be met during the Fourth Round. The non-binding calculations were published by the NJ Department of Community Affairs (“DCA”) on October 20, 2024, with supplemental data releases provided through November 23, 2024, with the publication of the Land Capacity Analysis GIS Composite Layer. This obligation is also referred to as the “prospective need.”

Based on the numbers released by the DCA, the Prospective Need for the Township is 461. However, on January 28, 2025, the governing body adopted Resolution #25-077 re-analyzing the DCA’s land capacity allocation factor which corrected the Prospective Need Obligation to 407 credits rather than the 461 credits the DCA calculated.² Subsequently, the Township received a challenge of its Prospective Need Obligation number, culminating in a Settlement Agreement filed on April 10, 2025 in the Superior Court of New Jersey (Docket No. ESX-L-000756-25), which established the Township’s 4th Round prospective need obligation as 430 credits, and the Township’s present need obligation is 0 credits.

¹ <https://pub.njleg.state.nj.us/Bills/2024/PL24/2 .PDF>

² https://nj-aocmedia-prod-general-purpose.s3.amazonaws.com/files/civil/affordable-housing/essex/livingston-twp/MunicipalResolution.pdf?VersionId=4XqRd_jE91zgmp4TAx2HEIEeR5ZF12Xa

The Legislation sets forth procedures by which municipalities may adjust their prospective obligation, including via the VLA process (See 52:27D-310.1),³ as well as Substantive Rules under N.J.A.C. 5:97. Under the Fourth Round, a municipality is permitted to make adjustments due to a lack of available land resources. However, the bill requires a municipality that receives such a vacant land adjustment to its obligation to identify parcels for development that address at least 25 percent of the prospective need and adopt zoning that allows for the adjusted obligation, or demonstrate why this is not possible.

See **Appendix “A”** for the full legislation of municipal computation requirements and changes via P.L. 2024, c.2.

C. Assumptions Underlying Realistic Development Potential

Inclusionary Development

N.J.A.C. 5:93-4.2(f) specifies that the RDP is based on an inclusionary zoning framework and available land is not assumed to be developed as 100% affordable housing. The minimum presumptive set aside for affordable housing is 20%, or one in five units. As such, suitable development sites for inclusionary development must have the capacity to provide a minimum of five units.

Assumed Densities and Minimum Project Size

According to the Second Round Rules, it is important to “consider the character of the area surrounding each site” when crafting assumptions underlying the intensity of residential development. As such, the maximum density for each assemblage was determined as follows:

- The permitted density of each parcel pursuant to the Municipal Zoning Ordinance;
- Minimum presumptive density of six units per acre as required by the Second Round Rules where permitted density is below six units per acre;
- Surrounding land uses;
- The need for affordable housing; and
- Density count of approved projects by the Planning or Zoning Board.

³ <https://law.justia.com/codes/new-jersey/title-52/section-52-27d-310-1/>

D. Data Sources Used in Analysis

In compiling the analysis for the VLA, this report utilizes the following data:

- **Mod IV Tax Assessment Data** was obtained from the most recent Assessment Records. Parcel files were used utilizing the New Jersey Geographic Information Network (NJGIN) Open Data portal.
- **Flood Hazard Area Dataset** was obtained from the Federal Emergency Management Agency (FEMA) data of flood zones.⁴
- **Wetlands Dataset** was developed using the Land Use/Land Cover from the New Jersey Department of Environmental Protection (NJDEP), last updated 2020. A 50-foot riparian buffer is also included.
- **Waterbodies Dataset** was obtained from the National Hydrography Dataset Waterbody Streams and Waterbodies dataset as developed by the NJDEP, last updated 2015.
 - *Note: No Category One (C1) Waters were observed in Livingston per [N.J.A.C 7:13-4.1\(c\)\(2\)](#).*
- **Steep Slope Dataset** was developed using the NJGIN Open Data portal.⁵

E. Methodology of Vacant Land Parcels Assemblage

Step 1: Selection of Sites

Step 1.1: Classification of Vacant Land / General Assemblages

Using the most recent **Mod IV Tax Assessment Data**, properties that did not have the tax class 1 (Vacant) and vacant properties with tax class 15C (Public) were removed from the analysis. Properties that appeared as tax class “Null” were individually analyzed to determine vacancy status for consideration to be included in the analysis.

These remaining properties are considered in the analysis as an inventory of all vacant sites. Assemble vacant properties (including those adjacent and under common ownership) and confirm acreage.

Step 1.2: Removing “False” Vacant Land / General Assemblages

The **Mod IV Tax Assessment Data** properties of the assemblages created in Step 1.1 was further analyzed for “false” vacant land results that were removed from the analysis. False vacant land results included:

- Parcels that are developed with active improvements, where MODIV Tax Assessment Data erroneously coded property as “vacant” or may not be up-to-date given the construction status.

⁴ <https://hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd>

⁵ <https://njgin.nj.gov/njgin/edata/elevation/index.html>

- For purposes of this analysis, “active improvements” means any structure upon the site with an active Certificate of Occupancy (“C.O.”), or building permit / temporary “C.O.” where structures are underway for a full C.O. Also included are parcels where there are no structures on the land but where there are improvements on the land that are associated with a structure on a different parcel (e.g. parking lot associated with building on a different, likely adjacent, parcel).

Step 2: Exclusion of Known Land Encumbrances / Additional Exclusions

Step 2.1: Exclusion of Parklands and Recreational Land

All parklands and active recreational lands properties’ appearing were excluded based on their property tax classification in the MOD IV tax assessment data.

Step 2.2: Exclusion of Open Space Restricted Land

All open space and properties on the Recreation and Open Space Inventory (ROSI) were excluded based on review of the [NJ State ROSI](#).⁶

- Note: This included several “vacant” parcels over presumptive density in the EO Water Reserve (southern Livingston).

Step 2.3: Exclusion of Historic and Architecturally Important Sites

If applicable, areas of vacant land impacted by [historically or architecturally important constraints](#)⁷ were removed from the calculation of developable area.

Step 3: Exclusion of Low Yield Properties

Step 3.1: Exclude Properties Yielding Less Than 5 Units

The Second Round Rules established by the Council of Affordable Housing in N.J.A.C. 5:93 required development potential to consider principles of sound land use planning in regards to density, and that the minimum presumptive density be 6 du/ac.

In conformance with this requirement, the analysis used existing zoning densities to determine the number of units per acre that could be constructed. In cases where permitted density under the zoning ordinance did not meet the minimum presumptive density, the development potential was calculated at 6 units per acre. The acreage of the assemblages created in Step 1 was multiplied by the permitted number of units per acre to determine the property yield. All vacant assemblages whose yield was less than five units were excluded from the Inventory of Vacant Sites.

⁶ <https://dep.nj.gov/otpla/rosi/>

⁷ <https://www.arcgis.com/apps/webappviewer/index.html?id=6706acec2a7e46489f6d4dabba02fc9c>

Step 4: Site Analysis (Exclusion of Environmentally Sensitive Areas from Development Calculations)

- *Step 4.1: Overlay Environmentally Sensitive Areas*

Properties occupied by major environmental factors as described in the “Data Sources Used” section of this report above were removed as candidates for development. This was done using a Geographic Information Systems (GIS) program.

- *Step 4.2: Calculate Development Potential.*

Areas of vacant land impacted by these environmental constraints were removed from the calculation of developable area.

II. Vacant Land Parcels Assemblages

The map below illustrates the above methodology Section I.E, Steps 1-3 of this report to depict vacant land parcels assemblages that should be further reviewed for environmental sensitive areas per Step 4:

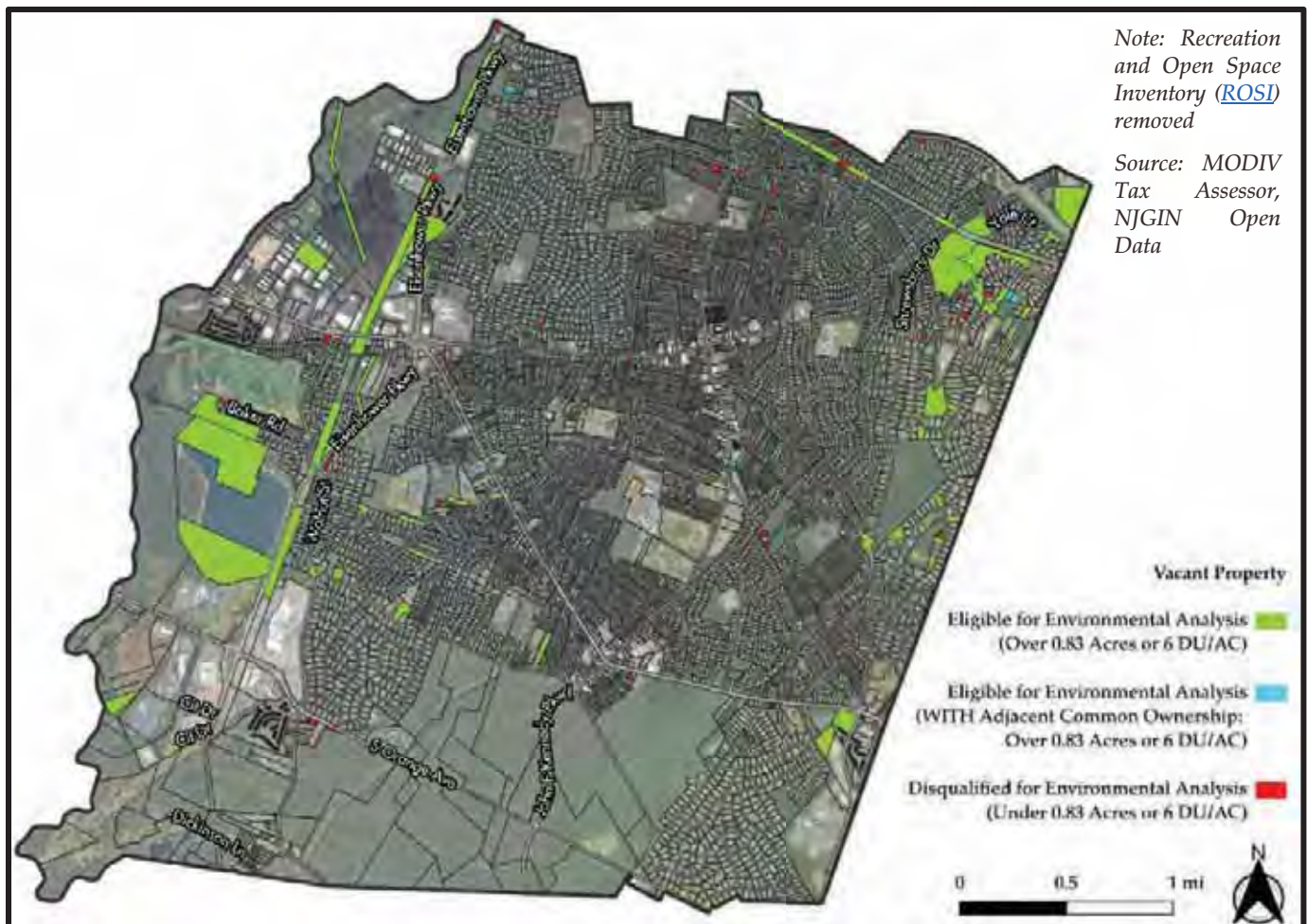


Figure 1: Map of Vacant Land Parcel Assemblages to Analyze against Environmental Areas

The map below summarizes the eligible vacant sites with environmentally sensitive mapping. Each assemblage was individually assessed for irregularities, access, and environmental constraints to conclude if the site is “developable” for consideration in the RDP (See individual environmental site analysis in Appendix “B”).

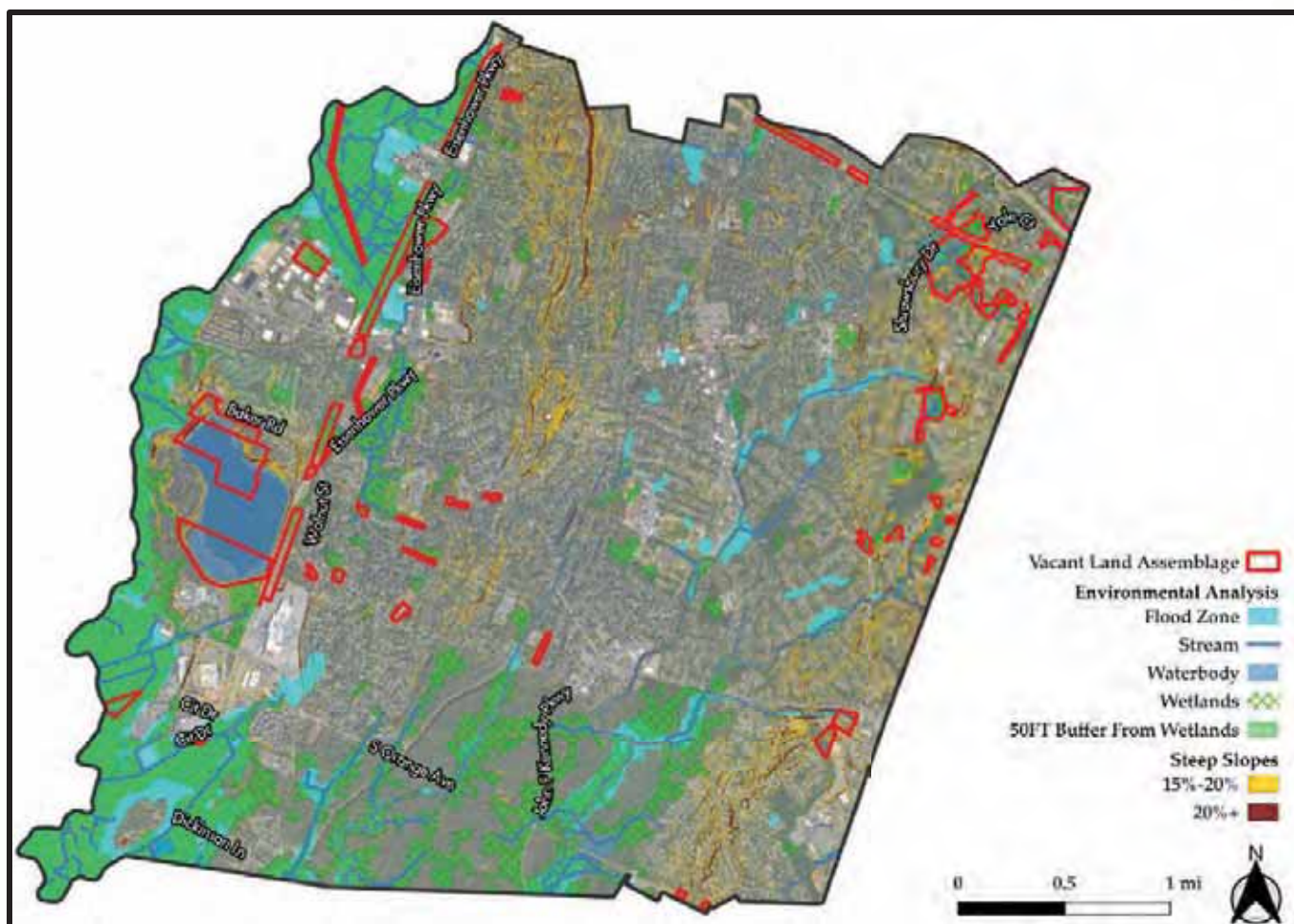


Figure 2: Municipal-Wide Map of Vacant Properties and Environmental Constraints

III. Parcels With “Developability”

A. Realistic Development Potential Based on Vacant Land Adjustment

Analysis of sites remaining on the inventory of vacant sites revealed that most vacant land within the Township is environmentally constrained. A total of 8 vacant sites contained sufficient land free of environmental or access constraints with dimensions that could accommodate five or more residential units including a 20% affordable set aside. Together, these sites comprise of 65 “buildable” units according to the assemblage analysis, of which 13 is the estimated 20% set-aside.

