

**RESOLUTION OF THE PLANNING BOARD
OF THE TOWNSHIP OF WEST ORANGE
ADOPTING A FOURTH ROUND HOUSING ELEMENT
AND FAIR SHARE PLAN**

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

WHEREAS, the Township adopted a “binding resolution” on January 28, 2025, accepting the DCA Fourth Round Present Need Obligation of 409 and Prospective Need of 660; and

WHEREAS, in accordance with the Amended FHA and Administrative Office of the Court’s Directive No. 14-24, the Township filed a timely Fourth Round Declaratory Judgment complaint (“DJ Complaint”) with the Affordable Housing Dispute Resolution Program (“the Program”), along with its binding resolution on January 31, 2025; and

WHEREAS, the filing of the DJ Complaint gave the Township automatic immunity from all exclusionary zoning lawsuits, including builder’s remedy lawsuits; and

WHEREAS, the Township did not receive any objections to its Present and Prospective Need Obligations by February 28, 2025 resulting in the statutory automatic acceptance of the Township’s Fourth Round obligations on March 1, 2028; and

WHEREAS, on March 24, 2025, the Court entered an order establishing the Township’s Fourth Round Present Need Obligation of 409 affordable units for the Fourth Round Housing Cycle and 660 Prospective Need Obligation for the Fourth Round Housing Cycle; and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board held a public hearing on the Fourth Round Housing Element and Fair Share Plan on September 10, 2025, and November 10, 2025; and

WHEREAS, the Planning Board determined that the attached Fourth Round Housing Element and Fair Share Plan is consistent with the goals and objectives of the Township's current Master Plan, and that the adoption and implementation of the Fourth Round Housing Element and Fair Share Plan is in the public interest and protects the public health and safety and promotes the general welfare,

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Township of West Orange, County of Essex, State of New Jersey, that the Planning Board hereby adopts the Fourth Round Housing Element and Fair Share Plan attached hereto as Exhibit A.

CERTIFICATION

I certify that the foregoing resolution was duly adopted by the Planning Board of the Township of West Orange at a Regular Meeting held on the 4 day of February, 2026.



Jamilet Baquerizo Vite

Planning Board Secretary

FOURTH ROUND HOUSING ELEMENT AND FAIR SHARE PLAN

Township of West Orange

Essex County, New Jersey

November 2025

Adopted by the Planning Board
on November 10, 2025

Prepared By:



Heyer, Gruel & Associates

Community Planning Consultants

236 Broad Street, Red Bank, NJ 07701

(732) 741-2900



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Township of West Orange
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The original of this report was signed and
sealed in accordance with N.J.S.A. 45:14A-12

Susan S. Gruel, P.P. #1955

With contributing content by Megan Adam, AICP Candidate and Julia DeLorenzo

Cover page images courtesy of West Orange Township

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Township of West Orange
Essex County, New Jersey

November 2025
Housing Element and Fair Share Plan

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- Resolution #17-24 – Appointing CGP&H as the Township’s Administrative Agent

EXECUTIVE SUMMARY

The following Fourth Round Housing Element and Fair Share Plan has been prepared for the Township of West Orange in the County of Essex in accordance with the Fair Housing Act as most recently amended (P.L. 2024, c 2).

The Township of West Orange is a 12.1 square mile developed community located in the northeastern part of New Jersey in the County of Essex. The Township is surrounded by Montclair and Verona to the north, Livingston, Roseland, and Essex Fells to the west, Maplewood, Millburn, and South Orange to the south, and Orange to the east. Interstate 280 bisects the Township and offers connections to the New Jersey Turnpike and Garden State Parkway. West Orange includes areas of significant grade change within its eastern and western sections.

According to the 2020 Census, West Orange's population was 48,843, which represents an increase of 5.7 percent from 2010. The US Census Bureau 2019-2023 American Community Survey estimates a total population of 48,276 in 2023. In 2020, the median age of Township residents was 42.2 years, and the average household size decreased slightly from the 2010 level of 2.74 persons to 2.73 persons.

The housing stock of the Township is predominantly single-family detached dwelling units. A majority of the housing structures was built prior to 1960.

The Township is located in Housing Region 2, a region that consists of Essex, Morris, Union, and Warren counties. Based on the 2025 Regional Income Limits (released by Affordable Housing Professionals of New Jersey on May 5, 2025), the median income in Region 2 for a four-person household is \$135,300, the moderate-income is \$108,240, the low-income is \$67,650, and the very-low-income level is \$40,590.

West Orange Township entered into a Settlement Agreement with Fair Share Housing Center (FSHC) to establish the Township's Third Round affordable housing obligation on April 6, 2020. A second settlement agreement with the Township, West Essex Highlands, Inc., ("WEHI"), and the West Essex Highlands Condominium Association, Inc., (the "Association") was executed on April 23, 2020 ("WEHI Settlement Agreement"). Subsequent compliance efforts were approved by the Court in a Final Judgement of Compliance and Repose (JOR), dated March 17, 2021, confirming the Township satisfied its Third Round obligations.

The Township was able to fully meet its Prior Round and Third Round obligations through credit-worthy units that are existing or proposed, as well as through rental bonus credits.

The Township has a Fourth Round rehabilitation share of 409 units and a Fourth Round Prospective Need of 660 units. This Prospective Need is separated into a realistic development potential (RDP) of 0 units and an unmet need of 660 units.

The Township will fully address its Fourth Round obligations through the following mechanisms:

- New Inclusionary Development
- Continuation of its Rehabilitation Program
- Mandatory Set-Aside Ordinance
- Bonus Credits
- 100% Affordable Development
- Group Homes
- New Accessory Apartment Ordinance

INTRODUCTION

The need to provide a realistic opportunity for the construction of affordable housing in New Jersey, the country's most densely populated state, has been recognized for decades. In the case of Southern Burlington County NAACP v. the Township of Mount Laurel 67 N.J. 151 (1975), (commonly known as Mount Laurel I), the New Jersey Supreme Court established the doctrine that developing municipalities have a constitutional obligation to create a realistic opportunity for their fair share of low and moderate income housing.

In Southern Burlington County NAACP v. Township of Mount Laurel, 92 N.J. 158, 456 A.2d 390 (1983), decided on January 20, 1983 (commonly known as Mount Laurel II), the Supreme Court responded to the response of municipalities to Mount Laurel I. It sought to make it far easier for developers to secure a builder's remedy. The builder's remedy created an incentive to developers to sue non-compliant municipalities and force them to comply. Mount Laurel II also created the Judgment of Compliance and Repose to incentivize municipalities to comply. A Judgment of Compliance and Repose protected municipalities from anyone who would sue it and claim entitlement to a builder's remedy or other relief based upon the claim that the municipality was noncompliant.

In the wake of Mount Laurel II, developers sued municipalities seeking builder's remedies. The wave of builder's remedy lawsuits created the impetus for legislation to protect municipalities from builder's remedies. A decision by Judge Serpentelli, one of three judges appointed by Chief Justice Wilentz to implement Mount Laurel II, increased the need for a legislative cure. More specifically, in 1984, Judge Serpentelli issued the AMG decision which established a formula for any developer to determine the fair share obligation of any municipality.

The pressure of builder's remedy suits, combined with the ease in determining the fair share of any municipality through the AMG formula, culminated in the enactment of the New Jersey Fair Housing Act in 1985. The Fair Housing Act (FHA) is found at N.J.S.A. 52:270-301, et seq. The FHA established the Council on Affordable Housing (COAH) as an administrative alternative to builder's remedy lawsuits and the concomitant jurisdiction of the courts. COAH was given the responsibility of dividing the state into housing regions, determining regional and municipal fair share affordable housing obligations, and adopting regulations that would establish the guidelines and approaches that municipalities may use in addressing their affordable housing need.

In 2008, the Legislature amended the FHA to add requirements for very low-income housing. Very low-income households are those in which the gross household income is 30% or less than the region's median household income. Low-income households are those with incomes no greater than 50% of the region's median household income. Moderate-income households are those with incomes no greater than 80% and

no less than 50% of the region's median household income. Each is adjusted for household size and is in relation to the median gross income of the housing region in which the municipality is located.

First and Second Rounds

The First and Second Rounds under COAH are collectively referred to as the "Prior Round." The Prior Round obligation is the cumulative 1987-1999 fair share obligation. The First Round consists of the six-year period between 1987 and 1993 for which COAH first established a formula for determining municipal affordable housing obligations (N.J.A.C. 5:92-1 *et seq.*). Then in 1994, COAH established amended regulations (N.J.A.C. 5:93-1.1 *et seq.*) and produced additional municipal affordable housing obligations for the years 1993 to 1999. This second round of obligations is known as the Second Round. When COAH adopted regulations for Round 2, it made the Round 1 and 2 obligations cumulative for both periods.

Third Round

Housing rounds were originally established by the Fair Housing Act as six-year periods, but in 2001 the Legislature extended the rounds to 10-year periods. This should have meant that the Third Round ran from 1999 to 2009. However, COAH didn't establish new rules for the Third Round until the end of 2004 (N.J.A.C. 5:94-1 and 95-1 *et seq.*). The Third Round time period was therefore extended to 2014. The Third Round rules established a new method for calculating a municipality's affordable housing obligation, known as "growth share." This method required municipalities to project future residential and non-residential development and then derive their obligation from that growth.

After the New Jersey Appellate Court invalidated several components of the Third Round rules, COAH released revised rules in 2008. The Third Round was once again extended to 2018 to provide municipalities with the time to apply the amended rules and establish mechanisms to meet their obligations. The revised third round rules, like the initial third round rules, established the obligations based on a growth share approach.

On October 8, 2010, in response to numerous legal challenges to the second iteration of COAH's Third Round regulations, the Appellate Division ruled that COAH could not allocate obligations through a "growth share" formula and directed COAH to use similar methods to those used in the First and Second Rounds.

COAH proposed Third Round regulations a third time in 2014 using a formula similar to the ones it had used in the First and Second Rounds. However, when COAH held a meeting to consider adopting these rules on October 20, 2014, the COAH Board deadlocked its vote and then failed to make any efforts to break the deadlock.

On March 10, 2015, the New Jersey Supreme Court decided In re Adoption of N.J.A.C. 5:96 & 5:97 by the N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (Mount Laurel IV), wherein it responded to COAH's

failure to adopt defensible rules for Round 3. This decision changed the landscape by which municipalities are required to comply with their constitutional obligation to provide their fair share of affordable housing.

The Supreme Court held that since COAH was no longer functioning, trial courts were to resume their role as the forum of first instance for evaluating municipal compliance with Mount Laurel obligations. The decision also established a transitional process for municipalities to seek temporary immunity and ultimately a Judgment of Compliance and Repose (“JOR”) from a court, which was the “judicial equivalent” of Substantive Certification from COAH.

On January 18, 2017, the Supreme Court decided In Re Declaratory Judgment Actions Filed by Various Municipalities, County of Ocean, Pursuant To The Supreme Court’s Decision In In re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (2015) (“Mount Laurel V”), which held that need having accrued during the Gap Period (1999-2015) had to be addressed and was part of the Present Need. The Supreme Court held that there is an obligation with respect to that period for households that came into existence during that gap period that are eligible for affordable housing, that are presently (as of 2015) in need of affordable housing, and that are not already counted in the traditional Present Need.

As the methodology and obligations from the Gap and Prospective Need had not been fully adjudicated at that time, various trial judges issued opinions on the appropriate methodology and 354 municipalities reportedly settled with Fair Share Housing Center wherein they negotiated the obligations for Round 3.

Municipal obligations were therefore broken down in Round Three Housing Element and Fair Share Plans as Present Need/Rehabilitation, Prior Round (1987-1999), and Third Round and Gap Period (1999-2015). Municipalities that received their Final Judgement of Compliance and Repose had immunity from builders’ remedy lawsuits through the end of the Third Round, June 30, 2025.

Fourth Round

On March 18, 2024, the affordable housing legislation known jointly as Senate Bill S50 and Assembly Bill A4 passed both houses of the legislature. Governor Murphy signed the bill (P.L.2024, c.2) into law on March 20, 2024, establishing a new methodology for determining municipalities’ affordable housing obligations for the Fourth Round and beyond. The new legislation, which comprehensively amends the FHA, overhauled the process that municipalities undertake to establish and plan for their constitutionally mandated affordable housing obligation. Most notably, this legislation formally abolished COAH while transferring some of its functions to the New Jersey Department of Community Affairs (DCA) and Housing Mortgage and Finance Agency (HMFA). The legislation also created a new entity known as the Affordable Housing Dispute Resolution Program or simply the Program, which consists of retired Mount Laurel judges as well as Special Adjudicators (formerly known as Court Masters), to assist with mediations and to review and approve municipal Fourth Round Housing Elements and Fair Share Plans.

The amended FHA called on the DCA to issue a non-binding report on the new Present Need Obligation (commonly referred to as the rehabilitation obligation) and the Prospective Need for Round 4 and subsequent rounds. The amended FHA required the DCA to base its analysis of the obligations for each municipality based upon the standards set forth in the amended FHA. Accordingly, on October 18, 2024, the DCA released a report outlining the Fourth Round (2025-2035) Fair Share methodology and its calculations of low- and moderate-income obligations for each of the State's municipalities. The amended FHA gave municipalities until January 31, 2025, to review the obligation reported by the DCA and perform their own analysis of their obligation based on the methodology in the legislation and previously established by the Courts. If any municipality wished to commit to an obligation different from the one reported by the DCA, the amended FHA required the municipality to adopt a resolution by January 31, 2025, committing to the number that it contended was the appropriate obligation. If a municipality wished to commit to the numbers that the DCA reported, the amended FHA required the municipality to adopt a resolution committing to the DCA numbers.

The amended FHA required any municipality that wished to participate in the new process that the Act created to file a declaratory relief action within 48 hours of adopting the resolution committing to the numbers the municipality deemed appropriate.

The amended FHA gave any interested party who wished to oppose the numbers to which any municipality committed to file an Answer by February 28, 2025, which included a specific objection to the numbers to which the municipality committed.

The amended FHA gave the Program until March 31, 2025, to try to resolve any disputes over the fair share numbers to which a municipality committed. The amended FHA gave municipalities until June 30, 2025, to file a Fourth Round Housing Element and Fair Share Plan and related documents showing how the municipality will comply with its obligations. The Fourth Round Plans will follow the same general format as they have with certain updates to their requirements dealing with various types of housing and the bonus credit calculation system. Notably, HE/FSPs are required to be consistent with the State Development and Redevelopment Plan (SDRP), which has yet to be adopted. (A draft SDRP was released in late 2024). As part of the HE/FSP, municipalities shall include an assessment of the degree to which the municipality has met its fair share obligation from the prior rounds of affordable housing (i.e. First, Second, and Third Rounds).

TOWNSHIP OF WEST ORANGE'S HISTORY OF AFFORDABLE HOUSING

The Township of West Orange has a history of participation and compliance with COAH. The Township participated in the Second Round and received their substantive certification on October 11, 1995, with an extended certification date of December 20, 2005. The Township's Second Round certification expired on December 20, 2005. Subsequently, the Planning Board of West Orange Township adopted a Housing Element and Fair Share Plan on November 5, 2008.

The Township received Third Round substantive certification from COAH on December 9, 2009. However, a large majority of COAH's third round regulations were invalidated by the Appellate Division on October 10, 2010. Further, in response to Mount Laurel IV, the Township filed its complaint for a Declaratory Judgement on July 7, 2015 (Docket No. ESX-L-4697-15). West Orange subsequently adopted an amended Fair Share Plan on April 4, 2017.

A settlement agreement with the Fair Share Housing Center ("FSHC") and Redwood, LLC. ("Redwood") was executed on April 6, 2020 ("FSHC Settlement Agreement", see Appendix A). Also in 2020, a builder's remedy litigation was initiated by WEHI and the Association. A second settlement agreement with the Township, WEHI, and the Association was executed on April 23, 2020 ("WEHI Settlement Agreement", see Appendix B).

A Fairness Hearing was held on July 10, 2020, and in an Order dated August 3, 2020, the Court approved both settlement agreements and deemed the agreements fair and reasonable and that they adequately protect the interest of low- and moderate-income households (Appendix C). The Township adopted a Housing Element and Fair Share Plan on November 17, 2020, effectuating the Court-approved settlement agreements.

After a further hearing on February 18, 2021, West Orange Township was granted a Final Order of Judgement of Compliance on March 17, 2021 (Appendix D).

West Orange Township continues to take steps to satisfy its affordable housing obligation. On January 28, 2025, in accordance with the standards established by the amended FHA and described above, the Township adopted Resolution #67-25. This resolution accepted the DCA-generated obligation, to establish its Fourth Round housing obligation, and thus guaranteed protection from builders' remedy suits (Appendix E) until June 30, 2025.

This Fourth Round HE/FSP sets forth mechanisms in order to address the Township's affordable housing obligations and has been prepared in accordance with the Fair Housing Act as most recently amended (P.L.2024, c.2).

PLANNING FOR AFFORDABLE HOUSING

Pursuant to both the FHA (N.J.S.A. 52:27D-310, et seq.) and the Municipal Land Use Law (MLUL) (N.J.S.A. 40:55D-28), municipalities in New Jersey are required to include a Housing Element/Fair Share Plan in their master plans. The principal purpose of the housing element is to describe the specific, intended methods that a municipality plans to use in order to meet its low- and moderate-income housing needs. Further, the housing element is meant to demonstrate the existing zoning or planned zoning changes that will allow for the provision of adequate capacity to accommodate household and employment growth projections, to achieve the goal of access to affordable housing for present and future populations. The statutorily required contents of the housing element are:

- 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;
- 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;
- 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);

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- 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.

PART 1. HOUSING ELEMENT

DEMOGRAPHIC CHARACTERISTICS

Population

Table 1 below depicts the population trends experienced in West Orange, Essex County, and the State of New Jersey in the 93-year period between 1930 and 2023. In 2023, there were 48,276 residents in West Orange, which indicates a decrease of 567 people (-1.2%) from 2020. West Orange has experienced population fluctuation over the past 93 years, with the largest increase between 1950 and 1960 (39.5%) and the biggest decrease occurring between 1970 to 1980 (-9.6%). Overall, the Township has seen a growth of 23,949 residents during this time frame, reflecting a 98.4% net increase in its population. While population growth in the State of New Jersey has been steady during this time period, Essex County and West Orange have seen some similar fluctuations. The Township’s overall growth (98.4%) has proportionally exceeded that of the County (2.1%), but not that of the State (129.2%).

Table 1: Population Trends, 1930-2023 West Orange, Essex County, and New Jersey									
Year	West Orange			Essex County			New Jersey		
	Population	Change		Population	Change		Population	Change	
		Number	Percent		Number	Percent		Number	Percent
1930	24,327	-	-	833,513	-	-	4,041,334	-	-
1940	25,662	1,335	5.5%	837,340	3,827	0.5%	4,160,165	118,831	2.9%
1950	28,605	2,943	11.5%	905,949	68,609	8.2%	4,835,329	675,164	16.2%
1960	39,895	11,290	39.5%	923,545	17,596	1.9%	6,066,782	1,231,453	25.5%
1970	43,715	3,820	9.6%	932,526	8,981	1.0%	7,171,112	1,104,330	18.2%
1980	39,510	-4,205	-9.6%	851,304	-81,222	-8.7%	7,365,011	193,899	2.7%
1990	39,103	-407	-1.0%	778,206	-73,098	-8.6%	7,730,188	365,177	5.0%
2000	44,943	5,840	14.9%	793,633	15,427	2.0%	8,414,350	684,162	8.9%
2010	46,207	1,264	2.8%	783,969	-9,664	-1.2%	8,791,894	377,544	4.5%
2020	48,843	2,636	5.7%	863,728	79,759	10.2%	9,288,994	497,100	5.7%
2023	48,276	-567	-1.2%	851,117	-12,611	-1.5%	9,261,699	-27,295	-0.3%
Total Change	-	23,949	98.4%	-	17,604	2.1%	-	5,220,365	129.2%

Source: U.S. Census Bureau, Decennial Census and 2023: ACS 5-Year Estimates Table S0101

Population Composition by Age

The median age of the residents in West Orange in 2020 was 42.2 years, which shows a 3.9% increase from the 2010 median age of 40.6 years. Analysis of age group characteristics provides insight into the actual changes in population. This comparison is helpful in determining the impact these changes have on housing needs, community facilities and services for the municipality. As detailed in Table 2 below, the entire composition of West Orange experienced notable shifts in the years between 2010 and 2020. The

most significant shift occurred in the population aged 65 and over, which collectively saw an 1,853-person (25.2%) increase. Simultaneously, the Township experienced a significant decrease in its population under 5 years old (-16.8%) and between the ages 35 to 54 (-3.4%). This data suggests that a larger portion of the Township’s residents are transitioning into the senior citizen age range, which will require the Township to consider planning tools and approaches that encourage aging-in-place.

Table 2: Population by Age, 2010 to 2020						
West Orange						
Population	2010		2020		Change (2010 to 2020)	
	Number	Percent	Number	Percent	Number	Percent
Under 5 years	3,056	6.6%	2,542	5.2%	-514	-16.8%
5 to 14	5,955	12.9%	5,932	12.1%	-23	-0.4%
15 to 24	5,225	11.3%	5,849	12.0%	624	11.9%
25 to 34	5,113	11.1%	5,389	11.0%	276	5.4%
35 to 44	6,755	14.6%	6,500	13.3%	-255	-3.8%
45 to 54	6,934	15.0%	6,727	13.8%	-207	-3.0%
55 to 64	5,807	12.6%	6,689	13.7%	882	15.2%
65 and over	7,362	15.9%	9,215	18.9%	1853	25.2%
Total population	46,207	100.0%	48,843	100.0%	2636	5.7%
Median Age	40.6	-	42.2	-	1.6	3.9%

Source: U.S. Census Bureau, Decennial Census, Tables DP1, P12 and P13

Essex County experienced population fluctuation as well. The County also saw the greatest shift of roughly 27% in its population aged 65 and over, which was proportionally slightly higher than the increase experienced at the Township level. The County experienced a decrease in its population aged 5 and below (-4.0%), mirroring shifting age trends occurring in the Township, but saw an increase in the 35 to 54 age range (3.6%). This data is displayed in Table 3 below.

Table 3: Population by Age, 2010 to 2020						
Essex County						
Population	2010		2020		Change (2000 to 2010)	
	Number	Percent	Number	Percent	Number	Percent
Under 5 years	53,819	6.9%	51,645	6.0%	-2,174	-4.0%
5 to 14	107,537	13.7%	115,654	13.4%	8,117	7.5%
15 to 24	107,688	13.7%	117,894	13.6%	10,206	9.5%
25 to 34	107,655	13.7%	119,677	13.9%	12,022	11.2%
35 to 44	116,221	14.8%	122,457	14.2%	6,236	5.4%
45 to 54	115,224	14.7%	117,293	13.6%	2,069	1.8%
55 to 64	85,538	10.9%	104,566	12.1%	19,028	22.2%
65 and over	90,287	11.5%	114,542	13.3%	24,255	26.9%
Total population	783,969	100.0%	863,728	100.0%	79,759	10.2%
Median Age	36.4	-	37.1	-	0.7	1.9%

Source: U.S. Census Bureau, Decennial Census, Tables DP1, P12 and P13

Households

A household is defined as one or more persons, either related or not, living together in a housing unit. In 2020 there was a total of 17,738 households in West Orange. Over half of the Township’s households comprised two or less people. In fact, Two-person households were the most common household size at both the Township (28.8%), followed by one-person households. This was similar to trends at the County level, but one-person households were the most prominent at 28%, followed by two-person households. The average household size of the Township in 2020 was 2.73, which was slightly higher than that of the County’s average of 2.58.

Table 4: Household Size of Occupied Housing Units, 2020				
West Orange and Essex County				
	West Orange		Essex County	
	Number	Percent	Number	Percent
1-person household	4,384	24.7%	87,487	28.0%
2-person household	5,115	28.8%	82,024	26.2%
3-person household	3,172	17.9%	55,575	17.8%
4-person household	2,875	16.2%	49,034	15.7%
5-person household	1,347	7.6%	23,166	7.4%
6-person household	525	3.0%	9,517	3.0%
7-or-more-person household	320	1.8%	6,110	2.0%
Total Households	17,738	100.0%	312,913	100.0%
Average Household Size	2.73		2.58	

Source: US Census Bureau 2020, Table H9

According to the United States Census, family households are defined as two or more persons living in the same household, related by birth, marriage, or adoption. As shown in Table 5, the majority (71%) of all households in the Township in 2023 were categorized as family households. Households in West Orange containing a married couple with children accounted for 24% of all households. Data for 2023 includes the sub-groups of non-traditional households, including “Other Family” and “Non-Family” households. “Other Family” households accounted for 17% of all households, broken down into 12% female householders with no spouse or partner present and 5% male householders with no spouse or partner present. “Non-Family” households are defined as those that consist of a householder living alone or sharing the home exclusively with people to whom he/she is not related. Non-family households comprise approximately 29% of all households in the Town.

Table 5: Household Size and Type, 2023		
West Orange		
	Total	Percent
Total Households	17,440	100%
Family Households	12,335	71%
Married couple family	9,394	54%
With children	4,104	24%
Without children	5,290	30%
Other Family	2,941	17%
Male householder, no spouse	887	5%
With children	525	3%
Without children	362	2%
Female householder, no spouse	2,054	12%
With children	1,049	6%
Without children	1,005	6%
Nonfamily household	5,105	29%
Male householder	1,922	11%
Living alone	1,593	9%
Not living alone	329	2%
With children	22	0%
Female householder	3,183	18%
Living alone	2,929	17%
Not living alone	254	1%
With children	0	0%

Source: 2023 ACS 5-Year B11005 and B11010

Income

As measured in 2023, West Orange had a significantly higher median household income compared to Essex County and the State of New Jersey. The median income in West Orange was \$131,645, which was roughly \$51,200 greater than that of the County and \$30,600 greater than that of the State. The per capita income in West Orange was higher than that of the County, but much lower than that of the State. This data is outlined in Table 6 below.

Table 6: Per Capital Household Income, 2023 West Orange, Essex County, and New Jersey		
	Per Capital Income	Median Household Income
West Orange	\$63,635	\$131,645
Essex County	\$50,025	\$80,463
New Jersey	\$140,299	\$101,050

Source: 2023 ACS 5-year Estimates, Tables S1901 and B19301

In 2023, roughly 77% percent of all households in the Township earned an income of \$50,000 or more, as compared to roughly 74% of households in the County. The income range that accounted for the most Township households was the \$200,000 or more bracket, which comprised nearly 29.4% of households in West Orange. This was also the case across Essex County as a whole, but at a lower percentage of 20.1%. Only 8.8% of households in West Orange earned an income of \$25,000 or less, as compared to 17.8% at the County level. This suggests that the Township’s household income distribution is slightly skewed toward higher income brackets as compared to the County, which may at least partially help explain the difference between the median income reported at the Township (\$131,645) and County (\$80,463) levels.

Table 7: Household Income, 2023 West Orange and Essex County				
	West Orange		Essex County	
	Number	Percent	Number	Percent
Less than \$10,000	610	3.4%	21,008	6.7%
\$10,000 to \$14,999	388	2.2%	13,577	4.3%
\$15,000 to \$24,999	574	3.2%	21,126	6.8%
\$25,000 to \$34,999	1,220	6.9%	21,965	7.0%
\$35,000 to \$49,999	950	5.4%	30,668	9.8%
\$50,000 to \$74,999	1,786	10.1%	45,367	14.5%
\$75,000 to \$99,999	1,529	8.6%	33,990	10.9%
\$100,000 to \$149,999	2,900	16.3%	45,640	14.6%
\$150,000 to \$199,999	2,266	12.8%	44,630	14.3%
\$200,000 or more	5,217	29.4%	62,996	20.1%
Total Households	17,738	100.0%	312,913	100.0%

Source: 2023 ACS 5-Year Estimates, Table B19001

Poverty Status

Of the 48,276 people in West Orange for which poverty status was determined, 3,433 (7.1%) individuals lived in poverty in 2023; this was considerably lower than the County’s poverty rate of 13.9%. Of West Orange’s population that fell below the poverty level in 2023, over half were between the ages of 18 to 64; this trend was mirrored at the County level as well. Proportionally the Township and County had similar percentages of elderly living in poverty, but the Township’s population living in poverty under 18 (1.9%) was significantly lower than that of the County (4.3%). This data is presented in Table 8 below.

Table 8: Poverty Status, 2023				
West Orange and Essex County				
	West Orange		Essex County	
	Number	Percent	Number	Percent
Total persons	48,276	100.0%	851,117	100.0%
Total persons below poverty level	3,433	7.1%	118,250	13.9%
Under 18	915	1.9%	36,834	4.3%
18 to 64	1,989	4.1%	65,452	7.7%
65 and over	529	1.1%	15,964	1.9%

Source: 2023 American Community Survey 5-Year Estimate, Table S1701

Household Costs

Tables 9 and 10 below show the expenditures for housing as a percentage of household income for those who own and rent in West Orange and Essex County. In 2023, a majority of Township residents lived in homes they owned, whereas the County saw similar rates of home ownership and renting. General affordability standards set a limit at 30% of gross income to be allocated for owner-occupied housing costs and 28% of gross income to be allocated for renter-occupied housing costs. Approximately 31% of Township residents who owned the units they occupied spent 30% or more of their household income on housing, as compared to 51% of Township residents who rented the units they occupied. These figures were on par with those of the County.

Table 9: Selected Monthly Owner Costs as a Percentage of Household Income, 2023				
West Orange and Essex County				
	West Orange		Essex County	
	Number	Percent	Number	Percent
Total Owner-Occupied Housing Units	12,244	100.0%	146,736	100.0%
Less than 20.0%	5,373	43.9%	69,206	47.2%
20.0 to 24.9%	1,858	15.2%	16,773	11.4%
25.0 to 29.9%	1,155	9.4%	10,922	7.4%
30.0 to 34.9%	645	5.3%	9,922	6.8%
35.0% or more	3,144	25.7%	38,962	26.6%
Not computed	69	0.6%	951	0.6%

Source: 2023 American Community 5-Year Estimates, Table DP04

Table 10: Gross Rent as a Percentage of Household Income, 2023				
West Orange and Essex County				
	West Orange		Essex County	
	Number	Percent	Number	Percent
Total Renter-Occupied Housing Units	5,196	100.00%	175,720	100.00%
Less than 15%	575	11.1%	20,260	11.5%
15.0 to 19.9%	781	15.0%	18,661	10.6%
20.0 to 24.9%	653	12.6%	18,055	10.3%
25.0 to 29.9%	312	6.0%	19,648	11.2%
30.0 to 34.9%	360	6.9%	14,069	8.0%
35.0% or more	2,289	44.1%	75,019	42.7%
Not computed	226	4.3%	10,008	5.7%

Source: 2023 American Community 5-Year Estimates, Table B25070

EXISTING HOUSING CONDITIONS

Housing Unit Data

West Orange’s housing stock is largely comprised of structures built prior to the year 1970. In 2023, West Orange had a total of 18,277 occupied housing units, roughly 67% of which were owner-occupied and 28% of which were renter-occupied. The Township experienced housing booms from 1950 to 1960, during which approximately 24% of the Township’s housing structures were constructed. According to 2023 American Community Survey Estimates, the Township has seen very few housing structures built between 2000 or later. The median year of construction for housing stock in West Orange is 1956. This data is outlined in Tables 11 and 12 below.