BLOCK	LOT	PROPERTY LOCATION	UNCONSTRAINED ACRES	EST. UNIT YIELD	EST. LMI SET-ASIDE
107	8.011	Beaufort Avenue	1.60	9.60	1.92
2100	24	395 E Mount Pleasant Avenue	1.89	11.34	2.27
5501	1	Elizabeth Avenue	1.27	7.62	1.52
5500	17	Hillside Avenue	1.42	8.52	1.70
107	17	Beaufort Avenue	1.31	7.86	1.57
6002	8	Walnut Street	1.25	7.50	1.50
2400	91	Stonehenge Drive	1.1	6.60	1.32
5500	11	231 W Northfield Avenue	1	6.00	1.20
TOTAL REALISTIC DEVELOPMENT POTENTIAL (RDP)					13

B. Parcels Likely to be Redeveloped in Round 4

In addition to vacant properties that have a realistic development potential, the Township must also consider known projects in its RDP assessment likely to be redeveloped in the 2025-2035 Fourth Round obligation. The Legislation includes the following language (emphasis added):

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.

As noted, Livingston Township's Fourth Round prospective need is 430. The Realistic Development Potential is 13. Further, as permitted in the Township's Third Round Settlement Agreement, the Township may apply its 124 Third Round surplus credits toward its Fourth Round RDP, of which 93 credits are applied. Under the amended rules, the Township must provide for 25% of the remaining obligation after crediting from Vacant Land Adjustment. These parcels are designated "likely to redevelop" and represent the "Adjusted 4th Round Obligation," as summarized in the below table.

REQUIREMENT	STATUS
4th Round Prospective Need Obligation Calculation	430
Realistic Development Potential (RDP) per VLA	13
3rd Round Surplus Credits Applied (May be applied to RDP per Settlement Agreement)	93
Adjusted 4th Round Prospective Need Obligation	324
"Likely to Redevelop" (LtR) Obligation (LtR = (Prospective Obligation - RDP) / 4)	81
Adjusted 4th Round Obligation (RDP + LtR)	94

Projects and credits available to address the Adjusted 4th Round Obligation are summarized below:

CREDITING PLAN	CREDIT
- Surplus Credits from 3 rd Round (May be applied to RDP per Settlement Agreement)	93 Credits
- Cedar Street Commons: <ul style="list-style-type: none"> 53 Affordable Units (Senior), 5 Units applied (capped) <ul style="list-style-type: none"> 33 Existing Affordable Units (to be extended) 20 New Affordable Units 26.5 Bonus Credits produced (Affordability Extension, TOD, and/or Age-Restricted), 0 Bonus Credits applied (capped) 	5 Credits
- Bottle King: <ul style="list-style-type: none"> 34 Units (17 Supportive Needs, 17 Family) 17 Bonus Credits (Supportive Needs) 8.5 Bonus Credits (TOD) 	59.5 Credits
- Brightview <ul style="list-style-type: none"> 14 Units (Senior) 7 Bonus Credits produced, 1 Bonus Credit applied (capped) 	15 Credits
TOTAL	172.5 Credits Applied -94 Credits Required <hr/> 78.5 Credit Surplus

C. Conclusion

In conclusion, the preceding analysis demonstrates (1) that the Township lacks sufficient vacant, suitable land to fully address its prospective need obligation of 430; and (2) that the Township's RDP is 13, based on developable land. In addition to the Fourth Round RDP of 13, 93 Third Round surplus credits are applied toward the VLA (total 106). 81 credits shall be accommodated on land likely to redevelop within the Township by 2035.

Appendix A: Computing Municipal Adjustment, Exclusions (52:27D)

Section 52:27D-310.1 – As Amended via P.L. 2024, c. 2 (amendment is underlined)

1. Any municipality that receives an adjustment of its prospective need obligations for the fourth round or subsequent rounds based on a lack of vacant land shall as part of the process of adopting and implementing its housing element and fair share plan identify sufficient parcels likely to redevelop during the current round of obligations to address at least 25 percent of the prospective need obligation that has been adjusted, and adopt realistic zoning that allows for such adjusted obligation, or demonstrate why the municipality is unable to do so. When computing a municipal adjustment regarding available land resources as part of the determination of a municipality's fair share of affordable housing, the [Council on Affordable Housing] municipality, in filing a housing element and fair share plan pursuant to subsection f. of section 3 of P.L.2024, c.2 (C.52:27D-304.1), shall exclude from designating , and the process set forth pursuant to sections 3 of P.L.2024, c.2 (C.52:27D-304.1) and section 13 of P.L.1985, c.222 (C.52:27D-313) shall confirm was correctly excluded, as vacant land:
 - a. any land that is owned by a local government entity that as of January 1, 1997, has adopted, prior to the institution of a lawsuit seeking a builder's remedy or prior to the filing of a petition for substantive certification of a housing element and fair share plan, a resolution authorizing an execution of agreement that the land be utilized for a public purpose other than housing;
 - b. any land listed on a master plan of a municipality as being dedicated, by easement or otherwise, for purposes of conservation, park lands or open space and which is owned, leased, licensed, or in any manner operated by a county, municipality or tax-exempt, nonprofit organization including a local board of education, or by more than one municipality by joint agreement pursuant to P.L.1964, c.185 (C.40:61-35.1 et seq.), for so long as the entity maintains such ownership, lease, license, or operational control of such land;

- c. any vacant contiguous parcels of land in private ownership of a size which would accommodate fewer than five housing units [if current standards of the council were applied] based on appropriate standards pertaining to housing density;
- d. historic and architecturally important sites listed on the State Register of Historic Places or National Register of Historic Places prior to the [submission of the petition of substantive certification] date of filing a housing element and fair share plan pursuant to section 3, or initiation of an action pursuant to section 13 of P.L.1985, c.222 (C.52:27D-313);
- e. agricultural lands when the development rights to these lands have been purchased or restricted by covenant;
- f. sites designated for active recreation that are designated for recreational purposes in the municipal master plan; and
- g. environmentally sensitive lands where development is prohibited by any State or federal agency.

No municipality shall be required to utilize for affordable housing purposes land that is excluded from being designated as vacant land. (cf: P.L.2008, c.46, s.39)

Appendix B: Constraint Analysis Mapping

Legend for All below Maps:



Parcels Above Presumed Density of 6DU/AC:

Baker Road and Walnut Street

- Block 6001 and Lot(s) 132 and 103
- Approximate Area: 50.18 Acres (B6001, L132) and 16.34 Acres (B6001, L103)

PROPERTY MAP WITH ENVIRONMENTAL CONSTRAINTS	FINDINGS
	<ul style="list-style-type: none"> ☑ Steep Slopes ☑ Flood Hazard ☑ Wetlands ☑ Waterbodies ▪ Unconstrained Area: 0 Acres ▪ Findings: Property is 100% constrained – Canoe Brook Reservoir #2; steep slopes, flood hazard, and wetlands buffer. ▪ Total Units at 6DU/AC: 0 ▪ LMI Units at 20% Set-Aside: 0


Walnut Street Rear

- Block 6001 and Lot 134
- Approximate Area: 47.35 Acres

PROPERTY MAP WITH ENVIRONMENTAL CONSTRAINTS	FINDINGS
	<ul style="list-style-type: none">☒ Steep Slopes☐ Flood Hazard☒ Wetlands☒ Waterbodies▪ Unconstrained Area: 0 Acres▪ Findings: Property is 100% constrained - Canoe Brook Reservoir #2, steep slopes.▪ Total Units at 6DU/AC: 0▪ LMI Units at 20% Set-Aside: 0


Laurel Avenue and Lafayette Drive

- Block 2100 and Lot(s) 70 and 68.12
- Approximate Area: 28.82 Acres (B2100, L70) and 14.44 Acres (B2100, L68.12)

PROPERTY MAP WITH ENVIRONMENTAL CONSTRAINTS	FINDINGS
	<ul style="list-style-type: none">☑ Steep Slopes☑ Flood Hazard (Lot 70 Only)☑ Wetlands☑ Waterbodies (Lot 70 Only)☑ Additional Constraint <ul style="list-style-type: none">▪ Unconstrained Area: 0 Acres▪ Findings:<ul style="list-style-type: none">○ B2100, L70 - ROSI Property – Included as “Prospect Park”○ B2100, L68.12 - Private Open Space - BEL AIR WOODS HOME ASSOCIATION▪ Total Units at 6DU/AC: 0▪ LMI Units at 20% Set-Aside: 0


W Mount Pleasant Ave

- Block 100 and Lot 20
- Approximate Area: 19.09 Acres

PROPERTY MAP WITH ENVIRONMENTAL CONSTRAINTS	FINDINGS
	<ul style="list-style-type: none">☒ Steep Slopes☒ Flood Hazard☒ Wetlands☒ Waterbodies▪ Unconstrained Area: 0 Acres▪ Findings: Property is 100% constrained - High-Voltage Transmission ROW; flood zone, streams, and wetlands.▪ Total Units at 6DU/AC: 0▪ MI Units at 20% Set-Aside: 0


Laurel Avenue and Dartmouth Court

- Block 2300 Lot(s) 7; Block 2301 Lot 20
- Approximate Area: 15.30 Acres (B6001, L132) and 2.18 Acres (B6001, L134)

PROPERTY MAP WITH ENVIRONMENTAL CONSTRAINTS	FINDINGS
	<div><input type="checkbox"/> Steep Slopes</div> <div><input type="checkbox"/> Flood Hazard</div> <div><input checked="" type="checkbox"/> Wetlands</div> <div><input type="checkbox"/> Waterbodies</div> <div><input checked="" type="checkbox"/> Additional Constraint</div> <div>▪ Unconstrained Area: 0 Acres</div> <div>▪ Findings:<ul style="list-style-type: none">○ B2300, L7 – Private Open Space – Crestmont Country Club, West Orange○ B2301, L20 - Private Open Space- LAUREL HILL HOMOWRS ASSOC/R.MERKEL</div> <div>▪ Total Units at 6DU/AC: 0</div> <div>▪ LMI Units at 20% Set-Aside: 0</div>

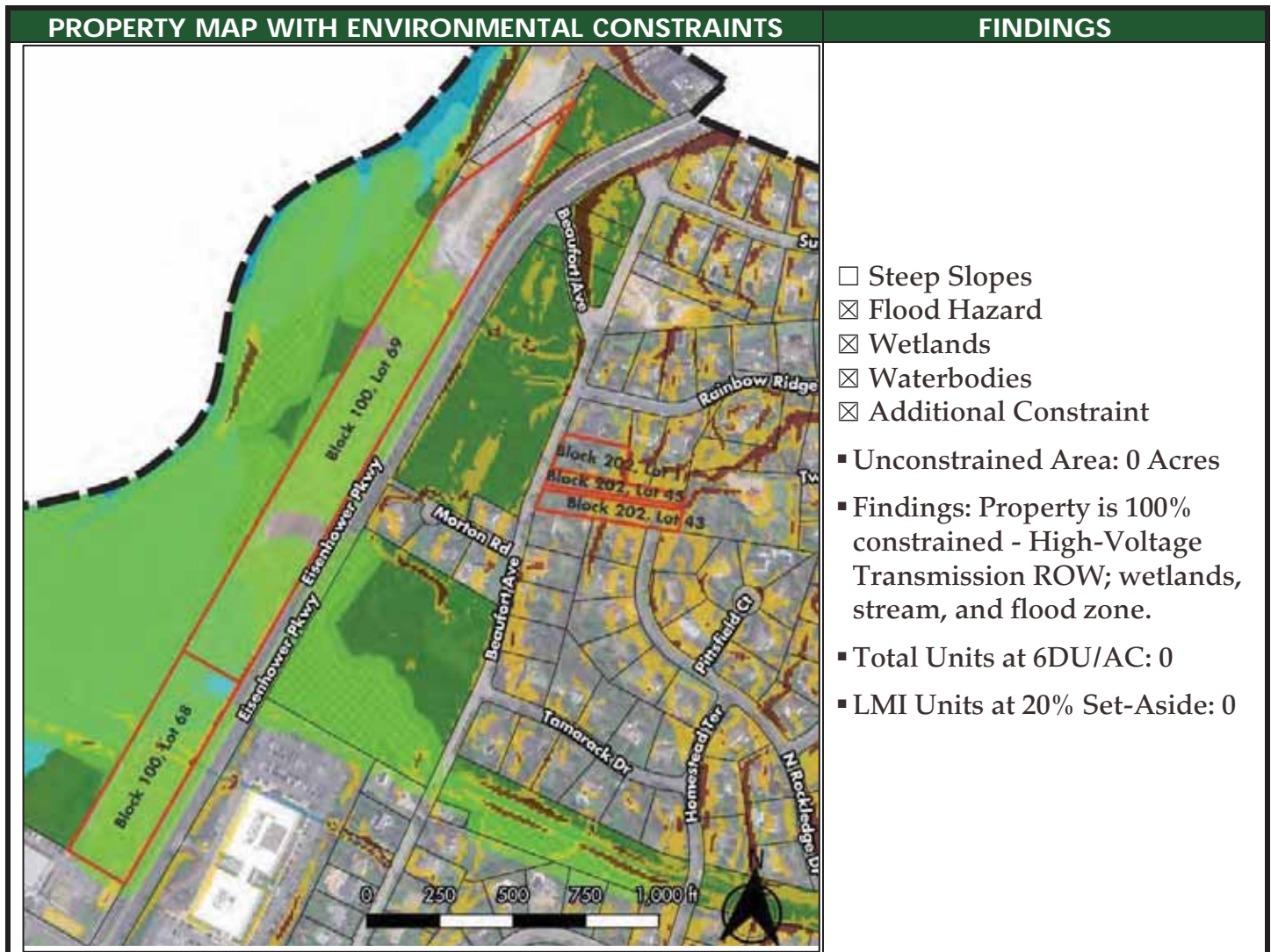
Walnut Street

- Block 6002 and Lot 3
- Approximate Area: 12.28 Acres

PROPERTY MAP WITH ENVIRONMENTAL CONSTRAINTS	FINDINGS
	<ul style="list-style-type: none"> <input type="checkbox"/> Steep Slopes <input type="checkbox"/> Flood Hazard <input checked="" type="checkbox"/> Wetlands <input type="checkbox"/> Waterbodies <input checked="" type="checkbox"/> Additional Constraint <ul style="list-style-type: none"> ▪ Unconstrained Area: 0 Acres ▪ Findings: Property is 100% constrained - High-Voltage Transmission ROW; wetlands ▪ Total Units at 6DU/AC: 0 ▪ LMI Units at 20% Set-Aside: 0