Table 11: Housing Data, 2023			
West Orange			
	Number	% of Total Housing Units	% of Occupied Housing Units
Total Housing Units	18,277	100.00%	-
Occupied Housing Units	17,440	95.4%	100.00%
Owner Occupied	12,244	67.0%	70.2%
Renter Occupied	5196	28.4%	29.8%
Vacant Housing Units	837	4.6%	-

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

Table 12: Year Structure Built, 2023		
West Orange		
	Number	Percent
Total Housing Units	18,277	100.00%
Built 1939 or earlier	4,629	25.3%
Built 1940 to 1949	1,944	10.6%
Built 1950 to 1959	4,386	24.0%
Built 1960 to 1969	2,013	11.0%
Built 1970 to 1979	1,432	7.8%
Built 1980 to 1989	1,159	6.3%
Built 1990 to 1999	1,249	6.8%
Built 2000 to 2009	832	4.6%
Built 2010 to 2019	633	3.5%
Built 2020 or later	0	0.0%
Median Year Structure Built	1956	

Source: 2023 American Community Survey 5-Year Estimates, Tables B25034 and B25035

According to the 2023 American Community Survey, West Orange has a high occupancy rate, with very few of their housing units vacant. Of West Orange’s 18,277 housing units, 17,440 (95.4%) were occupied and only 837 (4.6%) were vacant. Nearly two-thirds (60.9%) of vacant units could be attributed to the “Other Vacant” category, with “For Rent/Rented Not Occupied” making up another 30.5%, and “For Sale Only”, “Sold, Not Occupied”, and “For Seasonal, Recreational or Occasional Use” accounting for the remaining 8.6%. This data is represented in Table 13 below.

Table 13: Housing Occupancy, 2023			
West Orange			
	Total	% of Total Housing Units	% of Vacant Housing Units
Total Housing Units	18,277	100.00%	-
Occupied	17,440	95.4%	-
Vacant Housing Units	837	4.6%	100.0%
For Rent/Rented Not Occupied	255	1.4%	30.5%
For Sale Only	25	0.1%	3.0%
Sold, not occupied	26	0.1%	3.1%
For Seasonal, Recreational or Occasional Use	21	0.1%	2.5%
For migrant workers	0	0.0%	0.0%
Other Vacant	510	2.8%	60.9%

Source: ACS 5-Year DP04 and B25004

Housing Type and Size

In 2023, single-family detached housing made up the vast majority of the Township’s housing stock at 54.7%. Twenty or more-unit housing was the next most common housing type, representing 12.2% of the Township’s housing stock. The median number of rooms within housing structures in the Township was 6.3, with nearly 63% of housing units having a minimum of 6 rooms and less than 8% of housing units having 2 or less rooms.

Table 14: Housing Type and Size, 2023		
West Orange		
Units in Structure	Total	Percent
1, detached	9,993	54.7%
1, attached	1,624	8.9%
2	1,983	10.8%
3 or 4	1,197	6.5%
5 to 9	521	2.9%
10 to 19	610	3.3%
20 or more	2,234	12.2%
Mobile home	51	0.3%
Boat, RV, van, etc.	64	0.4%
Total Housing Units	18,277	100.00%
Rooms	Total	Percent
1 room	824	4.5%
2 rooms	638	3.5%
3 rooms	1,325	7.2%
4 rooms	1,734	9.5%
5 rooms	2,295	12.6%
6 rooms	2,788	15.3%
7 rooms	3,089	16.9%
8 rooms	2,038	11.2%
9 or more rooms	3,546	19.4%
Total Housing Units	18,277	100.00%
Median number of rooms	6.3	

Source: 2023 ACS 5-Year Estimates, Tables DP04 and B25024

Housing Growth and Projections

In terms of residential growth, the issuance of building permits serves as one of the indicators that help to determine housing needs in a given municipality. Table 15 below illustrates the number of building permits that were issued over the 10-year period between January 2015 through December 2024, when the Township issued building permits authorizing the development of 861 housing units. Within this time frame, the busiest years for building permits occurred in 2016 and 2022, with roughly 72% of all building permits since 2015 having been issued in those years. The vast majority of the permits issued during this time frame were for multi-family homes, while only 73 permits were issued for one-to-two family homes and two were issued for multifamily structures.

Further, throughout the same 10-year period, West Orange issued permits authorizing the demolition of 14 units. If the demolition rate were to remain relatively constant over the next approximately 10-year period, an additional 14 residential units could be expected to be demolished between January 2025 and January 2035, resulting in a projected net increase of 847 units.

Table 15: Housing Units Authorized by Building Permits, 2015-2024				
West Orange				
Year	1 & 2 Family	Multi Family	Mixed-Use	Total
2015	13	0	1	14
2016	7	299	0	306
2017	12	0	0	12
2018	8	100	0	108
2019	6	0	0	6
2020	9	0	0	9
2021	4	0	0	4
2022	8	304	0	312
2023	1	82	0	83
2024*	5	1	1	7
Total 2014-2024	73	786	2	861
10-Year Average				86.1
10-Year Permit Projection (2025-2035)				861

Source: State of New Jersey Department of Community Affairs Building Permits: Yearly Summary Data

*Note: 2024 Data includes January-November

Table 16: Housing Units Demolished by Building Permits, 2015-2024				
West Orange				
Year	1 & 2 Family	Multi Family	Mixed-Use	Total
2015	1	0	0	1
2016	2	0	0	2
2017	1	0	0	1
2018	1	0	0	1
2019	1	0	0	1
2020	4	0	0	4
2021	1	0	0	1
2022	1	0	0	1
2023	1	0	0	1
2024*	1	0	0	1
Total 2014-2024	14	0	0	14
10-Year Average				1.4
10-Year Demolition Projection (2025-2035)				14

Source: State of New Jersey Department of Community Affairs Building Permits: Yearly Summary Data

*Note: 2024 Data includes January-November

Housing Values and Contract Rents

According to the 2023 American Community Survey, over half (54.2%) of the owner-occupied housing stock in West Orange in 2023 was valued at over \$500,000; 52.4% of the County’s housing stock is valued at this same range. In addition, the Township’s median home value (\$527,900) was similar to that of the County (\$522,800). This data is outlined in Table 17 below.

Table 17: Value for Owner-Occupied Housing Units, 2023				
West Orange and Essex County				
	West Orange		Essex County	
	Number	Percent	Number	Percent
Total	12,244	100.0%	146,736	100.0%
Less than \$50,000	167	1.4%	4,894	3.3%
\$50,000 to \$99,999	174	1.4%	1,594	1.1%
\$100,000 to \$149,999	26	0.2%	2,713	1.8%
\$150,000 to \$199,999	149	1.2%	3,123	2.1%
\$200,000 to \$299,999	980	8.0%	10,662	7.3%
\$300,000 to \$499,999	4111	33.6%	46,881	31.9%
\$500,000 to \$999,999	6,042	49.3%	58,768	40.1%
\$1,00,000 and greater	595	4.9%	18,101	12.3%
Median Value	\$527,900		\$522,800	

Source: 2023 American Community Survey 5-Year Estimates, Tables B25075 and B25077

As shown in Table 18 below, it is estimated that 8,171 (66.7%) of owner-occupied units in the Township were financed by a primary mortgage, contract to purchase, or similar debt. Of those units, 89.3% did not have any additional lines of credit associated with the unit, while 6.4% were associated with a home equity loan, 0.4% were associated with both a second mortgage and a home equity loan, 2.6% were associated with a home equity loan without a primary mortgage, and 1.3% were associated with just a second mortgage. There were slightly more owner-occupied housing units with a mortgage at the County level; more specifically, 69.1% of such units had a primary mortgage. Of those units in the County tied to a primary mortgage, 87.2% did not have any additional lines of credit associated with the unit, while 7.5% were associated with a home equity loan, 1.3% were associated with a second mortgage, 0.8% were associated with both a second mortgage and a home equity loan, and 3.1% were associated with a home equity loan without a primary mortgage.

Table 18: Mortgage Status, 2023 West Orange and Essex County						
	West Orange			Essex County		
	Number	% of Total Units	% of Units with Mortgage	Number	% of Total Units	% of Units with Mortgage
Total Owner-Occupied Units	12,244	100.00%	-	146,736	100.00%	-
Owner-Occupied Housing Units with a Mortgage	8,171	66.7%	100.00%	101,404	69.1%	100.00%
With multiple mortgages:	657	5.4%	8.0%	9,805	6.7%	9.7%
Mortgage with both second mortgage and home equity loan	30	-	0.4%	852	-	0.8%
Home equity loan only	524	-	6.4%	7,587	-	7.5%
Second mortgage only	103	-	1.3%	1,366	-	1.3%
No second mortgage and no home equity loan	7,300	59.6%	89.3%	88,461	60.3%	87.2%
Home equity loan without a primary mortgage	214	1.7%	2.6%	3,138	2.1%	3.1%
Owner-Occupied Housing units without a mortgage	4,073	33.3%	-	45,332	30.9%	-

Source: 2023 American Community Survey 5-Year Estimates, Table B25081

As shown in Table 19 below, the median contract rent in West Orange in 2023 was \$1,689 which was roughly \$370 higher than the County median rent of \$1,313. Within the Township, the highest percentage of renters paid between \$1,500 to \$1,999 for monthly rent (38.7%), followed by \$1,000 to \$1,499 (22.8%), and \$2,000 to \$2,499 (13.7%). Overall, over three-quarters (75.2%) of renters in the Township paid between \$1,000 and \$2,499 for monthly rent in 2023. At the County level nearly half (61.7%) of renters paid between \$1,000 to \$2,499 for monthly rent, and there was a significantly higher occurrence of renters paying less than \$1,000 for rent (29.9%). This data suggests that rent in the Township is not as affordable as it is throughout the County as a whole.

Table 19: Contract Rent, 2023 West Orange and Essex County				
	West Orange		Essex County	
	Number	Percent	Number	Percent
Total Renter-Occupied Units	5,027	100.0%	175,720	100.0%
Less than \$500	311	6.2%	20,709	11.8%
\$500 to \$999	321	6.4%	31,732	18.1%
\$1,000 to \$1,499	1,145	22.8%	52,509	29.9%
\$1,500 to \$1,999	1,947	38.7%	43,550	24.8%
\$2,000 to \$2,499	691	13.7%	12,223	7.0%
\$2,500 to \$2,999	111	2.2%	5,079	2.9%
\$3,000 or More	501	10.0%	5,568	3.2%
No Rent Paid	169	3.4%	4,350	2.5%
Median Contract Rent	\$1,689		\$1,313	

Source: 2023 American Community Survey 5-Year Estimates, Table B25056 and B25058

Housing Conditions

Table 20 below details the conditions of the Township’s housing stock in 2023. Overcrowding and age, plumbing, and kitchen facilities are used to determine housing deficiency. In 2023, over three-quarters (78.6%) of the Townships housing stock relied on utility gas for heating, followed by electricity (12.3%). A total of 430 (2.5%) occupied housing units experienced overcrowding (more than one person per room). Throughout the Township, there were 23 (0.1%) occupied housing units that lacked complete plumbing facilities, and 386 (2.2%) that lacked complete kitchen facilities, and only 78 (0.4%) units lacked telephone service.

Table 20: Housing Conditions, 2023		
West Orange		
	Number	Percent
House Heating Fuel-Occupied Housing Units		
Total	17,440	100.0%
Utility gas	13,703	78.6%
Bottled, tank, or LP gas	475	2.7%
Electricity	2146	12.3%
Fuel oil, kerosene, etc.	775	4.4%
Coal or coke	0	0.0%
Wood	0	0.0%
Solar energy	0	0.0%
Other fuel	97	0.6%
No fuel used	244	1.4%
Occupants per Room – Occupied Housing Units		
Total	17,440	100.0%
1.00 or Less	17,010	97.5%
1.01 to 1.50	169	1.0%
1.51 or More	261	1.5%
Facilities – Total Units		
Total	17,440	100.0%
Lacking complete plumbing facilities	23	0.1%
Lacking complete kitchen facilities	386	2.2%
Telephone Service – Occupied Housing Units		
Total	17,440	100.0%
No Service	78	0.4%

Sources: 2023 ACS 5-Year Estimates, Tables DP04, B25047, B25051

EMPLOYMENT DATA

Tables 21, 22, and 23 below detail the changes in employment between the years 2010 and 2023 in West Orange, Essex County, and New Jersey, respectively. Throughout this thirteen-year period, the Township saw an overall 3.6% decrease in its unemployment rate; although the Township experienced a 5.7% spike in unemployment between 2019 and 2020 due to the COVID-19 pandemic, it has rebounded to a considerably lower unemployment rate in recent years. This overall trend is mirrored at both the County and State level as well, although in comparison the Township has consistently exhibited a lower unemployment rate throughout this time period. In 2023, the Township's unemployment rate was 4.3%, which was lower than that of the County (5.5%) and State (4.4%).

Table 21: Employment and Residential Labor Force, 2011 to 2023 West Orange				
Year	Labor Force	Employment	Unemployment	Unemployment Rate
2011	23,964	22,063	1,901	7.9%
2012	24,113	22,110	2,003	8.3%
2013	23,789	22,017	1,772	7.4%
2014	23,621	22,195	1,426	6.0%
2015	23,682	22,468	1,214	5.1%
2016	23,536	22,501	1,035	4.4%
2017	24,502	23,523	979	4.0%
2018	24,341	23,452	889	3.7%
2019	24,737	23,960	777	3.1%
2020	24,367	22,214	2,153	8.8%
2021	24,400	22,836	1,564	6.4%
2022	24,821	23,907	914	3.7%
2023	25,337	24,257	1,080	4.3%

Source: NJ Dept. of Labor & Workforce Development Labor Force Estimates

Table 22: Employment and Residential Labor Force, 2011 to 2023				
Essex County				
Year	Labor Force	Employment	Unemployment	Unemployment Rate
2011	383,215	341,732	41,483	10.8%
2012	383,758	342,362	41,396	10.8%
2013	379,043	341,652	37,391	9.9%
2014	374,663	344,767	29,896	8.0%
2015	372,205	346,810	25,395	6.8%
2016	370,183	348,152	22,031	6.0%
2017	381,339	360,285	21,054	5.5%
2018	379,693	360,756	18,937	5.0%
2019	386,125	369,380	16,745	4.3%
2020	387,334	343,775	43,559	11.2%
2021	385,589	353,407	32,182	8.3%
2022	388,290	369,991	18,299	4.7%
2023	397,420	375,401	22,019	5.5%

Source: NJ Dept. of Labor & Workforce Development Labor Force Estimates

Table 23: Employment and Residential Labor Force, 2010 to 2023				
New Jersey				
Year	Labor Force	Employment	Unemployment	Unemployment Rate
2011	4,561,800	4,134,700	427,100	9.4%
2012	4,576,300	4,147,200	429,100	9.4%
2013	4,528,000	4,147,700	380,400	8.4%
2014	4,493,900	4,191,300	302,600	6.7%
2015	4,494,600	4,237,900	256,700	5.7%
2016	4,492,800	4,271,200	221,600	4.9%
2017	4,615,000	4,406,200	208,800	4.5%
2018	4,604,800	4,420,700	184,100	4.0%
2019	4,686,300	4,524,300	162,000	3.5%
2020	4,650,300	4,212,400	437,900	9.4%
2021	4,666,100	4,357,200	308,900	6.6%
2022	4,739,800	4,564,100	175,700	3.7%
2023	4,829,671	4,615,722	213,949	4.4%

Source: NJ Dept. of Labor & Workforce Development Labor Force Estimates

Employment Status

It is estimated that nearly two-thirds (69.1%) of West Orange’s population over the age of 16 was in the labor force in 2023, which was slightly higher than the County’s rate of 67.4%. Of the Township’s labor force, 99.7% of workers were civilians and a vast majority (94.2%) was employed. At the County level, 99.9% of workers were civilians and 93.1% of the labor force was employed, indicating that the Township and County exhibited similar trends. This data is shown in Table 24 below.

Table 24: Employment, 2023 West Orange and Essex County						
	West Orange			Essex County		
	Number	% of 16+ Population	% of Labor Force	Number	% of 16+ Population	% of Labor Force
Population 16 years and over	39,196	100.0%	-	676,204	100.0%	-
In labor force	27,072	69.1%	100.0%	455,789	67.4%	100.0%
Civilian Labor Force	26,987	68.9%	99.7%	455,242	67.3%	99.9%
Employed	25,493	65.0%	94.2%	424,290	62.7%	93.1%
Unemployed	1,494	3.8%	5.5%	30,952	4.6%	6.8%
Armed Forces	85	0.2%	0.3%	547	0.1%	0.1%
Not in labor force	12,124	30.9%	-	220,415	32.6%	-

Source: 2023 American Community Survey 5-Year Estimates, Table DP03

Class of Worker and Occupation

According to the 2023 American Community Survey Estimates, the majority of workers (70.7%) living in West Orange were a part of the private wage and salary worker group. This group includes people who work for wages, salary, commission, and tips for a private for-profit employer or a private not-for-profit, tax-exempt or charitable organization. The next largest category was local government workers (8.6%), followed by those who were private not-for-profit wage and salary workers (7.0%). This data is outlined in Table 25 below.

Table 25: Class of Worker, 2023 West Orange		
	Number	Percent
Total Civilian Employed Workers (Age 16+)	25,493	100.0%
Private Wage and Salary Worker	18,011	70.7%
Private not-for-profit wage and salary workers	1,789	7.0%
Local Government Worker	2,203	8.6%
State Government Worker	1,741	6.8%
Federal Government Worker	384	1.5%
Self-Employed Worker or Unpaid Family Worker	1,365	5.4%

Source: 2023 American Community Survey 5-Year Estimates, Table S2408

The occupational breakdown shown in Table 26 below includes only private wage and salary workers. Township residents who worked within the private wage field concentrated heavily in Management, Business, Science, and Arts occupations as well as Sales and Office occupations. Collectively, the two fields accounted for just over 71.7% of the entire resident workforce over the age of 16.

Table 26: Resident Employment by Occupation, 2023		
West Orange		
	Number	Percent
Employed Civilian population 16 years and over	25,493	100.0%
Management, business, science and arts occupations	13,547	53.1%
Service occupations	3,422	13.4%
Sales and office occupations	4,748	18.6%
Natural resources, construction and maintenance occupations	1,595	6.3%
Production Transportation and material moving occupations	2,181	8.6%

Source: 2023 American Community Survey 5-Year Estimates, Table DP03

As portrayed in Table 27, the industry that employed the greatest number of West Orange residents in 2023 was the Educational Services, and Health Care and Social Assistance sector, which accounted for 27.7% of the Township's resident workforce. The second most common industry during this time was the Professional, Scientific, and Management, and Administrative and Waste Management Services sector, which accounted for 16.5% of jobs occupied by Township residents.

Table 27: Employment by Industry, 2023		
West Orange		
Industry	Number	Percent
Employed Civilian Population 16 Years and Over	25,493	100.00%
Agriculture, forestry, fishing and hunting, mining	14	0.1%
Construction	1,392	5.5%
Manufacturing	1,596	6.3%
Wholesale Trade	395	1.5%
Retail Trade	2,302	9.0%
Transportation and Warehousing, and Utilities	1,363	5.3%
Information	1,204	4.7%
Finance and insurance, and real estate and rental and leasing	2,224	8.7%
Professional, scientific, and management, and administrative and waste management services	4,216	16.5%
Educational services, and health care and social assistance	7,070	27.7%
Arts, entertainment, and recreation, and accommodation and food services	1,717	6.7%
Other Services, except public administration	958	3.8%
Public administration	1,042	4.1%

Source: 2023 American Community Survey 5-Year Estimates, Table DP03

Commuting to Work

In 2023, it is estimated that over half (57.3%) of the employed population that did not work from home commuted up to 35 minutes to their place of work. Approximately three-quarters of the Township’s workers commuted up to an hour, with the last quarter of the population traveling between an hour to an hour and a half to get to work. A majority (55.3%) of the Township’s working population drove alone as their primary means of travel to work. Roughly 15.4% of the population utilized public transportation. The West Orange Jitney Transportation Service includes a system of seven (7) different routes which cover all neighborhoods in the Township, offering an array of options for commuters and seniors.

Further, a total of 19.9% of the Township’s population worked from home. The remaining population (9.3%) either walked, carpooled, or utilized a taxi, motorcycle, bike, or other means. This data is outlined in Tables 28 and 29 below.

Table 28: Travel Time to Work, 2023 West Orange		
	Number	Percent
Workers who did not work at home	20,177	100.0%
Less than 5 minutes	92	0.5%
5 to 9 minutes	1,057	5.2%
10 to 14 minutes	1,950	9.7%
15 to 19 minutes	2,288	11.3%
20 to 24 minutes	2,591	12.8%
25 to 29 minutes	1,010	5.0%
30 to 34 minutes	2,576	12.8%
35 to 39 minutes	829	4.1%
40 to 44 minutes	1,125	5.6%
45 to 59 minutes	2,085	10.3%
60 to 89 minutes	2,981	14.8%
90 or more minutes	1,593	7.9%
Mean Travel Time to Work (minutes)	36.5	

Source: 2023 American Community Survey 5-Year Estimates, Table B08303 and DP03

Table 29: Means of Travel to Work, 2023 West Orange		
	Number	Percent
Workers 16 years and over	25,204	100.0%
Car, truck, van - Drove Alone	13,937	55.3%
Car, truck, van - Carpooled	1,068	4.2%
Public Transportation	3,894	15.4%
Walked	321	1.3%
Taxicab, Motorcycle, Bike, or Other	957	3.8%
Worked at home	5,027	19.9%

Source: 2023 American Community Survey 5-Year Estimates, Table DP03

Covered Employment

There is currently very limited information available on actual job opportunities within municipalities. The Department of Labor and Workforce Development collects information on covered employment, which is employment and wage data for private employees covered by unemployment insurance. The following table provides a snapshot of private employers located within West Orange. Table 30 below reflects the number of jobs covered by private employment insurance from 2014 through 2023.

According to data from the New Jersey Department of Labor and Workforce Development, the highest number of jobs covered in West Orange between 2014 and 2023 was in 2017 when 14,402 jobs were covered by unemployment insurance. Private employment has decreased overall in West Orange since 2014, with its largest loss occurring between 2019 and 2020 (-13.3%); the largest gain occurred between 2021 and 2022 (7.8%). West Orange Township experienced a gain of 167 jobs in 2023, representing an increase of 1.3% percent from 2022.

Table 30: Private Wage Covered Employment 2014 - 2023			
West Orange			
Year	Number of Jobs	# Change	% Change
2014	14,047	-	-
2015	14,054	7	0.1%
2016	14,309	255	1.8%
2017	14,402	93	0.6%
2018	14,205	-197	-1.4%
2019	13,856	-349	-2.5%
2020	12,012	-1845	-13.3%
2021	12,344	333	2.8%
2022	13,301	957	7.8%
2023	13,469	167	1.3%

Source: NJ Dept. of Labor & Workforce Development Labor Force Estimates

In-Township Establishments and Employees by Industry: 2023

Table 31 below depicts the average annual number of establishments and employees by industry sector that exist within the Township, as reported in the Quarterly Census of Employment and Wages (QCEW) published by the New Jersey Department of Labor and Workforce Development (NJDLWD). The QCEW provides a quarterly accounting of employment, establishments, and wages throughout the State of New Jersey, and accounts for over 95% of available jobs in the state. The annual municipal reports group data according to the North American Industry Classification System (NAICS). The QCEW considers an establishment to be a single economic unit, which is located at one physical location and engaged in one

type of economic activity. The NJDLWD specifies that establishments differ from firms or companies in the sense that the latter can have multiple establishments.

In 2023, the Township had an annual average of 1,336 establishments employing an average of 13,469 people in the private sector. The local government sector had an annual average of 4 establishments employing an average of 1,609 people. The Health/Social sector was West Orange’s predominant private sector in establishments and employment, with 399 establishments and 5,905 people employed. The Retail Trade and Accommodation/Food sectors also employed a substantial number of people, at 1,228 and 1,313 people, respectively.

Table 31: Average Number of Establishments and Employees by Industry, 2023			
West Orange			
Industry ID and Description		2023 Average	
		Units	Employment
22	Utilities	.	.
23	Construction	87	478
31	Manufacturing	16	74
42	Wholesale Trade	38	147
44	Retail Trade	86	1,228
48	Transp/Warehousing	35	213
51	Information	32	193
52	Finance/Insurance	47	290
53	Real Estate	52	205
54	Professional/Technical	151	612
55	Management	.	.
56	Admin/Waste Remediation	77	932
61	Education	19	418
62	Health/Social	399	5,905
71	Arts/Entertainment	30	586
72	Accommodations/Food	81	1,313
81	Other Services	120	594
99	Unclassified	60	58
	Private Sector Totals	1,336	13,469
	Local Government Totals	4	1,609

Source: NJ Dept. of Labor & Workforce Development Labor Force, Quarterly Census of Employment and Wages (QCEW), Municipal Report by Sector (NAICS Based), 2022

Data have been suppressed (-) for industries with few units or where one employer is a significant percentage of employment or wages of the industry.

Probable Future Employment Opportunities

The North Jersey Transportation Planning Authority (NJTPA) completes regional forecasts for the New York/New Jersey metropolitan area every four years for population, households, and employment. The most recent report was released in 2025, documenting projections between 2015 and 2050. The 2025 report predicts that the Township’s population, households , and employment will see steady annualized growth through 2050. It is estimated that the population will see an overall 16.5% increase, while households will increase by 18.3% and employment will increase by 18.6%.

Table 32: Population and Employment Projections, 2015 to 2050 West Orange					
Category	2015	2050 (Projected)	Annualized	Overall Projected Change	
			Percent Change	Number	Percent
Population	46,391	54,026	0.44%	7,634	16.5%
Households	17,189	20,340	0.48%	3,151	18.3%
Employment	15,516	18,406	0.49%	2,889	18.6%

Source: NJTPA Municipal Forecasts 2025

PART 2: FAIR SHARE PLAN**INTRODUCTION**

The following Fair Share Plan (“Plan”) details the Township’s Prior Round (1987-1999), Third Round (1999-2025), and Fourth Round (2025-2035) Prospective Need obligations, as well as the Township’s Fourth Round Present Need. This Plan proposes mechanisms by which the Township can realistically provide opportunities for affordable housing for those moderate-, low-, and very low- income households.

CURRENT STANDARDS

The below section details the current key standards applicable to the Township’s Fourth Round obligation including the various categories of credits.

Age-Restricted Housing

A municipality may not satisfy more than 30% of the affordable units, exclusive of bonus credits, to address its prospective need affordable housing obligation through the creation of age-restricted housing.

Transitional Housing

Transitional housing units, which will be affordable for persons of low- and moderate-income, were not previously categorized by the Fair Housing Act as a standalone housing type. The amended legislation includes such transitional housing units as a new category which may be included in the HE/FSP and credited towards the fulfillment of a municipality’s fair share obligations. This is limited to a maximum of 10% of the municipality’s obligations.

Veterans Housing

Up to 50% of the affordable units in any particular project may be prioritized for low- and moderate-income veterans.

Families with Children

A minimum of 50% of a municipality’s actual affordable housing units, exclusive of bonus credits, must be made available to families with children.

Rental Units

A minimum of 25% of a municipality’s actual affordable housing units, exclusive of bonus credits, shall be satisfied through rental units. At least half of that number shall be available to families with children.

Very-Low Income Requirement

At least 13% of the housing units made available for occupancy by low-income and moderate-income houses shall be reserved for low-income households earning 30% or less of the median income pursuant to the Fair Share Housing Act, N.J.S.A. 52:27D-301, et seq. Half of the very low-income units will be made available to families with children.

Low/Moderate Income Split

At least 50% of the units addressing the Township's obligation shall be affordable to very-low income and low-income households, and the remaining may be affordable to moderate-income households.

Affordability Controls

Newly created rental units shall remain affordable to low-and moderate-income households for a period of not less than 40 years, 30 years for for-sale units, and 30 years for housing units for which affordability controls are extended for a new term of affordability, provided that the minimum extension term may be limited to no less than 20 years as long as the original and extended terms, in combination, total at least 60 years.

Affirmative Marketing

The affordable units shall be affirmatively marketed in accordance with UHAC and applicable law, to include the community and regional organizations identified in the agreement as well as the posting of all affordable units on the New Jersey Housing Resource Center website in accordance with applicable law.

Uniform Housing Affordability Controls (UHAC)

All affordable units created through the provisions of this Plan shall be developed in conformance with the Uniform Housing Affordability Controls (UHAC) pursuant to N.J.A.C. 5:80-26.1 et seq. as amended.

Unit Adaptability

All new construction units shall be adaptable in conformance with P.L.2005, c.250/N.J.S.A. 52:27D-311a and -311b and all other applicable laws.

Bonus Credits

Bonus credits shall not exceed 25% of a municipality's prospective need obligation, nor shall a municipality receive more than one type of bonus credit for any one unit. Bonus credits may be granted on the following schedule:

Unit Type	Unit Credit	Bonus Credit
Each unit of low- or moderate-income housing for individuals with special needs or permanent supportive housing, as those terms are defined in section 2 of P.L. 2004, c.70 (C.34:1B-21.24).	1	1
Each low- or moderate-income ownership unit created in partnership sponsorship with a non-profit housing developer.	1	0.5
Each unit of low- or moderate-income housing located within a one-half mile radius, or one-mile radius for projects located in a Garden State Growth Zone, as defined in section 2 of P.L.2011, c.149 (C.34:1B-243), surrounding a New Jersey Transit Corporation, Port Authority Transit Corporation, or Port Authority Trans-Hudson Corporation rail, bus, or ferry station, including all light rail stations. ¹	1	0.5
A unit of age-restricted housing, provided that a bonus credit for age-restricted housing shall not be applied to more than 10 percent of the units of age-restricted housing constructed in compliance with the Uniform Housing Affordability Controls promulgated by the New Jersey Housing and Mortgage Finance Agency in a municipality that count towards the municipality's affordable housing obligation for any single 10-year round of affordable housing obligations.	1	0.5
A unit of low- or moderate-income housing constructed on land that is or was previously developed and utilized for retail, office, or commercial space.	1	0.5
Each existing low- or moderate-income rental housing unit for which affordability controls are extended for a new term of affordability, in compliance with the Uniform Housing Affordability Controls promulgated by the New Jersey Housing and Mortgage Finance Agency, and the municipality contributes funding towards the costs necessary for this preservation.	1	0.5
Each unit of low- or moderate-income housing in a 100 percent affordable housing project for which the municipality contributes toward the costs of the project. ²	1	1
Each unit of very low-income housing for families above the 13 percent of units required to be reserved for very low-income housing pursuant to section 7 of P.L.2008, c.46 (C.52:27D-329.1).	1	0.5
Each unit of low- or moderate-income housing created by transforming an existing rental or ownership unit from a market rate unit to an affordable housing unit. ³	1	1

¹ The distance from the bus, rail, or ferry station to a housing unit shall be measured from the closest point on the outer perimeter of the station, including any associated park-and-ride lot, to the closest point of the housing project property.