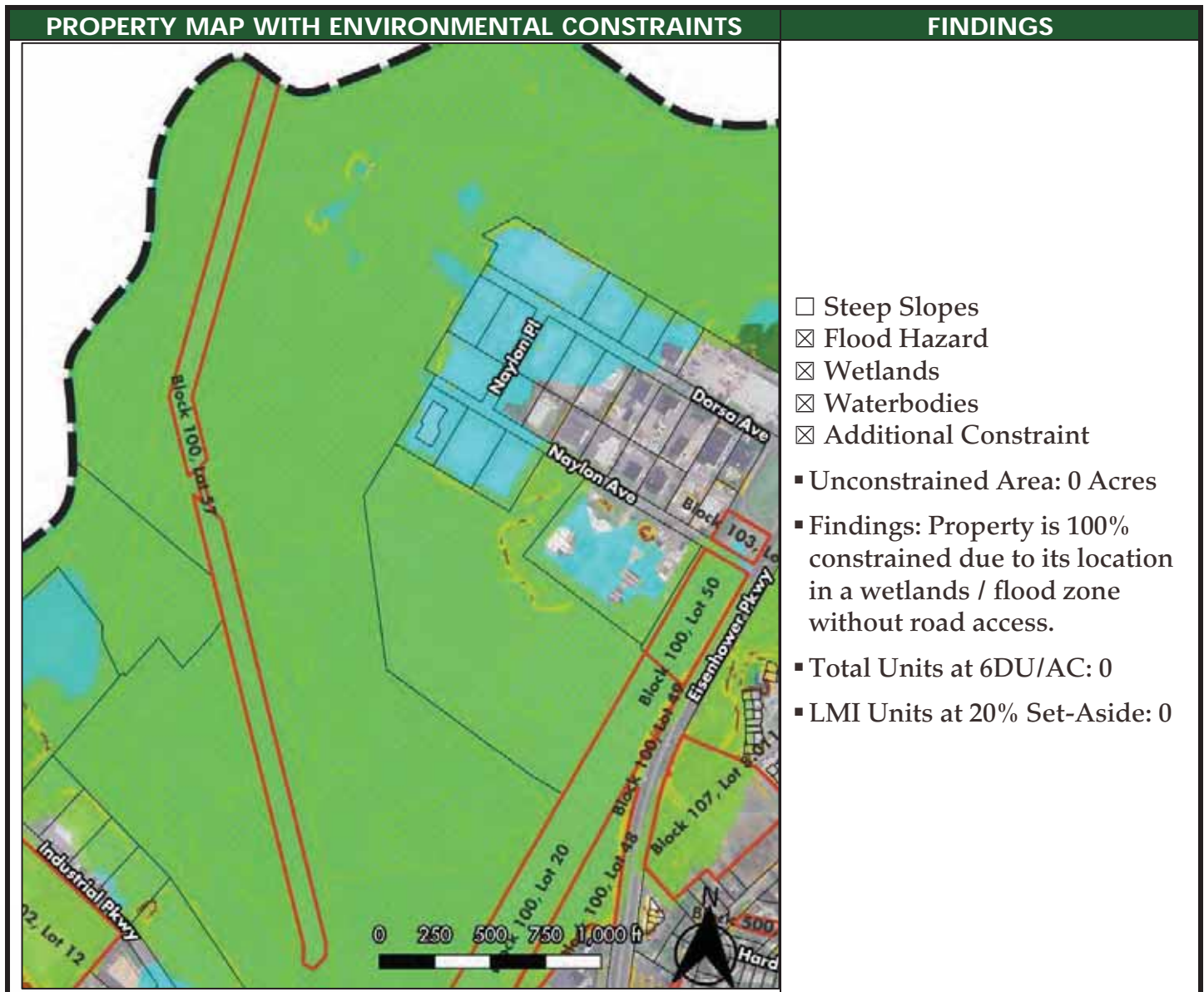
Beaufort Avenue

- Block 100 and Lot 69
- Approximate Area: 10.57 Acres




W Mount Pleasant Ave

- Block 100 and Lot 57
- Approximate Area: 9.23 Acres




Stonehenge Drive

- Block 2401 and Lot 18
- Approximate Area: 9.16 Acres

PROPERTY MAP WITH ENVIRONMENTAL CONSTRAINTS	FINDINGS
	<ul style="list-style-type: none">☒ Steep Slopes☒ Flood Hazard☒ Wetlands☒ Waterbodies☒ Additional Constraint▪ Unconstrained Area: 0 Acres▪ Findings: Private Open Space - Bel Air Associates▪ Total Units at 6DU/AC: 0▪ LMI Units at 20% Set-Aside: 0


Old Road and 153 Walnut Street

- Block 5800, Lot 10 and Block 5800, Lot 9
- Approximate Area: 8.42 Acres (B5800, L10) and 1.44 Acres (B5800, L9)

PROPERTY MAP WITH ENVIRONMENTAL CONSTRAINTS	FINDINGS
	<ul style="list-style-type: none"> <input type="checkbox"/> Steep Slopes <input type="checkbox"/> Flood Hazard <input checked="" type="checkbox"/> Wetlands <input checked="" type="checkbox"/> Waterbodies (Lot 10 Only) <input checked="" type="checkbox"/> Additional Constraint ▪ Unconstrained Area: <ul style="list-style-type: none"> ○ B5800, L10 – 0 Acres ○ B5800, L9 – 0.80 Acres ▪ Findings: <ul style="list-style-type: none"> ○ B5800, L10 – Property is 100% constrained – High Voltage Transmission ROW, Wetlands ○ B5800, L9 - Partially restricted due to wetlands and steep slopes - Developable Land below presumptive density. ▪ Total Units at 6DU/AC: <ul style="list-style-type: none"> ○ B5800, L10 – 0 ○ B5800, L9 – 4.8 ▪ LMI Units at 20% Set-Aside: 0 <ul style="list-style-type: none"> ○ B5800, L10 – 0 ○ B5800, L9 – 0

12 Industrial Parkway

- Block 102 and Lot 12
- Approximate Area: 8.40 Acres

PROPERTY MAP WITH ENVIRONMENTAL CONSTRAINTS	FINDINGS
	<ul style="list-style-type: none">☒ Steep Slopes☐ Flood Hazard☒ Wetlands☐ Waterbodies▪ Unconstrained Area: 0 Acres▪ Findings: Property is 100% constrained due to steep slopes and its location in the wetlands.▪ Total Units at 6DU/AC: 0▪ LMI Units at 20% Set-Aside: 0

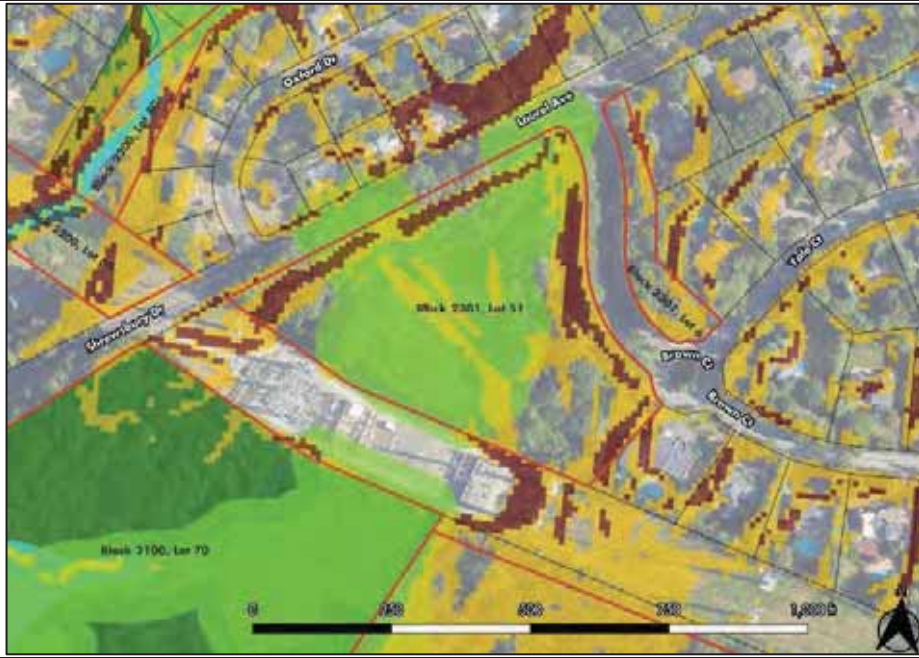
Beaufort Avenue

- Block 107 and Lot 8.011
- Approximate Area: 6.48 Acres

PROPERTY MAP WITH ENVIRONMENTAL CONSTRAINTS	FINDINGS
	<ul style="list-style-type: none">☒ Steep Slopes☐ Flood Hazard☒ Wetlands☐ Waterbodies▪ Unconstrained Area: 1.6 Acres▪ Findings: Property partially restricted due to its location in the wetlands.▪ Total Units at 6DU/AC: 9.6▪ LMI Units at 20% Set-Aside: 1.92

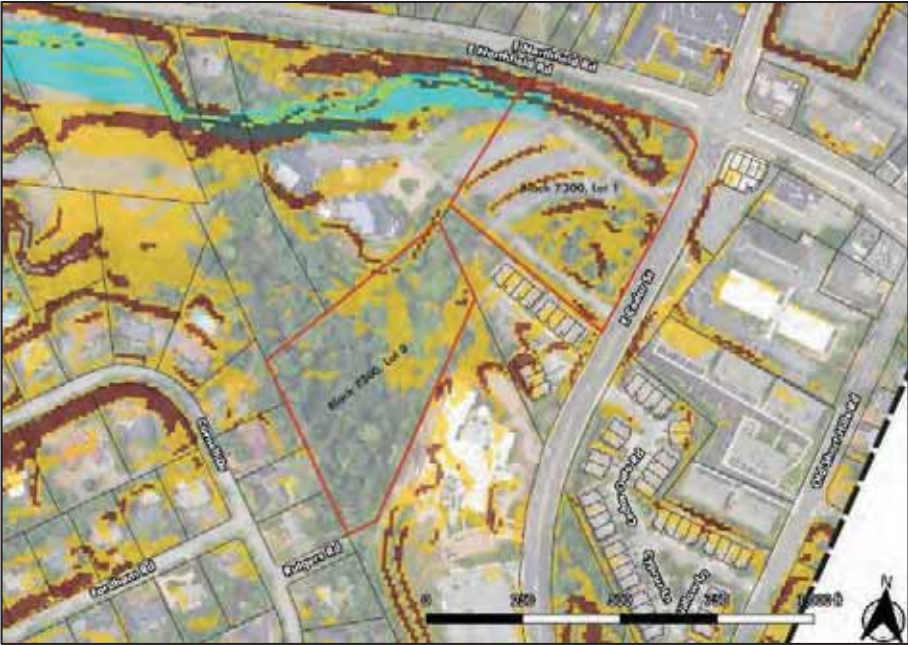
Laurel Avenue

- Block 2301 and Lot 51
- Approximate Area: 5.84 Acres

PROPERTY MAP WITH ENVIRONMENTAL CONSTRAINTS	FINDINGS
	<ul style="list-style-type: none"> ☒ Steep Slopes ☐ Flood Hazard ☒ Wetlands ☐ Waterbodies <ul style="list-style-type: none"> ▪ Unconstrained Area: 0 Acres ▪ Findings: Property is 100% constrained due steep slopes and wetlands, as well as lack of accessibility irregular shape of unconstrained areas due to these constraints. ▪ Total Units at 6DU/AC: 0 ▪ LMI Units at 20% Set-Aside: 0


E Northfield Road

- Block 7300 and Lot(s) 1 and 3
- Approximate Area: 5.32 Acres (B7300, L1) and 4.92 Acres (B7300, L3)

PROPERTY MAP WITH ENVIRONMENTAL CONSTRAINTS	FINDINGS
	<ul style="list-style-type: none">☒ Steep Slopes☒ Flood Hazard (Lot 1 Only)☒ Wetlands☒ Waterbodies (Lot 1 Only)☒ Additional Constraint▪ Unconstrained Area: 0 Acres▪ Findings:<ul style="list-style-type: none">○ B7300, L1 - Site is improved - parking lot, Temple B'nai Abraham, steep slope & flood zone constraints○ B7300, L3 - Part of existing Temple B'nai Abraham development.▪ Total Units at 6DU/AC: 0▪ LMI Units at 20% Set-Aside: 0