² This contribution may consist of: (a) real property donations that enable siting and construction of the project or (b) contributions from the municipal affordable housing trust fund in support of the project, if the contribution consists of no less than three percent of the project cost.

³ A municipality may only rely on this bonus credit as part of its fair share plan and housing element if the municipality demonstrates that a commitment to follow through with this market to affordable agreement has been made and: (a) this agreement has been signed by the property owner; or (b) the municipality has obtained ownership of the property.

WEST ORANGE TOWNSHIP AFFORDABLE HOUSING OBLIGATIONS

The Township's affordable housing obligations are as follows:

West Orange Township Obligation	
Fourth Round Rehabilitation Share	409
Prior Round Prospective Need Obligation (1987-1999)	226
Third Round Prospective Need Obligation (1999-2025)	954
Fourth Round Prospective Need Obligation (2025-2035)	660

REVIEW OF PRIOR ROUND COMPLIANCE

As part of any Housing Element and Fair Share Plan, a municipality shall include an assessment of the degree to which the municipality has met its fair share obligation from the previous rounds of affordable housing obligations as established by prior Court approval or approval by COAH and determine to what extent this obligation is unfulfilled or whether the municipality has credits in excess of its previous round obligations. If a previous round obligation remains unfulfilled, or a municipality never received an approval from the Court or COAH for any previous round, the municipality shall address such unfulfilled previous round obligation in its Housing Element and Fair Share Plan.

In addressing previous round obligations, the municipality shall retain any sites that, in furtherance of the previous round obligation, are the subject of a contractual agreement with a developer, or for which the developer has filed a complete application seeking subdivision or site plan approval prior to the date by which the Housing Element and Fair Share Plan are required to be submitted, and shall demonstrate how any sites that were not built in the previous rounds continue to present a realistic opportunity.

Prior Round Compliance (1987-1999)

The Township had a Prior Round obligation of 226 units. Per the Court-approved Third Round Settlement Agreement and the Township's Third Round JOR, West Orange met their Prior Round obligation through the following mechanisms:

Existing 100% Affordable Developments**Degnan House/ Eagle Rock Senior Citizen's Housing**

Degnan House/ Eagle Rock Senior Citizen's Housing is located at 430 Main Street and includes Lot 27.01 of Block 113.01. The five-story apartment building was completed in 1979, and includes 62 age-restricted rental units. Of these 62 units, 10 units are applied toward the Township's Prior Round obligation, since only these units were occupied after April 1, 1980. This project was funded by the US Department of Housing and Urban Development (HUD), and its affordability controls have since expired.

All associated documentation can be found in the appendix of the Township's Court-approved Third Round Housing Element and Fair Share Plan, adopted on November 17, 2020.

Federation Plaza

Federation Plaza is located at 750 Northfield Avenue and includes Lot 16 of Block 65. The 100% affordable age-restricted complex includes a total of 134 rental units across four (4) internally connected buildings, ranging between 3 and 5 stories in height. The complex opened in December of 1980. This project was funded by Low-Income Housing Tax Credits (LIHTC), and affordability controls will remain in effect until November 1, 2029.

Of the 134 units, 92 units were applied toward the Township's Prior Round obligation. All associated documentation can be found in the appendix of the Township's Court-approved Third Round Housing Element and Fair Share Plan, adopted on November 17, 2020.

Habitat for Humanity

Habitat for Humanity Newark Inc., owns two (2) for-sale family units located within a two-family residence at 112 Whittlesey Avenue (Block 123, Lot 29). The first unit was occupied in 2007, and the second was occupied in 2013. The 30-year affordability controls for the two-family dwelling began on February 22, 2013.

A total of two (2) credits were applied to the Township's Prior Round obligations. All associated documentation can be found in the appendix of the Township's Court approved Third Round Housing Element and Fair Share Plan, adopted on November 17, 2020.

Existing Alternative Living Arrangements

Wedgewood Drive

Wedgewood is located at 4 Wedgewood Drive and includes Lots 29.03 and 29.04 of Block 15. The alternative living arrangement is owned and operated by the ARC of Essex County and includes four (4) very-low-income rental bedrooms . The 20-year affordability controls for the group home began shortly after it was occupied, on December 31, 1984.

Two (2) of the four units were applied toward the Township's Prior Round obligation, in addition to two (2) rental bonus credits. All associated documentation can be found in the appendix of the Township's Court-approved Third Round Housing Element and Fair Share Plan, adopted on November 17, 2020.

30-32 Kingsley

30-32 Kingsley is located at 30-32 Kingsley Street and includes Lot 61 of Block 155.20. The alternative living arrangement is owned and operated by the Easter Seal Society of New Jersey and includes eight (8) very-low-income rental bedrooms. The 10-year affordability controls for the group home began shortly after it was occupied, on May 1, 1992.

All eight units were applied toward the Township's Prior Round obligation. All associated documentation can be found in the appendix of the Township's Court-approved Third Round Housing Element and Fair Share Plan, adopted on November 17, 2020.

1 Marmon Terrace

1 Marmon Terrace is located at 1 Marmon Terrace and includes Lot 4 of Block 176.02. The alternative living arrangement is owned and operated by the ARC of Essex County and includes six (6) very-low-income rental bedrooms. The 20-year affordability controls for the group home began shortly after it was occupied, on December 31, 1992.

All six units were applied toward the Township's Prior Round obligation, in addition to six (6) rental bonus credits. All associated documentation can be found in the appendix of the Township's Court-approved Third Round Housing Element and Fair Share Plan, adopted on November 17, 2020.

Merrywood Drive

Merrywood Drive is located at 2 Merrywood Drive and includes Lot 3 of Block 76. The alternative living arrangement is owned and operated by the Developmental Disabilities Association and includes five (5) very-low-income rental bedrooms. The group home opened in 1998. The 20-year affordability controls for the group home began shortly after it was occupied, on January 9, 1998.

All five units were applied toward the Township's Prior Round obligation, in addition to five (5) rental bonus credits. All associated documentation can be found in the appendix of the Township's Court-approved Third Round Housing Element and Fair Share Plan, adopted on November 17, 2020.

Proposed Development

PRISM Redevelopment

Phase 1

On February 9, 2003, the Township Council approved an Ordinance adopting a redevelopment plan for the Downtown Redevelopment Area (the "Redevelopment Plan"), which has been amended several times. The Township and Prism Green Associates IV, LLC ("Prism") entered into a Redevelopment Agreement on December 20, 2006 (the "Original Redevelopment Agreement"), which authorized Prism to redevelop certain properties including but not limited to Block 66, Lots 1, 5 and 7 (collectively, the "Edison Battery Parcels"). Amendments to the Redevelopment Agreement were on May 8, 2007, June 21, 2007, September 11, 2007, and October 27, 2009.

The Original Redevelopment Agreement defined the scope of work throughout the entire Redevelopment Area as the "construction or rehabilitation of a total of 609 residential units comprising approximately 538 "for sale" market rate residential units and uses attendant and necessary thereto; up to 71 low and moderate income affordable residential units pursuant to the applicable regulations of the NJ Council on Affordable Housing ("COAH") and the Township's growth share obligations thereunder."

The Township and Prism entered into a modified Agreement dated August 8, 2014 (the "First Agreement Amendment"). The Modification Agreement redefined the scope of the Phase 1 Project to contain "(i) approximately 333 residential rental units; (ii) approximately 18,500 square feet of commercial retail space; (iii) approximately 31,700 square feet of other amenity support space; (iv) a parking structure containing approximately 635 spaces (the "Parking Deck"); and (v) such other parking areas as may be approved by the Planning Board in accordance with the provisions of the Redevelopment Plan to accommodate parking for residential and retail uses as hereinafter provided; together with certain public infrastructure and

improvements relating thereto, including utilities, roadways, pathways, sidewalks, public rights of way and open space, and other amenities on the Edison Battery Parcels.”

A revised Redevelopment Agreement was executed between the Township and DGP Urban Renewal LLC., on August 11, 2015 (the “Second Agreement Amendment”). This Second Amendment redefined the affordable housing obligations of the Phase 1 construction:

“The Township hereby expressly agrees and acknowledges that Redeveloper shall have no obligation to include any affordable housing units within the Phase 1 Project or on the Phase 1 Property. However, Redeveloper will make payment of a non-residential development fee in accordance with N.J.S.A. 40:55D-8.1 et seq. (the “Non Residential Development Fee”), but only in the event and to the extent that such fee applies at the time of issuance of the Certificate of Occupancy for the non-residential portion of the Project” (Section 4.7).

Further, the Second Amendment also established a timeframe for construction: “Commencement of Construction of the Phase 1 Project will commence by September 30, 2015, and Completion of Construction of Phase 1 Project will take place by September 30, 2017.” Phase 1 was completed according to this timeline, thus creating the current Edison Lofts building on the site.

Phase 2

Phase 2 of the Downtown Redevelopment Plan is divided into four (4) subphases: Phases 2A, 2B, 2C, and 2D (see following map). Collectively, the subphases will result in the construction of 296 additional residential units, including 44 affordable rental units for low- and moderate-income residents. Phase 2C outlines the construction of the 44 affordable apartments at 28, 32, 38-40, and 42 Ashland Avenue and 64 Park Avenue (Block 64, Lots 3, 21, 22, 25, and 27).

A financial agreement was executed for these lots between the Township and GP Ashland Housing, LLC., on August 3, 2017 (Appendix F). A proposal to create these 44 affordable units through new inclusionary developments along Ashland Avenue and/or at 216-22 Main Street was submitted on March 13, 2024.

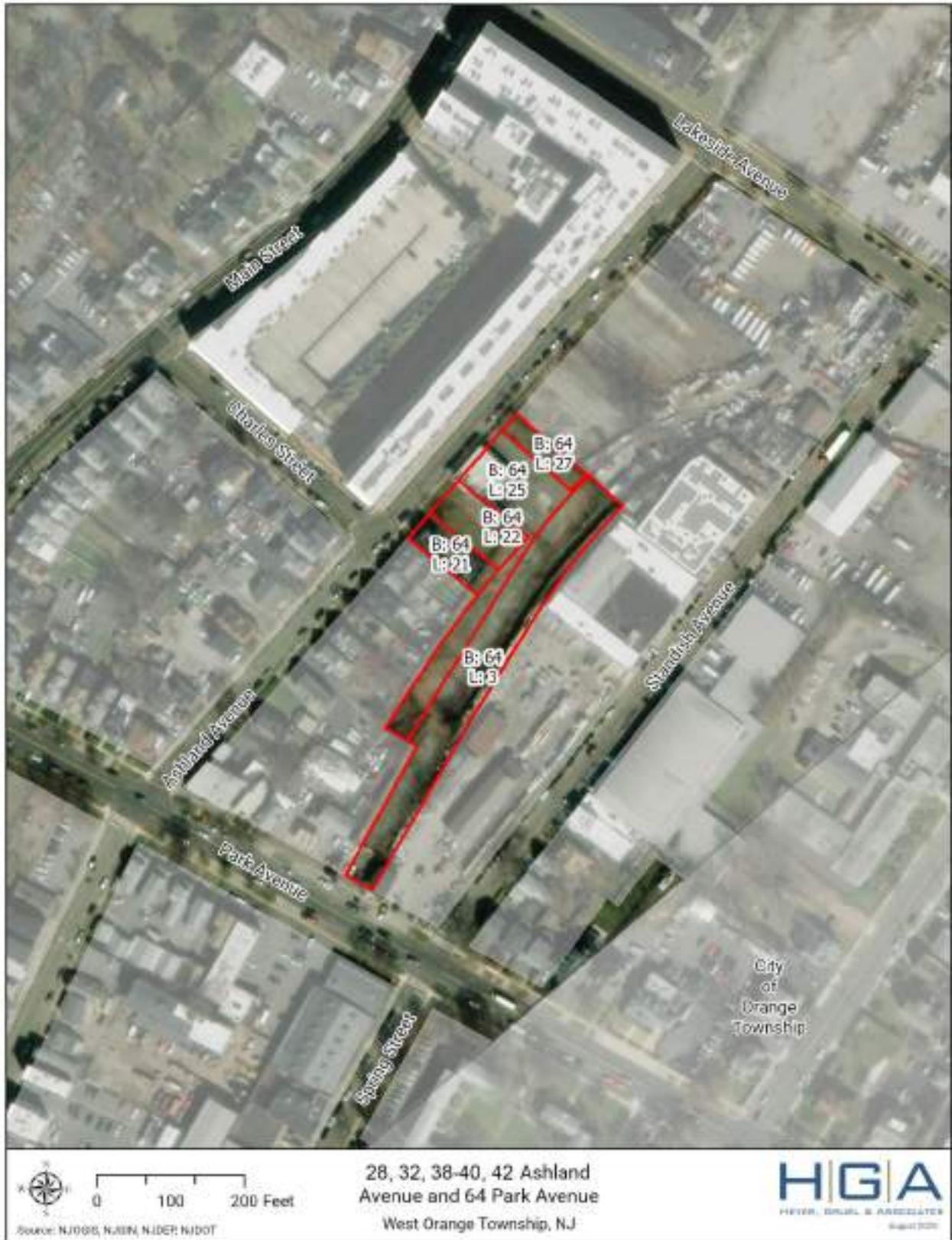
A total of 44 credits were applied toward the Township’s Prior Round obligation. The Township finds that the zoning in place remains appropriate for the character of the area and the need for affordable housing, particularly in proximity to Main Street.

The sites are appropriate for multi-family low- and moderate-income housing as they are available, approvable, developable, and suitable:

- *Available:* The sites have no easements or title issues preventing their development.
- *Suitable:* The sites are adjacent to compatible land uses, as established residential neighborhoods are located on Ashland Street. The lots are located across from the multifamily Edison Lofts

building. Their development is consistent with the goals and strategies outlined in the State Plan, as they are located within the Metropolitan Planning Area (PA 1). Further, the sites have direct street access to Ashland Street, and are located within three blocks northwest of Interstate 280, offering more direct access to employment and service establishments.

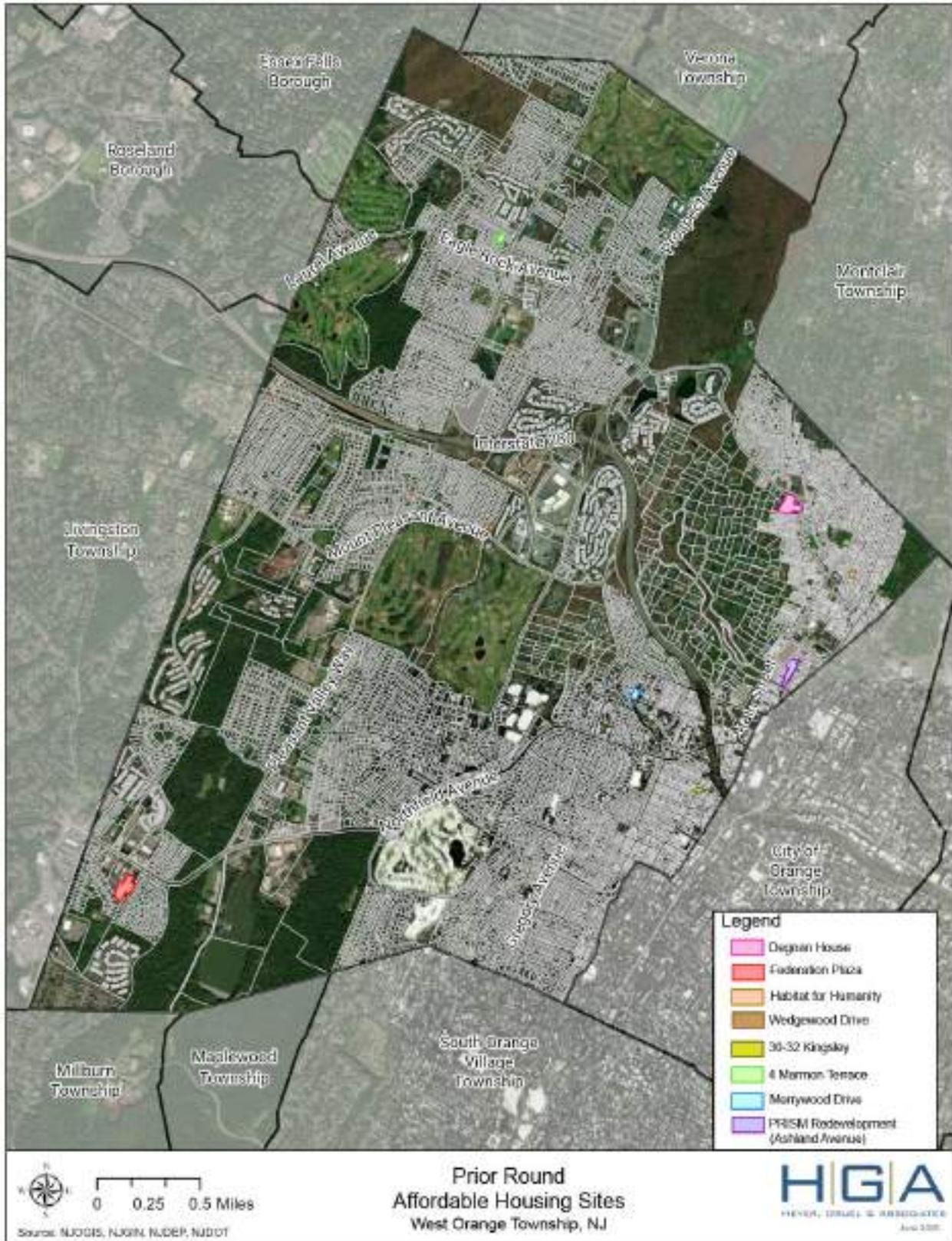
- *Developable*: The sites fall within a drinking water service area, and within the sewer service area. The sites are not constrained by wetlands or any special flood hazard areas.
- *Approvable*: The sites are within the Downtown Redevelopment Area, where residential uses are permitted. In addition, a Redevelopment Agreement has been executed which requires the development of the 44 affordable units.



Summary of Prior Round Obligation

The Township fully addressed its 226-unit Prior Round obligation as follows:

Summary of West Orange's Prior Round Obligation of 226	
Existing 100% Affordable Developments: Degnan House/ Eagle Rock Senior Citizen's Housing Federation Plaza Habitat for Humanity	10 units 92 units 2 units
Existing Alternative Living Arrangements: Wedgewood Drive 30-32 Kingsley 1 Marmon Terrace Merrywood Drive	2 bedrooms 8 bedrooms 6 bedrooms 5 bedrooms
Proposed Development: PRISM Redevelopment	44 units
Total Units	169
Bonus Credits: Wedgewood Drive 1 Marmon Terrace Merrywood Drive PRISM Redevelopment	2 credits 6 credits 5 credits 44 credits
Total Bonus Credits	57
Total Prior Round	226



Third Round Compliance

The Township had a Third Round obligation of 954 units. As part of its Third Round compliance process, the Township received a Vacant Land Adjustment in 2017 due to its lack of vacant and developable land (the "2017 VLA"). Based on the approved 2017 VLA, the Township received a Realistic Development Potential (RDP) of 421 units and an Unmet Need of 533 units.

Per the Court-approved Third Round settlement agreement and the Township's Third Round JOR, West Orange met its Third Round RDP and unmet need obligation through the following mechanisms:

Addressing the Third Round RDP

Existing Alternative Living Arrangements

Wedgewood Drive

The remaining two (2) of the group home's four bedrooms were applied toward the Township's Third Round obligation. Two (2) rental bonus credits were also applied. All associated documentation can be found in the appendix of the Township's Court-approved Third Round Housing Element and Fair Share Plan, adopted on November 17, 2020.

Dogwood Drive

Dogwood Drive is located at 1919 Dogwood Drive and includes Lot 10 of Block 165.04. The alternative living arrangement is owned and operated by Project Live and includes four (4) very-low-income rental bedrooms. The group home opened in 1998. The 20-year affordability controls for the group home began on June 16, 1999.

All four units were applied toward the Township's Third Round obligation. All associated documentation can be found in the appendix of the Township's Court-approved Third Round Housing Element and Fair Share Plan, adopted on November 17, 2020.

525 Pleasant Valley Way

Pleasant Valley Way is located at 525 Pleasant Valley Way and includes Lot 8.03 of Block 176.01. The alternative living arrangement is owned and operated by Cerebral Palsy of North Jersey and includes six (6) very-low-income rental bedrooms. The 20-year affordability controls for the group home began shortly after it was occupied, on June 23, 1997.

All six units were applied toward the Township's Third Round obligation. All associated documentation can be found in the appendix of the Township's Court-approved Third Round Housing Element and Fair Share Plan, adopted on November 17, 2020.

Forest Avenue

The Forest Avenue group home is located at 2A Forest Avenue and includes Lot 962 of Block 152.18. The alternative living arrangement is owned and operated by Our House Inc. The group home includes four (4) very-low-income rental bedrooms. The group home opened in 2013. The 30-year affordability controls for the site began on August 15, 2012.

All four units were applied toward the Township's Third Round obligation. All associated documentation can be found in the appendix of the Township's Court-approved Third Round Housing Element and Fair Share Plan, adopted on November 17, 2020.

St. Cloud

The St. Cloud group home, located at 19 Lessing Road (Block 158.06, Lot 36) is also owned and operated by Our House Inc. The group home includes four (4) very-low-income rental bedrooms, and opened in 2009. The 30-year affordability controls for the site began on August 14, 2007.

All four units were applied toward the Township's Third Round obligation. All associated documentation can be found in the appendix of the Township's Court-approved Third Round Housing Element and Fair Share Plan, adopted on November 17, 2020.

Existing 100% Affordable Developments

Federation Plaza.

Of the complex's 134 age-restricted units, the remaining 42 credits were applied to the Third Round obligation.

Washington Street

Washington Street is located at 39 Washington Street and includes Lot 1 of Block 121. Located on the site is a 100% affordable development containing three (3) rental units for families of low- and moderate-income. The project was funded by LIHTC. Certificates of occupancy were issued soon after. The 45-year affordability controls for the site began on January 1, 2007.

All three units were applied to the Township's Third Round obligation. All associated documentation can be found in the appendix of the Township's Court-approved Third Round Housing Element and Fair Share Plan, adopted on November 17, 2020.

152 Main Street

The property at 152 Main Street includes Lot 23 of Block 89. In 2007, a 100% affordable development was constructed on the site, which includes three (3) rental units for families of low- and moderate- income.

Certificates of occupancy were issued soon after. The project was funded by LIHTC. The 45-year affordability controls for the site began on January 1, 2007.

All three units were applied to the Township's Third Round obligation. All associated documentation can be found in the appendix of the Township's Court-approved Third Round Housing Element and Fair Share Plan, adopted on November 17, 2020.

158 Main Street

The property at 158 Main Street includes Lot 20 of Block 89. In 2007, a 100% affordable development was constructed on the site, which includes three (3) rental units for families of low- and moderate- income. Certificates of occupancy were issued soon after. The project was funded by LIHTC. The 45-year affordability controls for the site began on January 1, 2007.

All three units were applied to the Township's Third Round obligation. All associated documentation can be found in the appendix of the Township's Court-approved Third Round Housing Element and Fair Share Plan, adopted on November 17, 2020.

46 Mount Pleasant Avenue

The property at 46 Mount Pleasant Avenue (Block 68, Lot 1) previously contained the West Orange Township Library. The Township's Third Round Housing Element and Fair Share Plan outlined a total of 64 affordable units to be constructed on this site.

Site plan approval was granted to construct a 100% affordable four-story multifamily development for seniors on the site on August 7, 2019 (Planning Board Resolution B-19-05C). The approval included the construction of 65 age-restricted units, which includes 61 one-bedroom units, three (3) two-bedrooms, and one (1) two-bedroom superintendent unit. Resolution B-19-05C outlines that half of the units (i.e., 32 units) are for moderate-income residents, 23 units are for low-income residents, four (4) units are for very-low-income residents, and five (5) units are to serve as supportive housing for homeless residents. The building also includes 7,500 square feet of community space, and on-site parking is provided for residents. Subsequent to site plan approval, the site was granted subdivision approval to vacate an existing right-of-way and thus accommodate a new circulation pattern into the development (Planning Board Resolution 22-07).

The development was completed in 2024, and certificates of occupancy were issued on December 11, 2024. As of the writing of this Plan, all units are occupied.

Of the 64 total units, only 17 credits could be applied toward the Township's Third Round RDP obligation, due to caps on age-restricted units during that Round. The remaining 47 credits from this development were applied to the Third Round Unmet Need. See Appendix G for documentation.

Inclusionary Developments

Valley Road Residential

Valley Road Residential is an inclusionary development located at 22-27 Central Avenue and includes Lot 1.01 of Block 9. The five-story building includes 55 affordable family rental units and 45 market rate units. The affordable units include a total of 11 one-bedroom units, 36 two-bedroom units, and eight (8) three-bedroom units.

A recipient of LIHTC in 2018, the building was completed in 2020. All units within the building are now occupied. The site's 30-year affordability controls began on August 23, 2018.

All 55 affordable units were applied toward the Township's Third Round obligation, in addition to 55 rental bonus credits. All associated documentation can be found in the appendix of the Township's Court-approved Third Round Housing Element and Fair Share Plan, adopted on November 17, 2020.

West Essex Highlands

West Essex Highlands is a 120-acre lot located in the northwestern corner of the Township adjacent to Warner Road (Lot 32 of Block 179). The site was the subject of a settlement agreement, executed by the Township and West Essex Highlands, Inc. ("WEHI"), and the West Essex Highlands Condominium Association (the "Association") on April 23, 2020. On October 10, 2020, the Township adopted an ordinance rezoning the property to the IH-1 Inclusionary Housing District (Ordinance 2614-20). See Appendix H.

An application for the site has been filed seeking Preliminary and Final Major Site Plan Approval. The Planning Board is currently holding public hearings on the application. Ordinance 2614-20 outlines a maximum of four hundred and ninety-six (496) units on the site, with a mandatory 20% affordable set-aside (i.e., 100 units).

Of the site's 100 affordable units, 12 will be one-bedroom units, 64 will be two-bedroom units, and 24 will be three-bedroom units. Affordability controls on the site will expire 30 years from the date of initial occupancy.

The site is appropriate for inclusionary development, as it is available, approvable, developable, and suitable:

- *Available:* The site has no easements or title issues preventing its development.
- *Suitable:* The site is adjacent to compatible land uses, with established residential neighborhoods within the existing Highlands at West Essex condominium complex. The site's development is consistent with the goals and strategies outlined in the State Plan, as it is located within the Metropolitan Planning Area (PA 1). Further, the site has street access to Warner Road, which offers direct connections to Oval Road and Eagle Rock Avenue.

-
- *Developable*: The site falls within the sewer and water service areas. While a portion of the site is constrained by wetlands, proposed development is concentrated within the unconstrained areas of the site.
 - *Approvable*: The site was rezoned to the IH-1 Inclusionary Housing District in October of 2020 (Ordinance 2614-20), which permits multifamily development as a principal use. The ordinance permits a maximum number of 496 dwelling units on the site and requires an affordable housing set-aside of 20% of the units constructed. An application for the development outlined above is currently being reviewed by the Township's Planning Board.



Selecto Flash

The Selecto Flash sites include Block 9, Lots 32 and 36 (8-10 Central Avenue and 18 Central Avenue), as well as Block 6, Lot 36.01 (25 Tompkins Street). Lot 36 measures approximately 1.3 acres in area. The two lots located on Block 9 are included within the Central Avenue Redevelopment Plan, which was adopted on December 12, 2016. The redevelopment plan permits a gross density of up to 70 dwelling units/acre for inclusionary multifamily development. Block 6, Lot 36.01 is located within the R-M Multi-family residences district of the Township, where multifamily development is a permitted principal use.

Central Avenue Redevelopment Area

Block 9, Lot 32 measures approximately 0.5 acres in area and includes the remains of the historic building of Biddelman, Inc. (the "Biddelman building"). From approximately 1985 to 2004, the building was used for both a letter printing business and a company which assembled plastic forms. All operations within the Biddelman building ceased in April 2004, and the site has been vacant since.

Abutting Lot 32 to the east is Lot 36 of Block 9, which the Township acquired through foreclosure in April 2016. After standing vacant for over a year, the buildings were demolished in the fall of 2017. Remediation efforts have been underway since the demolition. As of the writing of this Plan, remediation is almost complete, and the lot remains vacant.

The Central Avenue Redevelopment Plan permits up to 111 residential units (including a 15% set aside of 17 affordable units), to be constructed on these two lots. Further, on April 7, 2021, the Township Planning Board granted preliminary and final major site plan and bulk variance approval to construct a five-story mixed-use development on Lots 32 and 36 (i.e., 18 Central Avenue). The development includes 94 market rate residential units, 1,223 square feet of residential amenity space, 3,500 square feet of a ground floor commercial space, and on-site parking accommodations. The approval for 18 Central Avenue also states that the 17 affordable units are to be constructed on an off-site lot, at 25 Tompkins Street (Block 36.01, Lot 6).

25 Tompkins Street

On May 5, 2021, the Township of West Orange approved an application to develop the 14,788 square foot (0.3 acre) lot with a new 100% affordable multifamily development. The building is three stories tall and includes an on-site management office. The development includes three (3) one-bedroom units, ten (10) two-bedroom units, and four (4) three-bedroom units.

The building is fully constructed and awaiting a certificate of occupancy. Affordability controls on the site will expire 30 years from the date of initial occupancy. See Appendix I for documentation.

The site at 25 Tompkins Street is appropriate for inclusionary development, as it is available, approvable, developable, and suitable:

- *Available:* The site has no easements or title issues preventing its development.
- *Suitable:* The site is adjacent to compatible land uses, with established residential neighborhoods along Tompkins Street and Mitchell Street. The site's development is consistent with the goals and strategies outlined in the State Plan, as it is located within the Metropolitan Planning Area (PA 1).
- *Developable:* The site falls within both the sewer and public water service areas. The site is not constrained by wetlands, or located within a flood hazard area.
- *Approvable:* The site was approved for a 100% affordable multifamily development by the Township Planning Board on May 5, 2021, and is fully constructed.

Essex Green/Executive Drive Redevelopment Area

The Essex Green/Executive Drive Redevelopment Area encompasses five (5) parcels along Executive Drive and Rooney Circle in the Township: 100 Executive Drive (Block 155, Lot 40.02), 200 Executive Drive (Block 155, Lot 42.02), 10 Rooney Circle (Block 155, Lot 41.02), 300 Executive Drive (Block 155, Lot 40.04), and Block 155, Lot 40.03.

The Township designated the area as a Redevelopment Area and adopted a redevelopment plan for all five parcels on June 11, 2019 (Ordinance 2573-19). Green Essex Partners was named as a conditional redeveloper on July 16, 2019 (Resolution 186-19). An amendment to the redevelopment plan which amended the Essex Green/Executive Drive Redevelopment Area to include only 100 Executive Drive, 200 Executive Drive, and 10 Rooney Circle was adopted on February 9, 2021 (Ordinance 2632-21). The following development is within the Essex Green/Executive Drive Redevelopment Area.

Stonehill

On August 6, 2020, the Township Planning Board adopted a resolution granting site plan approval for 100 and 200 Executive Drive. The application proposed a total of three (3) four-story multifamily residential buildings to be constructed, as well as a dog park, surface parking lots, and a parking garage. This new residential community, now known as Stonehill, includes a total of 425 rental apartments throughout the three buildings.

As outlined in the Third Round Housing Plan, the development requires a 15% affordable set-aside, which amounts to 64 affordable units. Of the 64 affordable units, 13 are one-bedroom units, 38 are two-bedroom units, and 13 are three-bedroom units. Certificates of occupancy for Stonehill were issued on December 12, 2024, which initiated the site's 30-year affordability controls. All units are occupied. See Appendix J for documentation.

Block 155, Lot 40.03

The Township's Third Round Housing Element and Fair Share plan states that a total of 23 affordable units are to be constructed on Block 155, Lot 40.03. The lot abuts the Stonehill development and is accessed along Rooney Circle. This parcel measures approximately 5.3 acres in area and was rezoned to the IH-2 Inclusionary Housing District through Township Ordinance 2642-21 (adopted on March 23, 2021) (see Appendix H).

This rezoning has not produced affordable units. The Township finds that the zoning in place remains appropriate for the character of the area and the need for affordable housing. A total of 23 credits were applied toward the Township's Third Round obligation.

The site continues to be appropriate for inclusionary development, as it is available, approvable, developable, and suitable:

- *Available:* The site has no easements or title issues preventing its development.
- *Suitable:* The site is adjacent to compatible land uses, including the newly-established multifamily residential Stonehill community along Executive Drive. The site's development is consistent with the goals and strategies outlined in the State Plan, as it is located within the Metropolitan Planning Area (PA 1).
- *Developable:* The site falls within both the sewer and public water service areas. The site is not constrained by wetlands, or located within a flood hazard area.
- *Approvable:* The site was rezoned within the Essex Green/Executive Drive Redevelopment Area on June 11, 2019 (Ordinance 2573-19).



Township of West Orange
Essex County, New Jersey

November 2025
Housing Element and Fair Share Plan

Summary of West Orange's Third Round RDP of 421	
Existing 100% Affordable Developments Federation Plaza Washington Street 152 Main Street 158 Main Street 46 Mount Pleasant Avenue	42 units 3 units 3 units 3 units 17 units
Existing Alternative Living Arrangements: Wedgewood Drive Dogwood Drive 525 Pleasant Valley Way St. Cloud/Forest Avenue	2 bedrooms 4 bedrooms 6 bedrooms 8 bedrooms
Inclusionary Development: Valley Road Residential West Essex Highlands Selecto Flash/25 Tompkins Street Essex Green/Executive Drive Redevelopment Area Stonehill Block 155, Lot 40.03	55 units 100 units 17 units 64 units 23 units
Total Units	347
Bonus Credits: Valley Road Residential West Essex Highlands	23 credits 51 credits
Total Bonus Credits	74
Total Third Round RDP	
421	

Addressing the Third Round Unmet Need

According to the FSHC Settlement Agreement, the Township had an unmet need of 533 units. The Township has addressed its unmet need of 533 by utilizing the following mechanisms:

Third Round RDP Surplus Credits

A surplus of 32 bonus credits from the Third Round RDP were applied to the Township's Third Round Unmet Need obligation.

46 Mount Pleasant Avenue

Due to caps on age-restricted units during the Third Round, only 17 of the 64 total affordable units within the 46 Mount Pleasant Avenue development could be applied toward the Township's Third Round RDP obligation. Therefore, the remaining 47 credits from this development were applied to the Third Round Unmet Need.

K-Mart/Whole Foods Shopping Center

The K-Mart/Whole Foods Shopping Center is located at 235 Prospect Avenue and includes Block 152.01, Lots 1445 and 1445.05. Collectively, these lots measure approximately 32.3 acres in area and are developed with a commercial shopping center and surface parking lot. The shopping center is not operating at full capacity; K-Mart, the former anchor tenant, vacated years ago. Smaller-scale tenants continue to operate within the complex.

This lot was rezoned as the IHO-1 Inclusionary Housing Overlay District through Ordinance 2619-20 (adopted on October 20, 2020) (see Appendix H).

Further, the Township's Planning Board granted bulk variance and preliminary and final site plan approval for renovation and expansion of the shopping center on October 25, 2023 (PB Application #21-01). The scope of this approval was entirely commercial and did not include residential or mixed-use components. The approval includes establishing Target as the complex's new anchor tenant, as well as the construction of three new commercial buildings, circulation and parking improvements, new signage, upgraded landscaping, new lighting, and more.

A total of 104 credits from the Kmart/Whole Foods Shopping Center site were applied toward the Township's Third Round obligation.

Mayfair Farms

The Mayfair Farms site is located at 481 Eagle Rock Avenue and includes Block 152.01, Lot 1445.01. Measuring approximately 11.1 acres in area, the lot is currently developed with the remains of the Mayfair Farms banquet hall and parking improvements.

After the banquet hall closed in 2022, the site became partially occupied by Wonder, a food delivery and take-out service. Within the rear section of the property, the company is utilizing a vacant outbuilding for barbeque smokestacks. However, Wonder expects to vacate the outbuilding by September.

The Third Round Housing Plan required an overlay for this property of up to 16 dwelling units/acre, with a 20% affordable set-aside. This lot was rezoned as the IHO-1 Inclusionary Housing Overlay District through Ordinance 2619-20 (adopted on October 20, 2020) (see Appendix H).

Discussions to construct an inclusionary development on the site have been ongoing. It should be noted that the Redeveloper filed a builder's remedy lawsuit in July of this year. The Township finds that the zoning in place remains appropriate for the character of the area and the need for affordable housing.

The site is appropriate for inclusionary development, as it is available, approvable, developable, and suitable:

- *Available:* The site has no easements or title issues preventing its development.
- *Suitable:* The site is adjacent to compatible land uses, with the K-Mart/Whole Foods Shopping Center to the east, commercial uses and restaurants along Eagle Rock Avenue, and residential communities located south of Eagle Rock Avenue and west of Prospect Avenue. The site's development is consistent with the goals and strategies outlined in the State Plan, as it is located within the Metropolitan Planning Area (PA 1). Further, residents will have direct access to Eagle Rock Avenue.
- *Developable:* The site falls within both a sewer and public water service areas. The site is not constrained by wetlands, or located within a flood hazard area.
- *Approvable:* The site was rezoned with an IHO-1 Inclusionary Housing Overlay on October 20, 2020 (Ordinance 2619-20).



Redwood Site

The Redwood Site is located at 200 Pleasant Valley Way (Block 151, Lot 33). The Third Round Housing Plan required an overlay for this property of up to 24 dwelling units/acre, with a 20% affordable set-aside. These 28 credits were applied toward the Township's Third Round Unmet Need obligation.

This lot was rezoned as the IHO-2 Inclusionary Housing Overlay District through Ordinance 2619-20 (adopted on October 20, 2020) (see Appendix H).

On June 7, 2023, the Township of West Orange's Planning Board granted preliminary and final major site plan approval to construct a multifamily residential development on the site. The approved development includes a total of 142 units, which includes 28 affordable units. The affordable units include four (4) one-bedroom units, 16 two-bedroom units, and eight (8) three-bedroom units. The Township is anticipating building permits to be issued within the coming months.

The site is appropriate for inclusionary development, as it is available, approvable, developable, and suitable:

- *Available:* The site has no easements or title issues preventing its development.
- *Suitable:* The site is adjacent to compatible land uses, including the Brighton Gardens of West Orange assisted living facility, and single-family residential neighborhood to the southeast. The site's development is consistent with the goals and strategies outlined in the State Plan, as it is located within the Metropolitan Planning Area (PA 1). Further, residents will have direct access to Eagle Rock Avenue.
- *Developable:* The site falls within both sewer and public water service areas. The site is not constrained by wetlands, or located within a flood hazard area.
- *Approvable:* The site was rezoned with an IHO-2 Inclusionary Housing Overlay on October 20, 2020 (Ordinance 2619-20) and has recently received site plan approval.



10 Rooney Circle

The property at 10 Rooney Circle (Block 155, Lot 41.02) is also located within the Essex Green/Executive Drive Redevelopment Area. This lot measures approximately 5.2 acres in area and is accessed from Rooney Circle. The Third Round Housing Plan states that a zoning overlay may be placed on the site to accommodate future residential uses, if this was the path decided by the previous owner and the Township. The residential component would include a total of 83 dwelling units, including 17 affordable units (representing a 20% affordable set aside).

The Township purchased the property in November of 2021, and it has not rezoned the site for residential use. The former office building on the site was renovated and contains the new West Orange Public Library, which was reopened to the public in December of 2023.

Rock Spring Golf Club

The Rock Spring Golf Club, which is owned by the Township, is accessed along Rock Spring Road and includes Lot 10 of Block 160. The golf course is approximately 138 acres in area, and is located within the R-1 (One-family dwellings on 80,000 square foot lots) district of the Township.

The Third Round Housing Plan states that a portion of the site may be rezoned to accommodate at least 150 dwelling units, including a total of 30 affordable units (representing a 20% set aside) if the continued use as a golf course is not viable. The golf course continues to operate and has been placed on the Township's Green Acres inventory.

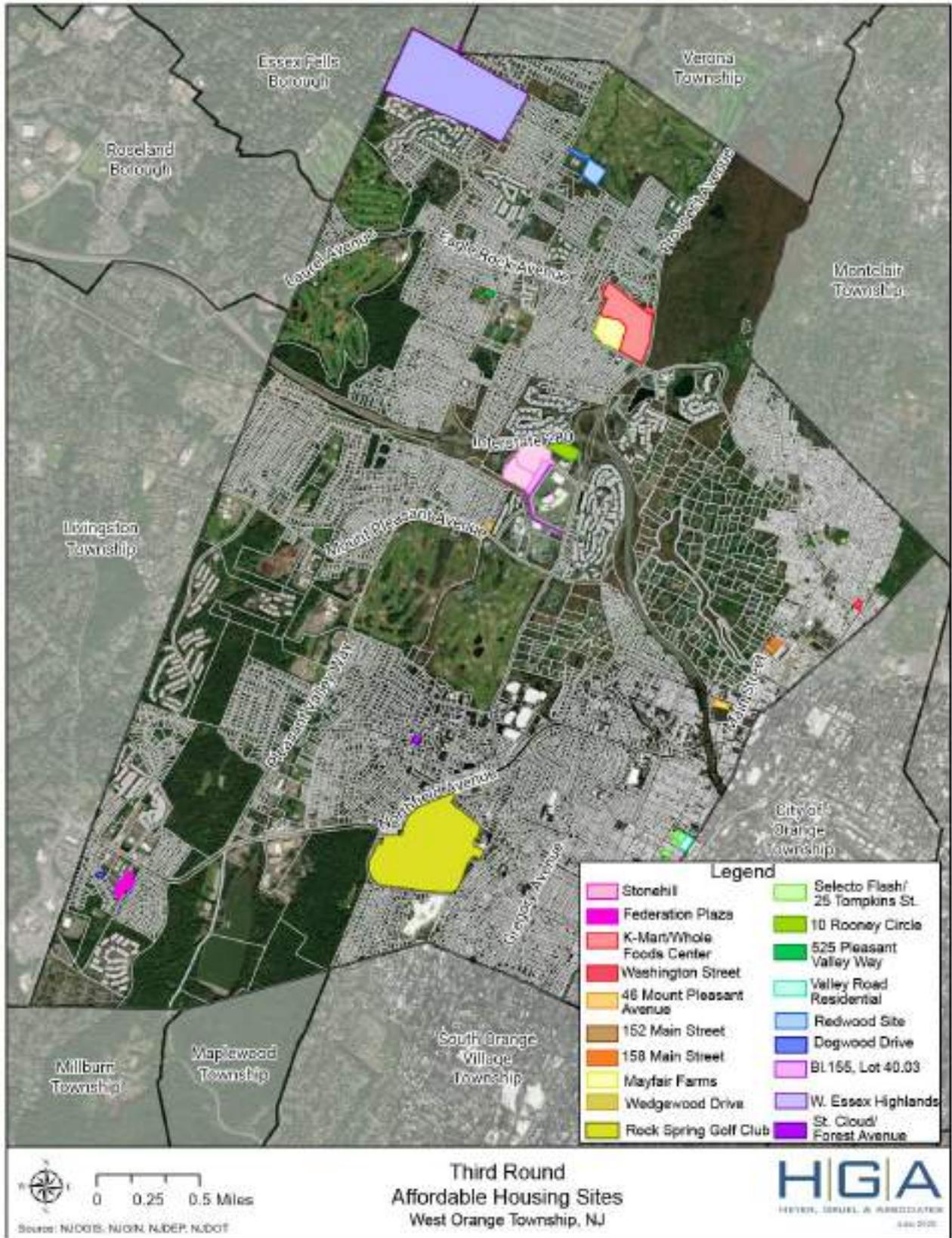
Mandatory Set-Aside Ordinance

The Township adopted a Mandatory Set-Aside Ordinance (MSO) for all new multi-family residential development of 5 units or more to provide a 15% set aside for rental developments and a 20% set aside for for-sale developments. The mandatory set aside ordinance was adopted on October 20, 2020 (Ordinance 2619-20) (see Appendix K).

All affordable units developed through the MSO are subject to UHAC regulations.

The MSO does not give any developer the right to any such rezoning, variance, redevelopment designation or other relief, or establish any obligation on the part of Township of West Orange to grant such rezoning, variance, redevelopment designation or other relief.

Summary of West Orange's Third Round Unmet Need of 533	
Surplus Credits from Third Round RDP	32 units
Existing 100% Affordable Development: 46 Mount Pleasant Avenue (remaining units)	47 units
Overlay Zoning: Redwood Site	28 units
Mayfair Farms	36 units
K-Mart/Whole Foods Shopping Center	104 units
Additional Mechanisms 10 Rooney Circle	17 units
Rock Spring Golf Club	30 units
Mandatory Set-Aside Ordinance	-



FOURTH ROUND OBLIGATION

The amended FHA called on the DCA to issue a non-binding report on the new Present Need Obligation (commonly referred to as the rehabilitation obligation) and the Prospective Need for Round 4 and subsequent rounds. The amended FHA requires the DCA to base its analysis of the obligations for each municipality based upon the standards set forth in the amended FHA.

On October 18, 2024, the New Jersey Department of Community Affairs (“DCA”) released a report outlining the Fourth Round (2025-2035) Fair Share methodology and its calculations of present need and prospective need low- and moderate-income obligations for each of the State’s municipalities. The obligations were calculated in alignment with the formulas and criteria found in P.L.2024, c.2. The DCA calculated a Present Need obligation for the Township of 409 units, and a Perspective Need obligation of 660 units.

On January 28, 2025, the Township Council adopted a binding resolution (Resolution 67-25, see Appendix E) accepting their Fourth Round DCA calculated rehabilitation obligation of 409 and the Prospective Need obligation of 660.

Addressing Present Need / Rehabilitation Obligation

Present Need was previously determined in N.J.A.C. 5:93-1.3 to be the sum of a municipality’s indigenous need, the deficient housing units occupied by low- and moderate-income households, and the reallocated present need, which is the portion of a housing region’s present need that is redistributed throughout the housing region. Under the Second Round rules, evidence for deficient housing included: year structure was built, persons per room, plumbing facilities, kitchen facilities, heating fuel, sewer service, and water supply. (N.J.A.C. 5:92, Appendix A).

The Third Round Rules (N.J.A.C. 5:97-1.1 et seq.) reduced the number of criteria of evidence of deficient housing to three: pre-1960 over-crowded units, which are units that have more than 1.0 persons per room; incomplete plumbing, and incomplete kitchen facilities. (N.J.A.C. 5:97). This reduction in the number of criteria was found to be by the Appellate Division to be within the Council’s discretion and was upheld in the Supreme Court’s decision in Mount Laurel IV.

The previously discussed Mount Laurel IV decision found that the reallocated need is no longer a component in the determination of Present Need. Therefore, the Present Need now equates to indigenous need, which means the obligation is based on deficient housing as determined by pre-1960 over-crowded units, incomplete plumbing, and incomplete kitchen facilities.

West Orange Homeowners Rehabilitation Program (WOHRP)

The Township intends to address its 409-unit Fourth Round Rehabilitation Obligation through a continuation of the West Orange Homeowners Rehabilitation Program (WOHRP). The WOHRP offers

assistance to low and moderate-income Township homeowners, lending up to \$25,000 at 0% interest to assist in home repairs. Such home repairs include:

- Roofs & Gutters
- Heating Systems
- Doors & Windows
- Electrical Systems
- Kitchen & Bathroom updates
- Painting or Siding
- Insulation
- Exterior Stairs, Porches, Decks

These 0% interest loans require no monthly payments and are repaid only at the time of a home sale or a transfer of title. This program is funded through the Township's Affordable Housing Trust Fund.

Since the inception of the WOHRP in 1999, a total of 223 homes has been rehabilitated. Presently, the WOHRP has a total of 119 homes on its waiting list, which are being processed. See Appendix L for documentation on the WOHRP.

Essex County Home Improvement Program

West Orange Township will also continue to participate in the Essex County Home Improvement Program (HIP), which is operated by the Essex County Division of Housing and Community Development. This program provides deferred loans to low-income and moderate-income homeowners who occupy a one-family to three-family home. Home improvements eligible for funding through this program include new heating systems, roofing, plumbing, electrical and code violation abatements.

Additional information for these programs can be found in the appendix of the Township's Court-approved Third Round Housing Element and Fair Share Plan, adopted November 17, 2020.

Vacant Land Adjustment

Municipalities can request an adjustment to their obligation based on the determination that there is not sufficient vacant or developable land within the municipality. As permitted by N.J.A.C. 5:93-4 and the Fair Housing Act, a municipality can submit a Vacant Land Adjustment (VLA) that examines the number of parcels available for development. The end result of the Vacant Land Adjustment is the determination of the Township's Realistic Development Potential (RDP) for new affordable housing units. After subtracting out the RDP from the obligation, the remaining calculation is known as the "unmet need."

Since the Township lacked sufficient land to satisfy its Round 3 obligation, it lacks sufficient land to satisfy the additional 660-unit obligation for Round 4. Moreover, there have been no changed circumstances since the Court entered a Judgment of Repose approving the Township's VLA and RDP on March 17, 2021.

It should be noted that the amended FHA permits a municipality to rely on COAH regulations that are not inconsistent with the amended FHA or a binding Court decision. The following COAH regulation is relevant:

N.J.A.C. 5:97-5.1(d): A vacant land adjustment that was granted as part of a first round certification or judgment of compliance shall continue to be valid provided the municipality has implemented all of the terms of the substantive certification or judgment of compliance, and received or petitioned to the Council for second round substantive certification or was under the Court’s jurisdiction for second round. If the municipality failed to implement the terms of the substantive certification or judgment of compliance, the Council may reevaluate the vacant land adjustment.

Therefore, due to the lack of developable land, the Township has an RDP of 0 for the Fourth Round Prospective Need obligation.

The amended Fair Housing Act requires municipalities seeking a VLA to identify sufficient parcels likely to redevelop during the current round of obligations to address at least 25% of the Prospective Need obligation that has been adjusted. This amounts to a total of 165 total units for West Orange Township.

Fourth Round Adjusted Obligation

In summary, the Township’s Rehabilitation Share and Fourth Round Prospective Need Obligations are detailed as follows:

West Orange Township Obligation	
Rehabilitation Share	409
Fourth Round Prospective Need Obligation (2025-2035)	660
Fourth Round RDP	0
Fourth Round Unmet Need	660

Addressing the Fourth Round Unmet Need

The Township plans to address its 660-unit Fourth Round Unmet Need obligation through the following mechanisms:

Existing/Approved Inclusionary Developments

555 Northfield Avenue

The property at 555 Northfield Avenue includes Block 168, Lots 26 and 28. The lots measure approximately 2 acres in area and are located in the B-2 (General business) zone. Surrounding uses include the Turtleback Zoo and a hockey arena located across Northfield Avenue, commercial establishments to the east and west, and a ballfield to the north. St. Cloud Elementary School is located along Sheridan Avenue. A minimal amount of the site is constrained by flood hazard areas and steep slopes.



On October 17, 2019, the Township Zoning Board adopted a resolution, which granted site plan approval to construct a mixed-use apartment building with a retail space and a childcare center on the site (Zoning Board Resolution 18-09). The development comprises of 70 total units, including 11 affordable units. This new residential community, now known as “The West,” was completed in 2023, and is fully occupied. Prior to the construction of the West, a hotel occupied the site.

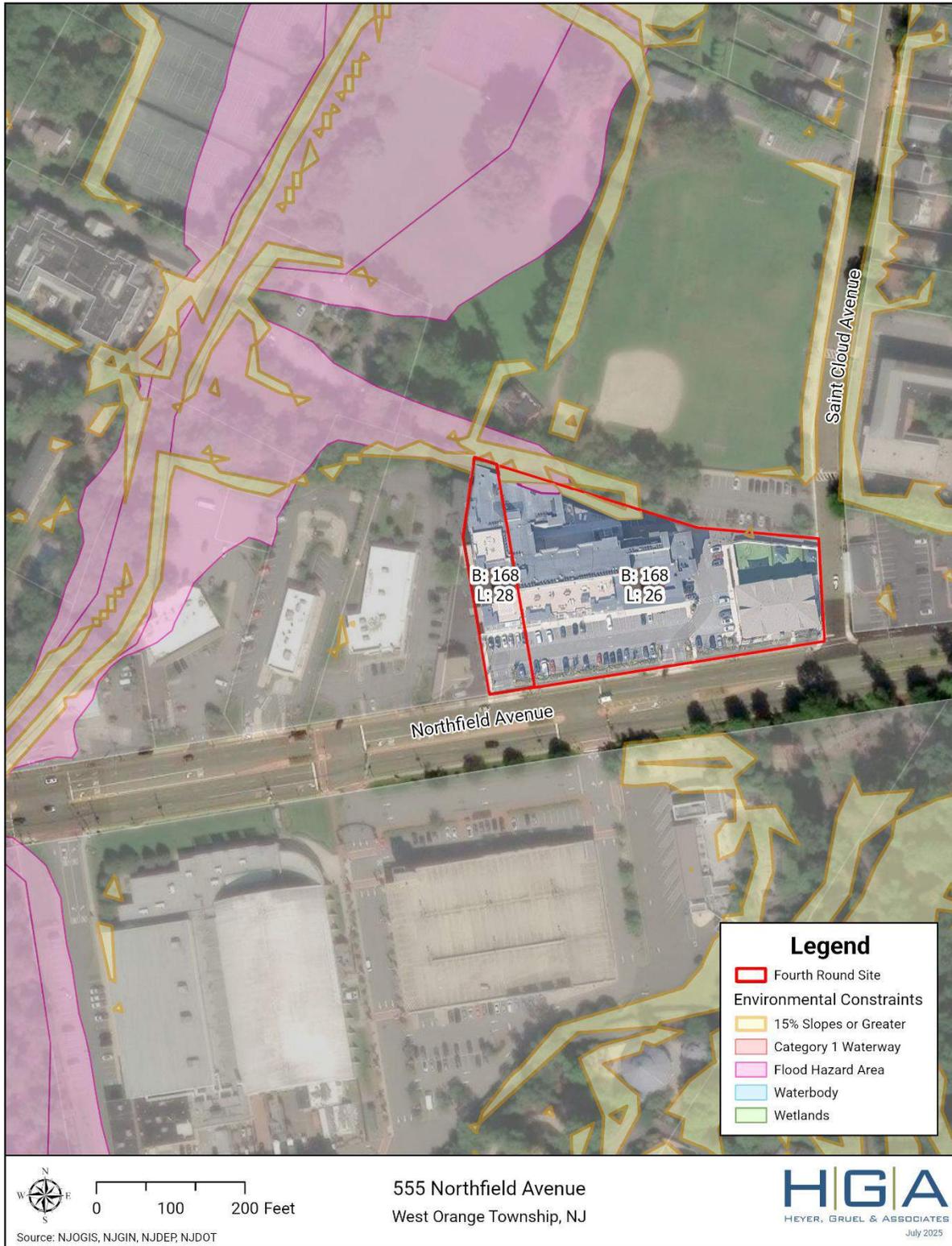
A deed which established the affordability controls and established the affordable housing covenants for the site was filed on March 23, 2023. The deed notes that the affordable units may only be used for providing rental dwelling units for very-low-income residents in need of supportive and special needs housing. According to the deed restriction, the control period for the affordable units is 30 years.

All 11 units are being applied to the Township’s Fourth Round Unmet Need obligation. See Appendix M for documentation. The Township will claim all 11 bonus credits, at a ratio of 1 bonus credits per 1 unit, as the proposed units meet the COAH criteria described below:

“Each unit of low- or moderate-income housing for individuals with special needs or permanent supportive housing, as those terms are defined in section 2 of P.L. 2004, c.70 (C.34:1B-21.24).”

The site is appropriate for multifamily low- and moderate-income housing as it is available, approvable, developable, and suitable:

- *Available:* The site has no easements or title issues preventing its development.
- *Suitable:* The site borders residential neighborhoods and is located along a roadway with commercial and recreational assets. Its development is consistent with the goals and strategies outlined in the State Plan. The site is located within the Metropolitan Planning Area (PA 1). Further, the site’s frontage along Northfield Avenue offers access to employment and service establishments.
- *Developable:* The site falls within sewer and public water service areas and has access to appropriate public streets with frontage on Northfield Avenue. While a portion of the site is constrained by steep slopes and flood hazard areas, the proposed development has been concentrated within the unconstrained areas of the site.
- *Approvable:* The site received approval from the Zoning Board on October 17, 2019, to construct a multifamily development on the site, which includes 11 affordable units. The development is fully occupied.



Township of West Orange
Essex County, New Jersey

November 2025
Housing Element and Fair Share Plan

172-174 Main Street

The property at 172-174 Main Street includes Block 89, Lot 6. The lot measures approximately 0.35 acres in area and is located in the B-1 (Retail business) zone. Surrounding uses include neighborhood-scale commercial uses and multifamily residences to the southwest, the mixed-use Edison Lofts located directly across Main Street, and a single-family residential neighborhood to the northwest along Edgehill Avenue. The property is currently developed with a two-story commercial building and parking area.



On July 2, 2025, the Township Planning Board adopted a resolution granting site plan approval to renovate the existing commercial building on the site into a three-story, mixed-use apartment building with a retail space and seven (7) total residential units (Planning Board Resolution PB 24-14). Of the seven (7) units, one (1) unit will be affordable for low- and moderate-income residents. A deed outlining affordability controls for the property has not been created as of the writing of this Plan.

The one (1) affordable unit is being applied to the Township's Fourth Round Unmet Need obligation. See Appendix N for documentation.

The site is appropriate for multi-family low- and moderate-income housing as it is available, approvable, developable, and suitable:

- *Available:* The site has no easements or title issues preventing its development.
- *Suitable:* The site borders residential neighborhoods and is located adjacent to the Downtown Redevelopment Area along Main Street. Its development is consistent with the goals and strategies outlined in the State Plan. The site is located within the Metropolitan Planning Area (PA 1). Further, the site's frontage along Main Street offers access to employment and service establishments.
- *Developable:* The site falls within sewer and public water service areas and has access to appropriate public streets with frontage on Main Street. While a portion of the site is constrained by steep slopes, the proposed development would be concentrated within the unconstrained areas of the site.
- *Approvable:* The site received approval from the Planning Board to construct a multifamily development on the site on July 2, 2025, which included one (1) affordable unit.



Proposed Inclusionary Developments**216-222 Main Street**

The property at 216-222 Main Street includes Block 114, Lots 110 and 114. Collectively, the lots measure approximately 0.5 acres in area and are located in the Main Street Subdistrict (MSS) of the Downtown Redevelopment Area. Surrounding uses include neighborhood-scale commercial uses and multifamily residences along Main Street, the mixed-use Edison Lofts, and a single-family residential neighborhood to the northwest, along Edisonia Terrace and Shepard Terrace. Both lots are developed with vacant buildings and surface parking lots. The site is not subject to any environmental constraints.



In March of 2024, a developer approached the Township with a proposal to utilize the site as a four-story residential development.

The Township proposes to rezone the site to accommodate a multifamily development at a gross density of 24 dwelling units/acre, with an affordable set aside of 20%. This would create a total of 12 rental units on the site, which includes three (3) affordable family rental units. The three units will be applied to the Township's Fourth Round Unmet Need obligation.

Further, the Township will claim 1 bonus credit, at a ratio of 0.5 bonus credits per 1 unit, as the proposed units meet the COAH criteria described below:

"A unit of low- or moderate-income housing constructed on land that is or was previously developed and utilized for retail, office, or commercial space."

The site is appropriate for multi-family low- and moderate-income housing as it is available, approvable, developable, and suitable:

- *Available:* The site has no easements or title issues preventing its development.
- *Suitable:* The site is almost entirely surrounded by residential uses. Its development is consistent with the goals and strategies outlined in the State Plan. The site is located within the Metropolitan Planning Area (PA 1). Further, the site's proximity frontage along Main Street offers access to employment and service establishments.
- *Developable:* The site falls within sewer and public water service areas, and has access to appropriate public streets with frontage on Main Street.
- *Approvable:* The site is proposed to be rezoned, to accommodate a multifamily development at a gross density of 24 dwelling units/acre with a 20% set aside. This will create a total of 3 affordable family rental units on the site.