South Orange Avenue

- Block 6100 and Lot 9
- Approximate Area: 5.22Acres

PROPERTY MAP WITH ENVIRONMENTAL CONSTRAINTS	FINDINGS
	<div><input type="checkbox"/> Steep Slopes</div> <div><input checked="" type="checkbox"/> Flood Hazard</div> <div><input checked="" type="checkbox"/> Wetlands</div> <div><input type="checkbox"/> Waterbodies</div> <div>▪ Unconstrained Area: 0 Acres</div> <div>▪ Findings: Property is 100% constrained due to its location in a flood zone and wetlands.</div> <div>▪ Total Units at 6DU/AC: 0</div> <div>▪ LMI Units at 20% Set-Aside: 0</div>


N Livingston Avenue

- Block 1700 and Lot 17
- Approximate Area: 5.03 Acres

PROPERTY MAP WITH ENVIRONMENTAL CONSTRAINTS	FINDINGS
	<ul style="list-style-type: none"><input type="checkbox"/> Steep Slopes<input checked="" type="checkbox"/> Flood Hazard<input checked="" type="checkbox"/> Wetlands<input type="checkbox"/> Waterbodies<input checked="" type="checkbox"/> Additional Constraint <ul style="list-style-type: none">▪ Unconstrained Area: 0 Acres▪ Findings: Property is 100% constrained - High-Voltage Transmission ROW; wetlands and flood zone.▪ Total Units at 6DU/AC: 0▪ LMI Units at 20% Set-Aside: 0


Beaufort Ave

- Block 100 and Lot 68
- Approximate Area: 4.08 Acres

PROPERTY MAP WITH ENVIRONMENTAL CONSTRAINTS	FINDINGS
	<ul style="list-style-type: none"> ☑ Steep Slopes ☑ Flood Hazard ☑ Wetlands ☑ Waterbodies ☑ Additional Constraint ▪ Unconstrained Area: 0 Acres ▪ Findings: Property is 100% constrained - High-Voltage Transmission ROW; flood zone, stream, and wetlands. ▪ Total Units at 6DU/AC: 0 ▪ LMI Units at 20% Set-Aside: 0

305 Eisenhower Parkway and Beaufort Ave

- Block 100, Lot 48 and Block 107, Lot 17
- Approximate Area: 3.77 Acres (B100, L48) and 1.31 Acres (B107, L17)

PROPERTY MAP WITH ENVIRONMENTAL CONSTRAINTS	FINDINGS
	<ul style="list-style-type: none"> <input type="checkbox"/> Steep Slopes <input checked="" type="checkbox"/> Flood Hazard (Lot 48 Only) <input checked="" type="checkbox"/> Wetlands (Lot 48 Only) <input type="checkbox"/> Waterbodies ▪ Unconstrained Area: <ul style="list-style-type: none"> ○ B100 L48 – 0 Acres ○ B107 L17 - 1.31 Acres ▪ Findings: <ul style="list-style-type: none"> ○ B100 L48 - Property is 100% constrained due to its location in a flood zone ○ B107 L17 - Irregular shape but feasible for site plan functionality ▪ Total Units at 6DU/AC: 7.86 ▪ LMI Units at 20% Set-Aside: 1.57


Lafayette Drive

- Block 2104 and Lot 6
- Approximate Area: 3.75 Acres

PROPERTY MAP WITH ENVIRONMENTAL CONSTRAINTS	FINDINGS
	<ul style="list-style-type: none"><input checked="" type="checkbox"/> Steep Slopes<input checked="" type="checkbox"/> Flood Hazard<input checked="" type="checkbox"/> Wetlands<input type="checkbox"/> Waterbodies<input checked="" type="checkbox"/> Additional Constraint <ul style="list-style-type: none">▪ Unconstrained Area: 0 Acres▪ Findings: Private Open Space - BEL AIR WOODS HOME ASSOCIATION▪ Total Units at 6DU/AC: 0▪ LMI Units at 20% Set-Aside: 0


Old Road

- Block 5901, Lot 11; Block 5900, Lot 34, Block 5900, Lot 45
- Approximate Area: 3.06 Acres (B5901, L11), 2.36 Acres (B5900, L34) and 1.29 Acres (B5900, L45)

PROPERTY MAP WITH ENVIRONMENTAL CONSTRAINTS	FINDINGS
	<ul style="list-style-type: none"><input type="checkbox"/> Steep Slopes<input type="checkbox"/> Flood Hazard<input type="checkbox"/> Wetlands<input type="checkbox"/> Waterbodies<input checked="" type="checkbox"/> Additional Constraint <ul style="list-style-type: none">▪ Unconstrained Area: 0 Acres▪ Findings: Utility - High-Voltage Transmission ROW▪ Total Units at 6DU/AC: 0▪ LMI Units at 20% Set-Aside: 0

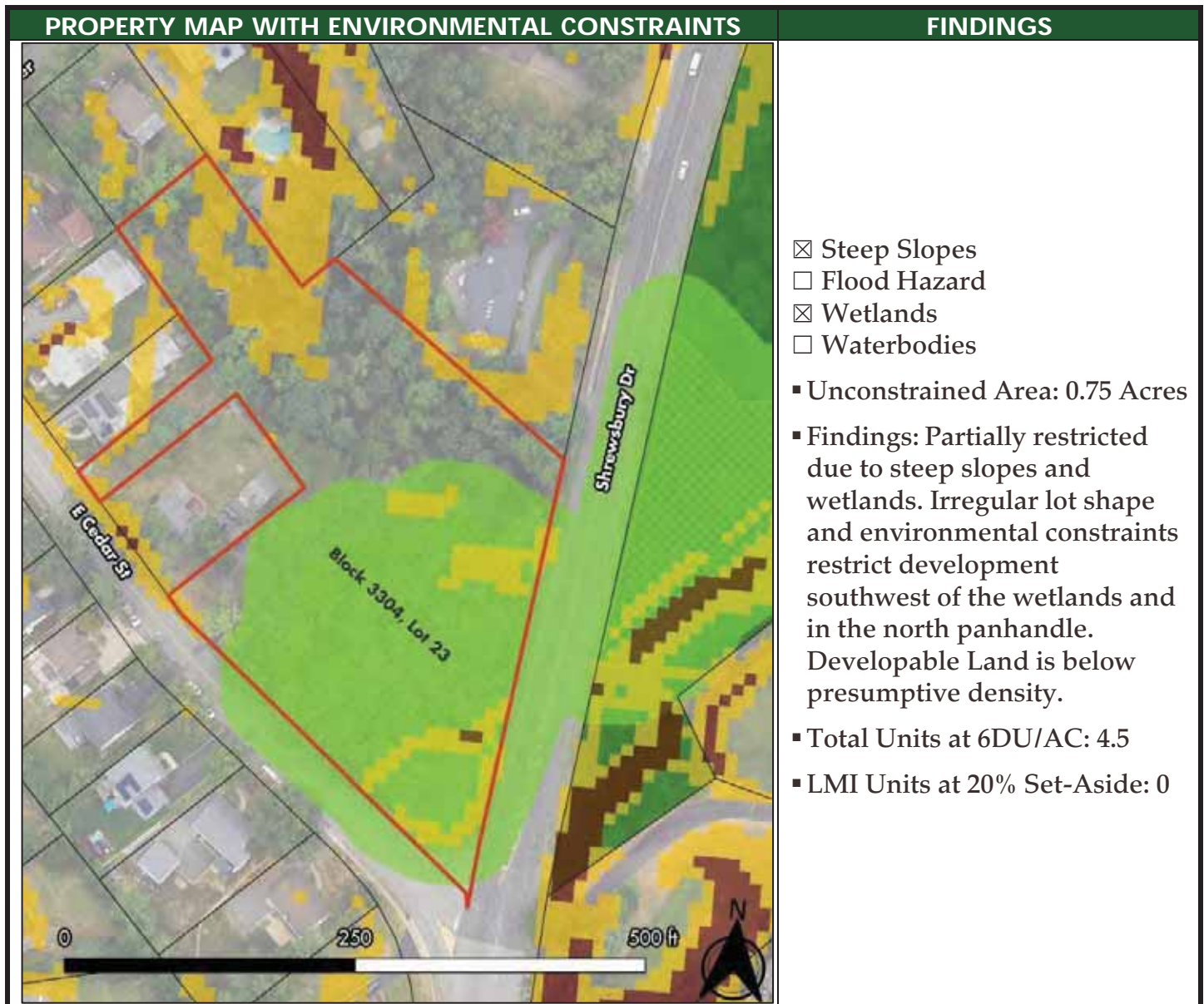
Beaufort Avenue

- Block 100 and Lot 50
- Approximate Area: 2.96 Acres

PROPERTY MAP WITH ENVIRONMENTAL CONSTRAINTS	FINDINGS
	<ul style="list-style-type: none"> <input type="checkbox"/> Steep Slopes <input checked="" type="checkbox"/> Flood Hazard <input checked="" type="checkbox"/> Wetlands <input type="checkbox"/> Waterbodies <ul style="list-style-type: none"> ▪ Unconstrained Area: 0 Acres ▪ Findings: Property is 100% constrained due to its location in a flood zone. Utility - High-Voltage Transmission ROW ▪ Total Units at 6DU/AC: 0 ▪ LMI Units at 20% Set-Aside: 0

Kearney Ter

- Block 3304 and Lot 23
- Approximate Area: 2.73 Acres




Mc Call Ave

- Block 1700 and Lot 45
- Approximate Area: 2.61 Acres

PROPERTY MAP WITH ENVIRONMENTAL CONSTRAINTS	FINDINGS
	<ul style="list-style-type: none"><input checked="" type="checkbox"/> Steep Slopes<input type="checkbox"/> Flood Hazard<input type="checkbox"/> Wetlands<input type="checkbox"/> Waterbodies<input checked="" type="checkbox"/> Additional Constraint <ul style="list-style-type: none">▪ Unconstrained Area: 0 Acres▪ Findings: Utility - High-Voltage Transmission ROW▪ Total Units at 6DU/AC: 0▪ LMI Units at 20% Set-Aside: 0

200 W Hobart Gap Road

- Block 5100 and Lot 32
- Approximate Area: 2.42 Acres

PROPERTY MAP WITH ENVIRONMENTAL CONSTRAINTS	FINDINGS
	<ul style="list-style-type: none"><input type="checkbox"/> Steep Slopes<input type="checkbox"/> Flood Hazard<input type="checkbox"/> Wetlands<input type="checkbox"/> Waterbodies<input checked="" type="checkbox"/> Additional Constraint <ul style="list-style-type: none">▪ Unconstrained▪ Area: 0 Acres▪ Findings: Pre-existing development▪ Total Units at 6DU/AC: 0▪ LMI Units at 20% Set-Aside: 0


Fisher Dr

- Block 4904 and Lot 27
- Approximate Area: 2.27 Acres



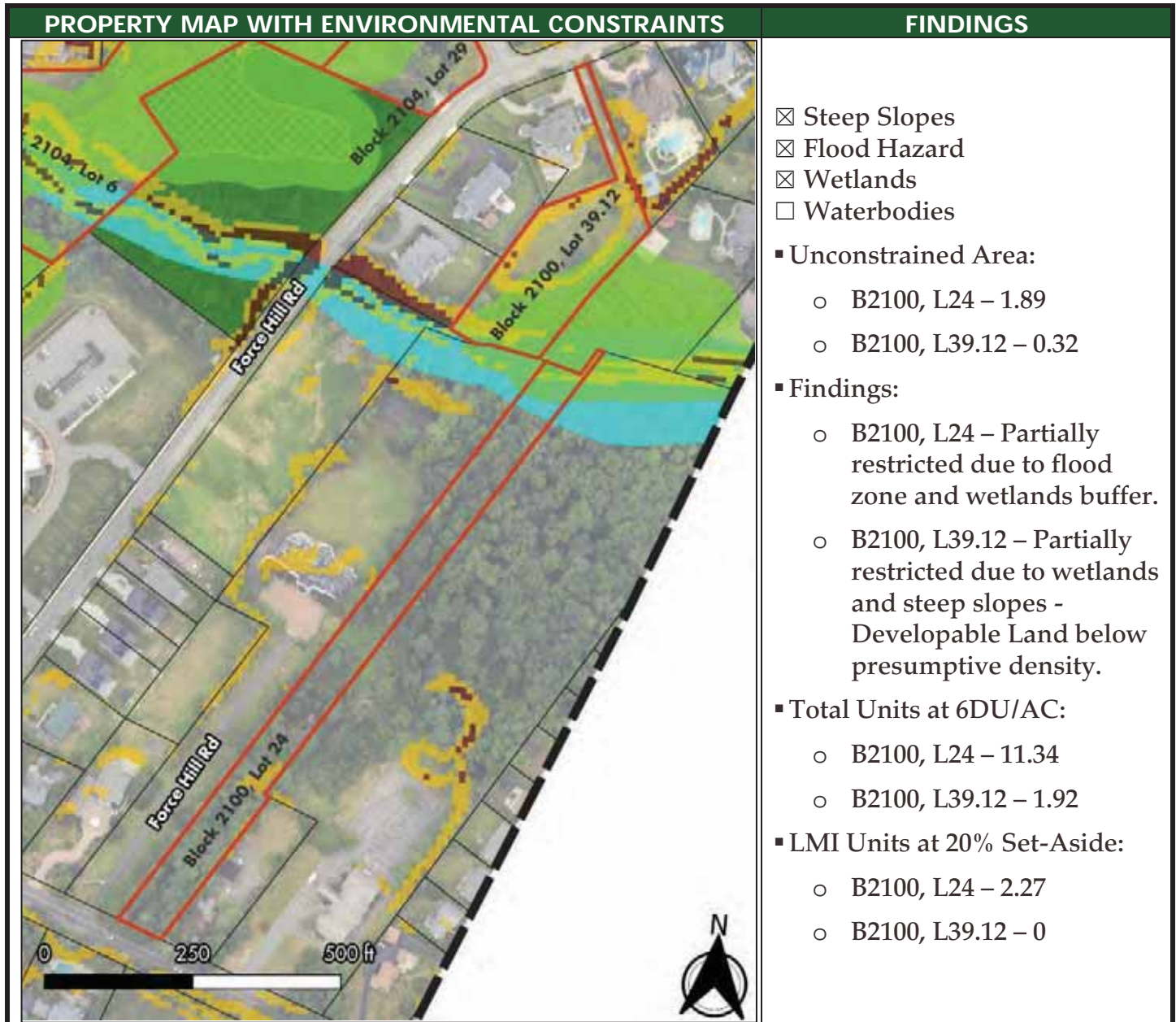
Franklin Ave

- Block 1801 and Lot 6
- Approximate Area: 1.20 Acres

PROPERTY MAP WITH ENVIRONMENTAL CONSTRAINTS	FINDINGS
	<ul style="list-style-type: none">☒ Steep Slopes☐ Flood Hazard☐ Wetlands☐ Waterbodies☒ Additional Constraint <ul style="list-style-type: none">▪ Unconstrained Area: 0 Acres▪ Findings: Utility - High-Voltage Transmission ROW▪ Total Units at 6DU/AC: 0▪ LMI Units at 20% Set-Aside: 0