217 Main Street

The property at 217 Main Street includes Block 116.02, Lot 1.01. The lot measures approximately 2.1 acres in area. Located in the Edison Mixed-Use Residential subdistrict (E-MR) of the Downtown Redevelopment Area, the lot currently is developed with a standalone shopping mall and a large surface parking lot containing approximately 144 parking spaces. The existing tenants within the shopping mall include Family Dollar, Sherwin Williams, and CVS, which serves as the anchor tenant. Surrounding uses include neighborhood commercial establishments and mixed-use buildings with ground level retail and upper-level apartments along Main Street. The entire site is developed and unconstrained.



The Township of West Orange proposes to rezone the property to allow for multifamily development at a maximum density of 24 dwelling units/acre. For the 2.1 acre-lot, this amounts to a total of 51 units. Further, implementing a mandatory 20% affordable set aside will create 11 affordable units. The proposed development supports the intent of the 2021 Fourth Amendment to the Downtown Redevelopment Plan for the E-MR subdistrict: “to encourage appropriate residential development, in order to further address the Township’s affordable housing obligations” (page 1).

Further, the Township will claim 5 bonus credits, at a ratio of 0.5 bonus credits per 1 unit, as the proposed units meet the COAH criteria described below:

“A unit of low- or moderate-income housing constructed on land that is or was previously developed and utilized for retail, office, or commercial space.”

The site is appropriate for multi-family low- and moderate-income housing as it is available, approvable, developable, and suitable:

- *Available:* The site has no easements or title issues preventing its development.
- *Suitable:* The site is surrounded by mixed-use developments and commercial establishments along Main Street. Its development is consistent with the goals and strategies outlined in the State Plan. The site is located within the Metropolitan Planning Area (PA 1). Further, the site’s adjacency to Main Street offers access to employment and service establishments.
- *Developable:* The site falls within sewer and public water service areas, and has access to appropriate public streets with frontage on Main Street. The site is not subject to environmental constraints.
- *Approvable:* The site is proposed to be rezoned to permit multifamily development at a maximum gross density of 24 dwelling units/acre with a 20% set aside. This will create a total of 11 affordable units on the site.



525 Northfield Avenue (Essex House)

The property at 525 Northfield Avenue includes Block 159.04, Lot 1.01. The lot measures approximately 2.5 acres in area. Located in the B-2 (General business) zone, the lot has been vacant for years and includes the remains of the Essex House restaurant and a surface parking lot. Surrounding uses include preserved land and the Turtleback Zoo located across Northfield Avenue, commercial establishments to the west, and the St. Cloud Elementary School to the northwest along Sheridan Avenue. The disturbed area of the site is unconstrained.



In 2025, a developer approached the Township to discuss the potential of utilizing the site for a mixed use residential and commercial building. The Township proposes to rezone the site to permit the development of a total of 60 units which includes 12 affordable units.

Further, the Township will claim 6 bonus credits, at a ratio of 0.5 bonus credits per 1 unit, as the proposed units meet the COAH criteria described below:

“A unit of low- or moderate-income housing constructed on land that is or was previously developed and utilized for retail, office, or commercial space.”

The site is appropriate for multi-family low- and moderate-income housing as it is available, approvable, developable, and suitable:

- *Available:* The site has no easements or title issues preventing its development.
- *Suitable:* The site borders residential neighborhoods and is located along a roadway with commercial and recreational assets. Further, it is located in proximity to The West multifamily development, which was completed in 2023. Its development is consistent with the goals and strategies outlined in the State Plan. The site is located within the Metropolitan Planning Area (PA 1). Further, the site’s proximity to Northfield Avenue offers access to employment and service establishments.
- *Developable:* The site falls within sewer and public water service areas, and has access to appropriate public streets with frontage on Northfield Avenue. While a portion of the site is constrained by flood hazard areas and steep slopes, the proposed development will be concentrated within the unconstrained areas of the site.
- *Approvable:* The site will be rezoned to accommodate a 60-unit inclusionary multifamily development with a 20% affordable set aside. This will create a total of 12 affordable units on the site.



103 Pleasant Valley Way (Greenhill)

The property at 103 Pleasant Valley Way includes Block 179, Lot 3. The lot measures approximately 20.6 acres in area and is located in the R-4 (One-family dwellings on 15,000 square foot lots) zone of the Township. Surrounding uses include single-family residential neighborhoods to the north and south, and the Montclair Golf Club and Course to the east, across Pleasant Valley Way. The site is currently developed with the Green Hill Senior Living and Rehabilitation Center. Approximately 11% of the site is constrained by steep slopes.



In 2025, a developer approached the Township to discuss the potential of utilizing the rear 12 acres of the site for an inclusionary development. The existing rehabilitation center would remain on the site.

The Township proposes to rezone the rear portion of the site to permit a maximum of 195 units which includes 39 affordable family units (i.e., a 20% affordable set-aside). A total of five (5) affordable units (i.e., 13%) will be for very low-income families.

The site is appropriate for multi-family low- and moderate-income housing as it is available, approvable, developable, and suitable:

- *Available:* The site has no easements or title issues preventing its development.
- *Suitable:* The site is almost entirely surrounded by residential uses. Its development is consistent with the goals and strategies outlined in the State Plan. The site is located within the Metropolitan Planning Area (PA 1). Further, the site's proximity to Pleasant Valley Way offers access to employment and service establishments.
- *Developable:* The site falls within sewer and public water service areas, and has access to appropriate public streets with frontage on Pleasant Valley Way. The proposed development will be concentrated within the unconstrained areas of the site.
- *Approvable:* The site is proposed to be rezoned to permit the development of 195 units on the rear 12-acre portion of the site. The development will have a 20% affordable set aside, creating a total of 39 affordable family units on the site.



350 Pleasant Valley Way

The property at 350 Pleasant Valley Way includes Block 152.22, Lot 1428 of the Township. The lot measures approximately 12.3 acres in area, and is located in the R-5 (One-family dwellings on 10,000 square foot lots) zone. Surrounding uses include commercial establishments and professional offices along Pleasant Valley Way, single-family residences along Kenz Terrace and Ronald Terrace, and townhouses along Sullivan Drive. The lot is currently developed with the Wilshire Grand, a three-story hotel with banquet/catering facilities. The undeveloped portion of the site is constrained by steep slopes, wetlands, and flood hazard areas.

In 2025, a developer approached the Township to discuss the potential of utilizing the site for an inclusionary development. The Township proposes to rezone the site to permit an inclusionary development of approximately 295 units including 59 affordable family rental units. A total of eight (8) affordable units (i.e., 13%) will be for very low-income families.

Further, the Township will claim 29 bonus credits, at a ratio of 0.5 bonus credits per 1 unit, as the proposed units meet the COAH criteria described below:

"A unit of low- or moderate-income housing constructed on land that is or was previously developed and utilized for retail, office, or commercial space."

The site is appropriate for multi-family low- and moderate-income housing as it is available, approvable, developable, and suitable:

- *Available:* The site has no easements or title issues preventing its development.
- *Suitable:* The site is almost entirely surrounded by residential uses. Its development is consistent with the goals and strategies outlined in the State Plan. The site is located within the Metropolitan Planning Area (PA 1). Further, the site's proximity to Pleasant Valley Way offers access to employment and service establishments.
- *Developable:* The site falls within sewer and public water service areas, and has access to appropriate public streets with frontage on Pleasant Valley Way. While a portion of the site is constrained by steep slopes and wetlands, the proposed development will be concentrated within the unconstrained areas of the site.
- *Approvable:* The site is proposed to be rezoned to accommodate a 295-unit inclusionary multifamily development with a 20% affordable set aside. This will create a total of 59 affordable family rental units on the site.



275 Northfield Avenue

The property at 275 Northfield Avenue includes Block 81.01, Lot 1.02. The lot measures approximately 4.1 acres in area and is located in the R-G (Garden apartments) zone of the Township. Surrounding uses include single-family residential uses along Northfield Avenue, and an athletic complex to the northwest. The lot is currently developed with a two-story apartment building that experienced severe damage in a landslide during Hurricane Ida in 2021. The building has been fully vacated ever since.



In 2025, a developer approached the Township to discuss the potential of utilizing the site for an inclusionary development. The Township proposes to rezone the site to permit the development of 66 units. A required 20% affordable set aside will create a total of 14 affordable family units on the site. A total of two (2) affordable units (i.e., 13%) will be for very low-income families.

The site is appropriate for multi-family low- and moderate-income housing as it is available, approvable, developable, and suitable:

- *Available:* The site has no easements or title issues preventing its development.
- *Suitable:* The site is almost entirely surrounded by residential uses. Its development is consistent with the goals and strategies outlined in the State Plan. The site is located within the Metropolitan Planning Area (PA 1). Further, the site's frontage along Northfield Avenue offers access to employment and service establishments.
- *Developable:* The site falls within sewer and public water service areas, and has access to appropriate public streets with frontage on Northfield Avenue. While the rear portion of the site is constrained by steep slopes, the proposed development will be concentrated within the unconstrained areas of the site.
- *Approvable:* The site is proposed to be rezoned to permit a 66-unit inclusionary development with a 20% affordable set aside. This will create a total of 14 affordable family units on the site.



Proposed 100% Affordable Sites**28 Babcock Place**

The property at 28 Babcock Place includes Block 116.02, Lot 12. The lot measures approximately 7,750 square feet (0.18 acres) in area and is located in the Edison Mixed-Use Residential subdistrict (E-MR) of the Downtown Redevelopment Area. Surrounding uses include two-family dwellings along Babcock Place, CVS Pharmacy and neighborhood and commercial uses along Main Street. The property is located one block north of the Township's Public Works facility and two blocks north of Edison Lofts project. This lot is currently vacant and owned by the Township. The site is not subject to any environmental constraints.



The Township proposes to develop the site with four affordable units with a preference for veteran's housing or a group home.

Further, the Township will claim all 4 bonus credits, at a ratio of 1 bonus credits per 1 unit as the proposed units meet the COAH criteria described below:

"Each unit of low- or moderate-income housing in a 100 percent affordable housing project for which the municipality contributes toward the costs of the project."

The site is appropriate for multi-family low- and moderate-income housing as it is available, approvable, developable, and suitable:

- *Available:* The site has no easements or title issues preventing its development.
- *Suitable:* The site is almost entirely surrounded by residential uses. Its development is consistent with the goals and strategies outlined in the State Plan. The site is located within the Metropolitan Planning Area (PA 1). Further, the site's adjacency to Main Street offers access to employment and service establishments.
- *Developable:* The site falls within sewer and public water service areas, and has access to appropriate public streets with frontage on Main Street. The site is not subject to environmental constraints.
- *Approvable:* A total of four (4) affordable units is proposed on the site.



4 Tompkins Street

The property at 4 Tompkins Street includes Block 7, Lot 22. The lot measures approximately 7,200 square feet (0.16 acres) in area and is located in the R-M (Multi-family residences) district of the Township. Surrounding uses include single- and low-density multifamily dwellings along Tompkins and Mitchell Street; and the higher-density Harvard Printing II building along Central Avenue. This lot is currently vacant and owned by the Township. The site is not subject to any environmental constraints.



The Township proposes to develop the site with four affordable units with a preference for veteran's housing or a group home.

Further, the Township will claim all 4 bonus credits, at a ratio of 1 bonus credits per 1 unit, as the proposed units meet the COAH criteria described below:

"Each unit of low- or moderate-income housing in a 100 percent affordable housing project for which the municipality contributes toward the costs of the project."

The site is appropriate for multi-family low- and moderate-income housing as it is available, approvable, developable, and suitable:

- *Available:* The site has no easements or title issues preventing its development.
- *Suitable:* The site is almost entirely surrounded by residential uses. Its development is consistent with the goals and strategies outlined in the State Plan. The site is located within the Metropolitan Planning Area (PA 1). Further, the site's proximity to Valley Road and S. Jefferson Street offers access to employment and service establishments.
- *Developable:* The site falls within sewer and public water service areas and has access to appropriate public streets along Valley Road and S. Jefferson Street. The site is not subject to environmental constraints.
- *Approvable:* A total of four (4) affordable units is proposed on the site.



Proposed Continuing Care Retirement Community (CCRC)***1155 Pleasant Valley Way (Daughters of Israel)***

The property at 1155 Pleasant Valley Way includes Block 171, Lot 12. The lot measures approximately 17.9 acres in area and is located in the R-2 (One-family dwellings on 40,000 square foot lots) zone of the Township. Surrounding uses include Kessler Rehabilitation Institute to the south, single-family residential neighborhoods to the north and northwest, and the Essex County Country Club to the east, along Pleasant Valley Way. On the site, the 303-bed Daughters of Israel nursing home continues to operate.



On May 11, 2023, an application to convert the existing nursing home into a new Continuing Care Retirement Community (CCRC) was denied by the Township's Zoning Board of Adjustment. The CCRC proposed at that time would accommodate 326 total units (including assisted living, skilled nursing, and independent living units).

A developer approached the Township in 2025 to discuss the potential of reducing the scale of the CCRC to 311 total units, which would include a minimum of 41 affordable beds. It should be noted that the Developer filed a builder's remedy lawsuit in July of this year.

The Township proposes to rezone the parcel within a new district, the CCRC Zone in order to permit a CCRC with a total of 311 units. Further, an affordable bed set aside will be required (41 beds) for very-low-income seniors.

The site is appropriate for multi-family low- and moderate-income housing as it is available, approvable, developable, and suitable:

- *Available:* The site has no easements or title issues preventing its development.
- *Suitable:* The site is almost entirely surrounded by residential uses. Its development is consistent with the goals and strategies outlined in the State Plan. The site is located within the Metropolitan Planning Area (PA 1). Further, the site's proximity to Pleasant Valley Way offers access to employment and service establishments.
- *Developable* The site falls within sewer and public water service areas, and has access to appropriate public streets with frontage on Pleasant Valley Way. While a portion of the site is constrained by steep slopes and wetlands, the proposed development will be concentrated within the unconstrained areas of the site.
- *Approvable:* The site will be rezoned to the CCRC zone, to accommodate a continuing care and rehabilitation center, with a required affordable set aside for very-low-income seniors.



Existing Group Homes

19 Terrace Avenue

The property at 19 Terrace Avenue includes Lot 1392 of Block 152.21. The lot measures approximately 14,000 square feet (0.3 acres) in area and is located in the R-5 District (One-family dwellings on 10,000 square foot lots) of the Township.

The alternative living arrangement is owned and operated by the ARC of Essex County and includes three (3) very-low-income rental bedrooms . The home on the site was constructed in 1960 and was used as a single-family residence until 2012. A deed transferring ownership to the ARC of Essex County was made on August 16, 2012.

Three (3) credits are being applied to the Township's Fourth Round obligation. Further, the Township will claim all three bonus credits, at a ratio of 1 bonus credits per 1 unit as the proposed units meet the COAH criteria described below:

"Each unit of low- or moderate-income housing for individuals with special needs or permanent supportive housing, as those terms are defined in section 2 of P.L. 2004, c.70 (C.34:1B-21.24)."

All associated documentation can be found in Appendix O.

97 Edgewood Avenue

The property at 97 Edgewood Avenue includes Lot 38 of Block 159.06. The lot measures approximately 17,600 square feet (0.4 acres) in area and is located in the R-5 District (One-family dwellings on 10,000 square foot lots) of the Township.

The alternative living arrangement is owned and operated by Project Live, Inc. and includes five (5) very-low-income rental bedrooms . The home on the site was constructed in 1954 and was used as a single-family residence until 1997. A deed transferring ownership to Project Live, Inc was made on October 23, 1997. The development received funding from the federal HOME Investment Partnership Program (HOME). The 20-year affordability controls for the group home began shortly after it was occupied.

Five (5) credits are being applied to the Township's Fourth Round obligation. Further, the Township will claim all five bonus credits, at a ratio of 1 bonus credits per 1 unit as the proposed units meet the COAH criteria described below:

"Each unit of low- or moderate-income housing for individuals with special needs or permanent supportive housing, as those terms are defined in section 2 of P.L. 2004, c.70 (C.34:1B-21.24)."

All associated documentation can be found in Appendix O.

23 Oak Avenue

The property at 23 Oak Avenue includes Lot 27 of Block 161. The lot measures approximately 10,000 square feet (0.2 acres) in area and is located in the R-5 District (One-family dwellings on 10,000 square foot lots) of the Township.

The alternative living arrangement is owned and operated by CPNJ West Orange Residence II and includes three (3) very-low-income rental bedrooms. The home on the site was constructed in 1970 and was used as a single-family residence until 1997. A deed transferring ownership to CPNJ West Orange Residence II was made on June 10, 2008.

Three (3) credits are being applied to the Township's Fourth Round obligation. Further, the Township will claim all three bonus credits, at a ratio of 1 bonus credits per 1 unit as the proposed units meet the COAH criteria described below:

"Each unit of low- or moderate-income housing for individuals with special needs or permanent supportive housing, as those terms are defined in section 2 of P.L. 2004, c.70 (C.34:1B-21.24)."

All associated documentation can be found in Appendix O.

60 Glenview Drive

The property at 60 Glenview Drive includes Qualifier C0060 Lot 5 of Block 166.15. The lot measures approximately 2,200 square feet in area and is located in the RC Residential Cluster Development District of the Township.

The alternative living arrangement is owned and operated by Jewish Service for the Developmentally Disabled of Metrowest, Inc. and includes three (3) very-low-income rental bedrooms. The home on the site was constructed in 1980 and was used as a single-family residence until 2010. The transfer of ownership to Jewish Service for the Developmentally Disabled of Metrowest, Inc. and the creation of the group home is outlined in a Financing, Deed Restriction, and Regulatory Agreement made on August 25, 2010. Financing for the facility was provided by the Special Needs Housing Trust Fund. The 30-year affordability controls for the group home began on the date of the mortgage, August 25, 2010.

Three (3) credits are being applied to the Township's Fourth Round obligation. Further, the Township will claim all three (3) bonus credits, at a ratio of 1 bonus credits per 1 unit as the proposed units meet the COAH criteria described below:

"Each unit of low- or moderate-income housing for individuals with special needs or permanent supportive housing, as those terms are defined in section 2 of P.L. 2004, c.70 (C.34:1B-21.24)."

All associated documentation can be found in Appendix O.

167 Pleasant Valley Way

The property at 167 Pleasant Valley Way includes Lot 13.03 of Block 179.14. The lot measures approximately 34,000 square feet (0.8 acres) in area and is located in the R-5 District (One-family dwellings on 10,000 square foot lots) of the Township.

The alternative living arrangement is owned and operated by Children's Aid and Family Service and includes five (5) very-low-income rental bedrooms. The home on the site was constructed in 1955 and was used as a single-family residence until 2008. A deed transferring ownership to Children's Aid and Family Service was made on October 28, 2008. Further, a deed restriction covenant was made on January 21, 2021, which established affordability controls for the site and outlined the funding received from the HOME Program. The 15-year affordability controls for the group home began on the date of the deed restriction covenant.

Five (5) credits are being applied to the Township's Fourth Round obligation. Further, the Township will claim all five (5) bonus credits, at a ratio of 1 bonus credits per 1 unit as the proposed units meet the COAH criteria described below:

"Each unit of low- or moderate-income housing for individuals with special needs or permanent supportive housing, as those terms are defined in section 2 of P.L. 2004, c.70 (C.34:1B-21.24)."

All associated documentation can be found in Appendix O.

177 Marion Drive

The property at 177 Marion Drive includes Qualifier C0177 of Lot 27 of Block 155. The lot measures approximately 1,676 square feet in area and is located in the Planned Unit Residential Development (PURD) District of the Township.

The alternative living arrangement is owned and operated by ARC of Essex County and includes two (2) very-low-income rental bedrooms. The home on the site was constructed in 1980 and was used as a single-family residence until 2013. A deed transferring ownership to ARC of Essex County was made on August 29, 2013. Further, a deed restriction covenant was made on June 26, 2014, which established affordability controls for the site and outlined the funding received from the HOME Program. The 15-year affordability controls for the group home began on the date of the deed restriction covenant.

Two (2) credits are being applied to the Township's Fourth Round obligation. Further, the Township will claim both bonus credits, at a ratio of 1 bonus credits per 1 unit as the proposed units meet the COAH criteria described below:

"Each unit of low- or moderate-income housing for individuals with special needs or permanent supportive housing, as those terms are defined in section 2 of P.L. 2004, c.70 (C.34:1B-21.24)."

All associated documentation can be found in Appendix O.

Additional Mechanisms

Affordable Housing Ordinance

An Affordable Housing Ordinance was most recently amended by the Township on October 10, 2020 (Ordinance No. 2619-20) (see Appendix H), establishing the criteria for implementing affordable housing units in conformance with the Uniform Housing Affordability Controls (UHAC). While this Plan acknowledges that an amendment to the UHAC was released on an emergency basis in December 2024, those rules are set to expire in December 2025. It is also the understanding that the Housing Mortgage and Finance Agency (HMFA), the entity currently responsible for the UHAC regulations, is in the process of establishing further amendments to those rules. Because of the uncertainty with the UHAC regulations, the Township will refrain from adopting an updated ordinance until such rules are finalized, acknowledging that the December 2024 UHAC rules adopted under emergency measures are the current governing regulations. Should there be any discrepancy between the Township's adopted ordinance and the current UHAC regulations, the current UHAC regulations shall govern.

Development Fee Ordinance

A Development Fee Ordinance was adopted by the Township on October 10, 2020 (Ordinance No. 2619-20) (see Appendix H).

Additional Affordable Housing Resolutions

The Township adopted several additional affordable housing resolutions (Appendix P). These include:

- Resolution 186-25 – Appointing Geniece Gary-Adams as the Township's Municipal Housing Liaison, and Peter F. Smeraldo, Jr. as the Alternate Municipal Housing Liaison
- Resolution 17-24 – Appointing CGP&H as the Township's Administrative Agent

Accessory Apartment Ordinance

West Orange proposes to adopt an Accessory Apartment Ordinance, to create a Township Accessory Apartment Program. This Ordinance will only apply to existing accessory structures (e.g., garages and carriage houses). The Program will be modeled upon the accessory apartment regulations outlined in N.J.A.C. 5:93-5.9, as most recently amended. These regulations permit up to 10 accessory apartments to be used to address a municipality's affordable obligation. The Township's Program will require the standard 10-year deed restriction as per N.J.A.C. 5:93-5.9(e), and a minimum subsidy of \$10,000 per unit allowed for under N.J.A.C. 5:93-5.9(a)(2).

Summary of West Orange's Fourth Round Unmet Need of 660	
Existing/Approved Inclusionary Developments: 555 Northfield Avenue 172-174 Main Street	11 units 1 unit
Proposed Inclusionary Developments: 216-222 Main Street 275 Northfield Avenue 217 Main Street 525 Northfield Avenue (Essex House) 103 Pleasant Valley Way (Greenhill) 350 Pleasant Valley Way	3 units 14 units 11 units 12 units 39 units 59 units
Proposed 100% Affordable Developments: 28 Babcock Place 4 Tompkins Street	4 units 4 units
Proposed Continuing Care Retirement Community (CCRC): 1155 Pleasant Valley Way (Daughters of Israel)	41 beds
Existing Group Homes 19 Terrace Avenue 97 Edgewood Avenue 23 Oak Avenue 60 Glenview Drive 167 Pleasant Valley Way 177 Marion Drive	3 bedrooms 5 bedrooms 3 bedrooms 3 bedrooms 5 bedrooms 2 bedrooms
Accessory Apartment Ordinance	10 units
Mandatory Set-Aside Ordinance	-
Total Units	230

Bonus Credits:	
555 Northfield Avenue	11 credits
217 Main Street	5 credits
28 Babcock Place	4 credits
4 Tompkins Street	4 credits
525 Northfield Avenue (Essex House)	6 credits
350 Pleasant Valley Way	29 credits
216-222 Main Street	1 credit
19 Terrace Avenue	3 credits
97 Edgewood Avenue	5 credits
23 Oak Avenue	3 credits
60 Glenview Drive	3 credits
167 Pleasant Valley Way	5 credits
177 Marion Drive	2 credits
Total Bonus Credits	81
Total Fourth Round Unmet Need	301

Addressing Additional Fourth Round Requirements

As outlined in the “Current Standards” section of this Plan, the Township must comply with the established minimum requirements for rental units, units for families with children, and the very-low-income requirement. Further, the age-restricted housing cap must not be exceeded. These standards are outlined below, along with a discussion to address each requirement. A total of 230 actual affordable housing units is proposed.

Age-Restricted Housing

As a municipality may not satisfy more than 30% of the affordable units, exclusive of bonus credits, to address its prospective need affordable housing obligation through the creation of age-restricted housing, a maximum of 69 age-restricted units (i.e., 30% of 230) can be created.

Fourth Round Unmet Need: Age-Restricted Housing	
<i>Proposed Units:</i>	
1155 Pleasant Valley Way (Daughters of Israel)	41 beds
Total Units	41

Families with Children

As a minimum of 50% of a municipality’s actual affordable housing units, exclusive of bonus credits, must be made available to families with children, a minimum of 115 family units (i.e., 50% of 230) must be created.

Fourth Round Unmet Need: Families with Children	
<i>Proposed Units:</i>	
216-222 Main Street	3 units
275 Northfield Avenue	14 units
103 Pleasant Valley Way (Greenhill)	39 units
350 Pleasant Valley Way	59 units
Total Units	115

Rental Units

As a minimum of 25% of a municipality’s actual affordable housing units, exclusive of bonus credits, shall be satisfied through rental units, a minimum of 58 rental units (i.e., 25% of 230) must be created. Further, as at least half of that number must be available to families with children, a minimum of 29 rental family units (i.e., 50% of 58) must be created.

Fourth Round Unmet Need: Rental Requirement		
Family Rental Units	<i>Proposed Units:</i>	
	216-222 Main Street	3 units
	350 Pleasant Valley Way	59 units
Total Rental Units		62
• <i>Total Family Rental Units</i>		62

Very-Low Income Requirement

As at least 13% of the housing units made available for occupancy by low-income and moderate-income houses shall be reserved for low-income households earning 30% or less of the median income pursuant to the Fair Share Housing Act, N.J.S.A. 52:27D-301, et seq, a minimum of 30 very-low-income units (i.e., 13% of 230) must be created. Further, as half of the very low-income units must be made available to families with children, a minimum of 15 very-low-income family units (i.e., 50% of 30) must be created.

Township of West Orange
Essex County, New Jersey

November 2025
Housing Element and Fair Share Plan

Fourth Round Unmet Need: Very-Low-Income Requirement		
Very-Low-Income Units	<p><i>Existing Units:</i> 555 Northfield Avenue 19 Terrace Avenue 97 Edgewood Avenue 23 Oak Avenue 60 Glenview Drive 167 Pleasant Valley Way 177 Marion Drive</p> <p><i>Proposed Units:</i> 1155 Pleasant Valley Way (Daughters of Israel)</p>	<p>11 units 3 bedrooms 5 bedrooms 3 bedrooms 3 bedrooms 5 bedrooms 2 bedrooms</p> <p>41 beds</p>
Very-Low-Income Family Units	<p><i>Proposed Units:</i> 275 Northfield Avenue 103 Pleasant Valley Way (Greenhill) 350 Pleasant Valley Way</p>	<p>2 units 5 units 8 units</p>
Total Very-Low-Income Units		88
<ul style="list-style-type: none"> Total Very-Low-Income Family Units 		15

CONSISTENCY WITH STATE PLANNING REQUIREMENTS

State Plan

In accordance with the amended Fair Housing Act, Housing Elements and Fair Share Plans shall provide an analysis of consistency with the State Development and Redevelopment Plan (SDRP), including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission.

New Jersey adopted its last SDPR in 2001. A draft amendment to the SDRP was prepared in 2011 but ultimately never adopted. The Office of Planning Advocacy released a new draft SDRP on December 4, 2024. The State is currently going through the Plan conformance process.

Objectives for Metropolitan Planning Areas (PA1), the primary land designation assigned to the Township of West Orange, from the adopted 2001 State Plan are outlined below:

- Provide for much of the state's future redevelopment
- Revitalize cities and towns
- Promote growth in compact forms
- Stabilize older suburbs
- Redesign areas of sprawl
- Protect the character of existing stable communities

Multigenerational Family Housing

An amendment to the Fair Housing Act requires "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)." As of the date of this Housing Plan, there have been no recommendations by the Multigenerational Family Housing Continuity Commission in which to provide an analysis.

USE OF SURPLUS CREDITS

Any surplus credits generated would be applied to any future obligation that the Township may have.

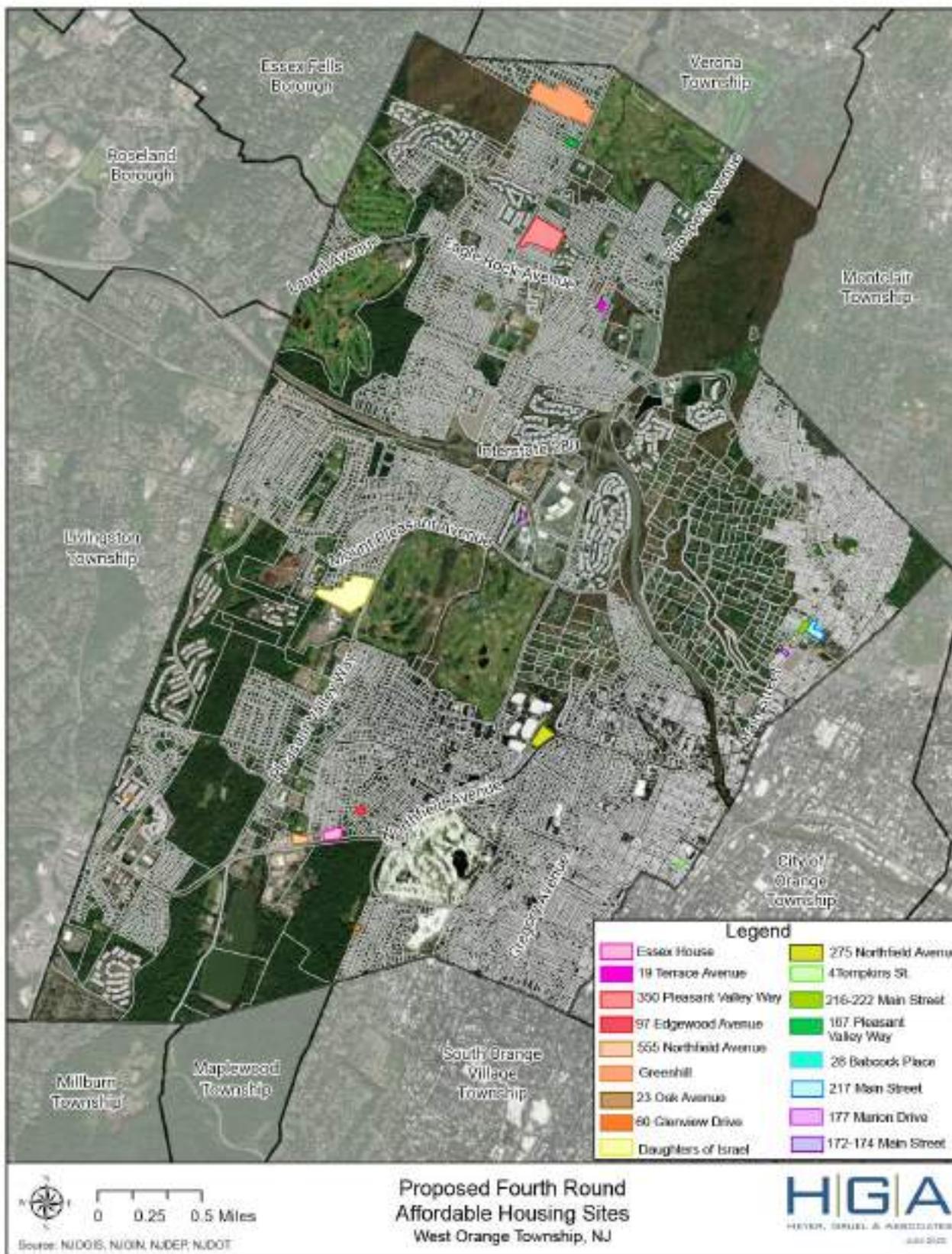
SUMMARY OF FAIR SHARE COMPLIANCE

West Orange Township Affordable Housing Obligations	
Prior Round Obligation (1987-1999)	226
Degnan House/ Eagle Rock Senior Citizen’s Housing	10
Federation Plaza	92
Habitat for Humanity	2
Wedgewood Drive	2
30-32 Kingsley	8
Marmon Terrace	6
Merrywood Drive	5
PRISM Redevelopment	44
Bonus Credits	57
<i>Prior Round Total</i>	<i>226</i>
Third Round Obligation - RDP	421
Federation Plaza	42
Washington Street	3
152 Main Street	3
158 Main Street	3
46 Mount Pleasant Avenue	17
Wedgewood Drive	2
Dogwood Drive	4
525 Pleasant Valley Way	6
St. Cloud/Forest Avenue	8
Valley Road Residential	55
West Essex Highlands	100
Selecto Flash/25 Tompkins Street	17
Stonehill	64
Block 155, Lot 40.03	23
Bonus Credits	74
<i>Total Third Round Obligation – RDP</i>	<i>421</i>

Township of West Orange
Essex County, New Jersey

November 2025
Housing Element and Fair Share Plan

Third Round Obligation – Unmet Need	533
46 Mount Pleasant Avenue	47
Redwood Site	28
Mayfair Farms	36
K-Mart/Whole Foods Shopping Center	104
10 Rooney Circle	17
Rock Spring Golf Club	30
Surplus Credits from Third Round RDP	32
Mandatory Set-Aside Ordinance	-
Fourth Round Obligation - RDP	0
Fourth Round Obligation – Unmet Need	660
555 Northfield Avenue	11
172-174 Main Street	1
216-222 Main Street	3
275 Northfield Avenue	14
525 Northfield Avenue (Essex House)	12
103 Pleasant Valley Way (Greenhill)	39
350 Pleasant Valley Way	59
28 Babcock Place	4
4 Tompkins Street	4
1155 Pleasant Valley Way (Daughters of Israel)	41
19 Terrace Avenue	3
97 Edgewood Avenue	5
23 Oak Avenue	3
60 Glenview Drive	3
167 Pleasant Valley Way	5
177 Marion Drive	2
Mandatory Set-Aside Ordinance	-
Bonus Credits	81



APPENDIX A

Settlement Agreement between the Township of West Orange and Fair Share Housing Center (FSHC), dated April 6, 2020

82-20
April 14, 2020

RESOLUTION

WHEREAS, on July 7, 2015, the Township of West Orange (the "Township") filed a Declaratory Judgment Complaint in Superior Court, Law Division, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. (2015) (Mount Laurel IV), seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan (hereinafter "Fair Share Plan"), as to be amended as necessary, satisfies its "fair share" of the regional need for low and moderate income housing pursuant to the "Mount Laurel doctrine"; and

WHEREAS, the Township simultaneously sought, and ultimately secured, a protective Order providing the Township with immunity from all exclusionary zoning lawsuits while it pursues approval of its Fair Share Plan; and

WHEREAS, the Trial Judge appointed Elizabeth McManus, PP, AICP, LEED AP, as the Special Court Master (hereinafter the "Court Master"), as is customary in Mount Laurel matters adjudicated in the courts; and

WHEREAS, with the assistance from the Court Master, the Township and Fair Share Housing Center (hereinafter "FSHC") engaged in good faith negotiations which resulted in an amicable accord on the various substantive terms and conditions as set forth in the Settlement Agreement attached hereto as Exhibit A; and

WHEREAS, the Township was represented in these negotiations by the Township's Affordable Housing Planner Shirley Bishop; and

WHEREAS, through the process, the Township and FSHC agreed upon the Township's affordable housing obligations and the compliance techniques necessary for

the Township to satisfy its "fair share" of the regional need for low- and moderate-income housing; and

WHEREAS, the Township and FSHC also agreed to present the Settlement Agreement to the Trial Judge for approval at a duly-noticed Mount Laurel Fairness Hearing; and

WHEREAS, although there is a well-established policy favoring the settlement of all forms of litigation, the settlement of Mount Laurel litigation is particularly favored because (1) it avoids the expenditure of finite public resources; and (2) expedites the construction of safe, decent housing for the region's low- and moderate-income households; and

WHEREAS, in light of the above, the Council finds that it is in the best interest of the Township to execute the attached Settlement Agreement with FSHC and to take the various other actions delineated below, which will ultimately result in approval of the Township's Fair Share Plan which, in turn, will maintain the Township's immunity from all Mount Laurel lawsuits for the ten-year period set forth in the New Jersey Fair Share Housing Act, N.J.S.A. 52:27D-301 to 329.

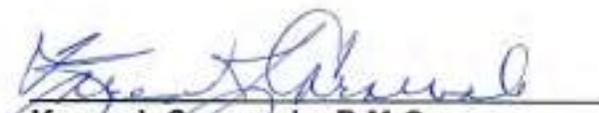
NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE that the Township Council hereby directs, authorizes and empowers the Mayor to execute the Settlement Agreement attached hereto as Exhibit "A;" and be it further

RESOLVED, that the Council hereby directs, authorizes and empowers the Township's Counsel to (a) file the fully-executed Settlement Agreement with the Court

for review and approval at a duly-noticed Fairness Hearing, (b) take all actions reasonable and necessary to secure an Order approving the Settlement Agreement, and (c) work towards ultimately securing judicial approval of the Township's Fair Share Plan, after it is drafted, adopted by the Township Planning Board and endorsed by the Council; and be it further

RESOLVED, that all other appropriate Township officials are hereby directed, authorized and empowered to execute all documents and take all steps necessary and appropriate to effectuate the terms and purposes of this Resolution and the Settlement Agreement; and be it further

RESOLVED, that this Resolution shall be published and made available in the Clerk's office in accordance with applicable law.


Karen J. Carneyale, R.M.C.
Municipal Clerk


Michelle Casalino
Council President

Adopted: April 14, 2020

EXHIBIT "A"



Peter J. O'Connor, Esq.
 Adam M. Gordon, Esq.
 Laura Smith-Denker, Esq.
 David T. Rammker, Esq.
 Joshua D. Bowers, Esq.
 Bassam F. Gerpl, Esq.

April 6, 2020

Richard Trenk, Esq.
 McManimom Scotland and Baumann
 75 Livingston Avenue
 Roseland, NJ 07068

**Re: In the Matter of the Township of West Orange, County of Essex,
 Docket No. ESX-L-4697-15**

Dear Mr. Trenk:

This letter memorializes the terms of an agreement reached between the Township of West Orange (the Township or "West Orange"), the declaratory judgment plaintiff, and Fair Share Housing Center (FSHC), a Supreme Court-designated interested party in this matter in accordance with In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015) (Mount Laurel IV) and, through this settlement, a defendant in this proceeding.

Background

West Orange Township filed the above-captioned matter on July 21, 2015 seeking a declaration of its compliance with the Mount Laurel doctrine and the Fair Housing Act of 1985, N.J.S.A. 52:27D-301, et seq., in accordance with In re N.J.A.C. 5:96 and 5:97, supra. Through the declaratory judgment process, the Township and FSHC have agreed to settle the litigation and to present that settlement to the trial court with jurisdiction over this matter to review, recognizing that the settlement of Mount Laurel litigation is favored because it avoids delays and the expense of trial and results more quickly in the construction of homes for lower-income households.

Settlement terms

The Township and FSHC hereby agree to the following terms:

1. FSHC agrees that the Township, through the adoption of a Housing Element and Fair Share Plan conforming with the terms of this Agreement (hereafter "the Plan") and through the implementation of the Plan and this Agreement, satisfies its obligations under the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301, et seq., for the Prior Round (1987-1999) and Third Round (1999-2025).
2. At this time and at this particular point in the process resulting from the Supreme Court's Mount Laurel IV decision, when Third Round fair share obligations have yet to be definitively determined, it is appropriate for the parties to arrive at a settlement regarding a municipality's Third Round Obligation instead of doing so through plenary adjudication of the Third Round Obligation.
3. FSHC and West Orange hereby agree that West Orange's affordable housing obligations are as follows:

Rehabilitation Share (per Kinsey Report ¹)	305
Prior Round Obligation (pursuant to N.J.A.C. 5:93)	226
Third Round (1999-2025) Obligation (per Kinsey Report, as adjusted through this Agreement)	954

4. For purposes of this Agreement, the Third Round Obligation shall be deemed to include the Gap Period present need for new construction to address the affordable housing needs of households formed from 1999-2015, a need that was recognized by the Supreme Court in In re Declaratory Judgment Actions Filed By Various Municipalities, 227 N.J. 508 (2017), and the Prospective Need, which is a measure of the affordable housing need anticipated to be generated between July 1, 2015 and June 30, 2025.
5. The Township's efforts to meet its Rehabilitation Share include the following: West Orange has contracted with Community Action Services (CAS) to operate a rehabilitation program for both rental and owner occupied units which is entirely funded through West Orange's affordable housing trust fund. West Orange will provide a valid contract with CAS as part of achieving compliance. West Orange also participates in the Essex County rehab program. This is sufficient to satisfy the Township's present need obligation of 305 units.
6. As noted above, the Township has a Prior Round (new construction) Obligation of 226 units, which is met through the following compliance mechanisms:

Name of Development	# of Units	Bonus	Total	Status
Degnan House (age-restricted)	10	0	10	Completed
Federation Plaza (age-restricted)	92	0	92	Completed
Wedgewood Avenue (supportive housing)	2 bedrooms	2	4	Completed
30-32 Kingsley (supportive housing)	8 bedrooms	0	8	Completed
4 Marmon Terrace (supportive housing)	6 bedrooms	6	12	Completed
Merrywood Drive (supportive housing)	5 bedrooms	5	10	Completed
PRISM Redevelopment (family rental)	44	44	88	Phase 1 is completed; Phase 2 is approved w/ developer's agreement in place
Habitat for Humanity (family for-sale)	2	0	2	Completed
TOTAL	169	57	226	--

¹ David N. Kinsey, PhD, PP, FAICP, NEW JERSEY LOW AND MODERATE INCOME HOUSING OBLIGATIONS FOR 1999-2025 CALCULATED USING THE NJ COAH PRIOR ROUND (1987-1999) METHODOLOGY, May 2016.

7. As noted above West Orange has a Third Round obligation of 954 units. The Township is eligible for a vacant land adjustment and has a realistic development potential (RDP) of 421 units, as calculated in Exhibit A. That RDP will be satisfied as follows:

Name of Development	# of units	Bonus	Total	Status
Federation Plaza (age-restricted)	42	0	42	Completed
Wedgewood Avenue (supportive housing)	2	0	2	Completed
Dogwood Drive (supportive housing)	4	0	4	Completed
Pleasant Valley Way (supportive housing)	6	0	6	Completed
Washington Street (family rental)	3	0	3	Completed
Main Street (family rental)	3	0	3	Completed
158 Main Street (family rental)	3	0	3	Completed
St. Cloud – Prism (supportive housing)	4	0	4	Completed
Forest Avenue (supportive housing)	4	0	4	Completed
Valley Road Residential (family rental)	55	55	110	Under Construction
West Essex Highlands (family rental)	100	51	151	Settlement Agreement; still being finalized
Selecto Flash (family rental)	17	0	17	Redevelopment Plan; pending developer's agreement
Executive Drive Block 155 Lot 40.03 (family rental)	23	0	23	Redevelopment Plan; pending developer's agreement
Executive Drive Block 155 Lot 40.02 and 42.02 (family rental)	64	0	64	Redevelopment Plan; pending developer's agreement
Library Site (senior housing)	17 (of 64)	0	17	Redevelopment Plan and awarded tax credits;
	347	106	453	--

8. The Township shall provide a realistic opportunity for the development of affordable housing through the adoption of inclusionary zoning on the following sites:
- West Essex Highlands – The Township of West Orange intends to continue working in good faith to enter into a settlement agreement with West Essex

Highlands, Inc., an intervenor in this declaratory judgment matter. The proposed agreement (not yet drafted and presented to Council) will provide that West Essex shall be permitted to construct up to 496 apartments. West Essex shall provide a letter prior to the fairness hearing in this matter firmly committing to setting aside 100 of the 496 units for affordable housing, a 20% set-aside. The letter shall confirm that West Essex has agreed to provide all of the affordable housing units as family rental units and that it shall follow the UHAC regulations regarding, among other things, income distribution, bedroom distribution, length of deed restrictions, and affirmative marketing and that West Essex agrees that 13% of the affordable housing units provided on this site shall be available to households earning less than 30% of the median income.

- b) Selecto Flash – The Township has adopted a Redevelopment Plan for the area called the Central Valley Corridor Redevelopment Area on December 12, 2016. The Selecto Flash site at Block 9 Lot 35 and Block 7 Lot 22 is located within this Redevelopment Area. The Township has rezoned these properties as part of the Redevelopment Plan to permit up to 111 residential units including a 15% set-aside of 17 affordable housing units.
 - c) Executive Drive Redevelopment – The Township has adopted a Redevelopment Plan for the area called the Essex Green Executive Drive Redevelopment Area. Block 155 Lots 40.02, 40.03, 40.04, 41.02, 41.02, and 42.02 are included in this Redevelopment Area. The Redevelopment Plan is in the process of being amended, which process shall be completed no later than 30 days prior to the final compliance hearing in this matter, to permit the following on each Block/Lot:
 - Block 155 Lot 40.02 and 42.02 – 18.2 total acres – permitting 425 residential units including a 15% set-aside of 64 affordable housing units.
 - Block 155 42.01 – 8.2 total acres – will continue its office use and will not provide affordable housing or generate RDP at this time.
 - Block 155 Lot 40.03 – 4.72 total acres – permitting up to 123 residential units including a 20% set-aside of 23 affordable housing units.
9. Library Site – 46 Mount Pleasant Redevelopment Area – The Alpert Group have secured an award of low-income housing tax credits for this site for the development of 64 age-restricted rental units. The Township may apply 17 of these 64 credits towards its Third Round RDP because of the age-restricted cap. The 47 additional units will be applied toward the Township's unmet need. The Township shall further explain in its Housing Element and Fair Share Plan how this site creates a realistic opportunity for affordable housing in accordance with N.J.A.C. 5:93-5.5.
10. The RDP of 421 subtracted from the agreed upon Third Round Obligation of 954 units, results in an Unmet Need of 533 units. The Unmet Need is further reduced by the 32 surplus credits the Township has provided in addressing its RDP, the existing 57 affordable housing units provided at the Woodland Valley age-restricted site, and the remaining 47 units of credit from the Library site. Thus, the Township's unmet need is 397 units, which shall be addressed through the following mechanisms:
- a) K-Mart / Whole Foods Shopping Center
 - Block 152.01, Lots 1445 and 1445.05
 - Corner of Eagle Rock and Prospect Avenue
 - Current owner: West Orange Plaza
 - Lot Area: 32.32 acres
 - Zone: P-C Planned Commercial

- The Township has agreed to place a mixed-use overlay zone for commercial/retail on the first floor and up to three stories of residential above. The residential density for this site shall permit up to 16 du/a and require a 20% set-aside.
- b) Mayfair Farms Site
- Block 152.01 Lot 1445.01
 - 481 Eagle Rock Avenue
 - Current Owner: Mayfair Farms Holding Corp.
 - Lot Area: 11.07 acres
 - Zone: B-2 Business
 - The Township has agreed to place a mixed-use overlay zone for commercial/retail on the first floor and up to three stories of residential above. The residential density for this site shall permit up to 16 du/a and require a 20% set-aside.
- c) Redwood
- Block 151 Lot 33
 - 200 Pleasant Valley Way
 - Current Owner: Redwood LLC, c/o Pagano Real Estate
 - Lot Area: 5.91 acres +/-
 - Zone: R-2 Single-Family Residential
 - The Township has agreed to place overlay zoning on this site permitting non age-restricted residential development up to 24 du/a and requiring a 20% affordable housing set-aside. The parties agree that this zoning yield shall be permitted to be rounded up to 142 total units, which if developed to that maximum would require an affordable housing set-aside of either a) 28 on-site affordable housing units and a payment in lieu of \$59,473.20, or b) 29 on-site affordable housing units.
- d) The Township shall adopt an ordinance requiring a mandatory affordable housing set aside for all new multifamily residential developments of five (5) units or more. The set aside for rental and for sale developments shall be twenty percent (20%). The provisions of the ordinance shall not apply to residential expansions, additions, renovations, replacement, or any other type of residential development that does not result in a net increase in the number of dwellings of five or more. The form of the Ordinance shall be finalized prior to final judgment being issued in this matter through collaboration between FSHC, the Special Master, and representatives of the Township.

11. In addition to the Unmet Need mechanisms identified in Paragraph 10 the Township has identified the following areas where affordable housing may be produced in the future:

- a) 10 Rooney Circle
- Block 155 Lot 41.02
 - Address – 10 Rooney Circle
 - Current Owner: West Orange Office Executive Park
 - Lot Area: 5.2 acres
 - Zone: Site is in Essex Green Redevelopment Area
 - The Township is currently in negotiations with the landowner concerning the future use of this site. Within 18 months of the court's approval of this agreement the Township shall inform the special master and FSHC as to the future use. In the event that the future use will be residential the

Township has agreed to place overlay zoning on this site permitting 16 du/a and requiring a 20% set-aside.

12. Rock Spring Golf Course -The Township has recently purchased this 138-acre golf course that it intends to initially continue to utilize as a golf course. The Township has contracted with a golf course consulting company that will operate Rock Spring as a golf course for the next 22 months in order to establish its continuing viability as an 18-hole course which may be extended. In the event that the golf course is found to not be viable as an 18-hole golf course, but is viable as a 9-hole golf course the Township agrees to rezone a portion of the property to provide residential zoning for the 9-hole portion of the course to be redeveloped permitting at least 150 dwelling units including a 20% affordable housing set-aside of at least 30 units. The Township will provide FSHC with notice of its intentions for future use of this site by July 1, 2021 or sooner if a decision is made prior to that date. At this time the golf course will not generate any RDP but will be evaluated for RDP purposes at the time of notice of decision and FSHC is free to take whatever position it wishes at that time as to the appropriate RDP.
13. The Township agrees to require 13% of all affordable units referenced in this Agreement, excepting those units that were constructed or granted preliminary or final site plan approval prior to July 1, 2008, to be very low income units, with half of the very low income units being available to families. The municipality will comply with those requirements as follows:

Affordable Housing Units Created after 7/1/2008	# of Units
Valley Road Residential	55
West Essex Highlands	100
Executive Drive Redevelopment Area (B: 155 L: 40.02, 40.03)	108
PRISM Redevelopment	44
Selecto Flash	17
Forest Ave Group Home	4
St. Cloud Group Home	4
Library site	64
Total	396
Minimum VLI Required (13% of Total)	52
Minimum Family VLI Units (50% of Total VLI)	26
PRISM	6
Valley Road Residential	7
West Essex Highlands	13
Executive Drive Redevelopment Area	14
Selecto Flash	2
St. Cloud – supportive housing	4
Forest Ave – supportive housing	4
Library Site	9
Total VLI	59
Total Family VLI	42

The Township will also require that 13 percent of any affordable units produced from any site resulting from the mechanisms in paragraphs 10 through 12 of this agreement shall be very low income units.

14. The Township shall meet its Third Round Obligation in accordance with the following standards as agreed to by the Parties and reflected in the table in paragraph 7 above:

- a) Third Round bonuses will be applied in accordance with N.J.A.C. 5:93-5.15(d).
- b) At least 50 percent of the units addressing the Third Round Obligation shall be affordable to very-low-income and low-income households with the remainder affordable to moderate-income households.
- c) At least twenty-five percent of the Third Round Obligation shall be met through rental units, including at least half in rental units available to families.
- d) At least half of the units addressing the Third Round Prospective Need in total must be available to families.
- e) The Township agrees to comply with an age-restricted cap of 25% and to not request a waiver of that requirement. This shall be understood to mean that in no circumstance may the municipality claim credit toward its fair share obligation for age-restricted units that exceed 25% of all units developed or planned to meet its cumulative prior round and third round fair share obligation.

15. The Township shall add to the list of community and regional organizations in its affirmative marketing plan, pursuant to N.J.A.C. 5:80-26.15(f)(5), Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, East Orange NAACP, Newark NAACP, Morris County NAACP, Elizabeth NAACP, Supportive Housing Association, and shall, as part of its regional affirmative marketing strategies during its implementation of the affirmative marketing plan, provide direct notice to those organizations of all available affordable housing units, along with copies of application forms. The Township also agrees to require any other entities, including developers or persons or companies retained to do affirmative marketing, to comply with this paragraph.

16. All units shall include the required bedroom distribution, be governed by controls on affordability and affirmatively marketed in conformance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1, *et seq.*, or any successor regulation, with the exception that in lieu of 10 percent of affordable units in rental projects being required to be at 35 percent of median income, 13 percent of affordable units in rental projects shall be required to be at 30 percent of median income, and in conformance with all other applicable law. The Township, as part of its HEFSP, shall adopt and/or update appropriate implementing ordinances in conformance with standard ordinances and guidelines developed by COAH to ensure that this provision is satisfied. Limits for all units that are part of the Plan required by this Agreement and for which income limits are not already established through a federal program exempted from the Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26.1 shall be updated by the Township annually within 30 days of the publication of determinations of median income by HUD as follows:

- a) Regional income limits shall be established for the Housing Region in which the Township is located (in this case, Housing Region 2) based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated number of households within the county according to the most recent decennial Census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total number of households from the most recent decennial Census in the Township's housing region. This quotient represents the regional weighted average of median income for a household of four. The income limit for a moderate-income unit for a household of four shall be 80 percent of the regional weighted average median income for a family of four. The income limit for a low-income unit for a household of four shall be 50 percent of the HUD determination of the regional weighted average median income for a family of four. The income limit for a very low income unit for a household of four shall be 30 percent of the regional weighted average median income for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.
 - b) The income limits attached hereto as Exhibit B are the result of applying the percentages set forth in paragraph (a) above to HUD's determination of median income for FY 2019, and shall be utilized until the Township updates the income limits after HUD has published revised determinations of median income for the next fiscal year.
 - c) The Regional Asset Limit used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3 shall be calculated by the Township annually by taking the percentage increase of the income limits calculated pursuant to paragraph (a) above over the previous year's income limits, and applying the same percentage increase to the Regional Asset Limit from the prior year. In no event shall the Regional Asset Limit be less than that for the previous year.
 - d) The parties agree to request the Court prior to or at the fairness hearing in this matter to enter an order implementing this paragraph of this Agreement, the terms of which shall also be reflected in the Township's Affordable Housing Ordinance.
17. All new construction units shall be adaptable in conformance with P.L.2005, c.350/N.J.S.A. 52:27D-311a and -311b and all other applicable law.
18. As an essential term of this Agreement, within one hundred twenty (120) days of the Court's approval of this Agreement, the Township shall introduce and adopt an ordinance or ordinances providing for the amendment of the Township's Affordable Housing Ordinance and Zoning Ordinance to implement the terms of this Agreement and the zoning contemplated herein and shall adopt a Housing Element and Fair Share Plan and Spending Plan in conformance with the terms of this Agreement.
19. This Agreement is subject to Township Council approval.
20. The parties agree that if a decision of a court of competent jurisdiction in Essex County, or a determination by an administrative agency responsible for implementing the Fair

Housing Act, or an action by the New Jersey Legislature, would result in a calculation of an obligation for the Township for the period 1999-2025 that would be lower by more than twenty (20%) percent than the total prospective Third Round Obligation established in this Agreement, and if that calculation is memorialized in an unappealable final judgment, the Township may seek to amend the judgment in this matter to reduce its fair share obligation accordingly. Notwithstanding any such reduction, the Township shall be obligated to adopt a Housing Element and Fair Share Plan that conforms to the terms of this Agreement and to implement all compliance mechanisms included in this Agreement, including by adopting or leaving in place any site specific zoning adopted or relied upon in connection with the Plan adopted pursuant to this Agreement; taking all steps necessary to support the development of any 100% affordable developments referenced herein; maintaining all mechanisms set forth herein to address unmet need; and otherwise fulfilling fully the fair share obligations as established in this Agreement. The reduction of the Township's Third Round Obligation below that established in this Agreement does not provide a basis for seeking leave to amend this Agreement or seeking leave to amend an order or judgment pursuant to R. 4:50-1. If the Township prevails in reducing its Third Round Obligation, the Township may carry over any resulting extra credits to future rounds in conformance with the then-applicable law.

21. The Township shall prepare a Spending Plan within the period referenced above, subject to review by FSHC and the approval of the Court, and reserves the right to seek approval from the Court that the expenditures of funds contemplated under the Spending Plan constitute a "commitment" for expenditure pursuant to N.J.S.A. 52:27D-329.2 and -329.3, with the four-year time period for expenditure designated pursuant to those provisions beginning to run with the entry of a final judgment in this matter that includes approval of the Spending Plan in accordance with the provisions of In re Tp. Of Monroe, 442 N.J. Super. 565 (Law Div. 2015) (aff'd 442 N.J. Super. 563). On the first anniversary of the Court's approval of the Spending Plan, and on every anniversary of that date thereafter through July 1, 2025, the Township agrees to provide annual reporting of trust fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services. The reporting shall include an accounting of all housing trust fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.
22. On the first anniversary of the execution of this Agreement, and every anniversary thereafter through the end of this Agreement, the Township agrees to provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website, with a copy of such posting provided to Fair Share Housing Center, using forms previously developed for this purpose by the Council on Affordable Housing or any other forms endorsed by the Special Master and FSHC.
23. The Fair Housing Act includes two provisions regarding action to be taken by the Township during the period of protection provided in this Agreement. The Township agrees to comply with those provisions as follows:
 - a) For the midpoint realistic opportunity review, due on July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Township will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its

implementation of the Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether any mechanisms to meet unmet need should be revised or supplemented. Such posting shall invite any interested party to submit comments to the municipality, with a copy to Fair Share Housing Center, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether any mechanisms to meet unmet need should be revised or supplemented. Any interested party may by motion request a hearing before the court regarding these issues.

- b) For the review of very low income housing requirements required by N.J.S.A. 52:27D-329.1, within 30 days of the third anniversary of this Agreement, and every third year thereafter, the Township will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its satisfaction of its very low income requirements, including the family very low income requirements referenced herein. Such posting shall invite any interested party to submit comments to the municipality and Fair Share Housing Center on the issue of whether the municipality has complied with its very low income housing obligation under the terms of this settlement.
24. FSHC is hereby deemed to have party status in this matter and to have intervened in this matter as a defendant without the need to file a motion to intervene or an answer or other pleading. The parties to this Agreement agree to request the Court to enter an order declaring FSHC is an intervenor, but the absence of such an order shall not impact FSHC's rights.
25. This Agreement must be approved by the Court following a fairness hearing as required by Morris Cty. Fair Hous. Council v. Boonton Twp., 197 N.J. Super. 359, 367-69 (Law Div. 1984), aff'd o.b., 209 N.J. Super. 108 (App. Div. 1986); East/West Venture v. Borough of Fort Lee, 286 N.J. Super. 311, 328-29 (App. Div. 1996). The Township shall present its planner as a witness at this hearing. FSHC agrees to support this Agreement at the fairness hearing. In the event the Court approves this proposed settlement, the parties contemplate the municipality will receive "the judicial equivalent of substantive certification and accompanying protection as provided under the FHA," as addressed in the Supreme Court's decision in In re N.J.A.C. 5:96 & 5:97, 221 N.J. 1, 36 (2015). The "accompanying protection" shall remain in effect through July 1, 2025. If this Agreement is rejected by the Court at a fairness hearing it shall be null and void.
26. The Township will ensure that the sum of \$50,000.00 in payment of fees and costs is conveyed to Fair Share Housing Center within 60 days of the approval of this Agreement by court order following a Fairness Hearing. The Township may enter into a separate agreement with the intervenor(s) for the payment of the entire fee of \$50,000.00 to be paid to FSHC, but failure to secure payment from the developer/intervenors shall not remove the requirement that the Township ensure that \$50,000.00 shall be paid to FSHC within 60 days of the approval pursuant to a duly-noticed fairness hearing. The Township agrees to enter into agreements with the intervenors that requires the payment of the funds to their counsel to be held in escrow within 60 days of the execution of the agreements between the Township and intervenors and before the fairness hearing in this matter. To the extent the Township advances these funds, it may seek reimbursement from the intervenors at a later point and FSHC will not be entitled to additional amounts.