395 E Mt. Pleasant Ave & Force Hill Rd

- Block 2100 and Lot(s) 24 and 39.12
- Approximate Area: 1.95 Acres (B2100, L24) and 1.27 Acres (B2100, L39.12)



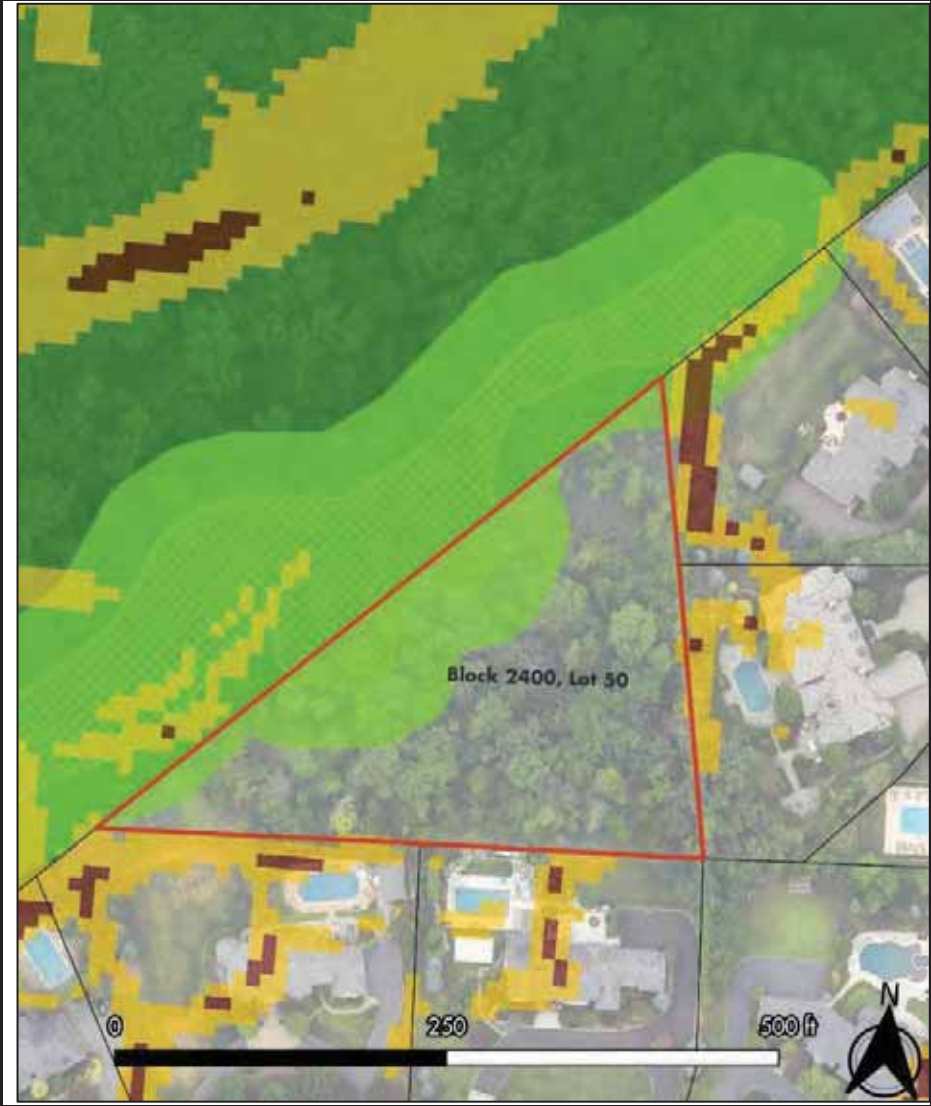
Laurel Ave

- Block 2200 and Lot(s) 69 and 80
- Approximate Area: 1.90 Acres (B2200, L69) and 1.54 Acres (B2200, L80)

PROPERTY MAP WITH ENVIRONMENTAL CONSTRAINTS	FINDINGS
	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Steep Slopes <input checked="" type="checkbox"/> Flood Hazard <input checked="" type="checkbox"/> Wetlands (Lot 80 Only) <input type="checkbox"/> Waterbodies <input checked="" type="checkbox"/> Additional Constraint <ul style="list-style-type: none"> ▪ Unconstrained Area: <ul style="list-style-type: none"> ○ B2200, L69 – 0 Acres ○ B2200, L80 – 0 Acres ▪ Findings: <ul style="list-style-type: none"> ○ B2200, L69 - Partially restricted due to stream, steep slopes and flood zone; Utility - High-Voltage Transmission ROW ○ B2200, L80 – Property is 100% constrained due to its irregular shape, location in a flood zone, presence of a stream, steep slopes, and wetlands buffer. ▪ Total Units at 6DU/AC: <ul style="list-style-type: none"> ○ B2200, L69 – 0 ○ B2200, L80 – 0 ▪ LMI Units at 20% Set-Aside: <ul style="list-style-type: none"> ○ B2200, L69 - 0 ○ B2200, L80 – 0

Grasmere Court

- Block 2400 and Lot 50
- Approximate Area: 1.90 Acres

PROPERTY MAP WITH ENVIRONMENTAL CONSTRAINTS	FINDINGS
	<div><div><input type="checkbox"/> Steep Slopes</div><div><input type="checkbox"/> Flood Hazard</div><div><input checked="" type="checkbox"/> Wetlands</div><div><input type="checkbox"/> Waterbodies</div><div><input checked="" type="checkbox"/> Additional Constraint</div></div> <div><div>▪ Unconstrained Area: 0 Acres</div><div>▪ Findings: Property is 100% constrained due to lack of accessibility and wetlands.</div><div>▪ Total Units at 6DU/AC: 0</div><div>▪ LMI Units at 20% Set-Aside: 0</div></div>


HILLSIDE AVE

- Block 5100 and Lot 63
- Approximate Area: 1.88 Acres

PROPERTY MAP WITH ENVIRONMENTAL CONSTRAINTS	FINDINGS
	<div><div><input type="checkbox"/> Steep Slopes</div><div><input type="checkbox"/> Flood Hazard</div><div><input checked="" type="checkbox"/> Wetlands</div><div><input type="checkbox"/> Waterbodies</div><div><input checked="" type="checkbox"/> Additional Constraint</div></div> <div><div>▪ Unconstrained Area: 0 Acres</div><div>▪ Findings: Utility - High-Voltage Transmission ROW; wetlands buffer.</div><div>▪ Total Units at 6DU/AC: 0</div><div>▪ LMI Units at 20% Set-Aside: 0</div></div>


ELIZABETH AVENUE

- Block 5501 and Lot 1
- Approximate Area: 1.58 Acres

PROPERTY MAP WITH ENVIRONMENTAL CONSTRAINTS	FINDINGS
	<div><div><input checked="" type="checkbox"/> Steep Slopes</div><div><input type="checkbox"/> Flood Hazard</div><div><input checked="" type="checkbox"/> Wetlands</div><div><input type="checkbox"/> Waterbodies</div><div><input type="checkbox"/> Additional Constraint</div></div> <div><div>▪ Unconstrained Area: 1.27 Acres</div><div>▪ Findings: Partially constrained by steep slopes and wetlands.</div><div>▪ Total Units at 6DU/AC: 7.62</div><div>▪ LMI Units at 20% Set-Aside: 1.54</div></div>


278 W HOBART GAP RD

- Block 5301 and Lot 14.02
- Approximate Area: 1.50 Acres

PROPERTY MAP WITH ENVIRONMENTAL CONSTRAINTS	FINDINGS
	<ul style="list-style-type: none"><input checked="" type="checkbox"/> Steep Slopes<input type="checkbox"/> Flood Hazard<input type="checkbox"/> Wetlands<input checked="" type="checkbox"/> Waterbodies<input checked="" type="checkbox"/> Additional Constraint <ul style="list-style-type: none">▪ Unconstrained Area: 0 Acres▪ Findings: Existing Development▪ Total Units at 6DU/AC: 0▪ LMI Units at 20% Set-Aside: 0


Hillside Ave

- Block 5500 and Lot 17
- Approximate Area: 1.50 Acres

PROPERTY MAP WITH ENVIRONMENTAL CONSTRAINTS	FINDINGS
	<ul style="list-style-type: none"><input checked="" type="checkbox"/> Steep Slopes<input type="checkbox"/> Flood Hazard<input type="checkbox"/> Wetlands<input type="checkbox"/> Waterbodies <ul style="list-style-type: none">▪ Unconstrained Area: 1.42 Acres▪ Findings: Partially restricted due to steep slopes.▪ Total Units at 6DU/AC: 8.5▪ LMI Units at 20% Set-Aside: 2


Walnut Street

- Block 6002 and Lot 8
- Approximate Area: 1.25 Acres

PROPERTY MAP WITH ENVIRONMENTAL CONSTRAINTS	FINDINGS
	<ul style="list-style-type: none"><input checked="" type="checkbox"/> Steep Slopes<input type="checkbox"/> Flood Hazard<input type="checkbox"/> Wetlands<input type="checkbox"/> Waterbodies▪ Unconstrained Area: 1.25 Acres▪ Findings: Modest Steep Slopes▪ Total Units at 6DU/AC: 7.5▪ LMI Units at 20% Set-Aside: 1.5


Grasmere Ct/Westmount Dr

- Block 2400 and Lot 58
- Approximate Area: 1.21 Acres

PROPERTY MAP WITH ENVIRONMENTAL CONSTRAINTS	FINDINGS
	<ul style="list-style-type: none"><input checked="" type="checkbox"/> Steep Slopes<input type="checkbox"/> Flood Hazard<input checked="" type="checkbox"/> Wetlands<input type="checkbox"/> Waterbodies▪ Unconstrained Area: 0 Acres▪ Findings: Site is constrained by wetlands and steep slopes.▪ Total Units at 6DU/AC: 0▪ LMI Units at 20% Set-Aside: 0


Stonehenge Drive

- Block 2400 and Lot 91
- Approximate Area: 1.21 Acres

PROPERTY MAP WITH ENVIRONMENTAL CONSTRAINTS	FINDINGS
	<ul style="list-style-type: none">☒ Steep Slopes☐ Flood Hazard☐ Wetlands☐ Waterbodies <ul style="list-style-type: none">▪ Unconstrained Area: 1.1 Acres▪ Findings: Modest Steep Slopes▪ Total Units at 6DU/AC: 7▪ LMI Units at 20% Set-Aside: 1


Wingate Drive

- Block 5501 and Lot 13
- Approximate Area: 1.17 Acres

PROPERTY MAP WITH ENVIRONMENTAL CONSTRAINTS	FINDINGS
	<ul style="list-style-type: none">☒ Steep Slopes☐ Flood Hazard☒ Wetlands☒ Waterbodies☒ Additional Constraint <ul style="list-style-type: none">▪ Unconstrained Area: 0 Acres▪ Findings: High-voltage transmission wires traversing lot. Property is constrained by wetlands, in addition to modest step slopes and a stream.▪ Total Units at 6DU/AC: 0▪ LMI Units at 20% Set-Aside: 0


Westmount Drive

- Block 2404 and Lot 40
- Approximate Area: 1.17 Acres

PROPERTY MAP WITH ENVIRONMENTAL CONSTRAINTS	FINDINGS
	<ul style="list-style-type: none"><input checked="" type="checkbox"/> Steep Slopes<input type="checkbox"/> Flood Hazard<input checked="" type="checkbox"/> Wetlands<input checked="" type="checkbox"/> Waterbodies▪ Unconstrained Area: 0 Acres▪ Findings: Site is constrained by wetlands and steep slopes.▪ Total Units at 6DU/AC: 0▪ LMI Units at 20% Set-Aside: 0


Walnut Street

- Block 5400 and Lot 13
- Approximate Area: 1.11 Acres

PROPERTY MAP WITH ENVIRONMENTAL CONSTRAINTS	FINDINGS
	<div><input type="checkbox"/> Steep Slopes</div> <div><input type="checkbox"/> Flood Hazard</div> <div><input type="checkbox"/> Wetlands</div> <div><input type="checkbox"/> Waterbodies</div> <div><input checked="" type="checkbox"/> Additional Constraint</div> <div>▪ Unconstrained Area: 0 Acres</div> <div>▪ Findings: Utility - High-Voltage Transmission ROW</div> <div>▪ Total Units at 6DU/AC: 0</div> <div>▪ LMI Units at 20% Set-Aside: 0</div>