27. If an appeal is filed of the Court's approval or rejection of this Agreement, the Parties agree to defend the Agreement on appeal, including in proceedings before the Superior Court, Appellate Division and New Jersey Supreme Court, and to continue to implement the terms of this Agreement if the Agreement is approved before the trial court unless and until an appeal of the trial court's approval is successful or any stay is entered, at which point the Parties reserve their right to rescind any action taken in anticipation of the trial court's approval. All Parties shall have an obligation to fulfill the intent and purpose of this Agreement.
28. This Agreement may be enforced through a motion to enforce litigant's rights or a separate action filed in Superior Court, Essex County. A prevailing movant or plaintiff in such a motion or separate action shall be entitled to reasonable attorney's fees.
29. Unless otherwise specified, it is intended that the provisions of this Agreement are to be severable. The validity of any article, section, clause or provision of this Agreement shall not affect the validity of the remaining articles, sections, clauses or provisions hereof. If any section of this Agreement shall be adjudged by a court to be invalid, illegal, or unenforceable in any respect, such determination shall not affect the remaining sections.
30. This Agreement shall be governed by and construed by the laws of the State of New Jersey.
31. This Agreement may not be modified, amended or altered in any way except by a writing signed by each of the Parties.
32. This Agreement may be executed in any number of counterparts, each of which shall be an original and all of which together shall constitute but one and the same Agreement.
33. The Parties acknowledge that each has entered into this Agreement on its own volition without coercion or duress after consulting with its counsel, that each party is the proper person and possess the authority to sign the Agreement, that this Agreement contains the entire understanding of the Parties and that there are no representations, warranties, covenants or undertakings other than those expressly set forth herein.
34. Each of the Parties hereto acknowledges that this Agreement was not drafted by any one of the Parties, but was drafted, negotiated and reviewed by all Parties and, therefore, the presumption of resolving ambiguities against the drafter shall not apply. Each of the Parties expressly represents to the other Parties that: (i) it has been represented by counsel in connection with negotiating the terms of this Agreement; and (ii) it has conferred due authority for execution of this Agreement upon the persons executing it.
35. Any and all Exhibits and Schedules annexed to this Agreement are hereby made a part of this Agreement by this reference thereto. Any and all Exhibits and Schedules now and/or in the future are hereby made or will be made a part of this Agreement with prior written approval of both Parties.
36. This Agreement constitutes the entire Agreement between the Parties hereto and supersedes all prior oral and written agreements between the Parties with respect to the subject matter hereof except as otherwise provided herein.

- 37. No member, official or employee of the Township shall have any direct or indirect interest in this Agreement, nor participate in any decision relating to the Agreement which is prohibited by law, absent the need to invoke the rule of necessity.
- 38. Anything herein contained to the contrary notwithstanding, the effective date of this Agreement shall be the date upon which all of the Parties hereto have executed and delivered this Agreement.
- 39. All Notices required under this Agreement ("Notice[s]") shall be written and shall be served upon the respective Parties by certified mail, return receipt requested, or by a recognized overnight carrier or by a personal carrier. In addition, where feasible (for example, transmittals of less than fifty pages) Notices shall be served by facsimile or e-mail. All Notices shall be deemed received upon the date of delivery. Delivery shall be effected as follows, subject to change as to the person(s) to be notified and/or their respective addresses upon ten (10) days notice as provided herein:

TO FSHC:

Adam M. Gordon, Esquire
 Fair Share Housing Center
 510 Park Boulevard
 Cherry Hill, NJ 08002
 Phone: (856) 665-5444
 Telecopier: (856) 663-8182
 E-mail: adamgordon@fairsharehousing.org

TO THE TOWNSHIP:

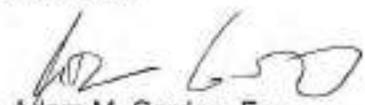
Richard D. Trenk, Esq.
 McManimon, Scotland & Baumann, LLC
 75 Livingston Avenue
 Roseland, NJ 07068
 Phone: (973) 622-1800
 Telecopier: (973) 622-3744
 Email: rtrenk@msbnj.com

WITH A COPY TO THE MUNICIPAL CLERK:

Karen Carnevale, Municipal Clerk
 Township of West Orange
 66 Main Street
 West Orange, NJ 07052

Please sign below if these terms are acceptable.

Sincerely,



Adam M. Gordon, Esq.
 Counsel for Intervenor/Interested Party
 Fair Share Housing Center

April 6, 2020
Page 13

On behalf of the Township of West Orange, with the authorization
of the governing body:


ROBERT D. PARISI, MAYOR
Dated: 5/6/20

On behalf of Redwood, L.L.C.:

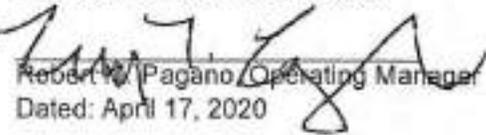

Robert W. Pagano, Operating Manager
Dated: April 17, 2020

EXHIBIT A: WEST ORANGE TOWNSHIP AMENDED Vacant Land Assessment

Site Number	Development Acreage	Density	Total Units	RDP	Zoning
WEH-1	61.0	10 units per acre	610 (new)	122	R-3
Redwood-2	5.3	24 unit per acre	127 (new)	25	R-2
3	5.3	8 units per acre	42.4	8.5	R-5
4	0.7	8 units per acre	5.6	1.1	R-5
5	0.5	10 units per acre	5.0	1.0	R-6
6	12.5	10 units per acre	125.0	25.0	R-2/R-5
7	2.8	8 units per acre	22.4	4.5	R-5
8	4.6	8 units per acre	36.8	7.4	R5
9	2.5	6 units per acre	15.0	3.0	P-C
10	9.4	6 units per acre	56.4	11.3	R-1
11	5.6	6 units per acre	33.6	6.7	R-1
12	1.1	6 units per acre	6.6	1.3	R-2
13	0.6	6 units per acre	3.6	0.7	R-2
14	1.6	6 units per acre	9.6	2	R-6
15	4.1	10 units per acre	41.0	8.2	OB-1
16	0.5	6 units per acre	3.6	0.7	R-1
17	0.8	8 units per acre	6.4	1.3	R-5
Valley Road	1.55	65 units per acre	100 (new)	20	Central Ave.
SelectoFlash	1.5	66.67 units per acre	100 (new)	20	Central Ave.
Executive Drive	4.72	26 units per acre	123(new)	23	Block 155 Lot 40.03
Executive Drive	18	23 units per acre	425 (new)	85	Block 155, Lot 40.02 + 42.02
Lennar	36	6 units per acre	216 (new)	43	Crestmont C.C.

Total 420.07

Please note: The above chart represents only the final list of properties that generate RDP. The densities utilized to calculate this RDP are for settlement purposes only. The final complete vacant land analysis is available in a separate document.

EXHIBIT B: 2019 INCOME LIMITS

	1 Person	*1.5 Person	2 Person	*3 Person	4 Person	*4.5 Person	5 Person	6 Person	7 Person	8+ Person	MARKET ZONE	Regional Asset Limit
Region 1	Median	\$62,607	\$71,385	\$76,432	\$85,637	\$95,459	\$98,959	\$101,765	\$110,377	\$117,288	\$125,607	
Bergen, Hudson, Passaic and Sussex	Moderate	\$53,216	\$57,002	\$60,888	\$64,830	\$75,432	\$79,367	\$82,312	\$88,202	\$94,201	\$100,481	2.0%
	Low	\$33,308	\$35,682	\$38,061	\$40,438	\$47,479	\$49,852	\$51,888	\$58,296	\$62,801	\$68,801	4.7%
	Very Low	\$19,982	\$21,409	\$22,837	\$25,264	\$28,546	\$29,688	\$30,829	\$33,113	\$35,397	\$37,680	
Region 2	Median	\$70,517	\$75,576	\$80,634	\$90,692	\$100,757	\$104,798	\$108,839	\$116,890	\$124,952	\$133,013	
Essex, Morris, Union and Warren	Moderate	\$56,430	\$60,460	\$64,491	\$72,523	\$80,554	\$83,038	\$87,063	\$93,512	\$99,961	\$106,410	2.0%
	Low	\$36,249	\$37,788	\$39,327	\$45,385	\$50,384	\$52,395	\$54,414	\$58,445	\$62,476	\$66,506	5.0%
	Very Low	\$21,841	\$22,873	\$23,904	\$27,207	\$29,210	\$31,249	\$32,649	\$35,007	\$37,409	\$39,809	
Region 3	Median	\$82,810	\$88,725	\$94,640	\$106,670	\$118,700	\$122,032	\$127,794	\$137,228	\$146,662	\$156,096	
Hudson, Middlesex and Somerset	Moderate	\$66,248	\$70,380	\$74,512	\$85,136	\$94,640	\$98,429	\$102,218	\$109,782	\$117,354	\$124,926	2.0%
	Low	\$41,405	\$43,243	\$45,081	\$51,335	\$55,150	\$56,982	\$58,814	\$63,346	\$67,878	\$72,410	6.0%
	Very Low	\$24,812	\$25,618	\$26,424	\$31,312	\$33,240	\$34,168	\$35,096	\$37,410	\$39,724	\$42,038	
Region 4	Median	\$72,185	\$77,119	\$82,053	\$92,783	\$103,513	\$107,216	\$111,340	\$119,587	\$127,834	\$136,082	
Mercer, Monmouth and Ocean	Moderate	\$57,732	\$61,853	\$65,974	\$74,226	\$82,478	\$85,773	\$89,072	\$95,670	\$102,268	\$108,865	2.0%
	Low	\$36,002	\$38,650	\$41,297	\$46,382	\$51,466	\$53,608	\$55,750	\$59,794	\$63,838	\$67,882	3.0%
	Very Low	\$21,649	\$22,296	\$22,943	\$27,035	\$28,628	\$29,221	\$30,402	\$32,616	\$34,830	\$37,044	
Region 5	Median	\$45,070	\$47,575	\$50,080	\$58,090	\$66,100	\$69,704	\$73,308	\$78,516	\$83,724	\$88,932	
Burlington, Camden and Gloucester	Moderate	\$50,406	\$54,000	\$57,604	\$64,872	\$72,000	\$74,953	\$77,906	\$83,613	\$89,320	\$95,027	2.0%
	Low	\$31,575	\$33,786	\$36,000	\$40,545	\$46,000	\$48,852	\$51,704	\$55,258	\$58,812	\$62,366	3.0%
	Very Low	\$18,911	\$20,273	\$21,634	\$24,227	\$26,820	\$28,111	\$29,402	\$31,353	\$33,304	\$35,255	
Region 6	Median	\$53,714	\$57,050	\$60,387	\$69,061	\$77,734	\$79,805	\$82,876	\$88,011	\$93,146	\$98,281	
Atlantic, Cape May, Cumberland and Salem	Moderate	\$41,371	\$44,690	\$48,010	\$55,348	\$62,687	\$65,345	\$68,003	\$72,209	\$76,415	\$80,621	2.0%
	Low	\$26,857	\$28,775	\$30,693	\$34,530	\$38,367	\$39,902	\$41,437	\$44,306	\$47,175	\$50,044	3.0%
	Very Low	\$16,116	\$17,269	\$18,422	\$20,718	\$23,014	\$23,941	\$24,868	\$26,783	\$28,698	\$30,613	

* These columns are for calculating the pricing for one, two and three bedroom units and rental units. N.J.A.C. 5:27-2.4(a).

** This column is used for calculating the pricing for rent increases for units (as previously calculated under N.J.A.C. 5:27-2.2). The increase for 2015 was 1.3%, the increase for 2016 was 1.3%, the increase for 2017 was 1.3%, and the increase for 2018 was 2.2%. The increase for 2019 is 2.0% (Consumer price index for All Urban Consumers (CPI-U). Regions by expenditure category and commodity and service group). Landlords who did not increase rents in 2015, 2016, 2017, or 2018 may increase rents by up to the applicable combined percentage including 2019 or 3.0% whichever is less in accordance with N.J.A.C. 5:27-2.4(d). In no case can rent for any particular apartment be increased more than one time per year.

*** This column is used for calculating the pricing for units (as previously calculated under N.J.A.C. 5:27-2.2). The price of owner-occupied low and moderate income units may increase annually based on the percentage increase in the regional median income level for each housing region. In no event shall the maximum market price established by the administrative agent be lower than the last recorded purchase price.

Low income tax credit developments may increase based on the tax income tax credit regulations.

**** The Regional Asset Limit is used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:26-2.6.1(d).

APPENDIX B

Settlement Agreement between the Township of West Orange and West Essex Highlands, Inc., dated April 23, 2020

EXHIBIT WO-2

(West Essex Highlands Settlement Agreement)

SETTLEMENT OF LITIGATION AGREEMENT

This Settlement of Litigation Agreement (the "Agreement") is entered into this ___ day of _____, 2020, by and between **WEST ESSEX HIGHLANDS, INC.**, a corporation of the State of New Jersey having a business address of 820 Morris Turnpike, Short Hills, New Jersey 07078 ("**WEHI**"), the **TOWNSHIP OF WEST ORANGE**, County of Essex, State of New Jersey, a municipal corporation of the State of New Jersey with a business address of 66 Main Street, West Orange, New Jersey 07052 (the "**Township**"), and **WEST ESSEX HIGHLANDS CONDOMINIUM ASSOCIATION, INC.**, having an address of 1 Reger Lane, West Orange, New Jersey 07052 (the "**Association**"). Collectively, WEHI, the Township and the Association shall be referred to as the "**Parties.**"

WITNESSETH:

WHEREAS, this Agreement concerns the development of real property consisting of approximately 120.5 acres generally located in the northwest corner of the Township adjacent to the northern terminus of Warner Road, which property is specifically identified as Block 179, Lot 32 on the Township's Official Tax Map (the "**Subject Property**"); and

WHEREAS, the Subject Property is generally bordered by the Township of Essex Fells ("**Essex Fells**") to the west, the Township of Verona ("**Verona**") to the north, and the West Essex Highlands Condominium development in West Orange (the "**Condominium**") to the south;

WHEREAS, the Association is duly constituted condominium association for the Condominium;

WHEREAS, WEHI is the owner of the Subject Property; and

WHEREAS, the Township instituted certain litigation now pending in the Superior Court of New Jersey, Law Division, Essex County captioned In the Matter of the Application of the

Township of West Orange, Docket No. ESX-L-4697-15 (the “**Declaratory Judgment Litigation**”); and

WHEREAS, the Declaratory Judgment Litigation seeks declaratory relief approving the Township’s plan to satisfy its current affordable housing obligation and immunity from builders’ remedy lawsuits through the year 2025; and

WHEREAS, WEHI intervened as a defendant in the Declaratory Judgment Litigation;

WHEREAS, WEHI and the Township engaged in court-ordered mediation with Elizabeth McManus, P.P., the court-appointed Special Master in the Declaratory Judgment Litigation; and

WHEREAS, the Association is not a party to the Declaratory Judgment Litigation, but WEHI and the Township recognized the Association, an adjacent neighbor to the Subject Property, as an interested party with respect to the development of the Subject Property whose participation and input at mediation was deemed essential;

WHEREAS, the Township wishes to include the Subject Property as part of its affordable housing compliance plan in connection with the Declaratory Judgment Litigation; and

WHEREAS, the Parties, subject to the terms hereof and all other required governmental approvals, have agreed that the Subject Property shall be developed as a multi-family residential development consisting of 396 market rate units and 100 affordable units, for a total of 496 units, and a clubhouse/amenity buildings (the “**Proposed Development**”) consistent with the “West Essex Highlands Concept Plan 16 for West Essex Highlands, Block 179, Lot 32, Township of West Orange, Essex County, New Jersey” dated March 3, 2020 prepared by Anderson Consulting Services, LLC (the “**Concept Plan**”), a true copy of which is attached hereto as **Exhibit A**; and

WHEREAS, the Concept Plan reflects certain requests by the Association, including that (1) the Proposed Development be located a sizeable distance from the Subject Property’s boundary

with the Condominium; (2) Bayowski Drive remain a cul-de-sac and will only serve as an emergency access point to the Proposed Development; (3) the Proposed Development result in a minimal amount of disturbance to the Subject Property; and (4) Warner Road is intended as the primary means of access to the Proposed Development; and

WHEREAS, the Parties, subject to the terms hereof, have agreed that the Proposed Development shall include an affordable housing set aside of 20% of the total units constructed; and

WHEREAS, the Subject Property is not presently zoned as to permit the development of the Proposed Development; and

WHEREAS, Township has agreed to adopt an ordinance rezoning the Subject Property so as to permit the construction of the Proposed Development as of right consistent with the permitted uses and bulk standards as set forth in a proposed amendment to the Zoning Ordinance of the Township in the form attached hereto and made a part hereof as **Exhibit B** (the "**Zoning Amendment**"); and

WHEREAS, the Parties recognize and agree that the Proposed Development shall be accomplished in a manner consistent with the design terms and conditions set forth in **Exhibit C**, attached hereto (the "**Design Terms and Conditions**"); and

WHEREAS, the Parties recognize and agree that the Proposed Development shall be accomplished in a manner consistent with the terms and conditions agreed to by the Association and WEHI, as set forth in **Exhibit D**, attached hereto (the "**Association Terms and Conditions**"); and

WHEREAS, the Planning Board of the Township of West Orange (the "**Planning Board**") is not a party to this Settlement Agreement. However, the Parties understand and

anticipate that the Planning Board will consider the Proposed Development in accordance with applicable land use laws, municipal ordinances and the Township's approval of this Agreement; and

WHEREAS, in order to amicably resolve all issues in the Declaratory Judgment Litigation, the Township shall adopt the Zoning Amendment in a manner consistent with this Agreement; and

WHEREAS, the Parties have reached an amicable settlement of the Declaratory Judgment Litigation, and desire and intend to memorialize the settlement by the execution of this Agreement.

NOW, THEREFORE, IN CONSIDERATION OF THE PROMISES, TERMS AND CONDITIONS SET FORTH HEREIN, INTENDING TO BE LEGALLY BOUND HEREBY, THE PARTIES AGREE AS FOLLOWS:

1. **RECITALS.** The **WHEREAS** recital paragraphs hereinabove set forth are incorporated herein by reference.

1.1 **PURPOSE.** The Purpose of this Agreement is to amicably resolve the Declaratory Judgment Litigation consistent with the terms hereof which, in part, are intended to ensure the construction of the Proposed Development generally consistent with the Concept Plan.

2. **OBLIGATIONS OF THE TOWNSHIP.**

2.1. **Adoption of Zoning Amendment.** Within one hundred twenty days (120) days from Court approval of this Agreement at a duly noticed Fairness Hearing, the Township shall move and vote on the adoption of an ordinance similar in all material respects to the Zoning Amendment after a duly noticed public hearing. Within the same time period, the Planning Board shall make recommendation on the Zoning Amendment in accordance with the procedures of the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq. ("MLUL"). Simultaneously, to the extent

necessary, the Council shall submit an amendment to the Master Plan for consideration by the Planning Board consistent with the Zoning Amendment. The Township hereby agrees not to take any action which will modify the Zoning Amendment or which will otherwise require a variance application in connection with the Proposed Development without the consent of WEHI.

2.2. **Obligation to Cooperate.** The Parties acknowledge that in order to construct the Proposed Development on the Subject Property, WEHI will be required to obtain all necessary agreements, approvals and permits from all relevant public entities and utilities; such as, by way of example only, the Planning Board, the County of Essex, the Essex County Planning Board, and the State of New Jersey, Department of Environmental Protection (“NJDEP”) -- including all ordinance requirements as to site plan and/or subdivision approvals (collectively, the “**Required Approvals**”). The Parties agree to cooperate in all undertakings to obtain the Required Approvals, including but not limited to those approvals required for the installation of a traffic signal at the intersection of Eagle Rock Avenue and Oval Road, including the Township exercising its eminent domain/condemnation powers. All expenses to obtain approvals and acquisition of property shall be at WEHI’s sole cost and expense. If any public takings are necessary for intersection improvements, WEHI shall have the sole authority to settle any condemnation proceedings and WEHI shall fund all expenses of any condemnation process, including but not limited to legal fees, appraisals and any other experts and any just compensation required by any settlement or formal decision awarding such compensation. Within five (5) days of the Township Council’s approval of this Agreement, the Township shall provide a copy of this Agreement to the Planning Board. Although the Association and WEHI may desire for the Township to accept a dedication of Oval Road as a public road, the Township does not presently have a desire to accept Oval Road as a public road and is under no obligation to do so in the future.

2.3. **Obligation to Cooperate Regarding Utilities, Including Public Sewer and Water Service.** The Township and WEHI shall reasonably cooperate with respect to WEHI's providing utility service, including but not limited to sewer, water, electric and/or natural gas through appropriate means, including but not limited to the Township's endorsing all reasonable NJDEP LURP forms, Sewer Extension and Water Extension forms, Water Quality Management Plan and Wastewater Management Plan Amendments and other governmental applications which are reasonably required to facilitate the Proposed Development on the Subject Property; and WEHI's efforts to obtain water and sewer and other utility services for the Subject Property; and the application, if necessary, to amend appropriate Water Quality Management Plans, Wastewater Management Plans and the like to include the Subject Property; and WEHI's obtaining any and all local, county, or regional Sewer Authority approvals, County Planning Board approvals, Stormwater Drainage approvals, and generally cooperate in the obtaining of all land development approvals. Absent a denial by a governmental entity with appropriate jurisdiction, the Proposed Development will be sewerred in the Township at WEHI's sole cost and expense.

2.4. **Concept Plan.** The Parties have reviewed the Concept Plan (**Exhibit A**) and find the design of the Proposed Development as represented on the Concept Plan to be feasible and acceptable as well as consistent with the Zoning Amendment (**Exhibit B**), subject to the addition of amenities buildings and structures within the general area of disturbance depicted on the Concept Plan (i.e., clubhouse, dog park, maintenance shed and other aesthetic considerations). The Parties have agreed to implement the Design Terms and Conditions set forth on **Exhibit C** annexed hereto.

2.5. Planning Board Process:

2.5.1. Completeness. WEHI will complete and submit site plan and/or subdivision applications for the Subject Property, consistent with this Agreement, which applications shall be reviewed by the Township Planner and Township Engineer for purposes of determining completeness, as defined by the MLUL, and compliance with the Zoning Amendment and applicable Design Terms and Conditions. WEHI shall contemporaneously submit a copy of all application materials to the Association. In accordance with the MLUL, completeness determination by the Board must occur within forty five (45) days of submission. In addition, WEHI shall submit all plans to DeFeo & Associates, the Township's environmental consultant, for review and comment. WEHI shall meet with DeFeo & Associates in good faith regarding the location and implementation of fencing and other items designed to regenerate the undergrowth of the Subject Property. Unless otherwise modified by the terms of this Agreement, the MLUL applies to the Township's review and adjudication of WEHI's applications.

2.5.2. Decision By the Planning Board. After the Planning Board determines that WEHI's applications are complete, the Board shall schedule the public hearing on the applications. Action on the subdivision and site plan applications shall be taken in accordance with the MLUL. If necessary, the Township shall ask the Planning Board to provide WEHI with a special meeting(s) for the review of the development application at WEHI's sole cost and expense.

2.5.3. Fees. The Township recognizes that any approvals and this Agreement all contemplate the development of an "inclusionary development" within the meaning of the Mount Laurel doctrine, and WEHI shall be entitled to any benefits, protections and obligations afforded to developers of inclusionary developments, including but not limited to protections from the

imposition of cost-generative requirements, pursuant to N.J.A.C. 5:93-10 and N.J.A.C. 5:97-10. WEHI agrees to pay all typical application fees and escrows and permit fees in connection with its application to the Planning Board and subsequent construction of the Proposed Development. The Parties recognize that the Proposed Development is not yet fully engineered. Upon the full engineering, WEHI may apply for waivers or bulk variances from any standard imposed by the Township's Land Use and Development Ordinance or any other Township ordinance, as applicable, and WEHI may seek waivers or de minimis exceptions to any standard or requirement of New Jersey's Residential Site Improvement Standards ("RSIS") in accordance with the applicable regulations. To the extent a full engineering of the Proposed Development requires WEHI to seek reasonable relief from a Township ordinance not specifically contemplated by this Agreement, the Township will consider same in good faith. The Township recognizes that a full engineering of the Proposed Development may require WEHI to make alterations to the Concept Plan in order to accommodate the location/installation of utilities, amenities and other related development concerns. The Township and WEHI agree that the Concept Plan, which includes Kuzik Drive as a means of ingress/egress for the Subject Property, complies with RSIS regarding traffic circulation. However, pursuant to the Association Terms and Conditions, WEHI will first seek approval to eliminate Kuzik Drive as an access point, which will require WEHI to obtain a de minimis exception from RSIS. The Township and Association support the granting of such a de minimis exception. However, if the Planning Board does not grant such an exception, then WEHI will pursue its application with Kuzik Drive as a means of ingress/egress, which would be acceptable to the Association pursuant to the Association Terms and Conditions. Finally, the Township and WEHI recognize that the Proposed Development will require the installation of a traffic signal at the intersection of Oval Road and Eagle Rock Avenue, an Essex County Road.

Aside the improvements associated with the installation of that traffic signal and those improvements agreed to between WEHI and the Association as set forth in the Association Terms and Conditions, the Township will not require WEHI to make any other off-tract or off-site improvements.

2.5.4. Trees. The Township and WEHI recognize the Subject Property is heavily wooded. In that regard, the Township commissioned a tree study, the results of which are reflected in the tree study report of DeFeo Associates dated February 3, 2020 (the "Tree Study"). As set forth in the Tree Study, the overall health of the forest on the Subject Property is weak and the ability of the forest to regenerate itself is poor. The Township and WEHI recognize the importance of preserving and/or optimizing the regeneration of the forest in connection with the development of the Subject Property, but also recognize that the Township's Tree Protection and Removal Ordinance (Ordinance § 25-7) (the "Tree Ordinance"), if applied to the Proposed Development, would constitute a cost-generative requirement contrary to Section 2.5.3 of this Agreement. In light of the foregoing, the parties agree that tree removal and replacement for the Proposed Development shall be governed by the Design Terms and Conditions attached hereto as Exhibit C, specifically Section 2 (Site & Landscaping).

2.5.5. Steep Slopes. The Concept Plan reflects the Township's requirement that the Proposed Development be located west of a certain point near the ridgeline located on the eastern portion of the Subject Property. The Proposed Development, as set forth on the Concept Plan, must strictly abide by the Township's request that all structures for the Proposed Development are located west of the ridgeline. To the extent that any portion of the Proposed Development as contemplated in this Agreement would be restricted and/or prohibited by the Township's Steep Slope and Natural Features Ordinance, Township Code § 25-28.1 through 28.10

(the “**Steep Slope Ordinance**”), including the Adequate Contiguous Area Ordinance (§ 25-28.9), the Steep Slope Ordinance shall not apply to the Proposed Development, which shall be reflected in the Zoning Amendment.

2.5.6. The Parties’ engineering representatives shall consult with one another and other professional staff as they deem appropriate to discuss the status of the application once the application is submitted. Such communications are intended to allow for informal review, comments and discussion in order to facilitate consideration of the Proposed Development, with the understanding that the Township professional staff has no authority to approve or reject an application and that these technical review meetings and other communications are not intended to usurp or limit the Planning Board’s statutory authority. Said discussions shall continue until the Parties deem further meetings unnecessary. The same process shall be followed for final approval applications, if separate from the preliminary approval application, and for subsequent applications. WEHI shall have the right to file simultaneous applications for preliminary and final site plan and subdivision approvals. Insofar as this application qualifies as a major site plan, it shall also be subject to review by the Site Plan Review Advisory Board (“SPRAB”) prior to a public hearing by the Planning Board.

2.5.7. The Township agrees that WEHI may elect, to the extent permitted by law, to pursue approval of development phases, provided that every phase must provide the mandated affordable units in each phase pursuant to N.J.A.C. 5:97-6.3(d) and cannot be backended.

2.6. Because the Proposed Development provides a substantial set aside of affordable housing units, any affordable housing residential development fees required by Township ordinance for non-inclusionary developments shall not apply to the Proposed Development.

WEHI shall pay to Fair Share Housing Center the amount of \$50,000, which sum represents all legal fees/expenses of Fair Share Housing Center ("FSHC"), as agreed to by FSHC.

2.7. The Township hereby acknowledges that this Agreement was the result of numerous mediation sessions conducted by the Special Master in the Declaratory Judgment Litigation. Although the Association was not a party to the Declaratory Judgment Litigation, the Township and WEHI recognized that the Association was an interested party with regard to the development of the Subject Property. Accordingly, a representative of the Board of Directors of the Association and the Board's attorney were invited to attend mediation sessions and otherwise be a part of the mediation process. Through its participation in the mediation process, the Association offered a great amount of input regarding the development of the Subject Property, which input, in part, is reflected in the Concept Plan.

3. OBLIGATIONS OF WEHI.

3.1 **Obligation To Submit Development Applications Substantially Consistent With the Concept Plan.** WEHI shall file and seek Planning Board approval of a site plan and/or subdivision application substantially consistent with the design for the Proposed Development of the Subject Property as represented in the Concept Plan, subject to the addition of amenities buildings and structures within the general area of disturbance depicted on the Concept Plan (i.e., clubhouse, dog park, maintenance shed and other aesthetic considerations). In light of the Zoning Amendment, the parties do not contemplate that any substantial waivers and/or variances will be necessary to develop the Subject Property in accordance with the Concept Plan. However, the parties acknowledge that WEHI has not yet engineered the Proposed Development and that upon engineering the Proposed Development and the submission of land development applications, it may become necessary to seek waivers, variances (except use variances) and/or other relief. In

such event, the parties acknowledge that WEHI shall be entitled to such minor relief as may be necessary to develop the Subject Property in accordance with the Concept Plan. The bedroom distribution for all affordable units in the Concept Plan shall comply with New Jersey's Uniform Housing Affordability Controls, applicable Council on Affordable Housing Regulations and the Fair Housing Act, including those provisions regarding the phasing of affordable units. No more than twenty percent (20%) may be one bedroom units; at least thirty percent (30%) will be two bedroom units; and at least twenty percent (20%) will be three bedroom units. Thirteen percent (13%) of the affordable units shall be affordable to very low-income households; thirty-seven percent (37%) of the affordable units shall be affordable to low income households; and the remaining fifty percent (50%) of the affordable units shall be affordable to moderate income households. In addition, WEHI shall execute an Agreement with an Administrative Agent designated by the Township to administer the affirmative marketing of the affordable units including but not limited to advertising, income qualifying, setting rents/re-rents and affordability controls and related responsibilities. All costs shall be the sole responsibility of WEHI. All affordable units shall comply with the requirements set forth in N.J.A.C. 5:80-26.11, which requires all affordable units to be deed restricted for a period of at least thirty (30) years commencing on the date of initial occupancy.

3.2 Obligation to Support the Township's Affordable Housing Compliance Plan.

WEHI agrees to not object to the Township's compliance plan in connection with the Township's satisfaction of its Third-Round affordable housing obligation.