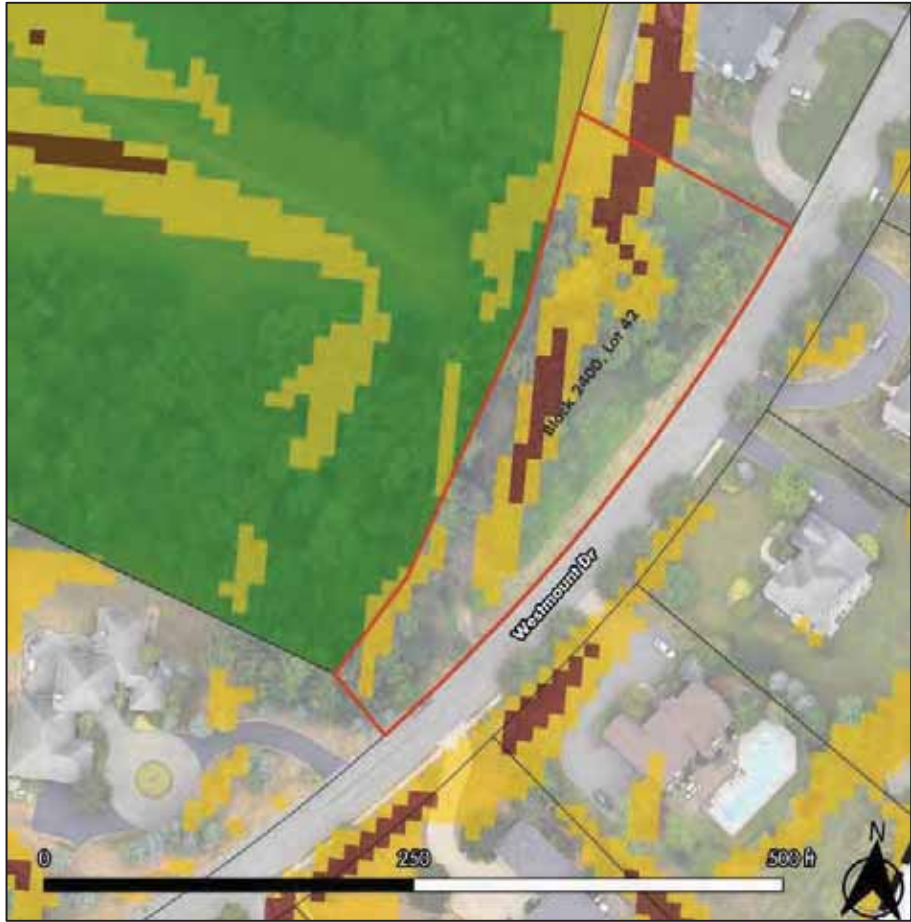
22 Chelsea Drive

- Block 2401 and Lot 11
- Approximate Area: 1.05 Acres

PROPERTY MAP WITH ENVIRONMENTAL CONSTRAINTS	FINDINGS
	<ul style="list-style-type: none"><input checked="" type="checkbox"/> Steep Slopes<input type="checkbox"/> Flood Hazard<input checked="" type="checkbox"/> Wetlands<input type="checkbox"/> Waterbodies <ul style="list-style-type: none">▪ Unconstrained Area: 0.49 Acres▪ Findings: Site is ~50% constrained by steep slopes and wetlands buffer – Developable Land below presumptive density.▪ Total Units at 6DU/AC: 2.94▪ LMI Units at 20% Set-Aside: 0

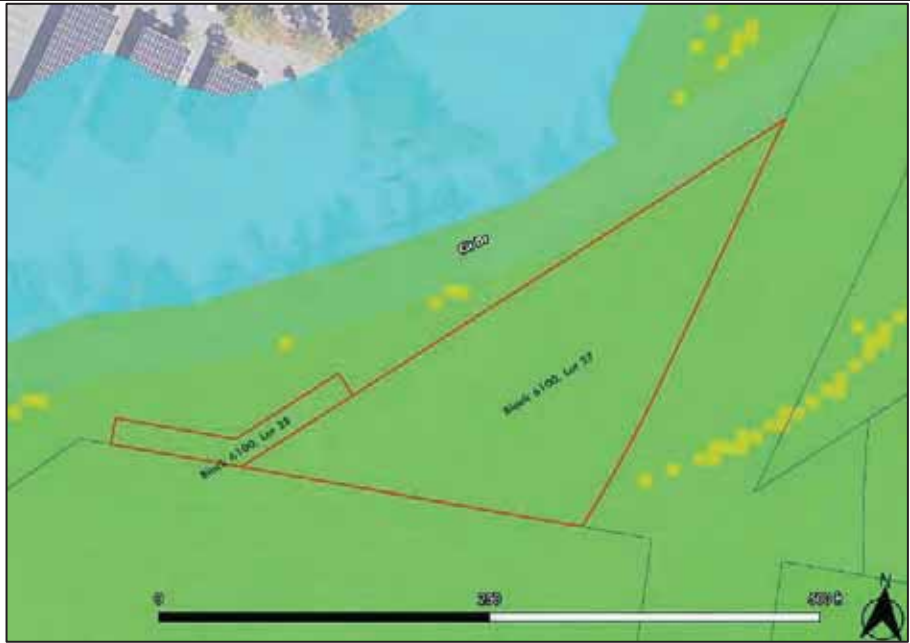
Westmount Drive

- Block 2400 and Lot 42
- Approximate Area: 1.02 Acres

PROPERTY MAP WITH ENVIRONMENTAL CONSTRAINTS	FINDINGS
	<ul style="list-style-type: none"><input checked="" type="checkbox"/> Steep Slopes<input type="checkbox"/> Flood Hazard<input type="checkbox"/> Wetlands<input type="checkbox"/> Waterbodies <ul style="list-style-type: none">▪ Unconstrained Area: 0.6 Acres▪ Findings: Site is ~50% constrained by steep slopes - Developable Land below presumptive density.▪ Total Units at 6DU/AC: 3.6▪ LMI Units at 20% Set-Aside: 0


Eisenhower Pkwy

- Block 6100 and Lot 27
- Approximate Area: 1.01 Acres

PROPERTY MAP WITH ENVIRONMENTAL CONSTRAINTS	FINDINGS
	<div><input type="checkbox"/> Steep Slopes</div> <div><input checked="" type="checkbox"/> Flood Hazard</div> <div><input checked="" type="checkbox"/> Wetlands</div> <div><input type="checkbox"/> Waterbodies</div> <div>▪ Unconstrained Area: 0 Acres</div> <div>▪ Findings: The property is 100% restricted due to its location in wetlands.</div> <div>▪ Total Units at 6DU/AC: 0</div> <div>▪ LMI Units at 20% Set-Aside: 0</div>

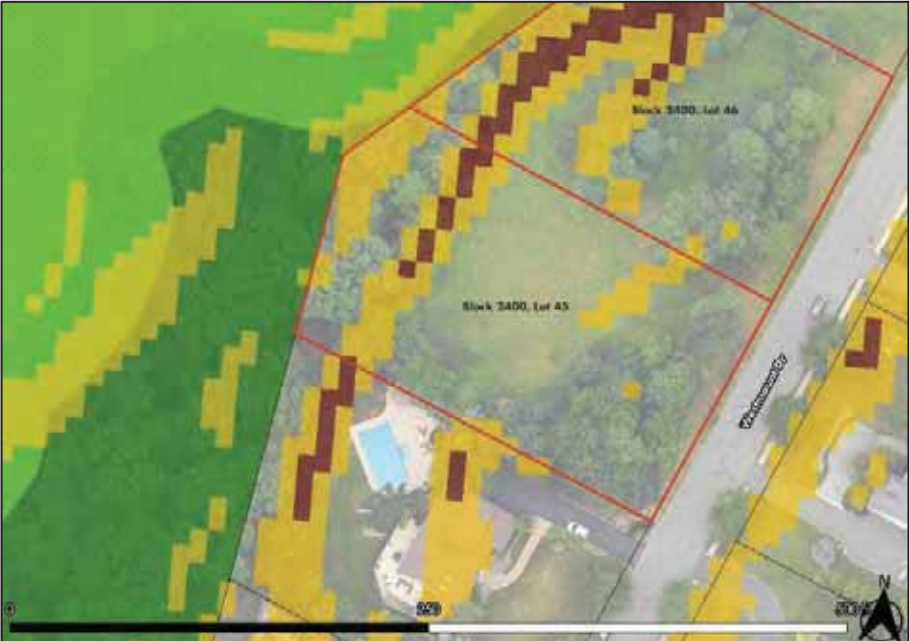
231 W NORTHFIELD ROAD

- Block 5500 and Lot 11
- Approximate Area: 1.01 Acres

PROPERTY MAP WITH ENVIRONMENTAL CONSTRAINTS	FINDINGS
	<ul style="list-style-type: none"><input checked="" type="checkbox"/> Steep Slopes<input type="checkbox"/> Flood Hazard<input type="checkbox"/> Wetlands<input type="checkbox"/> Waterbodies <ul style="list-style-type: none">▪ Unconstrained Area: 1 Acre▪ Findings: Partially restricted due to irregular shape and steep slopes but feasible for site plan functionality.▪ Total Units at 6DU/AC: 6▪ LMI Units at 20% Set-Aside: 1.2


37 Westmount Drive

- Block 2400 and Lot 45
- Approximate Area: 0.88 Acres

PROPERTY MAP WITH ENVIRONMENTAL CONSTRAINTS	FINDINGS
	<div><div><input checked="" type="checkbox"/> Steep Slopes</div><div><input type="checkbox"/> Flood Hazard</div><div><input type="checkbox"/> Wetlands</div><div><input type="checkbox"/> Waterbodies</div></div> <div><div>▪ Unconstrained Area: 0.62 Acres</div><div>▪ Findings: Partially restricted due to steep slopes - Developable Area below presumptive density.</div><div>▪ Total Units at 6DU/AC: 3.72</div><div>▪ LMI Units at 20% Set-Aside: 0</div></div>

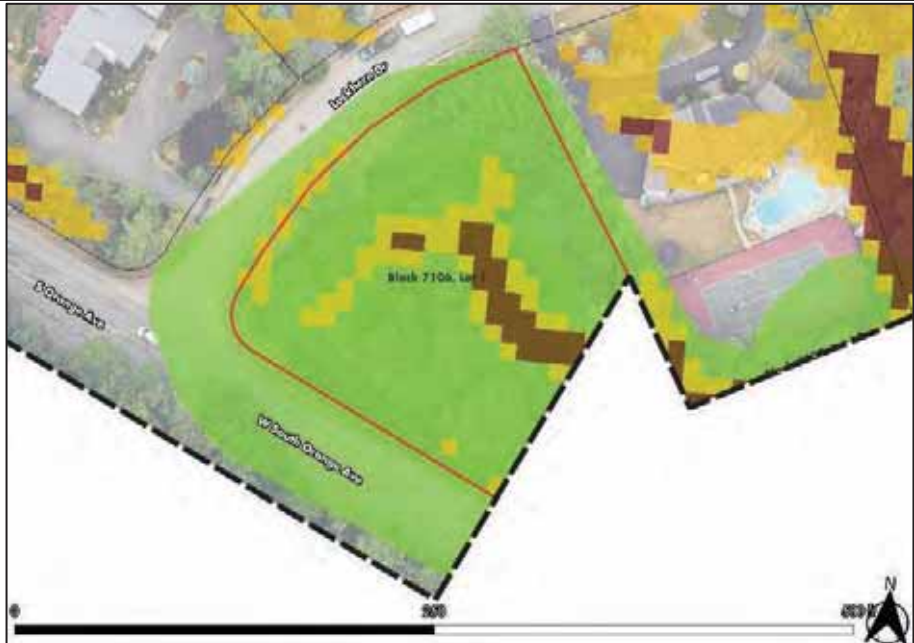
671 SO Orange Ave

- Block 7100 and Lot 14
- Approximate Area: 0.86 Acres

PROPERTY MAP WITH ENVIRONMENTAL CONSTRAINTS	FINDINGS
	<ul style="list-style-type: none"><input checked="" type="checkbox"/> Steep Slopes<input type="checkbox"/> Flood Hazard<input type="checkbox"/> Wetlands<input type="checkbox"/> Waterbodies▪ Unconstrained Area: 0.62 Acres▪ Findings: Partially restricted and bisected by steep slopes - Developable Area below presumptive density.▪ Total Units at 6DU/AC: 3.72▪ LMI Units at 20% Set-Aside: 0

676 SO Orange Ave

- Block 7106 and Lot 1
- Approximate Area: 0.84 Acres

PROPERTY MAP WITH ENVIRONMENTAL CONSTRAINTS	FINDINGS
	<ul style="list-style-type: none"><input checked="" type="checkbox"/> Steep Slopes<input type="checkbox"/> Flood Hazard<input checked="" type="checkbox"/> Wetlands<input type="checkbox"/> Waterbodies <ul style="list-style-type: none">▪ Unconstrained Area: 0 Acres▪ Findings: Site is constrained by wetlands and steep slopes.▪ Total Units at 6DU/AC: 0▪ LMI Units at 20% Set-Aside: 0

All Vacant Parcels:

BLOCK	LOT	TAX CLASS	ADDRESS	ACRES	CONSTRAINT	UNCONSTRAINED ACRES	6 DU/AC	20% LMI SET-ASIDE
6001	132	1	BAKER RD	50.18	Property is 100% constrained - Canoe Brook Reservoir #2; steep slopes, flood hazard, and wetlands buffer.	0	0	0
6001	134	1	WALNUT ST REAR	47.35	Property is 100% constrained - Canoe Brook Reservoir #2; steep slopes, flood hazard, and wetlands buffer.	0	0	0
2100	70	15C	LAUREL AVENUE	28.82	ROSI property - included as "Prospect Park" as Block 2100, Lots 70.01 and 70.02.	0	0	0
100	20	1	W MT PLEASANT AVE	19.09	Property is 100% constrained - High-Voltage Transmission ROW; flood zone, streams, and wetlands.	0	0	0
6001	103	1	WALNUT ST	16.34	Property is 100% constrained - Canoe Brook Reservoir #2, steep slopes.	0	0	0
2300	7	1	LAUREL AVENUE	15.30	Improved - Crestmont Country Club, West Orange	0	0	0
2100	68.12	1	LAFAYETTE DRIVE	14.44	Private Open Space - BEL AIR WOODS HOME ASSOCIATION	0	0	0
6002	3	1	WALNUT STREET	12.28	Property is 100% restrained - High-Voltage Transmission ROW; wetlands	0	0	0
100	69	1	BEAUFORT AVE	10.57	Property is 100% constrained - High-Voltage Transmission ROW; wetlands, stream, and flood zone.	0	0	0
100	57	1	W MT PLEASANT AVE	9.23	Property is 100% constrained due to its location in a wetlands / flood zone without road access.	0	0	0
2401	18	1	STONEHENGE DRIVE	9.16	Private Open Space - Bel Air Associates	0	0	0
5800	10	1	OLD ROAD	8.42	Property is 100% restrained - High-Voltage Transmission ROW; wetlands, wetlands	0	0	0
102	12	15C	12 INDUSTRIAL PKWY	8.40	Property is 100% restrained due to steep slopes and its location in wetlands.	0	0	0
107	8.011	1	BEAUFORT AVE	6.48	Partially restricted due to its location in the wetlands .	1.6	9.6	1.92
2301	51	1	LAUREL AVENUE	5.84	Property is 100% restrained due to no accessibility, irregular shape, steep slopes and wetlands.	0	0	0
7300	1	1	E NORTHFIELD ROAD	5.32	Site is improved - parking lot, Temple B'nai Abraham; steep slope & flood zone constraints	0	0	0

BLOCK	LOT	TAX CLASS	ADDRESS	ACRES	CONSTRAINT	UNCONSTRAINED ACRES	6 DU/AC	20% LMI SET-ASIDE
6100	9	1	SOUTH ORANGE	5.22	Property is 100% restrained due to its location in a flood zone and wetlands.	0	0	0
1700	17	1	N LIVINGSTON AVENUE	5.03	Property is 100% constrained - High-Voltage Transmission ROW; wetlands and flood zone.	0	0	0
7300	3	1	E NORTHFIELD RD	4.92	Part of existing Temple B'nai Abraham development.	0	0	0
100	68	1	BEAUFORT AVE	4.08	Property is 100% constrained - High-Voltage Transmission ROW; flood zone, stream, and wetlands.	0	0	0
100	48	1	305 EISENHOWER PARKWAY	3.77	Property is 100% restrained due to its location in a flood zone.	0	0	0
2104	6	1	LAFAYETTE DRIVE	3.75	Private Open Space - BEL AIR WOODS HOME ASSOCIATION	0	0	0
5901	11	1	OLD ROAD	3.06	Utility - High-Voltage Transmission ROW	0	0	0
100	50	1	BEAUFORT AVE	2.96	Property is 100% restrained due to its location in a flood zone. Utility - High-Voltage Transmission ROW	0	0	0
3304	23	15C	KEARNEY TER	2.73	Partially restricted due to steep slopes and wetlands. Irregular lot shape and environmental constraints restrict development southwest of the wetlands and in the north panhandle. Developable Land is below presumptive density.	0.75	4.5	0
1700	45	1	MC CALL AVE	2.61	Utility - High-Voltage Transmission ROW	0	0	0
5100	32	1	200 W HOBART GAP RD	2.42	Pre-existing development	0	0	0
5900	34	1	OLD RD	2.36	Utility - High-Voltage Transmission ROW	0	0	0
4904	27	15C	FISHER DR	2.27	Property is on ROSI – "UNDEV WOODS"	2.27	13.62	2.724
2301	20	1	DARTMOUTH COURT	2.18	Private Open Space- LAUREL HILL HOMOWRS ASSOC/R.MERKEL	0	0	0
202	43	1, 45	332 BEAUFORT AVE Under Common Ownership	1.20	Site is >50% constrained by steep slopes - Developable Land below presumptive density.	0	0	0
1801	6	1	FRANKLIN AVE	1.97	Utility - High-Voltage Transmission ROW	0	0	0

BLOCK	LOT	TAX CLASS	ADDRESS	ACRES	CONSTRAINT	UNCONSTRAINED ACRES	6 DU/AC	20% LMI SET-ASIDE
2100	24	1	395 E MT PLEASANT AVENUE	1.95	Partially restricted due to flood zone and wetlands buffer.	1.89	11.34	2.268
2400	50	1	GRASMERE COURT	1.90	Property is 100% restrained due to no accessibility and wetlands.	0	0	0
2200	69	1	LAUREL AVE	1.90	Partially restricted due to stream, steep slopes and flood zone. Utility - High-Voltage Transmission ROW	0	0	0
5100	63	1	HILLSIDE AVE	1.88	Utility - High-Voltage Transmission ROW; wetlands buffer.	0	0	0
5501	1	15C	ELIZABETH AVENUE	1.58	Partially restricted due to steep slopes.	1.27	7.62	2.268
2200	80	1	LAUREL AVENUE	1.54	Property is 100% constrained due to its irregular shape, location in a flood zone, presence of a stream, steep slopes, and wetlands buffer.	0	0	0
5301	14.02	1	278 W HOBART GAP RD	1.50	Existing Development	0.00	0	0
5500	17	15C	HILLSIDE AVENUE	1.50	Partially restricted due to steep slopes.	1.42	8.52	1.704
2104	28 to 29	1	5, 9 MICHELE LANE Under Common Ownership	1.49	Site is >50% constrained by wetlands - Developable Land below presumptive density.	0	0	0
5800	9	1	153 WALNUT STREET	1.44	Partially restricted due to wetlands and steep slopes - Developable Land below presumptive density.	0.8	4	0
107	17	15C	BEAUFORT AVE	1.31	Irregular shape but feasible for site plan functionality	1.31	7.86	1.572
5900	45	1	OLD RD	1.29	Utility - High-Voltage Transmission ROW	0	0	0
2100	39.12	1	FORCE HILL ROAD	1.27	Partially restricted due to wetlands and steep slopes - Developable Land below presumptive density.	0.32	1.92	0
6002	8	15C	WALNUT ST	1.25	Modest Steep Slopes	1.25	7.5	1.5
2400	58	1	GRASMERE CT/WESTMOUNT DR	1.21	Site is constrained by wetlands and steep slopes.	0	0	0
2400	91	1	STONEHENGE DRIVE	1.21	Modest Steep Slopes	1.1	6.6	1.32
5501	13	15C	WINGATE DRIVE	1.17	High-voltage transmission wires traversing lot. Property is constrained by wetlands, in addition to modest step slopes and a stream.	0	0	0
2404	40	1	WESTMOUNT DRIVE	1.17	Site is constrained by wetlands and steep slopes.	0	0	0
5400	13	1	WALNUT STREET	1.11	Partially restricted due to stream, steep slopes and	0	0	0

BLOCK	LOT	TAX CLASS	ADDRESS	ACRES	CONSTRAINT	UNCONSTRAINED ACRES	6 DU/AC	20% LMI SET-ASIDE
					flood zone. Utility - High-Voltage Transmission ROW			
2401	11	1	22 CHELSEA DRIVE	1.05	Site is ~50% constrained by steep slopes and wetlands buffer – Developable Land below presumptive density.	0.49	2.94	0
2400	42	1	WESTMOUNT DRIVE	1.02	Site is ~50% constrained by steep slopes - Developable Land below presumptive density.	0.6	3.6	0
6100	27	1	EISENHOWER PKWY	1.01	The property is 100% restricted due to its location in wetlands.	0	0	0
5500	11	1	231 W NORTHFIELD ROAD	1.01	Partially restricted due to irregular shape and steep slopes but feasible for site plan functionality.	1	6	1.2
2400	45	1	37 WESTMOUNT DRIVE	0.88	Partially restricted due to steep slopes - Developable Area below presumptive density.	0.62	3.72	0
7100	14	1	671 SO ORANGE AVE	0.86	Partially restricted and bisected by steep slopes - Developable Area below presumptive density.	0	4	0
7106	1	1	676 SO ORANGE AVENUE	0.84	Site is constrained by wetlands and steep slopes.	0	0	0
6001	24	1	W MT PLEASANT AVE	0.83	Partially restricted due to steep slopes. Bisected by NJ-10 jughandle. At 0.827 acres, below presumptive density of 6/DU/AC (0.83 acres)	0	0	0
202	43	1	324 BEAUFORT AVENUE	0.82	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
1101	30	1	N LIVINGSTON AVENUE	0.81	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
100	83	15C	BEAUFORT AVE	0.80	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
103	9	1	BEAUFORT AVE	0.78	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
5401	12	1	EISENHOWER PKWY	0.74	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
2400	46	1	39 WESTMOUNT DRIVE	0.72	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
3203	27	1	BEECH AVE	0.69	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
1703	1	1	MC CALL AVE	0.69	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
2301	6	1	COMMON AREA	0.66	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
1602	46	1	LONGACRE DR	0.65	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0

BLOCK	LOT	TAX CLASS	ADDRESS	ACRES	CONSTRAINT	UNCONSTRAINED ACRES	6 DU/AC	20% LMI SET-ASIDE
6300	4	1	SO ORANGE AVE	0.61	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
701	15	1	17 SURREY LANE	0.57	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
2100	68.06	1	32 OVERLOOK ROAD	0.56	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
2104	8	1	30 LAFAYETTE DRIVE	0.56	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
2700	60	1	469 S LIVINGSTON AVE	0.53	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
3300	16	15C	CANOE BROOK	0.52	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
1706	32	1	REDWOOD RD	0.52	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
1700	33	1	KEYES RD	0.51	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
2200	18	1	ASPEN DR	0.51	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
6900	23	1	52 E NORTHFIELD ROAD	0.50	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
1706	2	1	E MC CLELLAN AVE	0.49	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
6300	29	1	SO ORANGE AVE	0.47	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
2401	39	1	312 E MT PLEASANT AVE	0.45	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
3202	5	1	E CEDAR ST	0.45	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
4400	61	15C	BENNINGTON ROAD	0.42	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
3000	105	1	MAPLE AVE	0.41	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
5500	19	15C	SQUIRE AVE	0.40	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
4000	5	1	28 HARVEST LANE	0.39	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
3800	1	15C	W MT PLEASANT AV 10 S ASH	0.39	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
6001	100	1	BAKER RD	0.35	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
2100	63	1	OVERLOOK ROAD	0.32	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
2700	52	1	E NORTHFLD RD&S LVGSTN AV	0.32	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
2603	2	1	VICTOR AVE	0.32	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
6103	12	1	206 PASSAIC AVENUE	0.30	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
2906	64	15C	SYCAMORE AVE	0.30	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
1300	12	15C	FILMORE AVE	0.29	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
5003	11	15C	34 CROSSBROOK ROAD	0.27	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
1406	1	15C	PRESTON DR	0.27	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0

BLOCK	LOT	TAX CLASS	ADDRESS	ACRES	CONSTRAINT	UNCONSTRAINED ACRES	6 DU/AC	20% LMI SET-ASIDE
500	3	15C	BEAUFORT AVE	0.26	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
6103	1	15C	DICKINSON LANE	0.26	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
3807	19	1	21 VIRGINIA AVE	0.24	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
1603	18	1	93 FELLSWOOD DR	0.24	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
1700	32	1	KEYES ROAD	0.23	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
2602	29	1	35 SYCAMORE AVENUE	0.21	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
4701	63	1	86 W NORTHFIELD RD	0.21	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
4200	37	15C	S ASHBY AVENUE	0.20	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
4009	32	1	W NORTHFIELD RD	0.19	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
1101	2	15C	W MC CLELLAN AVE	0.18	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
3300	56	1	7 N BAUMS COURT	0.17	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
5000	15	1	4 KINGSTON DR.	0.17	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
5005	14	1	CODDINGTON TERR	0.16	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
7300	78	1	224 E NORTHFIELD RD	0.16	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
4003	9	1	3 CEDAR TERRACE	0.14	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
3901	17	1	EDGEMERE RD	0.14	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
1303	20	15C	LINCOLN AVE	0.13	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
1303	21	15C	LINCOLN AVE	0.13	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
3505	8	1	SPRINGBROOK RD	0.13	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
6001	131	1	POST LANE	0.13	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
1304	16	15C	LINCOLN AVE	0.13	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
3804	4	1	7 GRAND TERRACE	0.13	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
5900	43	1	EISENHOWER PKWY	0.12	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
1301	5	1	33 CONGRESSIONAL PARKWAY	0.11	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
4001	12	15C	CEDAR PKWY	0.11	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
3800	6	15C	S ASHBY AVENUE	0.11	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
1001	21	15C	W MC CLELLAN AVE	0.11	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
3803	1	1	W MT PLEASANT AVE	0.11	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0

BLOCK	LOT	TAX CLASS	ADDRESS	ACRES	CONSTRAINT	UNCONSTRAINED ACRES	6 DU/AC	20% LMI SET-ASIDE
6001	68.04	1	GIACOMO COURT	0.11	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
6101	1	15C	DICKINSON LANE	0.10	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
4002	6	15C	CEDAR PKWY	0.10	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
2700	11	1	22 WARDELL ROAD	0.09	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
6100	28	1	SO ORANGE AVE	0.09	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
5601	47	1	HILLSIDE AVE	0.08	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
1706	49	15C	N LIVINGSTON AVENUE	0.08	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
6101	23	15C	VOLKER LANE	0.08	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
4803	22	1	E HARRISON PLACE	0.07	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
165.03	2	15C	OLD SHORT HILLS ROAD	0.07	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
1700	20	1	PALMER DR	0.07	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
100	49	15C	BEAUFORT AVE	0.06	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
4006	28	15C	WINANS RD	0.06	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
3000	23	1	S BAUMS CT	0.06	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
3903	123	15C	INTERVALE RD	0.06	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
2004	85	15C	TANGLEWOOD DRIVE	0.05	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
4500	17	15C	MANOR RD	0.05	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
2102	4	1	SHREWSBURY DR	0.05	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
4009	24	1	INTERVALE RD	0.04	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
5001	29	15C	RIDGE DRIVE	0.04	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
4904	6	1	LARKSPUR PL	0.04	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
4202	14	1	BELMONT DR	0.03	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
3300	15	1	SPRINGBROOK RD	0.03	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
4000	16	1	HARVEST LANE	0.03	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
4303	19	15C	IRVING AVE	0.02	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
3502	53	1	FIELDSTONE DR	0.02	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
4800	15	1	COLLINS TERR	0.02	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
2004	20	1	LAUREL AVE	0.02	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0

BLOCK	LOT	TAX CLASS	ADDRESS	ACRES	CONSTRAINT	UNCONSTRAINED ACRES	6 DU/AC	20% LMI SET-ASIDE
2700	8	1	WARDELL RD	0.02	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
4100	25	1	PARK DR	0.02	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
6001	102	1	BAKER RD	0.02	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
2700	6	1	WARDELL RD	0.01	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
2502	62	1	ALPINE WAY	0.01	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
4601	17	1	HAZELWOOD AVE.	0.01	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
4500	61	15C	W NORTHFIELD RD	0.00	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
1602	49	15C	ELMWOOD AVE	0.00	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
4407	19.01	1	12 WILSHIRE DRIVE	0.00	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
4602	27	1	39 RIPPLING BROOK DRIVE R	0.00	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
169.03	19.02	1	CEDAR AVENUE	0.00	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
173	1.01	1	MT. PLEASANT AVENUE	0.00	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
173	1.03	1	WARREN ROAD	0.00	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
173	1.02	1	LAUREL AVENUE-REAR	0.00	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
55	1	1	78 LAUREL AVE.	0.00	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
4407	19	1	1025 SOUTH ORANGE AVENUE	0.00	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
GRAND TOTAL						14.42	89.72 65 Producing AH Units	13.008

Appendix D – Affordable Housing Ordinance

ARTICLE XIV

Affordable Housing Regulations

[Added by Ord. No. 16-1997; amended 5-16-2011 by Ord. No. 21-2011; 9-19-2022 by Ord. No. 27-2022]

§ 170-125. Affordable housing obligation.