3.3 Obligation During the Construction of the Proposed Development.

WEHI agrees to the Design Terms and Conditions and guidelines set forth in the attached **Exhibit C** in connection with the construction of the Proposed Development;

3.4 **Obligation to The Association.** As consideration for the Association's promise to support, and not object to, the Proposed Development, as fully set forth in paragraph 4 below, WEHI agrees to the Terms and Conditions set forth in the attached **Exhibit D** regarding the development of the Subject Property and the construction of the Proposed Development.

3.5 **Deed Restriction of Subject Property.** After all building permits for the Proposed Development have been issued by the Township, WEHI agrees to record a deed restriction for the Subject Property, which deed restriction will run solely in favor of the Township and solely for the benefit of the Township. Substantively, the deed restriction shall restrict the Subject Property from all further development, except for the need to install and/or modify utilities and the construction of non-commercial amenities and accessory buildings which would serve the residents of the Proposed Development and/or the Association, including but not limited to a clubhouse, fitness center and other facilities beneficial to the residents. WEHI recognizes that approval from an appropriate land use board would nonetheless be required to construct any such additional amenity/accessory buildings.

3.6 **Obligation to Pay for the Services of DeFeo & Associates.** WEHI agrees to pay for the services of DeFeo & Associates in connection with the Proposed Development. In that regard, the Township shall promptly provide WEHI with copies of all invoices received from DeFeo & Associates.

3.7 **Obligation to Keep the Township and the Association Informed.** WEHI shall keep the Township and Association fully and contemporaneously informed regarding construction activities on the Subject Property and shall utilize a website and/or social media available to the Township and the Association and its members for construction updates and communications.

4. OBLIGATIONS OF THE ASSOCIATION.

4.1 **Obligation to Support, and Not Object to, the Proposed Development.** The Association hereby recognizes that the Concept Plan, Proposed Development and this Agreement are the product of several Court-ordered mediation sessions in the Declaratory Judgment Action, and that members of the Association's Board of Directors participated in those mediation sessions. The Association acknowledges that the Concept Plan, Proposed Development and this Agreement reflect the Association's input and are acceptable to the Association. The Association hereby agrees to support and endorse, and not object to, any application made by WEHI to the Planning Board or any other agency that is consistent with the Concept Plan and this Agreement.

5. MUTUAL OBLIGATIONS.

5.1 **Mutual Good Faith, Cooperation and Assistance.** The Parties shall exercise good faith, cooperate and assist each other in fulfilling the intent and purpose of this Agreement, including, but not limited to, the approval of this Agreement by the Superior Court, the site plan and/or subdivision approval for the Subject Property and the defense of any challenge with regard to any of the foregoing by any party or entity, including but not limited to Essex Fells, Verona, and individuals having an ownership interest in the Condominium.

5.2 **Need for Concept Plan Revisions.** It is WEHI's full intention to develop the Subject Property in accordance with the Concept Plan so that 496 total units are constructed pursuant to the general building layout on the Concept Plan. However, if, for any reason, the Proposed Development as contemplated by the Concept Plan cannot be built because WEHI is unable to obtain one or more governmental approvals from the NJDEP, County of Essex, the Planning Board or any other third-party, or that any such approvals would necessitate the development of less than 496 total units or the significant relocation of one or more structures as

set forth on the Concept Plan, the Parties recognize that the Subject Property shall remain in the Township's Mount Laurel compliance plan and that the Parties agree to cooperate in good faith to amend the Concept Plan so that the Parties agree upon an alternative concept for the Proposed Development to yield 496 units, 100 of which would be affordable units. If necessary, the Parties will utilize the Special Master in the Declaratory Judgment Litigation to mediate such negotiations regarding Concept Plan revisions. If any such revisions are necessary, the Parties shall in good faith work to address the spirit and intent of the Association's concerns as set forth in this Agreement, to the extent possible.

5.3. **Fairness Hearing.** The Parties acknowledge that the Superior Court will need to conduct a fairness hearing as to the fairness and reasonableness of this Agreement before approving same and the Court will presumably seek the input of the Special Master before making a decision.

5.4. **Pending Tax Appeals.** WEHI shall dismiss all pending tax appeals regarding the Subject Property without prejudice upon approval of this Agreement by the Court at a duly noticed fairness hearing. The without prejudice dismissal contemplated herein shall be accomplished by WEHI and the Township filing a Stipulation of Dismissal Without Prejudice, which stipulation shall include an agreement tolling the statute of limitations for any and all tax appeals regarding the Subject Property and providing that if any of the tax appeals need to be refiled by WEHI, the refiling of such appeals shall be deemed to have been filed in a timely manner. WEHI will dismiss any and all tax appeals regarding the Subject Property with prejudice after all building permits for the Proposed Development have been issued by the Township.

6.0 **MISCELLANEOUS PROVISIONS.**

6.1. **Effective Date of Agreement.** The terms set forth in this Agreement shall become effective upon approval thereof by the Court at a Fairness Hearing duly noticed in accordance with law.

6.2. **Severability.** Unless otherwise specified, it is intended that the provisions of this Agreement are to be severable. The validity of any section, clause or provision of this Agreement shall not affect the validity of the remaining sections, clauses or provisions hereof. If any section of this Agreement shall be adjudged by a Court to be invalid, illegal or unenforceable in any respect, such determination shall not affect the remaining sections.

6.3. **Successors Bound.** The provisions of this Agreement and the obligations and benefits hereunder shall be binding upon and inure to the benefit of the parties, their successors and assigns, including any person, corporation, partnership, or other legal entity which at any particular time may have an interest in any of the provisions which are the subject of this Agreement. The Parties acknowledge that the individual members of the Association are not bound by this Agreement.

6.4. **Governing Law.** This Agreement shall be governed by and construed by the laws of the State of New Jersey. Venue shall be exclusively in the Superior Court of New Jersey, Essex County, Law Division.

6.5. **No Modification.** This Agreement may not be modified, amended or altered in any way except by a writing signed by each of the parties hereto.

6.6. **Counterparts.** This Agreement may be executed in any number of counterparts, each of which shall be an original and all of which together shall constitute but one and the same Agreement.

6.7. **Voluntary Agreement.** The parties acknowledge that each has entered into this Agreement on its own volition without coercion or duress after consulting with its counsel, that each party is the proper person and possesses the authority to sign the Agreement, that this Agreement contains the entire understanding of the parties and that there are no representations, warranties, covenants or undertakings other than those expressly set forth herein. Township approval is subject to formal approval by the Township Council.

6.8. **Preparation.** Each of the parties hereto acknowledges that this Agreement was not drafted by anyone of the parties, but was drafted, negotiated and reviewed by all parties and, therefore, the presumption of resolving ambiguities against the drafter shall not apply. Each of the parties expressly represents to the other that: (i) it has been represented by counsel in connection with negotiating the terms of this Agreement; and (ii) it has conferred due authority for execution of this Agreement upon the persons executing it.

6.9. **Exhibits.** Any and all exhibits annexed to this Agreement are hereby made a part of this Agreement.

6.10. **Entire Agreement.** This Agreement constitutes the entire Agreement between the parties hereto and supersedes all prior oral and written agreements between the parties with respect to the subject matter hereof, except as otherwise provided herein.

6.11. **Notices.** All notices required under this Agreement ("Notice(s)") shall be written and shall be served upon the respective parties by Certified Mail, Return Receipt Requested or by a recognized overnight or by a personal carrier. In addition, where feasible (for example, transmittals of less than 50 pages) Notices shall be served by email. All Notices shall be deemed received upon the date of delivery. Delivery shall be affected as follows:

To WEHI:
West Essex Highlands, Inc.
820 Morris Turnpike
Short Hills, NJ 07078
Attn.: Mark Hoffman
Email: markh@gardenhomes.com

With a copy to counsel for WEHI:
Bryan D. Plocker, Esq.
Hutt & Shimanowitz, P.C.
459 Amboy Avenue
Woodbridge, NJ 07095
Email: bplocker@huttshim.com

To the Township:
Township of West Orange
66 Main Street
West Orange, NJ 07052
Attn.: Township Administrator

With a copy to counsel for the Township:
Richard D. Trenk, Esq.
McManimon, Scotland & Baumann, LLC
75 Livingston Avenue
Roseland, NJ 07068
Email: rtrenk@msbnj.com

To the Association:
West Essex Highlands Condominium Association, Inc.
1 Reger Lane
West Orange, NJ 07052
Attn: President, Board of Directors

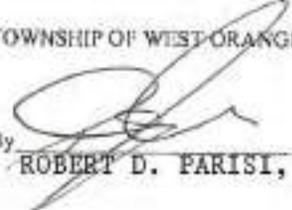
With a copy to counsel for the Association:
Kenneth R. Sauter, Esq.
Hill Wallack LLP
240 Cedar Knolls Road, Suite 209
Cedar Knolls, NJ 07927
Email: ksauter@hillwallack.com

IN WITNESS WHEREOF, WE, the Township and the Association have caused this Agreement to be properly executed, witnessed and/or attested this ____ day of _____, 2020.

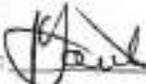
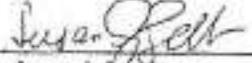
WEST ESSEX HIGHLANDS, INC.

Witness: _____ By _____
Dated: _____

TOWNSHIP OF WEST ORANGE

Witness:  _____ By:  _____
Dated: Karen J. Carnevale ROBERT D. PARISI, MAYOR

WEST ESSEX HIGHLANDS
CONDOMINIUM ASSOCIATION, INC.

Witness:  _____ By:  _____
Dated: April 17, 2020 President

IN WITNESS WHEREOF, WEII, the Township and the Association have caused this Agreement to be properly executed, witnessed and/or attested this 23 day of APRIL, 2020.

WEST ESSEX HIGHLANDS, INC.

Witness: [Signature]
Mark Hoffman
Dated: April 23, 2020

By: [Signature]
Mark Wilf

TOWNSHIP OF WEST ORANGE

Witness: _____
Dated: _____

By: _____

WEST ESSEX HIGHLANDS
CONDOMINIUM ASSOCIATION, INC.

Witness: _____
Dated: _____

By: _____

EXHIBIT A
(Concept Plan)

EXHIBIT B
(Zoning Amendment)

**Township of West Orange
Draft Proposed Zoning Amendments
West Essex Highlands Property**

April 2020

ADD THE FOLLOWING NEW SECTION TO CHAPTER XXV LAND USE REGULATIONS:

25-19 IH-1 (INCLUSIONARY HOUSING) DISTRICT

a. Purpose

The purpose of the IH-1 District is to provide for inclusionary development that contributes to the region's fair share of affordable housing, in accordance with a court settlement agreement which outlines provisions for same.

b. Description of Zone Boundary

The zone boundary of the IH-1 District shall encompass the entirety of the property identified as Block 179 Lot 32, which shall hereafter be referred to as the "Tract." The zone boundary shall be coincident with the lot lines of Block 179, Lot 32. The municipal zone map is hereby amended to reflect same.

c. General Provisions

1. The development regulations set forth herein shall apply to the Tract as a whole, not to individual lots which may be created within the Tract.
2. The Tract shall be permitted to be subdivided into one or more lots, and one or more buildings or uses shall be permitted on a single lot.
3. The Tract shall be permitted to be constructed in one or more phases consistent with N.J.A.C 5:97-6.4 (d).
4. Any street within the Tract shall be permitted to be public or private.
5. Development of the Tract shall be exempt from all bulk, design, and environmental regulations of the West Orange Land Use Regulations Ordinance, unless otherwise indicated herein, and further provided that nothing herein shall circumvent or contravene the procedural requirements of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) nor the regulatory requirements of outside agencies including but not limited to New Jersey Department of Environmental Protection and Hudson-Essex-Passaic Soil Conservation District.

d. Use Regulations

1. Permitted Principal Uses.

- (a) Multifamily residential
- (b) Open space

2. Permitted Accessory Uses

- (a) Residential amenities including but not limited to the following, by way of example: clubhouse buildings, swimming pools, fitness centers, lounges, common or private terraces and balconies, courts or open lawn areas for multipurpose use such as lawn games i.e. corn hole, bocce, badminton, croquet, and the like; work space or meeting space for tenants, tenant storage, dog parks and/or dog playgrounds. Rooftop amenities shall be permitted including observation areas or

rooms, multipurpose or recreation rooms, vestibules, outdoor terraces, pergolas, shade structures, or the like.

- (b) Pet-friendly amenities. As part of the amenity package, in addition to dog parks and/or playgrounds above, a development shall be permitted to include an onsite pet service that shall be permitted to offer walking services, pet-sitting services, a pet spa or grooming service, overnight boarding, or related services, which shall be permitted to operate indoors as part of a building and/or as a stand-alone building.
 - (c) Residential accessory uses such as leasing and management offices, maintenance buildings, dwelling units for onsite building superintendents, and model units
 - (d) Parking, which shall be permitted to be structured or surface, and further provided that tandem parking shall be permitted where such spaces are assigned to the same unit.
 - (e) Fences and walls
 - (f) Signs
 - (g) Any use that is customarily incidental to a permitted principal use
- e. Bulk Regulations
1. The total number of dwelling units shall be 496, and the total number of units shall be permitted to be lowered without variance at the sole discretion of the developer and/or based on outside agency requirements. Model apartments and onsite housing for the building superintendent and maintenance/management staff shall not be included as part of the unit count.
 2. The affordable housing set-aside shall be twenty percent (20%) of the total units actually constructed in the development (excluding model apartments and onsite housing for the building superintendent and maintenance/management staff).
 3. There shall be no minimum lot size requirement.
 4. The maximum area of disturbance for the entire Tract shall be 30 acres. Trails, deer fencing, and buffer planting shall not be counted as part of the area of disturbance.
 5. Unrestricted site access (ingress and egress) shall be permitted from Warner Drive and Kuzik Drive.
 6. Emergency access (ingress and egress) shall be permitted to Block 179.17, Lots 8 and 9 to the north and Bayowski Road to the south.
 7. The affordable units shall consist of moderate-income, low-income, and very low-income units in accordance with the requirements of the settlement agreement. The minimum unit sizes for the affordable units shall be as follows:
 - (a) One-bedroom 650 square feet
 - (b) Two-bedroom 875 square feet
 - (c) Three-bedroom 1,150 square feet
 8. The maximum building height shall be 75 feet, and further subject to the standards set forth below, which shall supersede any regulation to the contrary in the West Orange Land Use Regulations Ordinance:
 - (a) The building height shall be a vertical dimension measured in a straight line from first story finished floor elevation to the roof line elevation of a flat roof, or the midpoint elevation of a pitched roof.

- (b) The first story shall mean the lowest story that has its finished floor entirely above grade. Cellars and basements shall not be considered a first story.
 - (c) The building height shall not be measured based on the grading around the building.
 - 9. The maximum number of stories per building shall be 4 stories, and further subject to the standards set forth below which shall supersede any regulation to the contrary in the West Orange Land Use Regulations:
 - (a) Story shall mean the space of a building between the surface of a floor and any floor next above it, or if there be no floor above it, then the space between the floor and the ceiling above it, and as further refined below.
 - (b) Any level with a finished floor entirely below grade or partially below grade shall not be considered a story, such as cellars and basements, including walk-out basements and "garage-under" levels.
 - (c) Any level that contains 10 or more parking spaces shall not be considered a story.
 - (d) Mezzanines shall not be considered a story, provided the floor area of the mezzanine is no greater than 33 percent of the floor area below it.
 - (e) Lofts serving individual dwelling units as permitted by building code shall not be considered a story.
 - (f) Rooftop amenities and rooftop features shall not be considered a story or fractional portion thereof.
 - (g) Architectural roof design features such as attics, mansards, parapets, cupolas, and other similar architectural design features and/or appurtenances shall not be considered a story or fractional portion thereof.
 - 10. The grading around buildings shall be subject to the following:
 - (a) The maximum exposure of perimeter walls for basements, cellars, or building foundations shall not exceed 50% of the total surface area of such walls, which shall be based on the aggregate area of all perimeter walls, not each wall individually.
 - (b) Walkout basements and "garage under designs shall be permitted and shall be permitted to have one or more perimeter walls entirely exposed, and further provided that the 50% exposure threshold set forth above for all perimeter walls shall still apply.
 - 11. The minimum buffer width around the entire Tract boundary shall be 100 feet. The buffer shall remain undisturbed except for roads and accessways, utilities and stormwater management improvements, signs, fences, walls, and associated grading.
 - 12. The east face of the Watchung Mountain shall remain undisturbed from the peak of the ridgeline, except that utility construction shall be permitted east of the ridgeline
 - 13. Any deviation from the above requirements shall be considered a "c" variance.
- f. Parking Regulations
- 1. Principal uses. The quantity and dimensions of off-street parking spaces shall be in accordance with the Residential Site Improvement Standards (RSIS). Any deviation shall be considered a de minimis exception from RSIS, not a variance. Tandem parking arrangements shall be permitted in accordance with the use regulations of this Chapter as set forth above. Automated or mechanical parking shall be permitted to meet the RSIS parking count requirement, and shall be exempt from RSIS parking stall size requirements, subject to review and approval of manufacturer's specifications.

2. Accessory uses. Accessory uses such as clubhouses or recreation areas shall be exempt from parking requirements.

g. Tree Removal and Replacement

The removal of trees shall be permitted, and the replacement of trees shall be in accordance with formula below. Any other regulation pertaining to tree removal and replacement in the Township of West Orange Code shall not apply to the Tract, and shall be superseded by the regulations set forth below, except where otherwise indicated herein.

1. Tree Baseline. The existing tree count on the Tract shall be established at 212 trees per acre.
2. Tree Baseline Loss.
 - (a) Tree Baseline Loss shall be established by multiplying the proposed number of acres disturbed by the existing 212 trees per acre on the Tract; by way of example, a proposed disturbance area of 25 acres shall calculated to a Tree Baseline Loss of 5,300 trees, which figure would increase or decrease based upon the final acreage disturbed).
 - (b) Tree Baseline Loss shall be reduced for each healthy major tree (greater than 6 inches) within the proposed area of disturbance that is not removed in connection with a proposed development
 - (c) Tree Baseline Loss shall be reduced for each non-invasive major tree or minor tree (as defined in the Township of West Orange Code) proposed as part of a landscape plan. The tree replacement calculation shall apply one credit for each such tree which is a native species and $\frac{1}{2}$ credit for each such tree which is not a native species.
 - (d) The Tree Baseline Loss shall be reduced by 212 trees for each acre of forest outside the area of disturbance enclosed by a controlled, gated access deer fence that is eight (8) feet in height, the purpose of which is to regenerate the growth of the native forest, and which deer fencing shall be maintained in perpetuity;
3. Adjusted Tree Baseline Loss.
 - (a) Adjusted Tree Baseline Loss shall be calculated as the Tree Baseline Loss after crediting.
 - (b) If the Adjusted Tree Baseline Loss calculates to zero (0), or less than zero, the developer shall have no further obligation regarding tree removal or replacement in connection with a proposed development.
 - (c) If the Adjusted Tree Baseline Loss calculates to a number greater than zero, then the development shall satisfy the requirements of the West Orange Tree Ordinance only with respect to the Adjusted Tree Baseline Loss.

h. Landscape Regulations

1. Street Trees. Street trees shall be provided in accordance with the West Orange Land Development Code.
2. Additional Trees. The developer shall plant new trees and landscaping along or near the southern border of the Tract for the purpose of supplementing the buffering of the nearest residential units to the south.
3. Any deviation from the regulations of this section shall be considered design exceptions, not variances, subject to the statutory criteria of N.J.S.A. 40:55D- 51 for relief.

i. Signage Regulations

1. **Development Entrance Sign.** One freestanding sign shall be permitted at the entrance to the development. The sign dimensions shall have a maximum width of 10 feet and a maximum height of 8 feet. The sign may be incorporated as part of a decorative element such as a wall or fence feature, and further provided that the decorative element shall not be included in the calculation of the sign area. The top of the sign, including any decorative element framing it, shall not exceed 10 feet above grade.
2. **Identification Signage.** Freestanding identification signs shall be permitted to demarcate individual buildings or sections within the development, not to exceed one such sign per building or section. The sign dimensions shall have a maximum width of 8 feet and a maximum height of 6 height, and the top of any such sign shall not exceed 8 feet above grade. This shall apply to accessory recreation or amenity uses as well, such as a clubhouse or pet service, which shall be permitted to have identification signage in accordance with the above.
3. **Building Signage.** One building sign shall be permitted at each building lobby and/or building entrance. The sign dimensions for each building sign shall have a maximum width of 8 feet and a maximum height of 6 feet.

**Township of West Orange
Draft Proposed Zoning Amendments
West Essex Highlands Property**

April 2020

ADD THE FOLLOWING NEW SECTION TO CHAPTER XXV LAND USE REGULATIONS:

25-19 IH-1 (INCLUSIONARY HOUSING) DISTRICT

a. Purpose

The purpose of the IH-1 District is to provide for inclusionary development that contributes to the region's fair share of affordable housing, in accordance with a court settlement agreement which outlines provisions for same.

b. Description of Zone Boundary

The zone boundary of the IH-1 District shall encompass the entirety of the property identified as Block 179 Lot 32, which shall hereafter be referred to as the "Tract." The zone boundary shall be coincident with the lot lines of Block 179, Lot 32. The municipal zone map is hereby amended to reflect same.

c. General Provisions

1. The development regulations set forth herein shall apply to the Tract as a whole, not to individual lots which may be created within the Tract.
2. The Tract shall be permitted to be subdivided into one or more lots, and one or more buildings or uses shall be permitted on a single lot.
3. The Tract shall be permitted to be constructed in one or more phases consistent with N.J.A.C 5:97-6.4 (d).
4. Any street within the Tract shall be permitted to be public or private.
5. Development of the Tract shall be exempt from all bulk, design, and environmental regulations of the West Orange Land Use Regulations Ordinance, unless otherwise indicated herein, and further provided that nothing herein shall circumvent or contravene the procedural requirements of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) nor the regulatory requirements of outside agencies including but not limited to New Jersey Department of Environmental Protection and Hudson-Essex-Passaic Soil Conservation District.

d. Use Regulations

1. Permitted Principal Uses.

- (a) Multifamily residential
- (b) Open space

2. Permitted Accessory Uses

- (a) Residential amenities including but not limited to the following, by way of example: clubhouse buildings, swimming pools, fitness centers, lounges, common or private terraces and balconies, courts or open lawn areas for multipurpose use such as lawn games i.e. corn hole, bocce, badminton, croquet, and the like; work space or meeting space for tenants, tenant storage, dog parks and/or dog playgrounds. Rooftop amenities shall be permitted including observation areas or

- rooms, multipurpose or recreation rooms, vestibules, outdoor terraces, pergolas, shade structures, or the like.
- (b) Pet-friendly amenities. As part of the amenity package, in addition to dog parks and/or playgrounds above, a development shall be permitted to include an onsite pet service that shall be permitted to offer walking services, pet-sitting services, a pet spa or grooming service, overnight boarding, or related services, which shall be permitted to operate indoors as part of a building and/or as a stand-alone building.
 - (c) Residential accessory uses such as leasing and management offices, maintenance buildings, dwelling units for onsite building superintendents, and model units
 - (d) Parking, which shall be permitted to be structured or surface, and further provided that tandem parking shall be permitted where such spaces are assigned to the same unit
 - (e) Fences and walls
 - (f) Signs
 - (g) Any use that is customarily incidental to a permitted principal use
- e. Bulk Regulations
1. The total number of dwelling units shall be 496, and the total number of units shall be permitted to be lowered without variance at the sole discretion of the developer and/or based on outside agency requirements. Model apartments and onsite housing for the building superintendent and maintenance/management staff shall not be included as part of the unit count.
 2. The affordable housing set-aside shall be twenty percent (20%) of the total units actually constructed in the development (excluding model apartments and onsite housing for the building superintendent and maintenance/management staff).
 3. There shall be no minimum lot size requirement.
 4. The maximum area of disturbance for the entire Tract shall be 30 acres. Trails, deer fencing, and buffer planting shall not be counted as part of the area of disturbance.
 5. Unrestricted site access (ingress and egress) shall be permitted from Warner Drive and Kuzik Drive.
 6. Emergency access (ingress and egress) shall be permitted to Block 179.17, Lots 8 and 9 to the north and Bayowski Road to the south.
 7. The affordable units shall consist of moderate-income, low-income, and very low-income units in accordance with the requirements of the settlement agreement. The minimum unit sizes for the affordable units shall be as follows:
 - (a) One-bedroom 650 square feet
 - (b) Two-bedroom 875 square feet
 - (c) Three-bedroom 1,150 square feet
 8. The maximum building height shall be 75 feet, and further subject to the standards set forth below, which shall supersede any regulation to the contrary in the West Orange Land Use Regulations Ordinance:
 - (a) The building height shall be a vertical dimension measured in a straight line from first story finished floor elevation to the roof line elevation of a flat roof, or the midpoint elevation of a pitched roof.

- (b) The first story shall mean the lowest story that has its finished floor entirely above grade. Cellars and basements shall not be considered a first story.
 - (c) The building height shall not be measured based on the grading around the building.
9. The maximum number of stories per building shall be 4 stories, and further subject to the standards set forth below which shall supersede any regulation to the contrary in the West Orange Land Use Regulations:
- (a) Story shall mean the space of a building between the surface of a floor and any floor next above it, or if there be no floor above it, then the space between the floor and the ceiling above it, and as further refined below.
 - (b) Any level with a finished floor entirely below grade or partially below grade shall not be considered a story, such as cellars and basements, including walk-out basements and "garage-under" levels.
 - (c) Any level that contains 10 or more parking spaces shall not be considered a story.
 - (d) Mezzanines shall not be considered a story, provided the floor area of the mezzanine is no greater than 33 percent of the floor area below it.
 - (e) Lofts serving individual dwelling units as permitted by building code shall not be considered a story.
 - (f) Rooftop amenities and rooftop features shall not be considered a story or fractional portion thereof.
 - (g) Architectural roof design features such as attics, mansards, parapets, cupolas, and other similar architectural design features and/or appurtenances shall not be considered a story or fractional portion thereof.
10. The grading around buildings shall be subject to the following:
- (a) The maximum exposure of perimeter walls for basements, cellars, or building foundations shall not exceed 50% of the total surface area of such walls, which shall be based on the aggregate area of all perimeter walls, not each wall individually.
 - (b) Walkout basements and "garage under designs shall be permitted and shall be permitted to have one or more perimeter walls entirely exposed, and further provided that the 50% exposure threshold set forth above for all perimeter walls shall still apply.
11. The minimum buffer width around the entire Tract boundary shall be 100 feet. The buffer shall remain undisturbed except for roads and accessways, utilities and stormwater management improvements, signs, fences, walls, and associated grading.
12. The east face of the Watchung Mountain shall remain undisturbed from the peak of the ridgeline, except that utility construction shall be permitted east of the ridgeline
13. Any deviation from the above requirements shall be considered a "c" variance.
- f. **Parking Regulations**
1. **Principal uses.** The quantity and dimensions of off-street parking spaces shall be in accordance with the Residential Site Improvement Standards (RSIS). Any deviation shall be considered a de minimis exception from RSIS, not a variance. Tandem parking arrangements shall be permitted in accordance with the use regulations of this Chapter as set forth above. Automated or mechanical parking shall be permitted to meet the RSIS parking count requirement, and shall be exempt from RSIS parking stall size requirements, subject to review and approval of manufacturer's specifications.

2. Accessory uses. Accessory uses such as clubhouses or recreation areas shall be exempt from parking requirements.

g. Tree Removal and Replacement

The removal of trees shall be permitted, and the replacement of trees shall be in accordance with formula below. Any other regulation pertaining to tree removal and replacement in the Township of West Orange Code shall not apply to the Tract, and shall be superseded by the regulations set forth below, except where otherwise indicated herein.

1. Tree Baseline. The existing tree count on the Tract shall be established at 212 trees per acre.
2. Tree Baseline Loss.
 - (a) Tree Baseline Loss shall be established by multiplying the proposed number of acres disturbed by the existing 212 trees per acre on the Tract; by way of example, a proposed disturbance area of 25 acres shall be calculated to a Tree Baseline Loss of 5,300 trees, which figure would increase or decrease based upon the final acreage disturbed).
 - (b) Tree Baseline Loss shall be reduced for each healthy major tree (greater than 6 inches) within the proposed area of disturbance that is not removed in connection with a proposed development.
 - (c) Tree Baseline Loss shall be reduced for each non-invasive major tree or minor tree (as defined in the Township of West Orange Code) proposed as part of a landscape plan. The tree replacement calculation shall apply one credit for each such tree which is a native species and ½ credit for each such tree which is not a native species.
 - (d) The Tree Baseline Loss shall be reduced by 212 trees for each acre of forest outside the area of disturbance enclosed by a controlled, gated access deer fence that is eight (8) feet in height, the purpose of which is to regenerate the growth of the native forest, and which deer fencing shall be maintained in perpetuity.
3. Adjusted Tree Baseline Loss.
 - (a) Adjusted Tree Baseline Loss shall be calculated as the Tree Baseline Loss after crediting.
 - (b) If the Adjusted Tree Baseline Loss calculates to zero (0), or less than zero, the developer shall have no further obligation regarding tree removal or replacement in connection with a proposed development.
 - (c) If the Adjusted Tree Baseline Loss calculates to a number greater than zero, then the development shall satisfy the requirements of the West Orange Tree Ordinance only with respect to the Adjusted Tree Baseline Loss.

h. Landscape Regulations

1. Street Trees. Street trees shall be provided in accordance with the West Orange Land Development Code.
2. Additional Trees. The developer shall plant new trees and landscaping along or near the southern border of the Tract for the purpose of supplementing the buffering of the nearest residential units to the south.
3. Any deviation from the regulations of this section shall be considered design exceptions, not variances, subject to the statutory criteria of N.J.S.A. 40:55D- 51 for relief.

i. Signage Regulations

1. Development Entrance Sign. One freestanding sign shall be permitted at the entrance to the development. The sign dimensions shall have a maximum width of 10 feet and a maximum height of 8 feet. The sign may be incorporated as part of a decorative element such as a wall or fence feature, and further provided that the decorative element shall not be included in the calculation of the sign area. The top of the sign, including any decorative element framing it, shall not exceed 10 feet above grade.
2. Identification Signage. Freestanding identification signs shall be permitted to demarcate individual buildings or sections within the development, not to exceed one such sign per building or section. The sign dimensions shall have a maximum width of 8 feet and a maximum height of 6 height, and the top of any such sign shall not exceed 8 feet above grade. This shall apply to accessory recreation or amenity uses as well, such as a clubhouse or pet service, which shall be permitted to have identification signage in accordance with the above.
3. Building Signage. One building sign shall be permitted at each building lobby and/or building entrance. The sign dimensions for each building sign shall have a maximum width of 8 feet and a maximum height of 6 feet.

EXHIBIT C
(Design Terms and Conditions)