- A. This Article XIV is intended to assure that very-low-, low- and moderate-income units ("affordable units") are created with controls on affordability over time and that lower-income households occupy these units. This Article XIV shall apply except where inconsistent with applicable law.
- B. The Township of Livingston Planning Board has adopted a Housing Element and Fair Share Plan ("HEFSP") pursuant to procedural requirements in the Municipal Land Use Law.¹ The HEFSP has been endorsed by resolution adopted by the Township Council. The HEFSP describes the ways the Township of Livingston intends to address its fair share obligation for lower-income housing consistent with prior regulations of the Council on Affordable Housing (COAH) and applicable legal principles and as documented in the HEFSP.
- C. This Article XIV implements and incorporates the HEFSP and addresses the requirements of former N.J.A.C. 5:97, as may be superseded, amended and supplemented.
- D. The Township of Livingston will continue to file monitoring reports with COAH and/or any successor state agency consistent with former N.J.A.C. 5:96, tracking the status of implementation of the HEFSP. Any evaluation report of the HEFSP and monitoring prepared by COAH and/or any successor state agency consistent with former N.J.A.C. 5:96 shall be available to the public at the Township of Livingston Municipal Building, Township Clerk's Office, 357 S. Livingston Avenue, Livingston, New Jersey.

§ 170-126. Definitions.

The following terms, when used in this Article XIV, shall have the meanings given in this section:

ACT — The Fair Housing Act of 1985, P.L. 1985, c. 222, as amended (N.J.S.A. 52:27D-301 et seq.).

ADAPTABLE — Constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

ADMINISTRATIVE AGENT — The entity responsible for administration of affordable units in accordance with this Article XIV, former N.J.A.C. 5:96, former N.J.A.C. 5:97 and N.J.A.C. 5:80-26.1 et seq.

AFFIRMATIVE MARKETING — A regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

AFFORDABILITY AVERAGE — The average percentage of median income at which affordable units in an affordable housing development are affordable to lower-income households.

1. Editor's Note: See N.J.S.A. 40:55D-1 et seq.

AFFORDABLE — A sales price or rent within the Means of a lower-income household as defined in former N.J.A.C. 5:97-9, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

AFFORDABLE DEVELOPMENT — A housing development, all or a portion of which consists of affordable units.

AFFORDABLE HOUSING DEVELOPMENT — A development included in the HEFSP, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100% affordable development.

AFFORDABLE HOUSING PROGRAM — Any mechanism in the HEFSP prepared or implemented to address Livingston Township's fair share obligation.

AFFORDABLE UNIT — A housing unit proposed or created pursuant to the Act, credited pursuant to former N.J.A.C. 5:97-4, approved by court order, and/or funded through an affordable housing trust fund, whether a rental unit or ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as may be amended and supplemented.

AGE-RESTRICTED UNIT — A housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all residents of the development where the unit is situated are either 62 years or older or are a couple, one of whom is of such age; or 2) at least 80% of the units are occupied by one or more persons 55 years or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as "housing for older persons" as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

AGENCY — The New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1 et seq.).

ASSISTED LIVING RESIDENCE — A facility licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

CERTIFIED HOUSEHOLD — A household that has been certified by the administrative agent as a lower-income household.

COAH — The Council on Affordable Housing, which was established by the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.).

DCA — The State of New Jersey Department of Community Affairs.

DEFICIENT HOUSING UNIT — A housing unit with health and safety code violations that require the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load-bearing structural systems.

DEVELOPER — Any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land proposed to be included in a proposed

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development, including the holder of an option to contract or purchase, or other person having an enforceable proprietary interest in such land.

DEVELOPMENT — The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to N.J.S.A. 40:55D-1 et seq.

INCLUSIONARY DEVELOPMENT — A development containing both affordable units and market-rate units. This term includes, but is not necessarily limited to, new construction, the conversion of a nonresidential structure to residential, and the creation of new affordable units through the reconstruction of a vacant residential structure.

LOW-INCOME HOUSEHOLD — A household with a total gross annual household income equal to 50% or less of the median household income.

LOW-INCOME UNIT — An affordable unit that is affordable to a low-income household.

LOWER-INCOME — Collectively, very-low-income, low-income and moderate-income.

MAJOR SYSTEM — The primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building, including, but not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement or load-bearing structural systems.

MARKET-RATE UNIT — Housing not restricted to lower-income households that may sell or rent at any price.

MEDIAN INCOME — The median income by household size for the applicable housing region, as adopted annually by COAH or other governmental agency or nonprofit entity.

MODERATE-INCOME HOUSEHOLD — A household with a total gross annual household income in excess of 50% but less than 80% of the median household income.

MODERATE-INCOME UNIT — An affordable unit that is affordable to a moderate-income household.

NONEXEMPT SALE — Any sale or transfer of ownership other than: the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor's deed to a Class A beneficiary; and the transfer of ownership by court order.

RANDOM SELECTION PROCESS — A process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

REGIONAL ASSET LIMIT — The maximum housing value in each housing region affordable to a four-person household with an income at 80% of the regional median as defined by COAH's adopted regional income limits published annually by DCA.

REHABILITATION — The repair, renovation, alteration or reconstruction of any building or

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structure pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

RENT — The gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant- paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

UHAC — The Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et seq.

VERY-LOW-INCOME HOUSEHOLD — A household with a total gross annual household income equal to 30% or less of the median household income.

VERY-LOW-INCOME UNIT — Means an affordable unit that is affordable to a very-low-income household.

WEATHERIZATION — Building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for rehabilitation.

§ 170-127. Affordable housing programs.

The Township of Livingston has determined that it will address its ongoing affordable housing obligation by use of the following mechanisms:

- A. An ongoing rehabilitation program as set forth in § 170-127.2.
- B. Previously completed inclusionary multifamily development and zoning for future construction of inclusionary multifamily development, subject to § 170-127.3 and other provisions of this Article XIV.
- C. Rental bonus credits.
- D. Supportive and special needs housing units.
- E. Assisted living facilities.
- F. Credits for completed housing rehabilitation.
- G. Credits for completed affordable housing units for senior citizens.
- H. Credits for previously performed regional contribution agreements.
- I. Any other approved mechanism as set forth in the HEFSP.

§ 170-127.1. Rehabilitation program.

- A. The Township of Livingston's rehabilitation program is designed to renovate deficient housing units occupied by lower-income households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28.
- B. Both owner-occupied and renter-occupied units are eligible for rehabilitation funds.
- C. All rehabilitated units shall remain affordable to low- and moderate-income households for a period of 10 years (the control period). For owner-occupied units, the control period will be

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enforced with a lien, and for renter-occupied units, the control period will be enforced with a deed restriction.

- D. The Township of Livingston has dedicated a minimum of \$10,000 for each unit to be rehabilitated through this program, reflecting the minimum hard cost of rehabilitation for each unit.
- E. The Township of Livingston has designated one or more administrative agents to administer the rehabilitation program consistent with former N.J.A.C. 5:96 and former N.J.A.C. 5:97. The administrative agent shall provide a rehabilitation manual for the owner occupancy rehabilitation program and a rehabilitation manual for the rental occupancy rehabilitation program. Both rehabilitation manuals shall be available for public inspection in the office of the Township Clerk and in the office(s) of the administrative agent(s).
- F. Units in a rehabilitation program shall be exempt from former N.J.A.C. 5:97-9 and the Uniform Housing Affordability Controls (UHAC), but shall be administered in accordance with the following:
 - (1) If a unit is vacant upon initial rental subsequent to rehabilitation, or if a renter-occupied unit is rerented prior to the end of controls on affordability, the deed restriction shall require the unit to be rented to a low- or moderate-income household at an affordable rent and affirmatively marketed consistent with former N.J.A.C. 5:97-9 and UHAC.
 - (2) If a unit is renter-occupied, upon completion of the rehabilitation, the maximum rate of rent shall be the lesser of the current rent or the maximum permitted rent consistent with former N.J.A.C. 5:97-9 and UHAC.
 - (3) Rents in rehabilitated units may increase annually consistent with the standards in former N.J.A.C. 5:97-9.
 - (4) Applicant and/or tenant households shall be certified as income-eligible consistent with former N.J.A.C. 5:97-9 and UHAC, except that households in owner-occupied units shall be exempt from the regional asset limit.

§ 170-127.2. Inclusionary zoning.

- A. The Township of Livingston previously adopted ordinances that created the following inclusionary zoning districts:
 - (1) R-5A Residence District (§ 170-100) (Fairways).
 - (2) R-5F Residence District (§ 170-104.1) (TMB/Sterling).
 - (3) R-5G Residence District (§ 170-104.2) (JKHA/Pulte).
 - (4) R-5H Residence District (§ 170-104.3) (Hillside Club).
 - (5) R-5I Residence District (§ 170-104.4) (Squiretown/Park Vue).
 - (6) R-5J Residence District (§ 170-104.5) (Cider Mill).
 - (7) R-5K Residence District (§ 170-104.6) (Livingston Corporate Park).

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(8) MU-1 Mixed-Use District (§ 170-107.1) (Northfield Baptist Church).

B. Livingston Township has recently created additional inclusionary development zoning districts to implement the 2021 HEFSP as follows:

- (1) R-5L Residence Overlay District (§ 170-104.7): 3.57-acre property permitting inclusionary development at 20.2 units per acre to provide up to 72 total units, including a 20% set-aside of 14 affordable units (Block 6101, Lots 25 and 26).
- (2) R-5M Residence District (§ 107-104.8): 6.67-acre property permitting up to 71 total residential units, subject to a 20% set-aside of 14 affordable housing units ("AH Zone"; Block 107, Lot 8.01).
- (3) R-5N Residence District (§ 170-104.9): zoning permitting residential development at a net density of 14 dwelling units per acre, subject to a 20% set-aside for affordable housing, providing up to 45 total dwelling units including nine affordable units (Block 6001, Lot 2).
- (4) R-5O Residence District (§ 170-104.11): 1.79-acre property permitting townhouse and apartment development at a gross density of 18 units per acre, subject to a 20% set-aside of six affordable housing units (Lots 62 and 63).
- (5) R-5P Residence District (§ 107-104.10): 2.73-acre property permitting up to two affordable housing units (Block 1304, Lot 23).
- (6) R-5Q Residence District (§ 170-104.13): zoning permitting development at a net density of 15 dwelling units per acre, subject to a 20% set-aside for affordable housing, providing up to 100 total dwelling units, including 20 affordable units (Block 6100, Lot 5).
- (7) R-5R Residence District (§ 170-104.14): 6.5-acre property permitting up to 39 total residential units, subject to a 20% set-aside of eight affordable housing units (Block 6101 Lot 2).
- (8) 630 NJSH Route 10 Overlay District Redevelopment Plan (approved by Ord. No. 19-2021): Authorize mixed-use development of sixteen-acre property to permit up to a total of 300 residential units to be developed on not less than 8.7 acres of the site, subject to a 20% set-aside for affordable housing, with 13% of the affordable units being affordable for very-low-income households. Approximately 7.3 acres will be retained for institutional/educational use. (Block 100, Lot 3).
- (9) MU-2 Mixed-Use District (§ 107-104.12): zoning permitting mixed-use development of up to 12 dwelling units per acre, subject to a 20% set-aside to provide up to 10 affordable housing units (Block 101, Lots 3 and 4).
- (10) RIAO District (§ 170-106.1): zoning of approximately sixteen-acre site (of which 1.75 acres may be retained for church use) at a gross density of 16 units per acre, subject to a 20% affordable housing set-aside of 45 units. Development would be adult senior housing requiring at least 80% of the units to be occupied by a head of household 55 years of age or older (Block 2100, Lots 22 to 25 and 35.01 to 35.03).

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- C. In addition, all new development on any other contiguous property in Livingston Township involving multifamily residential development of five units or more shall be subject to an affordable housing component as follows:
- (1) An affordable housing set-aside of 15% for rental units.
 - (2) An affordable housing set-aside of 20% for sale units.
 - (3) Any fractional affordable housing requirement may be addressed by a contribution to the Township Affordable Housing Trust Fund in an amount calculated based on \$100,000 multiplied by the fractional affordable housing requirement as calculated to two decimal points. Fifty percent of the required payment shall be provided upon issuance of the first building permit and 50% shall be provided upon issuance of the first certificate of occupancy.
- D. Phasing. In inclusionary developments the following phasing schedule shall be followed:

Percentage of Market-Rate Units Completed	Minimum Percentage of Affordable Units Completed
25%	0%
25% + 1 unit	10%
50%	50%
75%	75%
90%	100%

- E. Design. In inclusionary developments, to the maximum extent possible, affordable units shall be integrated with the market-rate units.
- F. Utilities. Affordable units shall utilize the same type of heating source as market-rate units within any inclusionary development.
- G. Amenities. Affordable units shall have access to the same amenities and facilities as market-rate units within any inclusionary development.

§ 170-127.3. New construction.

The following guidelines apply to all newly constructed developments that contain lower-income housing units, including any currently unanticipated future developments that will provide lower-income housing units. These requirements shall be equally applicable to rental and for-sale affordable units.

- A. Low/moderate unit split and bedroom distribution of affordable housing units:
- (1) The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit. The allocation of low-income units shall include very-low-income units in an amount equal to 13% of the total number of all lower-income

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units.

- (2) In each development, at least 50% of the affordable units within each bedroom distribution shall be low-income units.
- (3) Unit size distribution in non-age-restricted developments.
 - (a) Developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
 - [1] The combined number of efficiency and one-bedroom units shall be no greater than 20% of the total lower-income units;
 - [2] At least 30% of all lower-income units shall be two-bedroom units;
 - [3] At least 20% of all lower-income units shall be three-bedroom units; and
 - [4] The remaining lower-income units may be allocated among two- and three-bedroom units at the discretion of the developer.
 - (b) This distribution of unit sizes based on the number of bedrooms shall be equally applicable to very-low-income units.
- (4) Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age- restricted lower-income units within the inclusionary development. This standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

B. Accessibility requirements.

- (1) The first floor of all affordable townhouse dwelling units and all affordable units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7 and former N.J.A.C. 5:97-3.14.
- (2) All affordable townhouse dwelling units and all affordable units in other multistory buildings in which an affordable dwelling unit is attached to at least one other dwelling unit shall have the following features:
 - (a) An adaptable toilet and bathing facility on the first floor;
 - (b) An adaptable kitchen on the first floor;
 - (c) An interior accessible route of travel on the first floor;
 - (d) An interior accessible route of travel shall not be required between stories within an individual unit;
 - (e) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
 - (f) An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14, or evidence that the Township of Livingston has collected funds from the developer